

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TY/135

- Applicant** : Hongkong United Dockyards Limited represented by Knight Frank Petty Limited
- Site** : Tsing Yi Town Lot 108 RP (Part), Sai Tso Wan Road, Tsing Yi
- Site Area** : About 6,557.493 m²
- Lease** : (a) To expire on 30.6.2047
(b) Restricted to ship building, ship repairing and ancillary uses, such heavy engineering uses as may be approved by the Director of Lands, cargo handling, and storage and repair of containers
- Plan** : Draft Tsing Yi Outline Zoning Plan (OZP) No. S/TY/29 (currently in force)

Approved Tsing Yi OZP No. S/TY/28 (in force at the time of submission. The zoning and development restrictions for the site remain unchanged on the current OZP)
- Zoning** : “Industrial” (“I”)

[Restricted to a maximum plot ratio (PR) of 9.5, or the PR of the existing building, whichever is the greater]
- Application** : Temporary Asphalt Plant for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use part of Tsing Yi Town Lot (TYTL) 108 RP (the Site) for temporary asphalt plant for a period of five years. The Site falls within an area zoned “I” on the approved Tsing Yi OZP No. S/TY/28 in force at the time of submission. The zoning and development restrictions for the Site remain unchanged on the current OZP No. S/TY/29 (**Plan A-1**). According to the Notes of the OZP, ‘Asphalt Plant’ is a Column 2 use within the “I” zone, which requires planning permission from the Town Planning Board (the Board).

- 1.2 The Site is part of the subject of a previous application (No. A/TY/112) submitted by the same applicant for a proposed temporary concrete batching plant for a period of three years, which was approved by the Metro Planning Committee (the Committee) of the Board on 24.9.2010 (**Plan A-1**). The planning approval was revoked on 24.6.2012 since the applicant failed to comply with the approval conditions in relation to the implementation of the operation control and traffic management measures, landscape and fire service installations proposals (see paragraph 4.2 below). The proposed temporary concrete batching plant was subsequently not implemented and the operation was not commenced. The Site is currently used for storage of construction materials.
- 1.3 According to the applicant, the proposed asphalt plant consists of main plant / mixing towers, control room, laboratory and electrical plant building, diesel oil tank, six aggregate silos, storage shed, conveyer structures and waterfront hoppers (**Drawings A-2 to A-6**). While the design rated output of the proposed plant is 260 tonnes per hour, the applicant has proposed that the actual production rate will be limited to not exceeding 80% of the output rate (i.e. 208 tonnes per hour) under the Specified Process License issued by the Environmental Protection Department. The proposed asphalt plant will be 24-hour standby for production orders and there will be 14 workers at the plant.
- 1.4 According to the applicant, the covered area of the proposed asphalt plant is about 2,684.428m² and the maximum height of the proposed development is about 30.525mPD (about 25.125m) (**Drawings A-2 and A-6**). A total number of seven heavy goods vehicle parking spaces, four private car parking spaces, one accessible car parking space, one loading/unloading space and three loading/unloading spaces for other material trucks will be provided within the Site (**Drawing A-7**). The applicant has also proposed that part of an existing marshalling area next to the private road leading to Sai Tso Wan Road currently let to the applicant under short term tenancy (STT) can be used during special situation, which can provide about 44 waiting spaces for heavy goods vehicles in which 16 of them¹ are reserved for the proposed plant (**Drawing A-8 and Plan A-2**). The marshalling area can also be used for pick-up/drop-off of staff if required. There is also a contingency plan where the Site can accommodate a maximum of 17 heavy goods vehicles to avoid stacking of vehicles outside the proposed plant in case the plant comes to no production due to system failure (**Drawing A-9**).
- 1.5 The Site is accessible via a private road through Sai Tso Wan Road where the entrance is at the southeast portion of the Site (**Drawing A-7**). According to the applicant, about 80% of raw materials required for the operation of the proposed development will be delivered by sea with an average of three barges per week. The remaining 20% consisting of bitumen and fuel will be delivered by trucks, where two trucks of bitumen per day (when the plant is running in maximum capacity) and one waste disposal truck and fuel tanker per two to three days will be required. Delivery of raw materials will be carried out during off-peak hours.

¹ The remaining 28 waiting spaces are proposed to be reserved for the adjacent temporary concrete batching plant under Planning Application No. A/TY/136 to be considered at the same meeting.

- 1.6 According to the revised Traffic Impact Assessment (TIA) submitted by the applicant (**Appendix Iv** with replacement page at **Appendix Iw**), it is estimated that the proposed development will generate a net increase of two-way traffic of 59 and 47 passenger car units per hour during the morning and afternoon peaks respectively. In view of the limited junction reserve capacity as identified by the findings of the TIA, the applicant has proposed two junction improvement schemes. The first one is to convert one of the existing “left-turn” lanes to “right-turn” lane by revising the road marking at the junction of Cheung Tsing Highway/Tsing Yi Road West (Junction J1 in the TIA) (**Drawing A-10** and **Plan A-2**). The second one is to increase the signal cycle time at the junction of Sai Tso Wan Road/Tsing Yi Road/Tsing Yi Road West (Junction J4 in the TIA) to enhance the traffic flow capacity by modifying two existing straight road-crossing points to staggered road-crossing points and converting an “ahead / left-turn” lane to “left-turn” lane (**Drawing A-11** and **Plan A-2**). The applicant has also undertaken that no asphalt truck will pass through some of the critical junctions in Tsing Yi during the peak hour periods except under emergency and exceptional cases. Traffic management plan including the use of fleet management system will be formulated to monitor and ensure the implementation of the above measures.
- 1.7 The development parameters for the proposed asphalt plant are summarised below:

Site Area	About 6,557.493m ²
Site Coverage	About 40.937%
Gross Floor Area	About 3,074.280m ²
Plot Ratio	About 0.469
Maximum Building Height of the Structure(s)	Not more than 30.525mPD (Not more than 25.125m)
No. of Heavy Goods Vehicle Parking Spaces	7
No. of Private Car Parking Spaces	5 (including 1 accessible space)
No. of Loading/Unloading Bays	1
No. of Loading/Unloading Bays for Other Material Trucks	3

- 1.8 Location plan, proposed layout plan, elevation and section plans, parking arrangement plan, junction improvement scheme plans and contingency plan submitted by the applicant are shown on **Drawings A-1** to **A-11**.
- 1.9 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 17.5.2017 (**Appendix I**)
 - (b) Planning Statement attached to the Application Form received on 17.5.2017 (**Appendix Ia**)

- (c) Letter dated 30.6.2017 enclosing tables of responses to departmental comments and a revised TIA²
[accepted and not exempted from publication and recounting requirement] (Appendix Ib)
- (d) Letter dated 10.8.2017 requesting deferment of the application (Appendix Ic)
- (e) Letter dated 27.9.2017 enclosing tables of responses to departmental comments and a revised Environmental Assessment (EA)³
[accepted and not exempted from publication and recounting requirement] (Appendix Id)
- (f) Letter dated 16.11.2017 requesting deferment of the application (Appendix Ie)
- (g) Letter dated 24.1.2018 enclosing tables of responses to departmental comments, a revised EA³ and a Health Risk Impact Assessment (HRIA)³
[accepted and not exempted from publication and recounting requirement] (Appendix If)
- (h) Letter dated 5.2.2018 enclosing a disc containing supplementary information of the EA (Appendix Ig)
- (i) Letter dated 9.3.2018 enclosing tables of responses to departmental comments and a revised HRIA³
[accepted and not exempted from publication and recounting requirement] (Appendix Ih)
- (j) Letter dated 15.3.2018 enclosing tables of responses to departmental comments and a revised EA and HRIA
[accepted and not exempted from publication and recounting requirement] (Appendix Ii)
- (k) Letter dated 25.4.2018 requesting deferment of the application (Appendix Ij)
- (l) Letter dated 29.6.2018 enclosing tables of responses to departmental and public comments, replacement pages of the revised EA and a revised TIA²
[accepted and not exempted from publication and recounting requirement] (Appendix Ik)
- (m) Letter dated 26.7.2018 enclosing a table of responses to departmental comments (Appendix Im)
- (n) Letter dated 6.8.2018 requesting deferment of the application (Appendix In)

² The applicant has submitted a revised TIA report on 19.6.2019 (**Appendix Iv**) superseding previous TIA reports. Hence, the superseded TIA reports are not included in the appendices.

³ The applicant has submitted a revised EA and HRIA report on 15.3.2019 (**Appendix Ii**) superseding previous EA and HRIA reports. Hence, the superseded EA and HRIA reports are not included in the appendices.

- (o) Letter dated 12.10.2018 enclosing tables of responses to departmental and public comments⁴ and a revised TIA² **(Appendix Io)**
[accepted and not exempted from publication and recounting requirement]
- (p) Letter dated 18.10.2018 enclosing a table of responses to public comments **(Appendix Ip)**
[accepted and not exempted from publication and recounting requirement]
- (q) Letter dated 29.11.2018 enclosing a table of responses to public comments and a revised TIA² **(Appendix Iq)**
[accepted and not exempted from publication and recounting requirement]
- (r) Letter dated 10.1.2019 enclosing a revised TIA² **(Appendix Ir)**
[accepted and not exempted from publication and recounting requirement]
- (s) Letter dated 28.2.2019 enclosing tables of responses to departmental and public comments and a revised TIA² **(Appendix Is)**
[accepted and not exempted from publication and recounting requirement]
- (t) Letter dated 26.3.2019 enclosing a table of responses to departmental comments and a revised TIA² **(Appendix It)**
[accepted and not exempted from publication and recounting requirement]
- (u) Letter dated 9.5.2019 enclosing a table of responses to departmental and public comments and a revised TIA² **(Appendix Iu)**
[accepted and not exempted from publication and recounting requirement]
- (v) Letter dated 19.6.2019 enclosing a revised TIA **(Appendix Iv)**
[accepted and not exempted from publication and recounting requirement]
- (w) Letter dated 22.7.2019 enclosing a table of responses to departmental comments, a replacement page of the revised TIA, a location plan of critical junctions proposed to be restricted for asphalt trucks and clarifications on the methodology adopted for the revised TIA / EA **(Appendix Iw)**
- (x) Letter dated 24.7.2019 providing clarifications on the use of the proposed vehicle marshalling area **(Appendix Ix)**

1.10 The application was originally scheduled for consideration by the Committee on 14.7.2017. On 25.8.2017, 24.11.2017, 4.5.2018 and 17.8.2018, 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 to address the departmental comments. The applicant subsequently submitted further information to address the departmental and public comments on several occasions. The application has been scheduled for consideration by the Committee of the Board at this meeting.

⁴ The applicant has submitted an updated table of responses to public comments on 18.10.2018 **(Appendix Ip)** superseding the table of responses to public comments submitted on 12.10.2018. Hence, the relevant table of responses that have been superseded is not included in the appendices.

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 to Ii, Ik, Im, Io to Ix** which are summarised as follows:

In Line with the Planning Intention and Compatible with Surrounding Environment

- (a) Being located within an area zoned “I” under the OZP, the proposed asphalt plant is in line with the planning intention of “I” zone.
- (b) The Site is surrounded by other industrial-related operations such as shipyards, oil depots, works sites, warehouses, open vehicle parks and container-related uses, etc. The proposed development should be considered compatible with the surroundings.

Facilitate the Expansion of Local Construction Sector

- (c) Construction costs of public works projects have been increasing over the years. According to the 2016 Policy Address, the Government promulgated its intention in expanding the overall capability and capacity of local construction sector to undertake projects to contain cost escalation caused by insufficient capability and capacity. As such, the Government should provide suitable sites to facilitate the expansion of local construction sector and to strengthen cost control.

Meet the Growing Demand for Asphalt Production

- (d) There will be an increasing demand for construction materials including asphalt for the implementation of large-scale infrastructure projects in Hong Kong. Asphalt as construction materials will be required to support the expansion of the Hong Kong International Airport into a three-runway system, the Hong Kong-Zhuhai-Macao Bridge and other road projects as well as the construction works of new development areas, potential railway property development projects, and the Strategic Growth Areas of East Lantau Metropolis and New Territories North as set out in the Hong Kong 2030+.

Current Limited Supply of Asphalt in Hong Kong

- (e) Existing asphalt plants are being operated in areas not intentionally planned for asphalt plant use and operators are facing difficulties in searching for appropriate sites, if any, to set up their plants to enable a steady and sufficient supply of asphalt to support the infrastructure development and all projects under planning / design / construction.

Strategic Location of the Application Site for the Proposed Development

- (f) The Site is strategically located at the centre of Hong Kong with marine access for delivery of raw materials for the production of asphalt. Being relatively equidistant to major construction sites in Kowloon East, North District, North Lantau and Northern Hong Kong Island, it will enable timely and cost-effective delivery of asphalt products and most importantly lowering the carbon footprint of each public work project.

- (g) The proposed development is located at a remote area of Tsing Yi West industrial area and the range of high hills at the central part of Tsing Yi Island will serve as a partition to block off potential environmental impacts and disturbances to the residential areas in the north-eastern part of Tsing Yi.

Approved Planning Applications for Concrete Batching Plant and Asphalt Plant Nearby

- (h) Since 2008, all the planning applications for temporary concrete batching plant and temporary asphalt plant within the same “I” zone were approved on the grounds that the developments were generally in line with the planning intention of the “I” zone; considered not incompatible with the surrounding industrial related developments; and no adverse comments were received from relevant Government departments.

No Adverse Impacts

Environmental Assessment

- (i) The revised EA (**Appendix Ii** with replacement pages at **Appendix Ik**) based on the adopted methodologies and assumptions concludes that with the implementation of mitigation measures suggested in the EA, no insurmountable environmental impact shall be resulted. For air quality, the recommended site specific air pollution control measures will reduce potential environmental nuisances to the public during the operational phase of the proposed development. For noise aspect, there are no sensitive receivers identified within 300m of the Site boundary that will rely on opened windows for ventilation. For water quality, there will be no unacceptable water quality impact during construction and operational phases. For waste management aspect, construction and demolition materials are expected to be minimal as site formation is not required for the construction of the development. Solid waste products will also be crushed and recycled for production use.

Land Contamination

- (j) The Site has been used for open storage of containers with no evidence of industrial or ship-repairing activities. There is also no record of spillages / leakages of chemicals and fuels, remediation activities, fire and explosion incidents at the Site. Hence, the chance of land contamination arising from previous uses is low and will unlikely affect the proposed development. Should site investigation be considered necessary, the applicant is willing to conduct such investigation before the commencement of any construction of the proposed plant.

Hazard Assessment

- (k) The production process of the development is largely enclosed without hazardous substances and will not affect the Shell Oil Depot. There are currently 15 workers employed for the existing steel material storage, and it is anticipated that only 14 workers will be employed for the proposed development. Since the proposed development will not increase individual and societal risks, a Hazard Assessment will not be required.

Traffic Assessment

- (l) The revised TIA (**Appendix Iv** with replacement page at **Appendix Iw**) based on the adopted methodologies and assumptions concludes that the traffic generated by the proposed development can be absorbed by the road network, and the proposed development is acceptable from traffic engineering point of view. All the assessed junctions will be operating with spare capacity with implementation of the proposed junction improvement schemes. Adequate car parking spaces will be provided and hence vehicles generated to and from the proposed development will not queue along Sai Tso Wan Road. Traffic management plan will be formulated and implemented (including restriction of vehicles into some of the critical junctions, use of fleet management system through global positioning system, generation of trip audit reports, on-site random checking and investigation / rectification actions) to monitor and ensure the implementation of the above measures.

Marine Traffic

- (m) There will be no adverse marine traffic impact as the barging area will be closely supervised and an average of three barges will be required per week.

Visual and Landscape

- (n) The visual and landscape value of the Site is generally low as the Site is located within a special industrial area surrounded by shipyards, oil depots, warehouses, open vehicle parks and container-related uses.

Health Impact

- (o) The revised HRIA (**Appendix Ii**) concludes that there is no exceedance of the target level for lifetime cancer risk, lifetime non-cancer risk (chronic) and acute hazard.

Favourable Consideration to the Proposed Development regarding the Imposition of Time Limit of Implementation and Compliance of Approval Conditions

- (p) Given the realistic development programme of the proposed development and taking into account the time of obtaining a temporary waiver from the Lands Department and the construction works of the proposed development, the applicant has requested the Board to give consideration to impose the time limits for the implementation / provision requirement of all the relevant approval conditions to be stipulated as ‘before the commencement of operation of the proposed development’ should the application be approved.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Previous Application (Plan A-1)**

- 4.1 Part of the Site (about 59.5% of the Site) was the subject of a previous application No. A/TY/112.
- 4.2 Planning Application No. A/TY/112 for a temporary concrete batching plant for a period of three years covering part of the Site was approved with conditions by the Committee on 24.9.2010 up to 24.9.2013. Details of the application are summarised in **Appendix II**. The approval was revoked on 24.6.2012 since the applicant failed to comply with the approval conditions regarding the implementation of operation control and traffic management measures, the implementation of the landscape proposal and the provision of emergency vehicular access, water supplies for fire fighting and fire service installations proposals. The proposed temporary concrete batching plant was subsequently not implemented and the operation was not commenced. The Site is currently used for storage of construction materials.

5. **Similar Applications (Plan A-1)**

- 5.1 There are six similar planning applications (Nos. A/TY/32, A/TY/58, A/TY/59, A/TY/106, A/TY/118 and A/TY/129) for asphalt plant use within the “T” zone on the Tsing Yi OZP. Details of the applications are summarised in **Appendix II**. Three of them (Nos. A/TY/32, A/TY/58 and A/TY/59) approved before 2003 on a permanent basis were subsequently not implemented and the planning permissions were lapsed.
- 5.2 Application No. A/TY/106 for a temporary asphalt plant for three years was approved with conditions by the Committee on 29.1.2010. The approval was granted mainly on the considerations that the asphalt plant was considered not incompatible with the surrounding industrial-related developments and there were no adverse comments from the concerned departments.
- 5.3 Application Nos. A/TY/118 and A/TY/129 covered largely the same site of Application No. A/TY/106. Application No. A/TY/118 for a temporary asphalt plant for three years was approved with conditions by the Committee on 6.7.2012. Application No. A/TY/129 was submitted by the same applicant of Application No. A/TY/118 for a period of five years, which was approved by the Committee on 7.8.2015. The approvals were granted mainly on similar considerations for Application No. A/TY/106. The proposed asphalt plant is now in operation.

6. **The Site and Its Surrounding Areas (Plans A-1 to A-3 and Photos on Plans A-4 and A-5)**

- 6.1 The Site:
 - (a) is mainly accessible from a private road of TYTL 108 RP in the east, which extends from the end of Sai Tso Wan Road (**Plan A-1**);

- (b) is a piece of flat land at the southern portion of TYTL 108 RP, which is located at the western part of Tsing Yi;
- (c) forms part of the Hongkong United Dockyards, currently being used for storage of construction materials (**Plans A-4 and A-5**); and
- (d) has sea frontage to its southwest.

6.2 The surrounding areas have the following characteristics:

- (a) to its east and northeast along the private road is a Government land currently under STT 3194K&T (**Plan A-2**) where part of the STT is for the purpose of a marshalling area for container vehicles. To its further east is Cheung Tsing Highway located above the steep slope;
- (b) to its south and south-east is the Shell Oil Depot. To the further southeast, there is an existing concrete batching plant approved by the Committee on a temporary basis of five years on 14.10.2016 under Application No. A/TY/132 (**Plan A-2**);
- (c) to its west and southwest is Ma Wan Channel;
- (d) to its immediate north and west adjoining the Site also forming part of TYTL 108 RP is a site currently being used for storage of construction materials, which is also subject to a proposed temporary concrete batching plant for a period of five years under Application No. A/TY/136 submitted by the same applicant. The application is scheduled for consideration by the Committee at the same meeting (**Plan A-2**); and
- (e) to its north and northwest is the Hongkong United Dockyards. To the further northwest also forming part of TYTL 108 RP, there is an existing asphalt plant approved by the Committee on a temporary basis on 7.8.2015 for five years (Application No. A/TY/129). The same site is also subject to a proposed temporary asphalt plant for a period of five years under Application No. A/TY/139 to be considered by the Committee tentatively on 6.9.2019. Besides, there are two existing concrete batching plants approved by the Committee on a temporary basis on 28.11.2014 and 7.8.2015 both for five years under Application Nos. A/TY/126 and A/TY/128 respectively (**Plans A-1 to A3**).

7. **Planning Intention**

The “I” zone is intended primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries and office related to industrial use are also always permitted in this zone.

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 subject lot is restricted under lease for ship building, ship repairing and ancillary uses, such heavy engineering uses as may be approved, cargo handling, and storage and repair of containers;
- (b) the proposed asphalt plant is not permissible under the existing lease. Should planning approval be granted, the applicant would need to apply to LandsD for a temporary waiver for the proposal. The proposal would only be considered upon receipt of formal application from the applicant. There is no guarantee that the application, if received by LandsD, would be approved and she reserves her comment on such application. The application would be considered by LandsD acting in the capacity as landlord at its sole discretion. In the event that the application is approved, it would 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;
- (c) it is noted that the applicant has proposed to arrange waiting spaces for heavy goods vehicles / trucks at part of the existing marshalling area under STT 3194K&T. It is also noted that the applicant has proposed to use the said marshalling area for the picking-up and dropping-off of staff. The said uses as proposed by the applicant in the marshalling area will be in contravention with the tenancy agreement of the concerned STT 3194K&T. It is noted that the applicant will apply for a modification of the tenancy agreement of STT 3194K&T to permit marshalling of motor vehicles including container vehicles and trucks;
- (d) should the proposed arrangement at the marshalling area be accepted by the Transport Department and planning approval be granted, the applicant would need to apply to LandsD for a modification to the tenancy agreement of STT 3194K&T for the proposal. The said proposed modification to the tenancy agreement would only be considered upon receipt of formal application from the applicant. The application would 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, if received by LandsD, would be approved and she reserves her comment on such application. In

the event that the modification application is approved, it would 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; and

- (e) other detailed comments on land matters are listed out in **Appendix IV**.

Traffic

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

- (a) he has no objection to the application based on the submission from the applicant;
- (b) should the planning application be approved, the following approval conditions should be imposed:
 - (i) the submission of a traffic management plan including details on the fleet management and monitoring / auditing mechanism, restrictions of vehicles at critical junctions, etc. and a transportation plan before commencement of the operation of the proposed development to the satisfaction of the Commissioner for Transport or of the Board;
 - (ii) in relation to (i) above, the implementation of the approved traffic management / transportation plans during the operation period of the proposed development to the satisfaction of the Commissioner for Transport or of the Board;
 - (iii) no queuing on public roads in the vicinity of the application site resulting from the operation of the proposed development shall be allowed at any time during the planning approval period of the proposed development;
 - (iv) the design and implementation of the road junction improvement works, as proposed by the applicant, before commencement of the operation of the proposed development to the satisfaction of the Commissioner for Transport or of the Board;
 - (v) the design of the proposed vehicle marshalling area, as proposed by the applicant, before commencement of the operation of the proposed development to the satisfaction of the Commissioner for Transport or of the Board; and
 - (vi) in relation to (v) above, the provision of the proposed vehicle marshalling area, as proposed by the applicant, during the operation period of the proposed development to

the satisfaction of the Commissioner for Transport or of the Board.

Marine Safety

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

- (a) from marine traffic point of view, he has no objection to the application subject to the submission of a 'Barging Operation Plan' (BOP) setting out details of the type and size of the vessel / barge involved, relevant operation, mooring arrangement, etc. to the satisfaction of D of Marine prior to the commencement of the operation of the proposed development; and
- (b) details of other comments are listed out in **Appendix IV**.

Health

8.1.4 Comments of the Director of Health (D of Health):

- (a) her comment on the HRIA report are summarised as follows:
 - (i) the HRIA report submitted by the applicant (**Appendix Ii**) focuses on the non-Air Quality Objectives (AQOs) pollutants (bitumen fume) emissions by the chimney of the proposed asphalt plant. With reference to the emission limit of 5 mg/m³ bitumen fume stipulated in the relevant Environmental Protection Department's (EPD) Guidance Note for asphalt plant, assumptions and dispersion modeling are then applied for estimating the human exposure concentrations (maximum one-hour and annual levels) for the identified non-AQOs pollutants at the air sensitive receivers (ASRs) which are also listed in the corresponding EA Report. As she has no authority on the operation of asphalt plant and have no expertise on the dispersion modeling, EPD can provide expert comment on the identification of non-AQOs and ASRs as well as the corresponding exposure concentrations; and
 - (ii) further to the exposure concentrations, acute and chronic non-cancer risks as well as cancer risks associated with the identified non-AQOs pollutants are then estimated with reference to the international / overseas (i.e. the World Health Organisation, the United States and the United Kingdom) reference levels. It is found that the exposure concentrations are lower than the listed adopted reference levels. In this connection, she has no adverse comment on the results provided that the estimation of exposure concentrations for the listed non-AQOs pollutants is appropriate and correct.

Environment

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

- (a) after reviewing the revised EA (**Appendix Ii** with replacement pages at **Appendix Ik**), he has no objection to the application;
- (b) the asphalt plant will need 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;
- (c) from land contamination point of view, should the application be approved, the following condition should be imposed:

a full Site Inspection should be conducted in accordance with requirements in the “Practice Guide for Investigation and Remediation of Contamination Land”, including the submission of Contamination Assessment Plan, Contamination Assessment Report and, if deemed necessary, Remediation Action Plan and Remediation Report before the commencement of any construction of the proposed asphalt plant;
- (d) regarding D of Health’s comments mentioned in paragraph 8.1.4 (a)(i) above, he has no particular comment;
- (e) regarding the public comments related to air quality impact arising from the design / operation of the proposed development and the relevant methodology of the EA report in paragraphs 9.3(b) and 9.4 below, his comment on the revised EA report is based on the emission and dispersion characteristics of the potential emission points of a preliminary asphalt plant design with reference to the Best Practicable Means (BPM) requirements. The detailed design of the plant, in particular any internal process and the detailed monitoring requirements, should be dealt with during the application of the Specified Process Licence by following all necessary requirements on emission control, plant design and monitoring set out in the BPM; and
- (f) regarding the public comments related to noise impact in paragraph 9.3(b) below, it is revealed in the EA report that there is no noise sensitive receiver within 300m of the Site. Hence, noise concern is not envisaged.

Water Supplies

8.1.6 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD):

- (a) he has no objection to the application; and

- (b) 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 lot to WSD's standards.

Electricity and Gas Safety

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

- (a) he has no particular comment on the application on electricity supply safety and gas safety aspects;

Safety on Electricity Supply

- (b) the applicant is reminded that in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, design, 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;

Gas Safety

- (c) according to the information given in Clause 5.8.5 of the Planning Statement (**Appendix Ia**) submitted by the applicant, the living or working population of the proposed development will not increase. Hence, the submission of Quantitative Risk Assessment (QRA) is not required; and
- (d) the applicant is reminded that if there is any change in the proposed development that would 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 QRA would be required for submission to the "Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations" for consideration.

Fire Safety

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

- (a) he has no in-principle objection to the application subject to the provision of fire service installations and water supplies for firefighting to the satisfaction of the D of FS. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (b) the applicant is reminded that the arrangement of emergency vehicular access shall comply with Section 6, Part D of the 'Code of Practice for Fire Safety in Buildings 2011', which is administered by the Buildings Department; and
- (c) for the proposed single-storey diesel oil tank, the diesel is classified as dangerous goods under Dangerous Goods Ordinance. The applicant should comply with relevant provisions in the regulation for the storage, use, manufacture and conveyance of dangerous goods above exempt quantity.

Urban Design and Landscape

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

Urban Design

- (a) the Site is located on reclaimed land along Cheung Tsing Highway at the western coast of Tsing Yi which is intended for general industrial uses. The immediate surroundings of the Site are largely occupied by industrial activities including dockyard and oil depots with structures ranging from about 10mPD to 28mPD in building height (based on site survey information). The proposed development with a maximum building height of about 25m (about 30.5mPD) may be slightly taller than the surrounding developments. Nevertheless, the proposed development is not considered incompatible with the surrounding context and significant adverse visual impact is not anticipated; and

Landscaping

- (b) the Site does not fall within any sensitive area and there is no significant landscape resources within the Site. As significant adverse landscape impact is not envisaged, landscape condition is therefore not recommended.

Building Matters

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

- (a) he has no comment on the application under the Buildings Ordinance;
- (b) 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 Buildings Ordinance. Detailed comment would be given upon receipt of submission of general building plans; and
- (c) the applicant is reminded that 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.

8.1.11 Comments of the Chief Engineer/Port Works, Civil Engineering and Development Department (CE/PW, CEDD):

- (a) he has no comment on the application; and
- (b) regarding the public comment concerning separation between the seawall and the proposed structures in paragraph 9.3(d) below, the applicant is reminded to 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 whether a 7m separation is required would depend on the assessment by the applicant taking into account the structure of the seawall and the foundation of the buildings, etc. The applicant shall make building plan submissions prior to any building works.

District Officer's Comments

8.1.12 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 Ching Estate Community Centre within the publication periods. No comment has been received; and
- (b) he has no comment on the application from the community point of view.

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

- (a) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (b) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Commissioner of Police (C of P);
- (d) Director-General of Trade and Industry (DG of TI); and
- (e) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD).

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

9.1 On 2.6.2017, the application was published for public inspection. For the subsequent further information submitted by the applicant, 14 of them were not exempted from publication requirement which were also published for inviting public comments. During the statutory public inspection periods, a total of 62 comments were received.

9.2 Among the 62 public comments, 30 object to the application while 30 provide comments on the application. The remaining two indicate no comment on the application. These public comments were submitted by the following parties (**Appendix IIIa**) and individual members of the public (**Appendix IIIb**):

- (a) five comments submitted by three Kwai Tsing District Council (K&TDC) members;
- (b) three comments submitted by the Incorporated Owners of Tsing Yi Greenfield Garden; and
- (c) 54 comments submitted by individual members of the public.

Objecting Views

9.3 The 30 objecting comments from the Incorporated Owners of Tsing Yi Greenfield Garden (3 nos.), two K&TDC members (1 no.) and individual members of the public (26 nos.) mainly object to the application on the following grounds:

- (a) the proposed development will result in adverse traffic impact and road safety issue, particularly there is already heavy traffic generated from the nearby industrial operations (including the existing concrete batching plants, asphalt plant, oil depots, container yards, etc.). Sai Tso Wan Road which is a single-lane road cannot support the increase of traffic. The applicant should propose and implement road improvement scheme to resolve the traffic issues instead of relying on the road improvement works to be proposed under the planned Vehicle Examination Centre at Sai Tso Wan Road;
- (b) the proposed development will have adverse environmental impacts including air pollution, dust emission, water pollution, noise pollution, odour problem, ecological impact and visual impact;

- (c) there are also concerns on fire safety, hygiene problem and health impact on the living and working population in the vicinity;
- (d) the applicant should maintain a 7m separation between the seawall and the proposed structures;
- (e) there is no such large demand for asphalt as estimated by the applicant; and
- (f) Tsing Yi is already a densely-populated residential area and hence no additional industrial uses should be developed in Tsing Yi.

General Comments

- 9.4 The 30 general comments are largely similar to the concerns above which include concerns on the adverse traffic and environmental impacts, fire and operation safety and health and odour impacts arising from the proposed development. In particular, there are enquiries on the methodologies / assumptions adopted for the EA and TIA reports, and whether the design / operation of the proposed development can meet various technical requirements particularly on air quality impact. There are also enquiries on whether there is insufficient supply of asphalt in Hong Kong, and that it will be a waste to utilise the Site for non-public housing purpose.

10. Planning Considerations and Assessments

- 10.1 The application is to seek planning permission to use the Site for a temporary asphalt plant for a period of five years. The Site falls within “T” zone which is intended primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. It is situated in an established special industrial area in west Tsing Yi. An existing temporary asphalt plant and two existing temporary concrete batching plants are located to its northwest within the same lot, and an existing temporary concrete batching plant is located to its southeast (**Plans A-1 and A-2**). The surrounding areas of the Site are occupied by various industrial-related operations, including shipyards, oil depots, works sites, open vehicle parks and container-related uses, etc. The proposed asphalt plant for five years is considered not incompatible with the planning intention for the Site from land use point of view.
- 10.2 Part of the Site was the subject of a previous Application No. A/TY/112 submitted by the same applicant for a temporary concrete batching plant, which was approved by the Committee on 24.9.2010 on the grounds that the proposed use is considered not incompatible with the surrounding industrial developments, and that relevant Government departments have no objection / comments on the application. There are also three similar applications within the same “T” zone approved with conditions on a temporary basis for three / five years between 2010 and 2015. Approval of the application is consistent with the previous decisions of the Committee on similar applications.

- 10.3 In support of the current application, the applicant has submitted a revised TIA (**Appendix Iv** with replacement page at **Appendix Iw**), which demonstrates the traffic generated by the proposed plant can be absorbed by the road network, and that all the assessed junctions will be operating with spare capacity with implementation of the proposed junction improvement schemes (**Plan A-2, Drawings A-10 and A-11**) and traffic management plan. The revised TIA also concludes that the provision of car parking spaces and loading/unloading space can satisfy the normal operation needs and under emergency situation. The applicant has also proposed to use part of an existing marshalling area currently let to the applicant under STT (**Plan A-2 and Drawing A-8**) for providing 16 waiting spaces for heavy goods vehicles during special situation and for the pick-up/drop-off of staff if required. In this regard, C for T and C of P have no objection / comment on the application from traffic point of view. For C for T's traffic concerns in paragraph 8.1.2(b) above, they can be addressed through incorporation of approval conditions.
- 10.4 On environmental aspect, the applicant has submitted a revised EA (**Appendix Ii** with replacement pages at **Appendix Ik**) in support of the application, which demonstrates that with implementation of the recommended mitigation measures, there will be no insurmountable environment impacts. The applicant has also submitted a revised HRIA (**Appendix Ii**) which demonstrates that there is no exceedance of the target level for lifetime cancer and non-cancer risks. In this regard, DEP and D of Health have no adverse comments on the application from environmental and health points of view. For DEP's concern on the land contamination issue in paragraph 8.1.5(c) above, it can be addressed through incorporation of approval condition.
- 10.5 Regarding the marine safety and fire safety concerns raised by the D of Marine and the D of FS in paragraphs 8.1.3 and 8.1.8 above respectively, they can be addressed through incorporation of approval conditions. Relevant Government departments consulted including DG of TI, CBS/NTW of BD and DEMS have no adverse comments on the application, and CTP/UD&L has no objection from the urban design and landscape perspective.
- 10.6 Regarding the public comments, the planning assessments above and departmental comments in paragraph 8 are relevant. In relation to public comments on the EA report particular on air quality impact, DEP has no objection to the application and advises that the detailed design of the proposed plant can be dealt with during the application of the Specified Process Licence. DEP also advises that there is no noise sensitive receiver within 300m of the Site as revealed in the EA report, and hence noise concern is not envisaged. In relation to public comments on the traffic impacts and the TIA report, C for T has no objection to the application from traffic perspective. As for the required separation between seawall and the proposed structures, CE/PW of CEDD advises that the Site shall be designed and constructed such that the seawall and marine structures in the vicinity would not be adversely affected, and the issue shall be dealt with at the stage of building plan submissions.

11. **Planning Department's Views**

- 11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comments received as mentioned in paragraph 9 above, the Planning Department has no objection to the application on temporary basis for a period of five years.
- 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 five years until 2.8.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a traffic management plan including details on the fleet management and monitoring / auditing mechanism, restrictions of vehicles at critical junctions, etc. and a transportation plan before commencement of the operation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the approved traffic management / transportation plans during the operation period of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) no queuing on public roads in the vicinity of the application site resulting from the operation of the proposed development shall be allowed at any time during the planning approval period of the proposed development;
- (d) the design and implementation of the road junction improvement works, as proposed by the applicant, before commencement of the operation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design of the proposed vehicle marshalling area, as proposed by the applicant, before commencement of the operation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) in relation to (e) above, the provision of the proposed vehicle marshalling area, as proposed by the applicant, during the operation period of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) 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 Town Planning Board;

- (h) the submission of a 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 Town Planning Board;
- (i) in relation to (h) above, the implementation of the approved barging operation plan and the maintenance of the proposed measures at all times during the operation period of the proposed development to the satisfaction of the Director of Marine or of the Town Planning Board;
- (j) the completion of a full Site Inspection conducted in accordance with requirements in the 'Practice Guide for Investigation and Remediation of Contamination Land', including the submission of Contamination Assessment Plan, Contamination Assessment Report and, if deemed necessary, Remediation Action Plan and Remediation Report before commencement of the construction of the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (k) if any of the above planning conditions (a), (d), (e), (g) or (h) is not complied with before 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;
- (l) if any of the above planning conditions (b), (c), (f) or (i) is not complied with during the planning approval / operation period 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
- (m) if the above planning condition (j) is not complied with before commencement of the 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.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

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

The submission fails to demonstrate that the proposed development will not have adverse traffic impact on the surrounding areas.

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 17.5.2017
Appendix Ia	Planning Statement attached to the Application Form received on 17.5.2017
Appendix Ib	Letter dated 30.6.2017 enclosing tables of responses to departmental comments and a revised TIA
Appendix Ic	Letter dated 10.8.2017 requesting deferment of the application
Appendix Id	Letter dated 27.9.2017 enclosing tables of responses to departmental comments and a revised EA
Appendix Ie	Letter dated 16.11.2017 requesting deferment of the application
Appendix If	Letter dated 24.1.2018 enclosing tables of responses to departmental comments, a revised EA and a HRIA
Appendix Ig	Letter dated 5.2.2018 enclosing a disc containing supplementary information of the EA
Appendix Ih	Letter dated 9.3.2018 enclosing tables of responses to departmental comments and a revised HRIA
Appendix Ii	Letter dated 15.3.2018 enclosing tables of responses to departmental comments and a revised EA and HRIA
Appendix Ij	Letter dated 25.4.2018 requesting deferment of the application
Appendix Ik	Letter dated 29.6.2018 enclosing tables of responses to departmental and public comments, replacement pages of the revised EA and a revised TIA
Appendix Im	Letter dated 26.7.2018 enclosing a table of responses to departmental comments
Appendix In	Letter dated 6.8.2018 requesting deferment of the application
Appendix Io	Letter dated 12.10.2018 enclosing tables of responses to departmental and public comments and a revised TIA
Appendix Ip	Letter dated 18.10.2018 enclosing a table of responses to public comments
Appendix Iq	Letter dated 29.11.2018 enclosing a table of responses to public comments and a revised TIA
Appendix Ir	Letter dated 10.1.2019 enclosing a revised TIA
Appendix Is	Letter dated 28.2.2019 enclosing tables of responses to departmental and public comments and a revised TIA
Appendix It	Letter dated 26.3.2019 enclosing a table of responses to departmental comments and a revised TIA

Appendix Iu	Letter dated 9.5.2019 enclosing a table of responses to departmental and public comments and a revised TIA
Appendix Iv	Letter dated 19.6.2019 enclosing a revised TIA
Appendix Iw	Letter dated 22.7.2019 enclosing a table of responses to departmental comments, a replacement page of the revised TIA, a location plan of critical junctions proposed to be restricted for asphalt trucks and clarifications on the methodology adopted for the revised TIA / EA
Appendix Ix	Letter dated 24.7.2019 providing clarifications on the use of the proposed vehicle marshalling area
Appendix II	Previous and Similar Applications
Appendix IIIa	Public comments from various parties received during the statutory publication periods
Appendix IIIb	Public comments from individual members of the public received during the statutory publication periods
Appendix IV	Details of Departmental Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Plan
Drawings A-2 to A-6	Layout Plans, Elevation Plans and Section Plans
Drawing A-7	Preliminary Layout of the Proposed Plant
Drawing A-8	Short Term Tenancy Marshalling Area
Drawing A-9	Traffic Contingency Plan
Drawings A-10 to A-11	Proposed Junction Improvement Schemes
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 and A-5	Site Photos

**PLANNING DEPARTMENT
JULY 2019**