

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TY/136

- 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 7,287 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 Concrete Batching 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 concrete batching 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, ‘Concrete Batching 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 The planning approval was revoked on 24.6.2012 since the applicant failed to comply with the approval conditions in relation to the implementation of the operation control and traffic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 concrete batching plant consists of water treatment plant, mixing towers, aggregate silos, cement silos, waste storage dry bay, water tanks, truck washing machine, filter press room, ice machines, conveyors, transformer room, etc. (**Drawings A-2 to A-6**). There will be three production lines each with a design production capacity of 100m³ per hour, and hence the maximum design production capacity of the plant will be 300m³ per hour. However, as proposed by the applicant, the actual production rate will be limited to not exceeding 80% of the output rate (i.e. 240m³ per hour) under the Specific Process License issued by the Environmental Protection Department. The operation hours of the proposed concrete batching plant will be from 7:00 a.m. to 7:00 p.m. from Mondays to Saturdays, and occasionally during night time and on Sundays / public holidays, if required. The number of workers at the plant will be limited to 10.
- 1.4 According to the applicant, the covered area of the proposed concrete batching plant is about 2,347m² (**Drawing A-2**) and the maximum height of the proposed development is not more than 40.3mPD (about 35m) (**Drawings A-3 to A-4**). A total number of 22 heavy goods vehicle parking spaces, four private car parking spaces and three loading/unloading spaces will be provided within the Site (**Drawing A-6**). 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 28 of them¹ are reserved for the proposed plant (**Drawing A-7 and Plan A-2**). The marshalling area can also be used for pick-up/drop-off of staff from coaches if required. There are also contingency plans in case the operation of the plant encounters system failure from one production line to three production lines to avoid stacking of vehicles outside the proposed plant (**Drawings A-8 to A-10**). The Site can accommodate a maximum of 25 heavy goods vehicles in case the whole plant comes to no production due to system failure.
- 1.5 The Site is accessible via a private road through Sai Tso Wan Road where the entrance is at the northeast portion of the Site (**Drawing A-6**). According to the applicant, majority of the raw materials will be delivered by sea where a maximum of one cement barge and one aggregate barge will be required per day under the maximum production capacity. The applicant will liaise with the barge operator to exercise control such that only one barge will arrive at the Site at one time. For the delivery of admixture and disposal of waste by trucks, they will be carried out during off-peak hours. The admixture tanker will only be required

¹ The remaining 16 waiting spaces are proposed to be reserved for the adjacent temporary asphalt plant under Planning Application No. A/TY/135 to be considered at the same meeting.

twice a week and the waste disposal truck will only be required once per two to three days.

- 1.6 According to the revised Traffic Impact Assessment (TIA) submitted by the applicant (**Appendix Io** with replacement page at **Appendix Ip**), it is estimated that the proposed development will generate a net increase of two-way traffic of 119 and 107 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-11** 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-12** and **Plan A-2**). The applicant has also undertaken that no concrete truck will pass through some of the critical junctions in Tsing Yi during the peak hour periods except under emergency and exceptional cases, and will only turn left at the above Junction J4 during the morning peak hour period. 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 concrete batching plant are summarised below:

Site Area	About 7,287m ²
Site Coverage	About 32.2%
Gross Floor Area	About 3,492m ²
Plot Ratio	About 0.48
Maximum Building Height of the Structure(s)	Not more than 40.3mPD (Not more than 35m)
No. of Heavy Goods Vehicle Parking Spaces	22
No. of Private Car Parking Spaces	4
No. of Loading/Unloading Bays	3

- 1.8 Location plan, proposed layout plan, elevation and section plans, parking arrangement plan, junction improvement scheme plans and contingency plans submitted by the applicant are shown on **Drawings A-1** to **A-12**.
- 1.9 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 10.11.2017 with a letter dated 2.11.2017 enclosing a replacement page of the Planning Statement and a revised layout plan, and a letter dated 6.11.2017 providing clarifications in calculations on the revised layout plan (**Appendix I**)
 - (b) Planning Statement attached to the Application Form received on 10.11.2017 (**Appendix Ia**)

- (c) Letter dated 12.12.2017 requesting deferment of the application (Appendix Ib)
- (d) Letter dated 14.2.2018 providing responses to departmental comments, a revised Environmental Assessment (EA) and a revised TIA
[accepted and not exempted from publication and recounting requirement] (Appendix Ic)
- (e) Letter dated 28.3.2018 requesting deferment of the application (Appendix Id)
- (f) Letter dated 5.6.2018 providing responses to departmental comments, replacement pages of the revised EA and a revised TIA²
[accepted and not exempted from publication and recounting requirement] (Appendix Ie)
- (g) Letter dated 23.7.2018 requesting deferment of the application (Appendix If)
- (h) Letter dated 2.10.2018 providing responses to departmental comments and a revised TIA²
[accepted and not exempted from publication and recounting requirement] (Appendix Ig)
- (i) Letter dated 9.11.2018 providing responses to departmental comments and a revised TIA²
[accepted and not exempted from publication and recounting requirement] (Appendix Ih)
- (j) Letter dated 28.12.2018 providing responses to departmental comments and a revised TIA²
[accepted and not exempted from publication and recounting requirement] (Appendix Ii)
- (k) Letter dated 14.2.2019 providing responses to departmental comments and a revised TIA²
[accepted and not exempted from publication and recounting requirement] (Appendix Ij)
- (l) Letter dated 26.3.2019 providing a revised TIA²
[accepted and not exempted from publication and recounting requirement] (Appendix Ik)
- (m) Letter dated 23.4.2019 providing responses to departmental comments and details of the current employee coach services (Appendix Im)
- (n) Letter dated 9.5.2019 providing responses to departmental comments and a revised TIA²
[accepted and not exempted from publication and recounting requirement] (Appendix In)
- (o) Letter dated 19.6.2019 providing a revised TIA
[accepted and not exempted from publication and recounting requirement] (Appendix Io)

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

- (p) Letter dated 17.7.2019 enclosing a table of responses to departmental comments, a replacement page of the revised TIA and a location plan of critical junctions proposed to be restricted for concrete trucks **(Appendix Ip)**

1.10 The application was originally scheduled for consideration by the Committee on 22.12.2017. On 22.12.2017, 6.4.2018 and 3.8.2018, 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 comments on several occasions. The application has been scheduled for consideration by the Committee of the Board 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, Ic, Ie, Ig to Ip**, which are summarised as follows:

In Line with the Planning Intention and Compatible with Surrounding Environment

- (a) Being located within an area zoned “T” under the OZP, the proposed concrete batching plant is in line with the planning intention of “T” 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 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 Concrete Products

- (d) There will be an increasing demand for construction materials including concrete for the implementation of large-scale infrastructure projects in Hong Kong. Concrete as construction materials will be required to support the development of the Strategic Growth Areas of East Lantau Metropolis and New Territories North as set out in the Hong Kong 2030+.

Strategic Location of the Application Site for the Proposed Development

- (e) The Site is strategically located at the centre of Hong Kong with marine access for delivery of raw materials for the production of concrete. 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 concrete products and most importantly lowering the carbon footprint of each development. Convenient access provided by the strategic road network in Tsing Yi is considered desirable for the proposed development.

- (f) 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

- (g) 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

Environment

- (h) The revised EA (**Appendix Ic** with replacement pages at **Appendix Ie**) based on the adopted methodologies and assumptions concludes that no adverse environmental impacts will be anticipated. For air quality, the design of the proposed plant and its operation plan has incorporated air pollution control technologies and control measures to abate the dust impact generated by the production of wet concrete and hence no adverse air quality impact due to the proposed development is anticipated. For noise aspect, there is no existing and planned sensitive use in the vicinity and hence no adverse noise impact will be anticipated. For water quality, proper site management practices will be implemented during construction. No wastewater will be discharged from the proposed plant during the operation and all wastewater will be recycled. There will be no adverse water quality impact at the construction and operational phases. For waste management aspect, construction waste will be handled, transported and disposed by approved methods and recommended good site practices will be adhered to. No adverse environmental impact will be anticipated with respect to solid waste management.

Land Contamination

- (i) The Site is currently used for storage and cargo handling. Except for the handling of cargo and steel bars, no workshops or maintenance / repairing activities relating to cargo and steel bars have been carried out and no chemicals were handled or stored within the Site. As such, significant land contamination issues are not anticipated within the Site. However, given the industrial land use and length of operation, detailed land contamination assessment will be conducted at later stage of development and decontamination works will be carried out prior to any construction works if any land contamination is confirmed.

Hazard Assessment

- (j) As the number of workers in the proposed plant will be limited to 10 which remains the same as the existing use of the Site, the potential risk in both individual and society risks will not be increased or changed due to the proposed plant.

Traffic Assessment

- (k) The revised TIA (**Appendix Io** with replacement page at **Appendix Ip**) 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. 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

- (l) There will not be adverse impact on the marine traffic as the barging area will be closely supervised. A maximum of one cement barge and one aggregate barge will be required per day, and there will only be one barge unloading at any time. The applicant will liaise with the barge operator to control such that only one barge will arrive at the Site at one time.

Visual and Landscape

- (m) 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.

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

- (n) 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 30.6% 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 14 similar planning applications (Nos. A/TY/32, A/TY/58, A/TY/59, A/TY/85, A/TY/101, A/TY/102, A/TY/110, A/TY/117, A/TY/119, A/TY/123, A/TY/126, A/TY/128, A/TY/132 and A/TY/139) for concrete batching plant use within the “I” 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/85 for the redevelopment of an existing concrete batching plant on a permanent basis was approved with conditions by the Committee on 24.10.2003. The approval was granted mainly on the grounds that the proposal was in line with the planning intention of “I” zone, the applicant had undertaken to submit transport arrangement plan and there were no adverse comments from the local residents. The proposal had not been implemented and the planning permission was lapsed on 24.10.2007. Subsequent Application No. A/TY/123 for a temporary concrete batching plant for three years and Application No. A/TY/132 for a temporary concrete batching plant for five years covering the same site were approved by the Committee on 28.11.2014 and 14.10.2016 respectively. The approvals were granted mainly on the grounds that the proposals were considered not incompatible with the surrounding industrial-related developments and there were no adverse comments from the concerned departments. The proposed concrete batching plant is now in operation.
- 5.3 Application No. A/TY/101 for a permanent concrete batching plant was rejected by the Committee on 28.9.2007 on the grounds that the development was not

compatible with the adjacent proposed recreation and tourism-related uses to the northwest of the site and that the TIA was not considered acceptable. Subsequently, Application No. A/TY/102 for a temporary concrete batching plant for three years covering the same site was approved with conditions by the Committee on 22.2.2008. The approval was granted mainly on the grounds that a temporary period of three years could be tolerated as there was no known development programme at the adjacent site planned for proposed recreation and tourism-related uses, and concerned departments had no objection to the application. Subsequent planning approvals for a temporary concrete batching plant for periods of three or five years covering the same site / part of the same site were granted on 23.12.2010, 6.7.2012 and 7.8.2015 (Application Nos. A/TY/110, A/TY/119 and A/TY/128). The approvals were granted mainly on the grounds that there had been no material change in planning circumstances since the approval of the previous planning applications and concerned departments had no objection to the application. The proposed concrete batching plant is now in operation.

- 5.4 Application No. A/TY/117 for a temporary concrete batching plant for three years was approved with conditions by the Committee on 6.7.2012. The approval was granted mainly on the grounds that it was considered not incompatible with the surrounding industrial-related developments and concerned departments had no adverse comments on the application. Yet, the planning permission was revoked on 6.10.2014 due to non-compliance with approval condition. Subsequently, Application No. A/TY/126 submitted by the same applicant for a temporary concrete batching plant for five years covering the same site was approved with conditions by the Committee on 28.11.2014 on similar grounds. The proposed concrete batching plant is now in operation.
- 5.5 Meanwhile, Application No. A/TY/139 for a temporary concrete batching plant for a period of five years at the same site of Application No. A/TY/126 submitted by the same applicant is currently under processing, which will be considered by the Committee on 6.9.2019 tentatively.

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 Hong Kong 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 immediate south 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 asphalt plant for a period of five years under Application No. A/TY/135 submitted by the same applicant. The application is scheduled for consideration by the Committee at the same meeting (**Plan A-2**);
- (c) 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**);
- (d) to its west and southwest is Ma Wan Channel; and
- (e) to its north and northwest is the Hongkong United Dockyards. To the further northwest also forming part of TYTL 108 RP, 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 (Application Nos. A/TY/126 and A/TY/128 respectively). Besides, there is an existing asphalt plant approved by the Committee on a temporary basis of five years on 7.8.2015 under 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 (**Plans A-1 to A-3**).

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 concrete batching 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 queuing / waiting spaces for concrete mixers and delivery / disposal trucks at part of the existing marshalling area under STT 3914K&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 from coach. 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**.

Environment

8.1.4 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 objection to the application;
- (b) the concrete batching plant will need to be operated with a Specified Process Licence complying with requirements as stipulated in the Best Practice Means for Cement Works (Concrete Batching Plant) BPM 3/2; and
- (c) from land contamination point of view, should the application be approved, the following approval 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 concrete batching plant.

Water Supplies

8.1.5 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

8.1.6 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 aspect;

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 works are carried out in the vicinity of the electricity supply line;

Gas Safety (auto-LPG)

- (c) according to the information given in Clause 5.7.5 of the Planning Statement (**Appendix Ia**) together with the relevant content in the EA (**Appendix Ic**) submitted by the applicant, the potential risk incurred will not be increased or changed due to the proposed plant as the number of workers in the proposed plant will be limited to 10 which remains the same as the existing use of the Site. 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

8.1.7 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 D of FS. Detailed fire services

requirements will be formulated upon receipt of formal submission of general building plans; and

- (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.

Urban Design and Landscape

8.1.8 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 height (based on site survey information). The proposed development with a maximum building height of about 35m (about 40.3mPD) is relatively 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

8.1.9 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 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 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.

District Officer's Comments

8.1.10 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 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) Chief Engineer/Port Works, Civil Engineering and Development Department (CE/PW, CEDD);
- (d) Commissioner of Police (C of P);
- (e) Director-General of Trade and Industry (DG of TI); and
- (f) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD).

9. Public Comments Received During Statutory Publication Period

- 9.1 On 21.11.2017, the application was published for public inspection. For the subsequent further information submitted by the applicant, nine 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 26 comments were received.
- 9.2 Among the 26 public comments received, one was submitted by a Kwai Tsing District Council (K&TDC) member (**Appendix IIIa**) indicating no comment on the application. The remaining 25 comments were submitted by individual members of the public, where 24 of them object to the application and one provide general comments on the application (**Appendix IIIb**).
- 9.3 For the 24 comments objecting to the application, three of them are on environmental grounds concerning the air and noise pollution arising from the proposed development where one of them also considers that the proposed temporary approval for a period of five years is too long. The other objecting comments do not indicate any grounds of objection. For the one providing

general comments on the application, the commenter mainly expresses concern on the issue of air pollution.

10. Planning Considerations and Assessments

- 10.1 The application is to seek planning permission to use the Site for a temporary concrete batching 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. Two existing temporary concrete batching plants and an existing temporary asphalt plant 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 concrete batching 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 eight similar applications within the same “T” zone approved with conditions on a temporary basis for three / five years between 2008 and 2016. 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 Io** with replacement page at **Appendix Ip**), which demonstrates that 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-11 and A-12**) and traffic management plan. The revised TIA also concludes that the provision of car parking spaces and loading/unloading spaces 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-7**) for providing 28 waiting spaces for heavy goods vehicles during special situation and for the pick-up/drop-off of staff from coaches 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 on paragraph 8.1.2(b) above, they can be addressed through incorporation of approval conditions.
- 10.4 The applicant has also submitted an EA (**Appendix Ic** with replacement pages at **Appendix Ie**) in support of the application, which concludes that no adverse environmental impacts will be anticipated. In this regard, DEP has no objection to the application apart from his concern on the land contamination issue in

paragraph 8.1.4(c) above, which 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 8.1.7 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 above are relevant.

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 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 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 10.11.2017 with a letter dated 2.11.2017 enclosing a replacement page of the Planning Statement and a revised layout plan, and a letter dated 6.11.2017 providing clarifications in calculations on the revised layout plan
Appendix Ia	Planning Statement attached to the Application Form received on 10.11.2017
Appendix Ib	Letter dated 12.12.2017 requesting deferment of the application
Appendix Ic	Letter dated 14.2.2018 providing responses to departmental comments, a revised EA and a revised TIA
Appendix Id	Letter dated 28.3.2018 requesting deferment of the application
Appendix Ie	Letter dated 5.6.2018 providing responses to departmental comments, replacement pages of the revised EA and a revised TIA
Appendix If	Letter dated 23.7.2018 requesting deferment of the application
Appendix Ig	Letter dated 2.10.2018 providing responses to departmental comments and a revised TIA
Appendix Ih	Letter dated 9.11.2018 providing responses to departmental comments and a revised TIA
Appendix Ii	Letter dated 28.12.2018 providing responses to departmental comments and a revised TIA
Appendix Ij	Letter dated 14.2.2019 providing responses to departmental comments and a revised TIA
Appendix Ik	Letter dated 26.3.2019 providing a revised TIA

Appendix Im	Letter dated 23.4.2019 providing responses to departmental comments and details of the current employee coach services
Appendix In	Letter dated 9.5.2019 providing responses to departmental comments and a revised TIA
Appendix Io	Letter dated 19.6.2019 providing a revised TIA
Appendix Ip	Letter dated 17.7.2019 enclosing a table of responses to departmental comments, a replacement page of the revised TIA and a location plan of critical junctions proposed to be restricted for concrete trucks
Appendix II	Previous and Similar Applications
Appendix IIIa	Public comment from K&TDC member received during the statutory publication period
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-5	Layout Plan, Elevation Plans and Section Plans
Drawing A-6	Preliminary Layout of the Proposed Plant
Drawing A-7	Short Term Tenancy Marshalling Area
Drawings A-8 to A-10	Traffic Contingency Plans
Drawings A-11 to A-12	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**