

**Appendix II of
MPC Paper No. A/TY/136C**

Previous Application Covering the Site

<u>Application No.</u>	<u>Development</u>	<u>Date of Consideration</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</u>	<u>Approval Conditions / Rejection Reasons</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/85	Redevelopment of an existing concrete batching plant	24.10.2003 Approved with conditions by the MPC of the TPB	(l), (m) & (n)
A/TY/102	Temporary concrete batching plant for a period of three years	22.2.2008 Approved with conditions by the MPC of the TPB	(d) & (e)
A/TY/110	Renewal of planning approval for temporary concrete batching plant for a period of three years	23.12.2010 Approved with conditions by the MPC of the TPB	(a), (o), (p) & (q)

<u>Application No.</u>	<u>Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions / Rejection Reasons</u>
A/TY/117	Proposed temporary concrete batching plant for a period of three years	6.7.2012 Approved with conditions by the MPC of the TPB (Revoked on 6.10.2014)	(a), (p), (q) (r) & (s)
A/TY/119	Temporary concrete batching plant for a period of three years	6.7.2012 Approved with conditions by the MPC of the TPB	(a), (p), (q) (r) & (s)
A/TY/123	Proposed temporary concrete batching plant for a period of three years	28.11.2014 Approved with conditions by the MPC of the TPB	(a), (p) & (t)
A/TY/126	Proposed temporary concrete batching plant for a period of five years	28.11.2014 Approved with conditions by the MPC of the TPB	(a), (d), (e), (p), (t) & (u)
A/TY/128	Temporary concrete batching plant for a period of five years	7.8.2015 Approved with conditions by the MPC of the TPB	(a), (v), (w) & (x)
A/TY/132	Proposed temporary concrete batching plant for a period of five years	14.10.2016 Approved with conditions by the MPC of the TPB	(a), (t), (y), (z) & (aa)
A/TY/139	Temporary concrete batching plant for a period of five years	To be considered by the MPC of the TPB on 6.9.2019 tentatively	--
Rejected Application			
A/TY/101	Concrete batching plant	28.9.2007 Rejected by the MPC of the TPB	(1) & (2)

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 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) the submission of a transport arrangement plan including short and medium term measures to be taken prior to the completion of road junction improvement works for Sai Tso Wan Road/Tsing Yi Road West to the satisfaction of the Commissioner for Transport or of the TPB;
- (n) the provision of emergency vehicular access, fire fighting water supply and fire services installations to the satisfaction of the Director of Fire Services or of the TPB;
- (o) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (p) the submission of water supplies for fire fighting and fire service installations proposals within six months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB;
- (q) the implementation of water supplies for fire fighting and fire service installations proposals within nine months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB;

- (r) 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;
- (s) 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;
- (t) the implementation of water supplies for fire fighting and fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB before commencement of operation of the proposed development;
- (u) the submission of a Barging Operation Plan within six months from the date of the planning approval to the satisfaction of the Director of Marine or of the TPB;
- (v) the maintenance of all landscape plantings within the site at all times during the planning approval period;
- (w) 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;
- (x) 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;
- (y) the submission of water supplies for fire fighting and fire service installations proposals within 12 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB;
- (z) the submission of a traffic management plan, contingency plan and associated mitigation measures and traffic facilities within the application site within 12 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB; and
- (aa) the implementation of traffic management plan, contingency plan and associated mitigation measures and traffic facilities within the application site to the satisfaction of the Commissioner for Transport or of the TPB.

Rejection Reasons:

- (1) the development with a special mode of operation was not compatible with the adjacent proposed recreation and tourism-related uses to the north-west of the site from the land use compatibility point of view; and
- (2) the traffic impact assessment submitted was not acceptable in demonstrating that the development would not generate adverse traffic impact on the surrounding area.

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) only one 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 a concrete batching 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 marshalling area as queuing / waiting spaces for concrete mixers and delivery / disposal trucks and for the picking-up and dropping-off of staff from coach 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) only one 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 concrete batching plant needs to be operated with a Specified Process Licence complying with requirements as stipulated in the Best Practice Means for Cement Works (Concrete Batching 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 the 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 works are carried out in the vicinity of the electricity supply line; 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 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;
- (g) to note the comments of the Chief Building Surveyor/New Territories West of the Buildings Department that:
 - (i) erection of concrete batching plant is subject to valid Temporary Building Permit and/or Temporary Occupation Permit issued by the Building Authority. Concrete batching plants are 'buildings' under the Buildings 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.