

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/143

<u>Applicant</u>	: Ying Shing (Hopewell) Engineering Company Limited
<u>Site</u>	: Lots 75 RP and 78 in D.D. 80, Lin Ma Hang Road, Ta Kwu Ling North
<u>Site Area</u>	: About 980m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<u>Zonings</u>	: (i) "Recreation" ("REC") (about 967m ² or 98.7% of the Site) (ii) "Green Belt" ("GB") (about 13m ² or 1.3% of the Site) ¹
<u>Application</u>	: Proposed Temporary Eating Place and Green Fuel Station with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary eating place and green fuel station with ancillary facilities for a period of three years at the application site (the Site) falling within an area zoned "REC" on the OZP (**Plan A-1**). According to the Notes of the OZP, 'Eating Place' is a Column 2 use in the "REC" zone which requires planning permission from the Town Planning Board (the Board), and temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Board. The Site is currently hard-paved, largely vacant and partly occupied by temporary structures.
- 1.2 The Site is accessible via Lin Ma Hang Road (**Plan A-2**). According to the applicant, the proposed uses comprise two single-storey structures of height of not more than 3m and 7m with a total floor area of about 214m² for an eating place and an electrical room. Four fee-paying charging spaces (2.5m (W) x 5m (L) each) equipped with medium-speed electric vehicle (EV) chargers with an output power of 7kW are proposed within the Site. The remaining area will be used for emergency vehicle access, manoeuvring space and drainage facilities. An ingress and an egress with a width of 4m each are proposed at the southern boundary of the Site. Only EVs are permitted to enter the Site for charging purpose. No vehicle parking service will be provided at the Site. The operation hours of the proposed uses are between 9:00 a.m. and 9:00 p.m. from Mondays to Sundays, including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

¹ A small portion of the Site (about 13m² or 1.3%) falls within an area zoned "GB", which could be considered as minor boundary adjustment and not included in the planning assessment.

- 1.3 The applicant proposes traffic management measures including installation of electronic display board at the ingress to show real-time availability of EV charging spaces, provisions of convex mirrors, warning lights and road signs at the ingress/egress and deployment of staff at the ingress/egress to ensure traffic and pedestrian safety.
- 1.4 The Site is the subject of a previous application No. A/NE-TKLN/82 submitted by the same applicant for the same use as the current application, which was approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board on 16.8.2024. The planning approval was subsequently revoked in on 16.5.2026 due to non-compliance with approval condition. Details of the previous application are set out in paragraph 5.1 below. Compared with the previous application, the current application mainly involves reductions in number of EV charging spaces (-14 spaces or -77.8%), total floor area (-1m² or -0.5%) and number of structures (-1 structure) as well as a minor increase in site area (+20m² or +2.1%).
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with Attachment received on 28.8.2026 (Appendix I)
 - (b) Supplementary Information (SI) received on 1.9.2026 (Appendix Ia)
 - (c) Further Information (FI) received on 5.10.2026* (Appendix Ib)
 - (d) FI received on 8.10.2026* (Appendix Ic)

** accepted and exempted from the publication and recounting requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FIs at **Appendices I to Ic**, as summarised below:

- (a) the applicant proposes to develop a restaurant and provide four EV charging spaces at the Site to serve nearby residents and visitors;
- (b) the applicant had made effort in compliance with approval conditions in relation to submissions of drainage and fire service installations (FSIs) proposals, and implementations of FSIs proposal and traffic management measures under the previous application No. A/NE-TKLN/82. Owing to the time required for site formation, technical evaluation and construction, as well as the frequent extreme weather, the applicant was not able to comply with the approval condition in relation to implementation of drainage facilities, resulting in revocation of the planning approval;
- (c) the current application is similar to the previous application in terms of the proposed uses. The applicant has commissioned professional consultants to revolve all technical difficulties and undertakes to comply with all approval conditions including construction of drainage facilities upon approval;
- (d) the existing electrical facilities are unable to provide a stable power supply to 18 EV chargers proposed in the previous application. As such, the number of chargers is reduced to four in the current application. The applicant proposes various measures including adopting automatic recognition system to prevent parking of vehicle at the Site; and
- (e) the proposed use will not cause significant adverse traffic impact on the traffic capacity of Lin Ma Hang Road. The applicant will comply with all requirements stipulated by the Lands Department (LandsD).

3. **Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to the Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

Majority of the Site is subject to an active enforcement case No. E/NE-TKLN/124 regarding unauthorized use of place for parking of vehicles (**Plan A-2**). Enforcement Notice was issued on 1.5.2026 requiring discontinuation of the unauthorized development (UD) by 1.8.2026. Recent site inspection revealed that the UD was not discontinued. The Site is being monitored according to current planning enforcement procedures and further prosecution action will be considered.

5. **Previous Application**

5.1 The Site is the subject of a previous application (No. A/NE-TKLN/82) submitted by the same applicant for the same use as the current application, which was approved with conditions for a period of three years by the Committee on 16.8.2024 mainly on the considerations that there were no major adverse departmental comments or concerns of the relevant government departments could be addressed through imposition of approval conditions. While the applicant complied with the approval conditions on the submission of drainage and FSIs proposals, and the implementation of FSIs proposal and traffic management measures, the planning approval was subsequently revoked on 16.5.2026 due to non-compliance with approval condition in relation to the provision of drainage facilities.

5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Applications**

6.1 There are two similar applications (No. A/NE-TKLN/84 and 87) for temporary eating place with/without other uses for a period of three years falling within the same “REC” zone in the vicinity of the Site in the past five years. Both of them were approved with conditions by the Committee in 2024 mainly on considerations similar to those mentioned in paragraph 5.1 above.

6.2 There is no similar application for temporary green fuel station in the same “REC” zone in the vicinity of the Site in the past five years.

6.3 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

7.1 The Site is:

- (a) currently hard-paved, largely vacant and partly occupied by temporary structures; and
- (b) accessible via Lin Ma Hang Road.

7.2 The surrounding areas are of rural character comprising mainly public vehicle parks, a holiday camp, a site office and vacant land. Heung Yuen Wai Boundary Control Point (HYW BCP) and the village cluster of Tsung Yuen Ha are located to the further west and southwest of the Site respectively (**Plan A-1**).

8. Planning Intention

The planning intention of the “REC” zone is primarily for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other government bureau and departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and the recommended advisory clauses are provided at **Appendices IV** and **V** respectively.

9.2 The following government department objects to the application:

Land Administration

9.2.1 Comments of the District Lands Officer/North (DLO/N), LandsD:

- (a) he objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lots 75 RP and 78 in D.D. 80 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed ingress/egress of the application is required to pass through Government land (GL) but no right of access via GL is granted to the Site;
- (c) the following irregularities covered by the planning application have been detected by his office:

unauthorised structures within the Lots 75 RP and 80 in D.D. 80 covered by the planning application

there are unauthorised structures and uses on the private lots. The lot owners should immediately rectify the lease breaches and his office

reserves the rights to take necessary lease enforcement action against the breaches without further notice;

if the planning application is approved, the lot owner shall apply to his office for a Short Term Waiver (STW) to permit the structures erected within the said private lots. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed uses are temporary in nature, only erection of temporary structure(s) will be considered;

- (d) the following irregularities not covered by the planning application have been detected by his office:

unauthorised occupation of GL not covered by the planning application

the GL adjoining the said private lots has been illegally occupied with the unauthorised structure extended from Lot 75 RP in D.D. 80 without permission. The GL being illegally occupied is not included in the application. The applicant should clarify the extent of the Site. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (e) the lot owner shall remove the unauthorised structures and cease the illegal occupation of GL not covered by the planning application immediately;
- (f) erection of unauthorised structures and illegal occupation of GL are not allowed. The lot owner/occupier/applicant should remove all the unauthorised structures and rectify the occupation of GL immediately as regularisation would not be considered according to the prevailing land policy; and
- (g) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner, his office's objection to the application must be brought to the attention of the Board when they consider the application.

9.3 The following government department provides views on the application:

Traffic

9.3.1 Comments of the Commissioner for Transport (C for T):

- (a) given the reduction in the number of charging spaces for private car compared to the previous application No. A/NE-TKLN/82, she has no comment on the application;

- (b) taking into consideration the location of the Site and the existing adjacent developments and traffic conditions on Lin Ma Hang Road, the approval conditions on submission and implementation traffic management measures before the commencement of any operation should be included. Also, the implemented traffic management measures should be maintained during the planning approval period; and
- (c) her advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 4.9.2026, the application was published for public inspection. During the statutory public inspection period, five public comments were received (**Appendix VI**). Four comments from the Ta Kwu Ling District Rural Committee and three individuals object to the application mainly on the grounds that the Site have been used as vehicle park without valid planning approval; approval condition under the previous planning permission has not been complied with; the application is intended for brownfield use; the proposed uses would attract visitors causing traffic congestion on Lin Ma Hang Road and traffic safety concern as well as inconvenience and environmental nuisance to nearby villagers; existing road should be widened and sewage and drainage facilities should be provided to cope with the proposed uses. The remaining comment from a member of the North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary eating place and green fuel station with ancillary facilities for a period of three years at the Site falling within an area zoned “REC” on the OZP. While the proposed uses are not in line with the planning intention of the “REC” zone, there is no known proposal for recreational development at the Site. The applicant also advises that the proposed uses are to serve nearby residents and visitors. In view of the above and taking into account the planning assessments below, there is no objection to the proposed uses on a temporary basis of three years.
- 11.2 The Site is located in an area of rural character comprising mainly public vehicle parks, a holiday camp, a site office and vacant land. HYW BCP and the village cluster of Tsung Yuen Ha are located to the further west and southwest of the Site respectively. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective, and considers that the proposed uses are not incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated.
- 11.3 Other relevant government bureau and departments consulted, including the Secretary for Environment and Ecology, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. C for T has no comment on the application and recommends imposing approval conditions on the submission, implementation and maintenance of traffic management measures, taking into consideration the location of the Site and the existing adjacent developments and traffic conditions on Lin Ma Hang Road. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. In

view of the latest circumstance of the area², approval conditions restricting parking of vehicle and the number of vehicles entering the Site for charging purpose as proposed by the applicant are recommended should the application be approved. The applicant will also be advised to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any possible environmental nuisance. Regarding DLO/N, LandsD's concerns on the unauthorised structures erected within the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.4 The Site is the subject of an approved previous application No. A/NE-TKLN/82 which was submitted by the same applicant for the same use as the current application as detailed in paragraph 5.1 above. The planning permission was subsequently revoked on 16.5.2026 due to non-compliance with approval condition in relation to the provision of drainage facilities. Compared with the previous application, the current application mainly involves reductions in number of EV charging spaces, total floor area and number of structures as well as a minor increase in site area. In the current application, the applicant commits to comply with all the approval conditions. Should the Committee decide to approve the application, the applicant will be advised that should there be failure to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application. There are also two approved similar applications involving temporary eating place falling within the same "REC" zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above.
- 11.5 Regarding the public comments on the application as detailed in paragraph 10 above, comments from government bureau and departments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 23.10.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no more than four vehicles, as proposed by the applicant, are allowed to enter the Site for charging purpose at any time during the planning approval period;
- (b) no parking of vehicle is allowed at the Site at any time during the planning approval period;

² With respect to the approved applications for temporary public vehicle parks along Lin Ma Hang Road, there are repeated complaints that the number of vehicles parked at the application site far exceeds the number of parking spaces specified in the approved scheme, which may have implication on the traffic condition on Lin Ma Hang Road. There are also repeated complaints that the Site has been used for parking of vehicles, which does not conform with the approved scheme under the previous application.

- (c) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.4.2027;
- (d) in relation to (c) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.7.2027;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.4.2027;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.7.2027;
- (h) the submission of traffic management measures before the commencement of any operation to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (i) in relation to (h) above, the implementation of the traffic management measures before the commencement of any operation to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (j) in relation to (i) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (k) if any of the above planning condition (a), (b), (e) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning condition (h) or (i) is not complied with before the commencement of any operation, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning condition (c), (d), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed uses are not in line with the planning intention of the "REC" zone which is primarily for low-density recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with Attachment received on 28.8.2026
Appendix Ia	SI received on 1.9.2026
Appendix Ib	FI received on 5.10.2026
Appendix Ic	FI received on 8.10.2026
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**