

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1103

- Applicant** : Chief Force Limited
- Site** : Lot 395 (Part) in D.D. 110, Tsat Sing Kong, Pat Heung, Yuen Long
- Site Area** : About 575m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Shop and Services and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services and associated filling of land for a period of three years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is currently formed, fenced-off and used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track and an internal access road within the adjoining open storage yard¹ to its south under a mutual agreement with the yard operator (**Plan A-2**). According to the applicant, the applied use is intended for display, rental, sale and trial use of scissor lifts and boom lifts to serve their potential customers such as residential developments and public organizations. No structure is erected within the Site. Since there is no proper vehicular access directly connecting the Site, no parking space is provided within thereat and customers, visitors and staff members are required to access the Site by means of public transport and/or walking. For the machineries sold, rented out or returned, the applicant will arrange the customers to conduct loading, unloading and transport

¹ The entire open storage yard is within the adjacent “Open Storage” (“OS”) zone on the OZP (**Plan A-2**) and “Open Storage (not elsewhere specified)” is a Column 1 use within “OS” zone, which is always permitted.

of the machineries at the adjoining open storage yard to its south under a mutual agreement between the operators of the applied use and the said adjoining open storage yard (**Drawing A-1**). No dismantling, maintenance, repairing, paint-spraying or other workshop activities will be carried out at the Site at all times. The applicant also applies for regularisation of associated filling of land for the entire Site with concrete for a depth of about 0.1m, raising the site level to about +12.3mPD for site formation to support the applied use (**Drawing A-2**). No further filling of land will be undertaken at the Site. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with supporting documents received on 7.1.2026 and 12.1.2026 (**Appendix I**)
- (b) Further Information (FI) received on 25.4.2026* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

1.4 On 27.2.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The applied use on a temporary basis will not jeopardise the long-term planning intention of the “AGR” zone and is intended to serve their potential customers such as residential developments and public organizations. Samples of scissor lifts and boom lifts are displayed at the Site for customers’ preview and trial use prior to rental or placing orders online or at the Site.
- (b) As the Site is not accessible by vehicles, customers are required to conduct the loading, unloading and transport of sold rented, or returned machineries at the adjoining open storage yard to the south under a mutual agreement between the two operators.
- (c) Drainage and fire service installations proposals have been submitted in support of the current application. The application is to regularise the applied use at the Site and the applicant will comply with the approval conditions should the application be approved.

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

The applicant is not a “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the

“Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notices and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is subject to planning enforcement action against unauthorized development (UD) involving storage use (No. E/YL-PH/976) (**Plan A-2**). Enforcement Notice was issued on 9.12.2025 requiring discontinuation of the UD. Site inspection on 21.4.2026 revealed that the Site was vacant and the case is under close monitoring.

5. **Previous Application**

There is no previous application involving the Site.

6. **Similar Applications**

There are two similar applications (No. A/YL-PH/972 and 984) for various shop and services uses (including one renewal of planning approval granted and one with filling of land) within the same “AGR” zone in the vicinity of the Site in the past five years. The two applications were approved with conditions by the Committee of the Board in November 2023 and March 2024 respectively, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the applied use was not incompatible with the surrounding land uses; and the concerned government departments consulted in general had no objection to or no adverse comment on the application or their concerns could be addressed by relevant approval conditions. Details of these similar applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently formed, fenced-off and used for the applied use without valid planning permission; and
- (b) accessible from Kam Tin Road via a local track and an internal access road within the adjoining open storage yard to its south.

7.2 The surrounding areas are rural in character comprising mainly open storage/storage yards (one with valid permission and some are located within the adjacent “OS” zone), scattered residential structures, a vehicle park, a Buddhist Academy, a hobby farm and grassland. A transitional housing development (i.e. CONCORDIA Tsat Sing Kong) is located to the further south and west of the Site.

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fishponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 According to the Explanatory Statement of the OZP for “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 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, if any, are provided in **Appendices III and IV** respectively.
- 9.2 The following government department does not support the application:

Agriculture and Nature Conservation

- 9.2.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):
- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
 - (b) the Site falls within the “AGR” zone and is occupied by some machineries. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
 - (c) no comment on the application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 16.1.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received, including one from an individual objecting to the application and another one from the Kadoorie Farm and Botanic Garden expressing concerns on the application (**Appendix V**). Their major grounds of objection and concerns are that as the applied use involves occupation of heavy machineries and equipment but without provision of vehicle parking spaces for customers, the intention of the applied use at the Site is more like a brownfield operation than a shop; the UD at the Site should be investigated; the applied use is not in line with the planning intention of the “AGR” zone; the applied use would cause potential impacts

on the nearby proposed Agricultural Priority Area; and reinstatement of the filled area of the Site should be required under approval condition if the application is approved.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, according to the applicant, the applied use for display, rental, sale and trial use of scissor lifts and boom lifts is intended to serve their potential customers such as residential developments and public organizations. Taking into account the above and the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis for a period of three years.
- 11.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The applied use is considered not incompatible with the surrounding areas which are rural in character comprising mainly open storage/storage yards, scattered residential structures, a vehicle park, a Buddhist Academy, a hobby farm, grassland and a transitional housing development. 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 applied use is not entirely incompatible with the surrounding environment and significant adverse landscape impact on the Site from the applied use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport, Chief Highway Engineer/New Territories West of Highways Department and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. It is recommended to advise the applicant to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the potential environmental nuisance on the surrounding areas.
- 11.5 There are two approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as detailed in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.

- 11.6 Regarding the public comments mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant. Regarding the concern on using the Site for brownfield operations, any UD on the Site would be subject to planning enforcement action.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned 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 5.6.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 5.12.2026;
- (b) in relation to (a) above, the implementation of the revised 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 5.3.2027;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a revised 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 5.12.2026;
- (e) in relation to (d) above, the implementation of the revised 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 5.3.2027;
- (f) if the above planning condition (c) 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;
- (g) if any of the above planning condition (a), (b), (d) or (e) 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; and
- (h) upon expiry of the planning permission, the reinstatement of the site, including the removal of fill materials and hard paving, and grassing of the

site to the satisfaction of the Director of Planning or of the Town Planning Board.

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 applied use with associated filling of land is not in line with the planning intention of the "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purpose. 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 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 supporting documents received on 7.1.2026 and 12.1.2026
Appendix Ia	FI received on 25.4.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos