

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TY/134

<u>Applicant</u>	:	Supreme Enterprises Limited represented by Top Bright Consultants Ltd.
<u>Site</u>	:	Tsing Yi Town Lot (TYTL) Nos. 14 and 15 and Adjoining Government Land, Tam Kon Shan Road, Tsing Yi
<u>Site Area</u>	:	TYTL Nos. 14 and 15: about 3,278m ² Government Land: about 988m ² (about 23% of the Site) Total: about 4,266m ²
<u>Lease</u>	:	(i) <u>TYTL Nos. 14 and 15</u> (a) To expire on 30.6.2047 (b) Restricted to ship/boat building and repairing (ii) <u>Short Term Tenancy (STT) 538 K&T</u> (a) Restricted to open storage
<u>Plan</u>	:	Approved Tsing Yi Outline Zoning Plan (OZP) No. S/TY/28 (currently in force) Draft Tsing Yi OZP No. S/TY/27 (in force at the time of submission. The zonings and development restrictions for the site remain unchanged on the current OZP)
<u>Zoning</u>	:	(i) Partly within “Other Specified Uses” (“OU”) annotated “Boatyard and Marine-oriented Industrial Uses” (about 2,173m ² or 51% of total site area); and (ii) Partly outside the OZP Planning Scheme Boundary (about 2,093m ² or 49% of total site area)
<u>Application</u>	:	Proposed Temporary Concrete Batching Plant for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a proposed temporary concrete batching plant for a period of 5 years. The Site falls within an area partly zoned “OU” annotated “Boatyard and Marine-oriented Industrial Uses” on the draft Tsing Yi OZP No. S/TY/27 in force at the time of submission and partly outside the OZP Planning Scheme Boundary. The zoning and development restrictions for the concerned portion of the Site that is covered by the OZP remain unchanged on the current OZP No. S/TY/28 (**Plan A-1**).

According to the Notes of the OZP, 'Concrete Batching Plant' is a Column 2 use which requires planning permission from the Town Planning Board (the Board).

- 1.2 The Site was the subject of a previous application (No. A/TY/127) for a proposed concrete batching plant for a temporary period of 5 years submitted by the same applicant. The application was rejected by the Metro Planning Committee (the Committee) on 18.12.2015 on the grounds that the applicant failed to demonstrate that the proposed barging operation by using private mooring facility for the proposed concrete batching plant was feasible and the proposed development would not have adverse impacts on road traffic, marine safety and the shipyards nearby; and that the approval of the application would set an undesirable precedent for similar applications.
- 1.3 The proposed concrete batching plant mainly comprises twin shaft mixer, aggregate storage bins, cement storage bins, cement silos, pulverised fuel ash (PFA) silos, water tanks, concrete recycle machines, conveyor belts, ancillary office, control room, transfer room, switch room, pump house, etc. (**Drawings A-2 to A-4**). The existing buildings would be modified (with no major structural alteration) for the proposed Buildings 1 and 2 (**Drawing A-4**). The southern portion of the existing building would be reconstructed for Buildings 3 and 4, and the new structures would be in the form of steel structure for easy assembly and demolition.
- 1.4 According to the applicant, the plant will have a maximum daily production capacity of 700m³. The operation hours of the proposed concrete batching plant will be from 7:00 a.m. to 6:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The concrete production process mainly involves delivery of raw materials, materials weighting and mixing, and product loading and distribution.
- 1.5 Raw materials for concrete production such as aggregates, PFA and cement are delivered to the Site by barges. Mooring and berthing arrangements have been proposed to cater for the shallow water environment. A cradle (or slip platform) (**Drawing A-7**) for berthing, landing and launching the barges will be installed at the existing 180m slipway (**Drawing A-8**) at the Site. The barges will be pulled onto the cradle and along the slipway by controlling winch, wire rope and other equipment (**Drawings A-9**). According to the applicant, the structural capacity of the existing slipway is considered adequate for the proposed development and only the rails on the existing slipway will be renewed (**Drawing A-8**). The aggregate will be unloaded to the receiving hopper at the Site through the built-in conveyor belt of the pelican barge (**Drawings A-10 to A-12**) and the cement will be unloaded via the self-discharging system of the cement barge and a temporary pipeline to the Site (**Drawing A-13**). According to the applicant, in order to mitigate the impact of the operation of the shipyards nearby, there will be only one delivery vessel per day (either cement or aggregate) and no more than one barge will be berthed at the Site at any one time. The aggregate and cement barges will be scheduled to arrive at the Site taking into account real-time metocean conditions (tidal, sea level and current).
- 1.6 Admixture which is a raw material and the ready mixed concrete are delivered by trucks (1 trip/4 days) and concrete mixer trucks respectively. The Site is accessible via Tam Kon Shan Road connecting to Tam Kon Shan Interchange. Since there is a level difference between Tam Kon Shan Road and the Site (**Plan A-8**), a 9m-wide vehicular ramp (outside the Site) is proposed by the applicant for providing a proper ingress/egress to Tam Kon Shan Road (**Drawing A-5**). It is estimated that the

proposed development would generate a two-way traffic volume of 20 vehicles, i.e. 44 passenger car units per hour during peak hour periods. To maintain pedestrian connectivity and safety, improvement works including the provision of ramps (also for vehicles entering the Site) and staircases for pedestrian passage is proposed (**Drawing A-5**).

- 1.7 A comparison of the major development parameters of the previously rejected Application No. A/TY/127 and the current scheme is as follows:

<u>Development Parameters</u>	<u>Previous Rejected Application No. A/TY/127 [a]</u>	<u>Current Scheme [b]</u>	<u>Difference [b] – [a]</u>
Site Area including:	4,266m ² (about)	4,266m ² (about)	nil
- TYTL Nos. 14 and 15	3,278m ² (about)	3,278m ² (about)	
- Government Land	988m ² (about)	988m ² (about)	
Covered Area	784.4m ²	780m ² (about)	-4.4m ²
Plot Ratio	0.24 (about)	0.24 (about)	nil
GFA	Not more than 1,030.56m ²	1,026m ² (about)	-4.56m ²
Site Coverage	Not more than 18.39%	18.3% (about)	- 0.09%
Building Height	Not exceeding 26m	25m	- 1m
Parking & Loading/Unloading			
- no. of private car parking spaces	2	2	nil
- no. of concrete truck waiting spaces	9	12	+ 3
- loading/unloading	3	3	nil
Daily Concrete Production	800m ³	700m ³	- 100m ³
Daily Concrete Delivery	100 trucks/day	88 trucks/day	- 12 trucks/day
Aggregate/Cement Barge Loading Capacity	2,500 tonnes	420 tonnes	- 2,080 tonnes
Delivery by Barge*			
- Aggregate	1 trip/2 days	1 trip/day	+ 1 trip/day
- Cement/PFA	1 trip/7-9 days	1 trip/4 days	+ 1 trip/3-5days
Mooring Arrangement	Off-shore anchoring	Using the existing slipway to pull the barge onto the cradle	(Drawing A-14)

* According to the applicant, there will be only one delivery vessel per day. Aggregates will be delivered for four consecutive days followed by the delivery of cement on the day after and so forth.

- 1.8 Site location plan, section plan, preliminary layout plan, and 3D rendering submitted by the applicant are shown on **Drawings A-1 to A-4**.
- 1.9 In support of the application, the applicant has submitted the following documents.
- (a) Application Form received on 16.8.2016 with letter dated 29.7.2016 enclosing replacement pages of Supplementary Planning Statement (SPS) and revised Site Plan; and letter dated 16.8.2016 enclosing revised drawings; and a letter dated 19.8.2016 enclosing replacement pages of SPS **(Appendix I)**
 - (b) SPS attached to the Application Form received on 16.8.2016 **(Appendix Ia)**
 - (c) Letter dated 29.9.2016 enclosing a table of responses to departmental comments **(Appendix Ib)**
 - (d) Letter dated 30.9.2016 from the applicant requesting for deferment **(Appendix Ic)**
 - (e) Letter dated 13.12.2016 enclosing a table of responses to departmental comments, a revised traffic impact assessment (TIA), a revised environmental assessment (EA) and a barging operation plan (BOP) **(Appendix Id)**
[accepted and not exempted from publication and recounting requirement]
 - (f) Letter dated 11.1.2017 from the applicant requesting for deferment **(Appendix Ie)**
 - (g) Letter dated 24.3.2017 enclosing a table of responses to departmental comments and an extract of revised EA Report **(Appendix If)**
[accepted and not exempted from publication and recounting requirement]
 - (h) Letters dated 24.4.2017 enclosing tables of responses to departmental comments respectively with a revised BOP, an echo sound survey report and a marine traffic survey report; an updated junction capacity assessment with calculations, a revised carparking layout and a swept path assessment; and replacement pages of the revised EA Report **(Appendix Ig)**
[accepted and not exempted from publication and recounting requirement]
 - (i) Letter dated 5.5.2017 enclosing a table of responses to departmental comments with swept path analysis **(Appendix Ih)**
 - (j) Letters dated 26.5.2017 enclosing tables of responses to departmental comments with a replacement page of the revised TIA Report, a revised swept path analysis; and a revised berthing proposal for the delivery of aggregates and cement **(Appendix Ii)**
[accepted and not exempted from publication and recounting requirement]
 - (k) Letter dated 6.6.2017 enclosing a table of responses to departmental comments, a revised swept path analysis and a clarification of the berthing proposal for the delivery of aggregates and cement and car parking spaces arrangement **(Appendix Ij)**
 - (l) Letter dated 5.7.2017 enclosing a revised BOP **(Appendix Ik)**
[accepted and not exempted from publication and

- recounting requirement]*
- (m) Letter dated 5.7.2017 enclosing replacement pages of the Planning Statement, a revised preliminary layout plan, section plan and 3D rendering of the proposed development (Appendix Il)
 - (n) Letter dated 6.7.2017 enclosing a table of responses to Lands Department's comments and an Occupation Permit for workshop and slipway on the Site (Appendix Im)
 - (o) Letter dated 14.8.2017 from the applicant requesting for deferment (Appendix In)
 - (p) Letter dated 23.10.2017 from the applicant requesting for deferment (Appendix Io)
 - (q) Letter dated 13.12.2017 enclosing a table of responses to departmental comments and a revised BOP
[accepted and not exempted from publication and recounting requirement] (Appendix Ip)
 - (r) Letter dated 25.1.2018 enclosing a table of responses to departmental comments and a revised BOP
[accepted and not exempted from publication and recounting requirement] (Appendix Iq)
 - (s) Letter dated 13.2.2018 enclosing a table of responses to departmental comments (Appendix Ir)
 - (t) Letter dated 20.2.2018 enclosing a table of responses to departmental comments (Appendix Is)
 - (u) Letter dated 7.3.2018 enclosing tables of responses to departmental comments (Appendix It)

1.10 The application was originally scheduled for consideration by the Committee of the Board on 14.10.2016. On 14.10.2016, 3.2.2017, 25.8.2017 and 10.11.2017, the Committee agreed to defer making a decision on the application for two months as requested by the applicant in order to allow sufficient time for preparation of further information/technical clarifications to address the departmental comments. The applicant submitted further information (FI) on 13.12.2016, 24.3.2017, 24.4.2017, 5.5.2017, 26.5.2017, 6.6.2017, 5.7.2017, 6.7.2017, 13.12.2017, 25.1.2018, 13.2.2018, 20.2.2018 and 7.3.2018 (**Appendices Id, If, Ig, Ih, Ii, Ij, Ik, Il, Im, Ip, Iq, Ir, Is and It**) in response to departmental comments. The application has been scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices Ia, Ib, Id, If, Ig, Ih, Ii, Ij, Ik, Il, Im, Ip, Iq, Ir, Is and It**, and summarised as follows:

To Meet the Demand for Urban Growth

- (a) The proposed concrete batching plant will contribute to the supply of ready-mixed concrete to meet the increasing concrete demand arising from the Government's new target on increasing housing supply and other infrastructure and development projects.

- (b) The applicant has supplied quality concrete for a variety of development and infrastructure projects for over 20 years. The proposed development will allow the applicant to strengthen the production line and ensure reliable supply of quality concrete for the upcoming years.

In Line with Planning Intention and Compatible with Surrounding Land Uses

- (c) The proposed concrete batching plant conforms to the current planning intention of “OU (Boatyard and Marine-oriented Industrial Uses)” zone as it relies on direct marine access for delivery of raw materials.
- (d) The proposed development is compatible with the surrounding land uses as it is surrounded by boatyard and marine oriented industrial uses, and there are concrete batching plants located about 400m west of the Site.

Location Merits for Concrete Batching Plant Use

- (e) The Site provides easy access as it is directly linked to Tam Kon Shan Road which branches off to Tsing Yi North Coastal Road leading to other districts. The direct marine access at the Site provides an alternative of delivering raw materials, generating less demand of delivery trucks on nearby road networks.

No Insurmountable Impacts

- (f) Through the use of enclosed conveyor belts, unloading hoppers and installation of dust collectors and water spraying system, as well as with the mitigation measures in place, the EA (Appendix F of **Appendix Ia, Appendices Id, If and Ig**) demonstrates that no significant environmental impact would be generated from the proposed development.
- (g) The TIA (Appendix E of **Appendix Ia, Appendices Ib, Id, If, Ig, Ih, Ii and Ij**) concludes that the proposed development will have no adverse traffic impact to the surrounding road network. Adequate parking spaces and marshalling area are provided within the proposed development (**Drawing A-6**).

Marine Safety

- (h) To address the previous comments of the Committee and concerned department on the proposed barging operation, the current proposal has reduced the daily concrete production from 800m³ and 700m³. Taking into account the water depth of the barge, a significant change of the barging operation is proposed (**Appendices Id, Ig, Ij, Ip, Iq, Ir, Is and It**).
- (i) With the reduction of the loading capacity of aggregate/cement vessels from 2,500 tonnes to 420 tonnes and the required loaded draft to 2.05m (front to end of vessel), there is adequate water depth for the transport of aggregate/ cement to the Site, given the seabed level of -2m to -6m fronting the Site and the range of tide from 0.5m to above 2m at Ma Wan.

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

The applicant is the sole ‘current land owner’ for TYTL Nos. 14 and 15. Detailed information would be deposited at the meeting for Members’ inspection. Since part of the site involves Government land, the ‘owner’s concern/notification’ 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. 31) are not applicable to the application.

4. Previous Applications (Plan A-1)

- 4.1 There are three previous applications covering the Site. The details of the applications are summarised in **Appendix II**.
- 4.2 Part of the Site was the subject of a previous application (No. A/TY/105) submitted by the same applicant, covering a smaller site area for a proposed warehouse (godown for storage of steel plates and steel materials) which was rejected by the Committee on 9.1.2009 and the Board on review on 24.4.2009 on the grounds that there was insufficient information in the submission to demonstrate no adverse traffic impacts within the application site and the surrounding under current unsatisfactory traffic conditions.
- 4.3 The Site was the subject of a previous application (No. A/TY/124) submitted by the same applicant, covering a larger site area with proposed reclamation for a proposed concrete batching plant for a temporary period of 3 years. The application was subsequently withdrawn by the applicant on 21.8.2014.
- 4.4 The Site was the subject of a previous application (No. A/TY/127) for a proposed concrete batching plant for a temporary period of 5 years submitted by the same applicant which covers the same site area as the current application. The application was rejected by the Committee on 18.12.2015 on the grounds that the applicant failed to demonstrate that the proposed barging operation by using private mooring facility for the proposed concrete batching plant was feasible and the proposed development would not have adverse impacts on road traffic, marine safety and the shipyards nearby; and that the approval of the application would set an undesirable precedent for similar applications.

5. Similar Applications (Plan A-1)

- 5.1 There are four similar applications covering the same site (No. A/TY/62, A/TY/91, A/TY/108 and A/TY/130) for temporary concrete batching plant at a site nearby. The details of the applications are summarised in **Appendix III**.
- 5.2 Application No. A/TY/62 for concrete batching plant was approved with conditions by the Committee on 12.1.2001 on a temporary basis for a period of 5 years up to 12.1.2006. Application No. A/TY/91 for renewal of the planning approval of A/TY/62 for a further period of 5 years up to 4.3.2010 was approved with conditions by the Committee on 4.3.2005.
- 5.3 Application No. A/TY/108 for renewal of the planning approval of A/TY/91 for another 5 years was rejected by the Committee on 12.2.2010 on the grounds that no

TIA had been submitted to demonstrate that the proposed development would not have adverse traffic impact on the surrounding area. With the submission of an updated TIA considered acceptable to the Transport Department (TD), the application was subsequently approved with conditions by the Board on review on 6.8.2010 for a period of 5 years up to 6.8.2015.

- 5.4 On 15.5.2015, the applicant of Application No. A/TY/108 submitted an application (No. A/TY/130) for renewal of the planning approval of Application No. A/TY/108 for a further period of 5 years up to 25.11.2021. On 25.11.2016, the application was approved with conditions by the Committee for a period of 5 years.

6. The Site and Its Surrounding Areas (Plans A-1 to A-3 and Photos on Plans A-4 to A-8)

6.1 The Site:

- (a) was previously occupied by a shipyard which is now vacant (**Plans A-4 to A-8**);
- (b) has an open area in the central portion which is Government land (about 969 m²) and under STT 538K&T for open storage use (**Plan A-2**); and
- (c) has no direct vehicular access from Tam Kon Shan Road (**Plans A-2, A-3 and A-8**).

6.2 The surrounding areas have the following characteristics (Plans A-1 and A-2**):**

- (a) to the east and west along Tam Kon Shan Road are mainly boatyards. To its further east are public car parks, a proposed community green station (CGS) (**Plan A-2**) and Tsing Yi Northeast Park (**Plan A-1**);
- (b) to the western end of Tam Kon Shan Road is an existing cement loading and storage area and two concrete batching plants within the “OU(Cement Plant)” zone. Adjoining these developments is a proposed temporary concrete batching plant which was approved for a period of 5 years on 25.11.2016 (paragraph 5.4 above refers) (**Plan A-1**);
- (c) to the south across Tam Kon Shan Road is another “OU” annotated “Boatyard and Marine-oriented Industrial Uses” zone currently occupied by a temporary car park. Part of the site has been approved for the development of a Portable Emission Measurement System (PEMS) Laboratory proposed by the Environmental Protection Department under Application No. A/TY/125 (**Plan A-2**);
- (d) to its north is the sea frontage; and
- (e) the nearest residential development Cheung On Estate is about 400m away from the Site (**Plan A-1**).

7. Planning Intention

The “OU (Boatyard and Marine-oriented Industrial Uses)” zone is intended primarily for boatyard and marine-oriented industrial uses.

8. Comments from Relevant Government Departments

8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) the Site falls within TYTL Nos. 14, 15 and a piece of Government land currently let under STT No. 538 K&T. According to the lease conditions governing TYTL Nos. 14 and 15, both lots are restricted to ship/boat building and repairing purposes whereas under the Tenancy Agreement of STT 538 K&T, the STT site is restricted for the purpose of open storage only. TYTL No. 15 is subject to a temporary waiver dated 19.11.1998 to allow to erect and operate an existing jetty on its coloured blue area (**Plan A-2**). In this regard, the proposed use for a concrete batching plant is not acceptable under both the lease conditions and the STT;
- (b) the original intention of granting the STT was to permit the tenant to occupy the concerned tenancy area for open storage use after completion of construction of a culvert. The proposed change of use from open storage to form part of the concrete batching plant will be considered by LandsD provided that relevant policy support for such material change of user is obtained. In this regard, the applicant's proposal for requesting a permanent vehicular access at Tam Kon Shan Road for serving the proposed concrete batching plant will not be considered by this office at this juncture;
- (c) the slipway falls outside the lot boundary and hence it is not acceptable from the lease (**Appendix Is** and **Drawing A-8**);
- (d) if the planning application is approved by the Board, the lot owner/tenant should apply to the LandsD for a temporary waiver for the amendment of the user in respect of TYTL Nos. 14 and 15 and a modification of STT 538 K&T for the amendment of the user subject to paragraph 8.1.1 (b) above and the addition of the vehicular access via the Government land (as a non-exclusive right of way to the tenancy area) subject to the comments of DSD and the agreement of TD and the Highways Department (HyD). The application will be considered by the LandsD acting in the capacity as landlord at its sole discretion. There is no guarantee that any such application will be approved by the Government. Any approval if given will be subject to such terms and conditions including, inter alia, payment of waiver fee/rental and administration fee as may be approved by the Government; and

- (e) other detailed comments are listed out in **Appendix V**.

Traffic

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

- (a) based on the applicant's responses to his comments on the TIA and the supplementary information submitted, he has no comment on the application from traffic engineering point of view;
- (b) should the application be approved, the following conditions should be imposed:
 - (i) the submission and implementation of a traffic management plan including information on the proposed maximum hourly concrete processing capacity, contingency plan, associated mitigation measures to the satisfaction of the C for T and the Commissioner of Police (C of P);
 - (ii) the design of road works and pedestrian facilities, as proposed by the applicant, and the implementation, management and maintenance of approved road works and pedestrian facilities at the applicant's own costs to the satisfaction of C for T and Director of Highways (D of Hy);
 - (iii) in relation to the above approval condition (ii), upon the expiry of the planning permission, the reinstatement of the concerned public road and public footpath to the arrangement as at the time before the planning permission to the satisfaction of the C for T and the D of Hy; and
 - (iv) no queuing on public roads in the vicinity of the application site resulting from the operation of the proposed concrete batching plant shall be allowed at any time during the planning approval period.

8.1.3 Comments from the C of P:

- (a) the applicant shall provide traffic management plan for emergency situation and when the Site is unable to accommodate the incoming trucks;
- (b) with the mitigation measures recommended in the applicant's FI submitted on 13.12.2016 (**Appendix Id**), he has no adverse comment on the application; and
- (c) should the application be approved, the following condition should be imposed:

the submission and implementation of a traffic management plan including information on the proposed maximum hourly concrete processing capacity, contingency plan, associated mitigation measures to the satisfaction of the C for T and the C of P.

8.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) it is noted that a vehicular access ramp together with 2 pedestrian ramps are proposed and the applicant agrees to undertake the detailed design, construction and maintenance responsibility of the proposed access ramp system from Tam Kon Shan Road to the Site;
- (b) he has no comment on the application from highway maintenance point of view provided that the design, implementation, management and maintenance of the proposed road works including the ramp and run-in/out, etc. proposed by the applicant are to the satisfaction of HyD; and
- (c) should the application be approved, the following condition should be imposed:

the design of road works and pedestrian facilities, as proposed by the applicant, and the implementation, management and maintenance of approved road works and pedestrian facilities at the applicant's own costs to the satisfaction of C for T and D of Hy.

Marine Safety

8.1.5 Comments of the Director of Marine (D of Marine):

- (a) from marine traffic and safety point of views, the BOP submitted by the applicant (including **Appendices Id, Ig, Ij, Ip, Iq, Ir, Is and It**), is considered insufficient to demonstrate and illustrate that the proposed barging operations are safe, feasible and practicable;
- (b) detailed comments are as follows:
 - (i) the responses provided by the applicant (Item 3 in Attachment 2 of **Appendix It**) still cannot clarify the issues relating to the proposed size of the slipway of 180m which would exceed the boundary of the Site, and whether the strength of the existing slipway/seabed can afford the fully laden barges. The responses mentioned that the applicant will take note of this advisory comment and prepare to make submission for relevant approvals in future if the modification works of the existing slipway is required. Hence, it still remains unclear whether the size, strength and conditions of the existing slipway are suitable for handling the proposed barging operations;
 - (ii) according to the revised proposed vessel landing and launching scheme (i.e. revised paragraph 3(5)(e) of the replacement page of BOP in Attachment 2 of **Appendix It**), if the force of the vessel is unevenly loaded on wooden dolphins at the cradle structure during the vessel landing, the vessel will be returned to the sea and the wooden dolphins will be adjusted for re-landing. With reference to the previous responses provided

by the applicant in January 2018 (**Appendix Iq**) to the comments on wedging operation and necessary precautionary measures, it is mentioned that “no dividing operations would be involved because the vessels would be out of water at this step”. The responses provided by the applicant are inconsistent and the applicant has yet to provide details to demonstrate that the wedging operation is safe, feasible and practicable;

- (iii) for the vessel landing and launching analysis, the applicant has been requested to provide sufficient information including relevant 3D diagrams and drawings indicating all the dimensions and structural strength of the cradle structure. Although the applicant responded that this requirement can be imposed as an approval condition, the applicant has yet to provide the required information and details to demonstrate and illustrate clearly that the mooring of a proposed barge to the cradle structure is safe, feasible and practicable; nor demonstrate how the proposed berthing or docking operation can be implemented safely under the existing slipway and site condition, without causing interference to the safe navigation of vessels in the vicinity;
- (iv) with reference to the “Aggregate Unloading Procedure” in Appendix H of **Appendix Iq**, the applicant has briefly described and illustrated the built-in conveyor belt of the aggregate barge would be rotated at right angle to the barge for discharging aggregate. The applicant has been requested to provide information about the safety measure of such operation. Although the applicant responded that this requirement can be imposed as an approval condition, the applicant has yet to provide information about the safety measures to be adopted and implemented for the proposed unloading arrangements so that it can be carried out safely without causing the listing of the barge as the raw materials inside the barge may not be evenly distributed and liable to shifting during the unloading process;
- (v) the applicant has been requested to provide detailed information or contingency plan to substantiate how the proposed barging operations could be implemented safely. However, the applicant has not provided the requested information and responded that it will be more appropriate for the competent person(s) to provide the required detailed information/contingency plan when the application is approved by the Board;
- (vi) for the communication with the nearby shipyards, the applicant has yet to provide sufficient information in relevant sections of the BOP to illustrate how the operations of the proposed number of vessel trips would be coordinated with other operators nearby the Site, such that the proposed barging operations could be conducted without causing adverse impacts to nearby facilities and marine traffic in the vicinity;

- (c) other detailed comments are listed out in **Appendix V**.

Safety

8.1.6 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) he has no particular comment on the application from electricity supply safety point of view; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

8.1.7 Comments of the Commissioners for Labour (C for Labour):

- (a) from occupational safety and health point of view, adequate buffer zones with clear marking to edges over water should be demarcated to keep away operators of moving plant from edges over water; and
- (b) for the health and safety issues (Section 4.7 of the replacement page of the BOP in Attachment 1 of **Appendix It**), the applicant should establish and implement an effective supervision and control system to ensure the devised safe working procedures and safety precautions are strictly followed; and the compliance with the provision of general duties under the Factories and Industrial Undertakings Ordinance, Cap. 59 and Occupational Safety and Health Ordinance, Cap. 509.

Environment

8.1.8 Comments of the Director of Environmental Protection (DEP):

- (a) based on the applicant’s responses to his comments on the EA and the supplementary information submitted, he has no comment on the application;
- (b) should the application be approved, the following condition should be imposed:

the completion of land contamination assessment and remediation works including the submission of Contamination Assessment Plan, Contamination Assessment Report, Remediation Action Plan and Remediation Report before the commencement of construction of the proposed concrete batching plant; and

- (c) a Specified Process Licence under the Air Pollution Control Ordinance is required for the operation of the proposed concrete batching plant, and the requirement as stipulated in the Best Practicable Means for Cement Works (Concrete Batching Plant) BPM 3/2 will have to be complied with.

Fire Safety

8.1.9 Comments of the Director of Fire Services (D of FS):

- (a) he has no objection to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (b) the provision of emergency vehicular access shall comply with the standard as stipulated in Section 6, Part D of the 'Code of Practice for Fire Safety in Building 2011' under the Building (Planning) Regulation 41D which is administered by the Buildings Department.

Urban Design and Landscape

8.1.10 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

Urban Design

- (a) the Site is located along Tam Kon Shan Road at the northern coast of Tsing Yi within an area intended for boatyard and marine-oriented industrial uses; and
- (b) the proposal involves modification of the two existing structures to accommodate the required facilities and ancillary uses. Existing structures within the subject zone and along Tam Kon Shan Road range from about 7mPD to 23mPD in height (based on site survey information). The proposed development with a maximum building height of 25m may be slightly taller than the surrounding developments. Nevertheless, from a visual point of view, the proposed development is not considered incompatible with the surrounding context and significant adverse visual impact is not anticipated.

Landscaping

- (a) the Site is surrounded by existing boatyard/marine-related industrial activities. According to the aerial photo in 2014, no existing tree was found within the site boundary. The proposed use in general is not incompatible with the surrounding landscape environment, and further significant adverse impact on landscape is not expected. As

such, there is no objection to the application from the landscape planning perspective; and

- (b) according to the preliminary layout plan, it seems that there is not much space available for landscaping within the application site. As such, the implementation of landscape condition is not required should the case be approved by the Board.

8.1.11 Comments of the Director of Leisure & Cultural Services Department (DLCS):

he has no comment on the application as long as the trees at the public road outside TYTL No. 14 under his maintenance (upper photo on **Plan A-4**) will not be affected.

Harbourfront Planning

8.1.12 Comments of the Harbour Unit, DEVB:

- (a) he has no particular comment on the planning application from harbourfront enhancement point of view. He notes that the Site is surrounded by industrial uses; and
- (b) as regards consultation with the Harbourfront Commission (HC), he has invited the applicant but the applicant declined to consult HC. The gist of application has been circulated to Members of HC. No specific request from the Members on discussing the application concerned has been received.

Drainage

8.1.13 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) the existing box-culvert STT 538 K&T, which is sandwiched between TYTL Nos. 14 and 15, is currently maintained by the tenant of STT 538 K&T; and
- (b) the CE/MS, DSD and his officers and the workmen shall have free access at all times to the drainage reserve area (a box-culvert under the Government land portion) for emergency works during stormy season.

Building Matters

8.1.14 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) statutory submission for BD's approval is required for all building works involved including any demolition/alteration and additions works for the existing building;
- (b) the applicant's attention is drawn to the Practice Note for Authorized Persons, Registered Structural Engineering and Registered Geotechnical Engineer (PNAP) APP-120;
- (c) detailed comment will be given upon receipt of submission of general building plans; and
- (d) the building plans approved on 8 July 1975 indicated that the slipways were 138 feet (approximately 42.0624m) long at TYTL 14 and 15.

District Officer's Comments

8.1.15 Comments of the District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD):

- (a) his office has posted the application on their notice boards of their office and the Cheung Fat Estate Community Centre within the publication periods from 23.8.2016 to 13.9.2016, 20.12.2016 to 10.1.2017, 31.3.2017 to 21.4.2017, 28.4.2017 to 19.5.2017, 6.6.2017 to 27.6.2017, 14.7.2017 to 4.8.2017, 19.12.2017 to 9.1.2018 and 30.1.2018 to 20.2.2018 respectively and has sent the application documents to all District Councillors in Tsing Yi (North East) area and Members of Tsing Yi (North East) Area Committee. No comment has been received;
- (b) there is one existing concrete batching plant at Tam Kon Shan Road. He has received complaints regarding illegal parking of vehicles, concerns of pollution and traffic issue against the existing concrete batching plant. In view of the above, an additional concrete plant is likely to attract local concerns about the impacts that it will bring to the local community, including but not limited to traffic flow, hygiene and pollution;
- (c) he understands that Tung Yee Shipbuilding, Repairing Merchants General Association Limited (the Association) and Leung Wan Kee Shipyard Limited have sent their objection letters regarding the application. The Association has all along objected against the application. While he has not received any written comments from the Association, the Association will very likely uphold its stance of objection to the proposal. Comments from different parties should be taken into account when the application is considered; and
- (d) he has no departmental views from the technical perspective.

8.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD);

- (b) Director-General of Trade and Industry (DG of TI);
- (c) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD) ; and
- (d) Chief Engineer/Port Works, Civil Engineering and Development Department (CE/PW, CEDD).

9. **Public Comments Received During Statutory Publication Period**

- 9.1 On 23.8.2016, the application was published for public inspection. The subsequent 7 FIs submitted by the applicant not exempted from publication requirement were also published for public comment on 20.12.2016, 31.3.2017, 28.4.2017, 6.6.2017, 14.7.2017, 19.12.2017 and 30.1.2018 respectively. During the statutory public inspection periods, a total of 659 public comments were received.
- 9.2 Among the 659 public comments, 652 object to the application while 7 mainly offer comments on the proposal. These public comments are submitted by the following parties (**Appendix IVa**) and individual members of public (**Appendix IVb**):
- (a) 7 comments submitted by 3 Kwai Tsing District Council (K&TDC) members;
 - (b) 6 comments submitted by Tung Yee Shipbuilding and Repairing Merchants General Association Ltd.;
 - (c) 1 comment submitted by Leung Wan Kee Shipyard Ltd.;
 - (d) 1 comment submitted by Queen's College Old Boys' Association Secondary School;
 - (e) 1 comment submitted by CNEC Lui Ming Choi Primary School;
 - (f) 1 comment submitted by Tsing Yi Ship Building Workers' Health Concern Group (with 43 signatures of ship building workers); and
 - (g) 642 submitted by individual members of public with some of them in the form of different standard comments. Some samples of the standard comments are at **Appendix IVb**. A full set of public comments will be deposited at the meeting for Members' inspection.
- 9.3 The objection grounds are mainly as follows:
- (a) the proposed development is not compatible with the shipyards, school and open space in the vicinity;
 - (b) the proposed development would bring about adverse traffic and marine traffic impacts including traffic congestion, pedestrian safety, illegal parking, issues on marine safety and marine operations; adverse environmental impacts including air/dust pollution; and adverse impact on hygiene and the health of residents/students/shipyard workers/visitors of the Tsing Yi Northeast Park nearby, and operation of the ship repair in the vicinity; and
 - (c) there have already been traffic congestion and air pollution problems arising from the existing concrete batching plants along Tam Kon Shan Road. The recently approved proposed concrete batching plant at Tam Kon Shan Road (i.e. Application No. A/TY/130) and this proposed development would worsen these problems.

- 9.4 For the 7 individuals providing comments, their concerns are similar to the objection grounds which include concerns on adverse traffic, environment and health impacts, pedestrian safety and land use compatibility.

10. Planning Considerations and Assessments

- 10.1 The proposed concrete batching plant falls within an area partly zoned “OU (Boatyard and Marine-oriented Industrial Uses)” which is intended primarily for boatyard and marine-oriented industrial use and partly outside the OZP Planning Scheme Boundary. The Site is situated in the northeast Tsing Yi where a mix of shipyards, two existing concrete batching plants¹, government use (i.e. the PEMS Laboratory and the proposed CGS) and temporary car parks (**Plan A-2**). The proposed concrete batching plant is considered not in conflict with the planning intention for the Site from land use point of view.
- 10.2 The Site was the subject of a previous application for the same use rejected by the Committee on 18.12.2015 mainly on traffic and marine safety grounds (paragraph 1.2 refers). As compared with the previous application, the current scheme has proposed an increase of waiting spaces for concrete trucks from 9 to 12 within the Site to prevent possible queuing onto public roads. In this regard, C for T and C of P have no comments on the proposed development from traffic engineering and traffic management perspectives. The applicant has modified the barging operation to address the previous comments/concerns of department on marine safety issue by making use of the existing slipway without the need of extension or reconstruction to pull the aggregate/cement barges on the cradle (**Drawing A-14**). While the applicant indicated that the existing slipway is 180m long, CBS/NTW, BD advised that slipways are approximately 42m long at the Site as indicated on the approved building plans.
- 10.3 D of Marine comments from marine traffic and safety perspective that the applicant fails to demonstrate that the proposed development will not have adverse impact on marine traffic and shipyards nearby. There is also insufficient information to demonstrate that the proposed berthing or docking operation/arrangement to the cradle structure is safe, feasible and practicable. The assessment also fails to demonstrate that the proposed berthing or docking operations can be implemented safely under the existing slipway and site conditions without causing interference to the safe navigation of vessels in the vicinity.
- 10.4 As regards the fire safety, traffic management, design of traffic facilities and environmental concerns raised by D of FS, C of P, C for T, D of Hy and DEP, they could be addressed through incorporation of approval conditions.
- 10.5 Regarding the public comments, the planning assessments above and departmental comments in paragraph 8 are relevant.

11. Planning Department's Views

¹ Apart from the two existing concrete batching plants, there is a proposed concrete batching plant for a period of 5 years approved with conditions by the Committee on 25.11.2016 (Application No. A/TY/130).

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department does not support the application for the following reason:

the applicant fails to demonstrate that the proposed barging operation by using slipway for the proposed concrete batching plant is feasible, practicable and safe and will not have adverse impact on marine safety and the shipyards nearby.

- 11.2 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 5 years until 16.3.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no queuing on public roads in the vicinity of the application site resulting from the operation of the proposed concrete batching plant shall be allowed at any time during the planning approval period of the proposed concrete batching plant;
- (b) the submission and implementation of water supplies for fire fighting and fire service installations proposals before commencement of the operation of the proposed development to the satisfaction of the Director of Fire Services or of the Board;
- (c) the submission of a traffic management plan including information on the proposed maximum hourly concrete processing capacity, contingency plan, associated mitigation measures before commencement of the operation of the proposed development to the satisfaction of the Commissioner for Transport and the Commissioner of Police or of the Board;
- (d) the implementation of an approved traffic management plan at the applicant's own costs including the maximum hourly concrete processing capacity, contingency plan, associated mitigation measures during the planning approval period of the proposed development to the satisfaction of the Commissioner for Transport and the Commissioner of Police or of the Board;
- (e) the design and implementation of road works and pedestrian facilities, as proposed by the applicant and at the applicant's own cost, before commencement of the operation of the proposed development to the satisfaction of Commissioner for Transport and the Director of Highways or of the Board;
- (f) the management and maintenance of approved road works and pedestrian facilities, at the applicant's own costs, during the planning approval period of the proposed development to the satisfaction of Commissioner for Transport and Director of Highways or of the Board;
- (g) the submission of a revised barging operation plan setting out details of the type and size of the vessel/barge involved, relevant operation, mooring arrangement, etc., before commencement of the operation of the proposed development to the satisfaction of the Director of Marine or of the Board;

- (h) the implementation of an approved barging operation plan during the planning approval period of the proposed development to the satisfaction of the Director of Marine or of the Board;
- (i) the design and implementation of the proposed barges before commencement of the operation of the proposed development to the satisfaction of the Director of Marine or of the Board;
- (j) the completion of land contamination assessment and remediation works including the submission of Contamination Assessment Plan, Contamination Assessment Report, Remediation Action Plan and Remediation Report before the commencement of construction of the proposed development to the satisfaction of the Director of Environmental Protection or the Board;
- (k) in relation to the above approval conditions (e) and (f), upon the expiry of the planning permission, the reinstatement of the concerned public road and public footpath to the arrangement as at the time before the planning permission to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Board;
- (l) if the above planning condition (a), (d), (f) or (h) is not complied during the planning approval period, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
- (m) if the above planning condition (j) is not complied before commencement of construction of the proposed development, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) if any of the above planning conditions (b), (c), (e), (g) or (i) is not complied with before the commencement of the operation of the proposed development, 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**.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

13. **Attachments**

Appendix I	Application Form received on 16.8.2016 with letter dated 29.7.2016 enclosing replacement pages of SPS and revised Site Plan and letter dated 16.8.2016 enclosing revised drawings, and a letter dated 19.8.2016 enclosing replacement pages of SPS
Appendix Ia	SPS attached to the Application Form received on 16.8.2016
Appendix Ib	Letter dated 29.9.2016 enclosing a table of responses to departmental comments
Appendix Ic	Letter dated 30.9.2016 from the applicant requesting for deferment
Appendix Id	Letter dated 13.12.2016 a table of responses to comments, a revised TIA, a revised EA and a BOP
Appendix Ie	Letter dated 11.1.2017 from the applicant requesting for deferment
Appendix If	Letter dated 24.3.2017 enclosing a table of responses to departmental comments and an extract of revised EA Report
Appendix Ig	Letters dated 24.4.2017 enclosing tables of responses to departmental comments respectively with a revised BOP, an echo sound survey report and a marine traffic survey report; an updated junction capacity assessment with calculations, a revised carparking layout and a swept path assessment; and replacement pages of the revised EA Report
Appendix Ih	Letter dated 5.5.2017 enclosing a table of responses to departmental comments with swept path analysis
Appendix Ii	Letters dated 26.5.2017 enclosing tables of responses to departmental comments with a replacement page of the revised TIA Report, a revised swept path analysis; and a revised berthing proposal for the delivery of aggregates and cement
Appendix Ij	Letter dated 6.6.2017 enclosing a table of responses to departmental comments, a revised swept path analysis and a clarification of the berthing proposal for the delivery of aggregates and cement and car parking spaces arrangement
Appendix Ik	Letter dated 5.7.2017 enclosing a revised BOP
Appendix Il	Letter dated 5.7.2017 enclosing replacement pages of the Planning Statement, a revised preliminary layout plan, section plan and 3D rendering of the proposed development
Appendix Im	Letter dated 6.7.2017 enclosing a table of responses to Lands Department's comments and an Occupation Permit for workshop and slipway on the Site
Appendix In	Letter dated 14.8.2017 from the applicant requesting for deferment
Appendix Io	Letter dated 23.10.2017 from the applicant requesting for deferment
Appendix Ip	Letter dated 13.12.2017 enclosing a table of responses to departmental comments and a revised BOP
Appendix Iq	Letter dated 25.1.2018 enclosing a table of responses to departmental comments and a revised BOP
Appendix Ir	Letter dated 13.2.2018 enclosing a table of responses to departmental comments
Appendix Is	Letter dated 20.2.2018 enclosing a table of responses to

Appendix It	departmental comments Letter dated 7.3.2018 enclosing tables of responses to departmental comments
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IVa	Public comments received from Various Parties
Appendix IVb	Public comments received from Individual Members of Public
Appendix V	Details of Departmental Comments
Appendix VI	Advisory Clauses
Drawing A-1	Site Plan
Drawings A-2 to A-3	Preliminary Layout Plans
Drawing A-4	3D Rendering
Drawing A-5	Proposed Vehicular Access and Pedestrian Arrangements
Drawing A-6	Proposed Carparking Layout
Drawing A-7	Cradle Structure Plan
Drawing A-8	Existing Slipway
Drawings A-9to A-13	Proposed Barging Operations
Drawing A-14	Comparison of Mooring/Docking Arrangement
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 to A-8	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**