

**Appendix II of
MPC Paper No. A/TY/135D**

Previous Application Covering the Site

<u>Application No.</u>	<u>Development</u>	<u>Date of Consideration and Decision</u>	<u>Approval Conditions</u>
Previous Application Covering the Site			
A/TY/112	Temporary concrete batching plant for a period of three years	24.9.2010 Approved with conditions by the Metro Planning Committee (MPC) of the Town Planning Board (TPB) (Revoked on 24.6.2012)	(a), (b), (c), (d), (e), (f) & (g)

Similar Applications

<u>Application No.</u>	<u>Development</u>	<u>Date of Consideration and Decision</u>	<u>Approval Conditions</u>
Approved Applications			
A/TY/32	Cement manufacturing and concrete batching plant	13.1.1995 Approved with conditions by the MPC of the TPB	(h), (i), (j), (k) & (l)
A/TY/58	Proposed asphalt concrete batching and cement manufacturing plant	5.5.2000 Approved with conditions by the MPC of the TPB	(l)
A/TY/59	Proposed asphalt concrete batching and cement manufacturing plant	5.5.2000 Approved with conditions by the MPC of the TPB	(l)
A/TY/106	Temporary asphalt plant for a period of three years	29.1.2010 Approved with conditions by the MPC of the TPB	(d), (e), (f), (g), (m), (n) & (o)
A/TY/118	Temporary asphalt plant for a period of three years	6.7.2012 Approved with conditions by the MPC of the TPB	(m), (p), (q), (r) & (s)
A/TY/129	Temporary asphalt plant for a period of five years	7.8.2015 Approved with conditions by the MPC of the TPB	(d), (e), (m), (t) & (u)

Approval Conditions:

- (a) no queuing on public roads in the vicinity of the application site resulting from the operation of the concrete batching plant should be allowed at any time during the planning approval period;
- (b) the submission of operation control and traffic management proposal within six months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the implementation of operation control and traffic management measures within nine months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of landscape proposal within six months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB;
- (e) the implementation of the approved landscape proposal within nine months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB;
- (f) the submission of emergency vehicular access, water supplies for fire fighting and fire service installations proposals within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB;
- (g) the provision of emergency vehicular access, water supplies for fire fighting and fire service installations proposals within nine months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the submission of a detailed Environmental Impact Assessment and the implementation of any necessary mitigation measures and monitoring requirements on the cement plant and concrete batching plant, in particular the asphalt production facilities and the transportation of asphalt, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (i) the arrangement of a vehicular access through the application site to the adjacent works area to the satisfaction of the Director of Highways or of the TPB;
- (j) the improvement of Tsing Keung Road adjacent to the application site to the satisfaction of the Director of Highways or of the TPB;
- (k) the submission and implementation of a car parking/queuing layout to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) the permission shall cease to have effect unless prior to the said date either the development hereby permitted is commenced or the permission is renewed;
- (m) no queuing on public roads in the vicinity of the application site resulting from the operation of the asphalt plant should be allowed at any time during the planning approval period;
- (n) the submission of footpath, internal road, internal run-around facilities and vehicles buffer queuing spaces proposals within six months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB;

- (o) the implementation of footpath, internal road, internal run-around facilities and vehicles buffer queuing spaces proposals within nine months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB;
- (p) the submission of landscape and tree preservation proposals within six months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB;
- (q) the implementation of landscape and tree preservation proposals within nine months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB;
- (r) the submission of water supplies for fire fighting and fire service installations proposals within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB;
- (s) the implementation of water supplies for fire fighting and fire service installations proposals within nine months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB;
- (t) the submission and implementation of fire service installations and water supplies for fire fighting within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB; and
- (u) the submission of a Barging Operation Plan to the satisfaction of the Director of Marine or of the TPB before commencement of vessel/barging activities.

Details of Departmental Comments

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

- (a) the Site is accessible to Sai Tso Wan Road only through Section A of Tsing Yi Town Lot 108. The applicant is responsible to make their own arrangement for necessary access; and
- (b) the Government reserves all its rights to take appropriate lease enforcement action if there is any breach of lease conditions.

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

- (a) the Barging Operation Plan should include the following operation arrangement:
 - (i) no ocean-going vessel shall be allowed or permitted to use the sea access or berth at the designated seafrontage of the Site;
 - (ii) not more than two vessel / barging activities shall be allowed to use the sea access and berth at the designated seafrontage of the Site per day;
 - (iii) only one tier of vessel or barge shall be allowed to berth at the designated seafrontage of the Site and no off-shore anchoring shall be permitted in the vicinity;
 - (iv) any vessel / barging activity operating near or at the seafrontage of the Site shall not cause any obstruction to the through traffic of the Site nor affect the operation of other sites in the vicinity;
 - (v) the route of vessel / barging and the Marine Traffic Impact Assessment Report; and
 - (vi) any vessel or barge employed / engaged / involved for loading / unloading at the Site shall comply with local legislation. Sufficient manning shall be maintained on board the vessel / barge at all times.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing of the Lands Department (LandsD) that
- (i) the proposed use as an asphalt plant under the subject application is not permissible under the existing lease. The applicant should apply to LandsD for a temporary waiver for the proposal. The application will be considered by 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 as the Government shall deem fit to do so, including, among others, charging of waiver fee and administrative fee;
 - (ii) the proposal of using part of the existing marshalling area as the waiting spaces of heavy goods vehicles / trucks and for the picking-up / dropping-off of staff is in contravention with the tenancy agreement of the concerned Short Term Tenancy (STT) 3194K&T. The applicant should apply to LandsD for a modification to the tenancy agreement of STT 3194K&T for the proposal. The application will be considered by LandsD acting in the capacity as landlord at its sole discretion including but not limited to the review as to the suitability of its continued letting. There is no guarantee that the modification application will be approved by the Government. Any approval if given will be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of administrative fee and revision to rental;
 - (iii) the applicant shall be responsible to make their own arrangement for necessary access; and
 - (iv) the Government reserves all its rights to take appropriate lease enforcement action if there is any breach of lease conditions;
- (b) to note the comments of the Director of Marine that the Barging Operation Plan should include the following operation arrangement:
- (i) no ocean-going vessel shall be allowed or permitted to use the sea access or berth at the designated seafrontage of the Site;
 - (ii) not more than two vessel / barging activities shall be allowed to use the sea access and berth at the designated seafrontage of the Site per day;
 - (iii) only one tier of vessel or barge shall be allowed to berth at the designated seafrontage of the Site and no off-shore anchoring shall be permitted in the vicinity;
 - (iv) any vessel / barging activity operating near or at the seafrontage of the Site shall not cause any obstruction to the through traffic of the Site nor affect the operation of other sites in the vicinity;

- (v) the route of vessel / barging and the Marine Traffic Impact Assessment Report; and
 - (vi) any vessel or barge employed / engaged / involved for loading / unloading at the Site shall comply with local legislation. Sufficient manning shall be maintained on board the vessel / barge at all times;
- (c) to note the comments of the Director of Environmental Protection that the asphalt plant needs to be operated with a Specified Process Licence complying with requirements as stipulated in the Best Practice Means Tar and Bitumen Works (Asphalt Concrete Plants) BPM 3/2;
- (d) to note the comments of the Chief Engineer/Construction of the Water Supplies Department (WSD) that the proposed development is outside the existing salt water supply zone of Tsing Yi Island. For provision of fresh water supply to the development, the applicant may need to extend his/her inside services to the nearest government water mains for connection and seek approval from the Water Authority as necessary. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the installation, operation and maintenance of inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Electrical and Mechanical Services that:
- (i) in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organisation and supervision of 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 Site. The Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation should be observed when carrying out works in the vicinity of the electricity supply lines; and
 - (ii) if there is any change in the proposed development that will result in an increase in living or working population within the consultation zone of the existing Potentially Hazardous Installation, namely Shell Oil / LPG terminal, a quantitative risk assessment will be required for submission to the "Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations" for consideration;
- (f) to note the comments of the Director of Fire Services that:
- (i) the arrangement of emergency vehicular access shall comply with Section 6, Part D of the 'Code of Practice for Fire Safety in Building 2011', which is administered by the Buildings Department; and
 - (ii) the applicant should comply with relevant provisions in the regulation for the storage, use, manufacture and conveyance of dangerous goods above exempt quantity;

- (g) to note the comments of the Chief Building Surveyor/New Territories West of the Buildings Department that:
 - (i) erection of asphalt plant is subject to valid Temporary Building Permit and/or Temporary Occupation Permit issued by the Building Authority. Asphalt plants are 'buildings' under the Building Ordinance. Detailed comment will be given upon receipt of submission of general building plans; and
 - (ii) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided for all the buildings to be erected on the Site in accordance with the requirements under the Building (Planning) Regulation 41D; and
- (h) to note the comments of the Chief Engineer/Port Works of the Civil Engineering and Development Department that the applicant should ensure that any proposed works within the Site shall be so designed and constructed as not to adversely affect the seawall and marine structures in the vicinity, and shall make building plan submissions prior to any building works.