

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TKLN/82**

<b><u>Applicant</u></b>	: Ying Shing (Hopewell) Engineering Company Limited
<b><u>Site</u></b>	: Lots 75 RP and 78 in D.D. 80, Lin Ma Hang Road, Ta Kwu Ling North, New Territories
<b><u>Site Area</u></b>	: About 960m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<b><u>Zonings</u></b>	: (i) "Recreation" ("REC") (about 947.5m <sup>2</sup> or 98.7% of the Site) (ii) "Green Belt" ("GB") (about 12.5m <sup>2</sup> or 1.3% of the Site) <sup>1</sup>
<b><u>Application</u></b>	: Proposed Temporary Eating Place and Petrol Filling Station (Charging Only) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed temporary eating place and petrol filling station (charging only) for a period of three years at the application site (the Site). The Site falls 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 requiring planning permission from the Town Planning Board (the Board), while 'Petrol Filling Station' is neither a Column 1 nor 2 use within the same zone. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within the "REC" zone requires planning permission from the Board. The Site is largely vacant.
- 1.2 The Site is accessible via Lin Ma Hang Road (**Plan A-2**). According to the applicant, the proposed use comprises a single-storey eating place (not more than 7m in height) with solar panel on the roof (floor area of about 200m<sup>2</sup>), a single-storey transformer room (not more than 3m in height) with a floor area of about 14m<sup>2</sup>, and a single-storey guard room (not more than 3m in height) with a floor area of about 1m<sup>2</sup>. An uncovered area of about 100m<sup>2</sup> will be used for open space with greenery. A total of 18 electric vehicle (EV) charging spaces for private cars, each with an EV charger with output power of not less than 7kW, are proposed within the Site. Five of them will be designated as back-up spaces in case of overtime charging. Booking will be required and only vehicles with prior

---

<sup>1</sup> About 12.5m<sup>2</sup> (i.e. 1.3%) of the Site falls within the "GB" zone, which is considered as minor boundary adjustment and not included in the planning assessments.

reservation will be allowed to enter the Site. The users will need to pay a fee to use the EV charging spaces and they need to leave after charging is completed. No car parking services will be provided. Septic tank and grease trap will be provided for the proposed eating place. The proposed operation hours are between 9:00 a.m. and 9:00 p.m. daily, including public holidays. The proposed layout plans submitted by the applicant are shown in **Drawings A-1 and A-2**.

1.3 In support of the application, the applicant has submitted the following documents:

- |     |   |                      |
|-----|---|----------------------|
| (a) | Application Form with attachment received on 8.2.2024 | <b>(Appendix I)</b>  |
| (b) | Further Information (FI) received on 21.2.2024*       | <b>(Appendix Ia)</b> |
| (c) | FI received on 8.3.2024*                              | <b>(Appendix Ib)</b> |
| (d) | FI received on 8.4.2024^                              | <b>(Appendix Ic)</b> |
| (e) | FI received on 20.5.2024*                             | <b>(Appendix Id)</b> |
| (f) | FI received on 26.6.2024*                             | <b>(Appendix Ie)</b> |
| (g) | FI received on 2.7.2024*                              | <b>(Appendix If)</b> |
| (h) | FI received on 1.8.2024*                              | <b>(Appendix Ig)</b> |

*^ accepted but not exempted from publication and recounting requirements*

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

1.4 On 5.4.2024 and 7.6.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months each to address departmental comments.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Ig**, as summarized below:

- (a) the proposed use is intended to provide catering and EV charging facilities to cross-boundary travellers of Heung Yuen Wai Boundary Control Point (HYW BCP), visitors of the recreational facilities nearby and hikers, and local residents;
- (b) while there are some public vehicle parks in the area in association with the opening of HYW BCP, they have not provided any EV charging spaces. The proposed use can meet the increasing demand for EV chargers near HYW BCP; and
- (c) to minimize potential traffic impact on the surroundings, traffic mitigation measures including deploying staff to manage the traffic at the Site and provision of mirror and sign at the entrance/exit of the Site to ensure pedestrian safety are proposed.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “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 obtaining the consent of a “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Background**

The Site is not subject to any planning enforcement action.

#### **5. Previous Application**

There is no previous application covering the Site.

#### **6. Similar Applications**

- 6.1 There were three similar applications (No. A/NE-TKLN/23, 39 and 84) involving temporary eating place with/without other uses falling wholly/partly within the same “REC” zone in the vicinity of the Site in the past five years. These applications for proposed temporary place of recreation, sports or culture (parent-child play area), eating place, shop and services; temporary retail shop, eating place and ancillary office; and temporary eating place were approved with conditions by the Committee in 2021 and 2024 mainly on considerations that the proposed uses were not entirely incompatible with the surrounding areas and no adverse departmental comments were received.
- 6.2 There is no similar application for petro filling station (charging only) within the same “REC” zone in the vicinity of the Site in the past five years.
- 6.3 Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
  - (a) largely vacant; and
  - (b) accessible via Lin Ma Hang Road to the south.
- 7.2 The surrounding areas are of rural character mainly comprising tree clusters, a holiday camp, vehicle parks, graves and vacant land. HYW BCP is located to the southwest of the Site (**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 Departments**

- 9.1 Apart from the government bureau/department as set out in paragraphs 9.2 and 9.3 below, other departments consulted have no objection to or no adverse comment on the

application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices III** and **IV** respectively.

9.2 The following government bureau supports the application:

**Policy Support**

9.2.1 Comments of the Secretary for Environment and Ecology (SEE)

- (a) according to the applicant, there will be 18 spaces equipped with EV chargers with output power of not less than 7kW (i.e. medium chargers). As such, Environment and Ecology Bureau (EEB) is in support of the application from EV charging network point of view since it is in line with the Government's policies and directions of promoting wider use of EVs in Hong Kong; and
- (b) his advisory comments are at **Appendix IV**.

9.3 The following government department conveyed local views/comments on the application.

**District Officer's Comments**

9.3.1 District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) two members of the North District Council (NDC) support the application;
- (b) the 1<sup>st</sup> Vice-chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Heung Yuen Wai object to the application mainly for reasons that the proposed development would cause adverse impact on local traffic and pedestrian safety; affect the fung shui of the nearby burial ground; no demand for the proposed use; and would depart from the planning intentions of "REC" and "GB" zones; and
- (c) the Chairman of Fung Shui Area Committee cum NDC and five members of NDC have no comment on the application.

**10. Public Comments Received During Statutory Publication Periods (Appendix V)**

On 16.2.2024 and 19.4.2024, the application was published for public inspections. During the statutory public inspection periods, a total of five comments were received, including two comments from a member of NDC indicating no comment on the application, and three comments from two individuals objecting to the application mainly on the grounds of adverse environmental and traffic impacts; no demand for the purposed use; and future planning of the Site should be considered.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary eating place and petrol filling station (charging only) for a period of three years at the Site zoned “REC” on the OZP. The proposed use is not entirely 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 and encourages the development of active and/or passive recreation and tourism/eco-tourism. Notwithstanding the above, the applicant advises that the proposed use is intended to provide catering and EV charging facilities to cross-boundary travellers of HYW BCP, visitors of the recreational facilities nearby and hikers, and local residents. SEE supports the application from EV charging network point of view since it is in line with the Government’s policies and directions of promoting wider use of EVs in Hong Kong. Taking into account EEB’s support and the planning assessments below, the proposed use on a temporary basis of three years could be tolerated.
- 11.2 The Site is located in an area of rural character mainly comprising tree clusters, a holiday camp, vehicle parks, graves and vacant land. Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from landscape planning perspective and advises that significant adverse impact on the landscape character and existing landscape resources within the Site is not anticipated.
- 11.3 The Site is accessible to Lin Ma Hang Road. The Commissioner for Transport has no comment on the application and the suggested approval conditions on the implementation and maintenance of the traffic management measures are recommended in paragraph 12.2 below. The Director of Environmental Protection has no adverse comment on the application. Other relevant government departments consulted, including the Chief Engineering/Mainland North of Drainage Services Department, the Director of Fire Services and the Director of Food and Environmental Hygiene have no objection to or no adverse comment on the application.
- 11.4 There were three similar applications for temporary eating place with other uses approved by the Committee in 2021 and 2024 in the vicinity of the Site as detailed in paragraph 6 above. The planning circumstances of the current application are similar to the approved application.
- 11.5 Regarding the public comments on the application as detailed in paragraph 10 and comments conveyed by DO(N) of HAD in paragraph 9.3.1, government bureau/departments’ comments 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 and the local views/comments conveyed by DO(N) of HAD in paragraphs 10 and 9.3.1 respectively, the Planning Department considers that the temporary use under the application could be tolerated for a period of three years.
- 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 16.8.2027. The following conditions of approval and advisory clauses are suggested for Members’ reference:

### Approval Conditions

- (a) 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 16.2.2025;
- (b) in relation to (a) above, the provision of drainage facilities 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 16.5.2025;
- (c) in relation to (b) above, the implemented drainage facilities at the Site shall be maintained at all times during the planning approval period;
- (d) 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 16.2.2025;
- (e) in relation to (d) 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 16.5.2025;
- (f) the implementation of the traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 16.5.2025;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (c) or (g) 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; and
- (i) if any of the above planning condition (a), (b), (d), (e) or (f) 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 IV**.

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

- the proposed use is 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. It encourages the development of active and/or passive recreation and tourism/eco-tourism. 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**

<b>Appendix I</b>	Application Form with Attachment received on 8.2.2024
<b>Appendix Ia</b>	FI received on 21.2.2024
<b>Appendix Ib</b>	FI received on 8.3.2024
<b>Appendix Ic</b>	FI received on 8.4.2024
<b>Appendix Id</b>	FI received on 20.5.2024
<b>Appendix Ie</b>	FI received on 26.6.2024
<b>Appendix If</b>	FI received on 2.7.2024
<b>Appendix Ig</b>	FI received on 1.8.2024
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix IVa</b>	Requirements for the Fireman's Emergency Switch
<b>Appendix V</b>	Public Comments
<b>Drawings A-1</b>	Layout Plan
<b>Drawings A-2</b>	Layout Plan showing EV chargers and guard room
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2024**