

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

**APPLICATION NO. A/YL-PS/659**

- Applicant** : Long Tin Carpark Management Limited represented by PlanArch Consultants Limited
- Site** : Lots 120 (Part), 121 (Part), 122 (Part), 246 RP (Part), 247, 248 S.A, 248 S.B, 248 RP (Part), 249 RP, 250 RP and 254 RP in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 13,425m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Comprehensive Development Area” (“CDA”)  
*[restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park]*
- Application** : Temporary Logistics Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary logistics centre for a period of 3 years at the application site (the Site) (**Plan A-1a**). The applied use is neither a Column 1 nor Column 2 use under the “CDA” zone. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently used for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track from Ha Mei San Tsuen Road leading to Tin Tsz Road. According to the applicant, there is no vehicle repairing, dismantling or other workshop activity at the Site. The location plan, site plan, layout plan, landscape plan and as-built drainage plan are at **Drawings A-1 and A-5** respectively.
- 1.3 The Site is the subject of 9 previous applications (No. A/YL-PS/26, 55, 126, 196, 206, 344, 439, 514 and 586) (details at paragraph 6 below).

- 1.4 The major development parameters of the current application are the same as the last approved application (No. A/YL-PS/586) and summarised as follows:

Site area	About 13,425 m <sup>2</sup>
Applied use	Temporary Logistics Centre for a Period of 3 Years
Total floor area	11,103 m <sup>2</sup>
No. of structures	7 structures (logistics centre, 2 site offices, guard room, toilet, water tank, pump room)
Maximum height of structures	<ul style="list-style-type: none"> <li>• Logistics centre (10m; 1 storey)</li> <li>• Site offices (3.5m (1 storey) &amp; 7m (2 storeys))</li> <li>• Guard room (3.5m; 1 storey)</li> <li>• Toilet (3m; 1 storey)</li> <li>• Water tank room (4m; 1 storey)</li> <li>• Pump room (2.5m; 1 storey)</li> </ul>
No. of parking spaces	4 spaces for private cars (5m x 2.5m each)
No. of loading/unloading bays	5 spaces for medium/heavy goods vehicles (11m x 3.5m each)  10 spaces for container trailers/ tractors (16m x 3.5m each)
Operation hours	7 a.m. to 11 p.m. (Mondays to Saturdays) No operation on Sundays and Public Holidays

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

- (a) Application form received on 26.4.2022 (Appendix I)
- (b) Supplementary planning statement (Appendix Ia)

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

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix Ia**. They can be summarised as follows:

- (a) There is currently no scheduled development in the Site and so the proposed temporary development would not jeopardise the long-term planning intention of the “CDA” zone. Alternative temporary use which generates

no significant nuisance should be encouraged in the interim to make better economic use of scarce land resources.

- (b) The temporary logistics centre can satisfy the genuine demand on land for port back-up uses given its accessibility to the Pearl River Delta region via the Hong Kong-Shenzhen Western Corridor.
- (c) The Site is segregated from adjoining major residential agglomeration, including Ha Mei San Tsuen and Tin Tsz Estate. To the immediate east and southeast of the Site, similar uses of temporary logistics centre with temporary vehicle park for container tractors/trailers and medium/heavy goods vehicles, as well as temporary warehouse use could be found. The temporary logistics centre is compatible with the adjoining land uses in terms of scale and nature.
- (d) The applicant has complied with the approval conditions of the previous application No. A/YL-PS/586 in relation to the provision of landscaping, boundary fencing and drainage facilities. The implemented landscape, boundary fencing and drainage facilities will be well-preserved and maintained to ensure that visual impact could be minimised and there would be no adverse drainage impact to the surrounding areas.
- (e) Since the applicant has undertaken the environmental mitigation measures set out in the Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites (“COP”), the proposed development will not cause any adverse environmental impact.
- (f) The Site has clearly defined ingress/egress. The number of loading/unloading and parking spaces remain the same as the previous application No. A/YL-PS/586. No queueing on public road and adverse traffic impact on the local traffic network are envisaged.
- (g) The same applied use (i.e. logistics centre) at the Site has been approved by the Board since 2016. The Site falls within the “Category 2 areas” as defined in the TPB PG-No. 13F which is considered suitable for open storage and port back-up development. The logistics centre has been well-managed and has not caused any adverse traffic, drainage, fire safety and other environmental impacts. There has been no change in planning circumstance since the last approval. It would not set an undesirable precedent case for similar applications.

### **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. 31A) by posting notice at the Site and publishing a notice in 3 local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Town Planning Board Guidelines**

On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within Category 2 areas under the revised Guidelines. Relevant extract of the Guidelines is at **Appendix II**.

#### **5. Background**

The Site is not subject to any planning enforcement action.

#### **6. Previous Applications**

- 6.1 The Site is involved in 9 previous applications (No. A/YL-PS/26, 55, 126, 196, 206, 344, 439, 514 and 586) for temporary vehicle parks for private cars/lorries/container vehicles/trailers and temporary logistics centre uses. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

##### *Approved Applications*

- 6.2 Applications No. A/YL-PS/26 and 55 for temporary container vehicle/trailer, lorry and private car park covering larger site were approved by the Committee for a period of 12 months and 2 years in 1998 and 1999 respectively. Applications No. A/YL-PS/206, 344 and 439 for temporary container vehicle and lorry park for a period of 3 years covering almost the same area of the Site were allowed by the Town Planning Appeal Board in 2008 and approved by the Committee in 2011 and 2014 respectively.
- 6.3 Applications No. A/YL-PS/514 and 586 for temporary logistics centre for a period of 3 years was approved by the Committee in 2016 and 2019 respectively on considerations that the development would not jeopardise the long-term planning intention of the “CDA” zone, not incompatible with surrounding land uses, in line with TPB PG-No. 13E and approval of the application was in line with the Committee’s previous decision. All the approval conditions have been complied with and the planning permissions lapsed on 13.5.2019 and 17.5.2022 respectively.

- 6.4 Compared with the last application No. A/YL-PS/586, the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters.

##### *Rejected Applications*

- 6.5 Applications No. A/YL-PS/126 and 196 for temporary container trailer, lorry and private car park were rejected by the Committee in 2002 and 2004 respectively for reasons not relevant to the current application which is for different applied use.

## **7. Similar Applications**

- 7.1 There are 4 similar applications (No. A/YL-PS/444, 477, 556 and 633) for temporary logistics centre with vehicles/container trailers/tractors and medium/heavy goods vehicle park uses within the same “CDA” zone. The applications were all approved by the Committee. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.
- 7.2 The applications were approved mainly on the grounds that the temporary use would not frustrate the long-term planning intention of the “CDA” zone; not incompatible with the surrounding uses; in line with the TPB PG-No. 13; and no adverse comment from the relevant departments except Director of Environmental Protection, whose concerns could be addressed by the implementation of approval conditions. However, planning permission of application No. A/YL-PS/444 was revoked on 9.5.2015 due to non-compliance with approval conditions.

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

- 8.1 The Site is:
- (a) currently occupied by the a temporary logistics centre without valid planning permission;
  - (b) accessible through a local track passing under the Tuen Ma Line (TML) Viaduct at the northern boundary connecting to Ha Mei San Tsuen Road leading to Tin Tsz Road.
- 8.2 The surrounding areas have the following characteristics:
- (a) to the north and northeast across the TML Viaduct are the West Rail Emergency Access Point and residential dwellings intermixed with car services, parking of vehicles and construction design company which are suspected unauthorised developments (UDs), temporary public vehicle park for private cars and light goods vehicles under approved application No. A/YL-PS/649 and vacant land;
  - (b) to the east and southeast are a logistics centre and vehicle park (container tractors, container trailers and lorries (medium/heavy goods vehicles)) under approved application No. A/YL-PS/633, temporary warehouse under approved application No. A/YL-PS/646, storage and parking of vehicles and trailers which are suspected UD and vacant land; and
  - (c) to the west, south and southwest across Long Tin Road are temporary shops for retail and wholesale of construction materials under approved applications No. A/YL-PS/593, 624 and 639 intermixed with parking of vehicles which are suspected UD.

## **9. Planning Intention**

The “CDA” zone is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided in **Appendices V and VI** respectively.

10.2 The following government department does not support the application:

### **Environment**

10.2.1 Comment of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (the nearest residential dwelling about 90m away) and along the local track connecting the Site to Ha Mei San Tsuen Road (**Plan A-2**) and environmental nuisance is expected.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (c) The applicant should note his advisory comments in the Recommended Clauses in **Appendix VI**.

## **11. Public Comments**

On 3.5.2022, the application was published for public inspection. During the statutory public inspection period, 1 public comment was received from an individual objecting to the application mainly on the grounds of adverse traffic and environmental impacts and fire safety hazard (**Appendix VII**).

## **12. Planning Considerations and Assessments**

12.1 The application is for temporary logistics centre for a period of 3 years at the Site zoned “CDA” on the OZP. The “CDA” zone is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. Whilst the applied use is not in line with the planning intention of the “CDA” zone, there

is no known development proposal to implement the zoned use for the time being. As such, approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “CDA” zone. Furthermore, the Site falls within the study area of the potential public housing development at Ping Shan North (PSN), Project Team Leader/Housing, Civil Engineering Office, Civil Engineering and Development Department (PTL/H, CEO, CEDD) advises that the applicant should note that land acquisition and clearance would be undertaken in near future. Should the application be approved, it is suggested to include an advisory clause to remind the applicant that the Site may be resumed by the Government at any time during the planning approval period for the implementation of the potential public housing development at PSN.

12.2 The Site is mainly surrounded by brownfield operations and vacant land (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.

12.3 The Site falls within Category 2 areas under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding area.

12.4 The application is considered in line with TPB PG-No. 13F. Relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.

12.5 Relevant government departments, including Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection to or adverse comment on the application, except DEP. The applied use will unlikely create significant adverse traffic, drainage, fire safety and landscape impacts to the surrounding area. Regarding DEP’s concern, the same applied use has been approved since 2016 and there was no environmental complaint pertaining to the Site received in the past three years. To address the concern on the possible environmental nuisance or the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the latest “COP” in order to minimise the possible environmental impacts on the

nearby sensitive receivers.

- 12.6 The Committee has approved two previous applications for the same use at the Site (**Plan A-1b**) and four similar applications for temporary logistics centre use in the same “CDA” zone (**Plan A-1a**). Approval of the current application is in line with the previous decisions of the Committee.
- 12.7 There is one public comment objecting to the application received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary logistics centre could be tolerated for a period of 3 years.
- 13.2 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 3 years until **24.6.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **24.9.2022**;
- (e) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **24.12.2022**;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **24.3.2023**;
- (g) if any of the above planning condition (a), (b) or (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; and

- (h) if any of the above planning condition (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 attached at **Appendix VI**.

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

the applicant fails to demonstrate that the applied use would not generate adverse environmental impact to the surrounding area.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

### **15. Attachments**

<b>Appendix I</b>	Application Form
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Site Plan
<b>Drawing A-3</b>	Layout Plan
<b>Drawing A-4</b>	Landscape Plan
<b>Drawing A-5</b>	As-built Drainage Plan

<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**