

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TY/139

- 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 4,200 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 in writing by the Director of Lands, cargo handling, and storage and repair of containers
- (c) Subject to a temporary waiver to waive the above user restriction so as to permit concrete production use for a term of from 7.1.2014 to 6.7.2015 and thereafter quarterly, subject to conditions including, amongst others, compliance with the Town Planning Ordinance
- 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 a 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 which was gazetted on 14.6.2019 (**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 the subject of six previous applications. The last application (No. A/TY/126) submitted by the same applicant for a proposed temporary concrete batching plant for a period of five years was approved by the Metro Planning Committee (the Committee) of the Board with conditions on 28.11.2014 until 28.11.2019. All the approval conditions under Application No. A/TY/126 have been complied with and the subject temporary concrete batching plant is now in operation. The current application is submitted in the form of a fresh application to avoid adversely affecting the continuous operation of the plant, and with submission of technical assessments to ascertain that there will be no insurmountable impacts. Although the application is not submitted in the form of a renewal of planning approval under Application No. A/TY/126, the applicant has advised that they intend to continue the existing operation at the Site, and there will not be any changes in the development parameters and operation scale of the plant as compared with that under Application No. A/TY/126.
- 1.3 According to the applicant, the concrete batching plant comprises of cement silos, aggregate silos, mixing towers, counter weight towers, aggregate overhead bins, ice bucket elevator platform, conveyor belts, slump inspection platform, filter and press machine, control room, plant office, etc. (**Drawings A-2 to A-5**). There are three production lines with a total production capacity of 250m³ per hour. The plant operates from 7:00am to 7:00pm from Mondays to Saturdays, and occasionally during night time and on Sundays / public holidays, if required. The number of workers at the plant is limited to 10.
- 1.4 As advised by the applicant, majority of the raw materials required for the operation of the plant are delivered by sea with a maximum of one cement barge and one aggregate barge per day, and the barging operation arrangement will remain the same as that under the approved Application No. A/TY/126. The remaining raw materials are delivered by trucks during off-peak. The Site is accessible via a private road through Sai Tso Wan Road and shares a common access with the adjacent existing concrete batching plant and asphalt plant under approved Application Nos. A/TY/128 and A/TY/129 (**Drawing A-1**), where the entrance is at the northwest portion of the Site (**Drawing A-5** and **Plan A-2**). Five private car parking spaces and four loading / unloading bays will be provided at the Site (**Drawing A-5**). The applicant has also proposed to use part of the Government land currently held under Short Term Tenancy (STT) 3194 KT (**Plan A-2**) for marshalling of vehicles in relation to the operation of the plant.
- 1.5 According to the revised Traffic Impact Assessment (TIA) submitted by the applicant (**Appendices Ie and Ii**), the existing plant at the Site generates 51 passenger car units per hour. As there will not be any changes in the operation scale of the plant under application as compared with the existing plant at the Site, no additional trips will be generated to the surrounding road network.
- 1.6 Location plan, layout plans, section plan, elevation plan and contingency plan submitted by the applicant are shown on **Drawings A-1 to A-6**.

1.7 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 20.3.2019 (Appendix I)
- (b) Planning Statement attached to the Application Form received on 20.3.2019 (Appendix Ia)
- (c) Letter dated 17.4.2019 providing an Environmental Assessment (EA) and a TIA* (Appendix Ib¹)
- (d) Letter dated 26.4.2019 providing a replacement page of the TIA[#] (Appendix Ic)
- (e) Letter dated 22.5.2019 requesting deferment of the application (Appendix Id)
- (f) Letter dated 9.7.2019 providing responses to departmental comments, a disc containing model files for the EA and a revised TIA* (Appendix Ie)
- (g) Letter dated 22.8.2019 providing responses to departmental comments[#] (Appendix If)
- (h) Letter dated 23.8.2019 providing responses to departmental comments and replacement pages of the EA[#] (Appendix Ig²)
- (i) Letter dated 30.8.2019 providing revised responses to departmental comments, revised replacement pages of the EA and a disc containing revised model files for the EA[#] (Appendix Ih)
- (j) Letter dated 30.8.2019 providing responses to departmental comments and a replacement page of the TIA[#] (Appendix Ii)

Remarks:

* Further information accepted but not exempted from publication and recounting requirement

[#] Further information accepted and exempted from publication and recounting requirement

1.8 The application was originally scheduled for consideration by the Committee on 31.5.2019. On 31.5.2019, 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 9.7.2019. 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 to Ii** which are summarised as follows:

¹ The applicant has submitted a revised TIA report on 9.7.2019 (**Appendix Ie**) superseding previous TIA reports. Hence, the superseded TIA report (i.e. Attachment II of **Appendix Ib**) is not included in the appendix.

² The applicant has submitted revised responses to departmental comments, replacement pages and model files for the EA on 30.8.2019 (**Appendix Ih**) superseding the submissions on 23.8.2019. Hence, the superseded submissions (i.e. Attachment II and III of **Appendix Ig**) are not included in the appendix.

Meeting the Demand for Concrete Products

- (a) There will be an increasing demand for construction materials including concrete for the implementation of large-scale projects in Hong Kong. Concrete 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+. Sufficient and steady supply of concrete will be essential to control the development programme and construction cost of the infrastructure projects.

Strategic Location of the Site for the Concrete Batching Plant

- (b) 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 equidistance 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 lower the carbon footprint of each development. Convenient access provided by the strategic road network in Tsing Yi is considered desirable for the concrete batching plant.
- (c) The Site is located at a remote area of Tsing Yi West industrial area and the range of 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.

No Material Change in Planning Circumstances since Approval of the Previous Application for Concrete Batching Plant

- (d) There is no material change in planning circumstances since the approval of the previous application for temporary concrete batching plant in 2014, and the development parameters of the current application will remain unchanged. Approval of this application will be in line with the previous decision of the Board. The applicant has also complied with all the approval conditions of the previously approved application.

Expiry of the Temporary Occupation Permit

- (e) The current concrete batching plant at the Site is covered by a Temporary Occupation Permit (TOP) issued by the Building Authority which will be expired on 6.7.2019. As it is stated in the Town Planning Board Guidelines No. 34B that application for renewal of planning permission should be submitted to the Board no more than 4 months before the expiry of the temporary approval, a fresh section 16 planning application is submitted to avoid adversely affecting the continuous operation of the plant and the on-going infrastructure projects relying on concrete supply.

No Insurmountable Impacts

- (f) Since there will be no changes to the development parameters as compared with the previously approved application, no adverse impact in relation to traffic, air, water and waste will be generated. As the existing plant at the Site has been operating since 2014, assessments of the surrounding planned / committed

developments subsequent to the existing plant should have taken into account the existence of the plant. The TIA (**Appendices Ie and Ii**) indicates that the plant under application will not generate additional traffic to the surrounding road network. Should there be any failure of the concrete production machines, adequate spaces will be provided for parking of all concrete trucks for the plant and will not affect the adjacent road network (**Drawing A-6**). The applicant will also use a part of the Government land held under STT 3194 KT (**Plan A-2**) for marshalling of vehicles in relation to the operation of the concrete batching plant at the Site.

- (g) The EA (**Appendix Ib and Ih**) also indicates that with the implementation of mitigation measures, no adverse environmental impacts will be anticipated. For air quality, the design of the plant and its operation plan has incorporated air pollution control technologies and measures to abate the dust impact caused by the production of wet concrete. For noise aspect, there is no existing / planned sensitive use in the vicinity and hence no adverse noise impact will be anticipated. For water quality, no adverse water quality impact will be expected as no wastewater will be discharged from the plant during operation and that and all wastewater will be recycled. For waste management aspect, with the environmental control measures properly implemented, no adverse impact will be anticipated. For risk issue, there will be no change in the working population of the plant as compared with the previously approved application, and hence the risk level on the plant is considered acceptable.

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 Applications (Plan A-1)

- 4.1 There are six previous planning applications covering the Site / part of the Site (Nos. A/TY/101, A/TY/102, A/TY/106, A/TY/110, A/TY/117 and A/TY/126). Details of the applications are summarised in **Appendix II**.
- 4.2 Application No. A/TY/101 for a permanent concrete batching plant covering part of the Site 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.
- 4.3 Application No. A/TY/102 for a temporary concrete batching plant for three years covering the same site of Application No. A/TY/101 was approved with conditions by the Committee on 22.2.2008. The approval was granted mainly on the considerations 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 that the concerned departments had no objection to the application.

- 4.4 Application No. A/TY/106 for a temporary asphalt plant for three years covering part of the Site was approved with conditions by the Committee on 29.1.2010. The approval was granted mainly on the considerations that it was considered not incompatible with the surrounding industrial-related uses, and that there were no adverse comments from the concerned departments.
- 4.5 Application No. A/TY/110 for the renewal of planning approval under Application No. A/TY/102 for another three years was approved by the Committee on 23.12.2010. The approval was granted mainly on the considerations that there had been no material change in planning circumstances since the approval of Application No. A/TY/102, and that the concerned departments had no objection to the application.
- 4.6 Application No. A/TY/117 for a temporary concrete batching plant for three years covering the same Site and submitted by the same applicant was approved with conditions by the Committee on 6.7.2012. The approval was granted mainly on the considerations that it was considered not incompatible with the surrounding industrial-related uses, and that the 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 relating to the implementation of water supplies for fire fighting and fire service installations proposals.
- 4.7 Subsequently, Application No. A/TY/126 for a temporary concrete batching plant for five years covering also the same Site and submitted by the same applicant was approved with conditions by the Committee on 28.11.2014 on similar considerations as Application No. A/TY/117. All the approval conditions have been complied with and the subject concrete batching plant is now in operation.

5. Similar Applications

- 5.1 There are ten similar planning applications (Nos. A/TY/32, A/TY/58, A/TY/59, A/TY/85, A/TY/112, A/TY/119, A/TY/123, A/TY/128, A/TY/132 and A/TY/136) for concrete batching plant use within the “I” zone on the Tsing Yi OZP. Details of the applications are summarised in **Appendix III**. 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 considerations 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, both covering the same site of Application No. A/TY/85, were approved by the Committee on 28.11.2014 and 14.10.2016 respectively. The approvals were

granted mainly on the considerations that they were considered not incompatible with the surrounding industrial-related developments and there were no adverse comments from the concerned departments. The subject concrete batching plant is now in operation.

- 5.3 Application No. A/TY/112 for a temporary concrete batching plant for three years was approved with conditions by the Committee on 24.9.2010. The approval was granted mainly on the considerations that it is considered not incompatible with the surrounding industrial-related developments, and that concerned departments had no objection to the application. The planning approval was subsequently 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.
- 5.4 Application No. A/TY/119 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 considerations that there had been no material change in planning circumstances since the approval of previous planning applications, and that the concerned departments had no objection to the application. Subsequent Application No. A/TY/128 for a temporary concrete batching plant for five years covering the same site of Application No. A/TY/119 was approved by the Committee on 7.8.2015 on similar grounds. The subject concrete batching plant is now in operation.
- 5.5 Application No. A/TY/136 for a temporary concrete batching plant for a period of five years was approved with conditions by the Committee on 2.8.2019. The approval was granted mainly on the considerations that it was considered not incompatible with the planning intention for the Site from land use point of view, and that the concerned departments had no adverse comments on the application. The proposed concrete batching plant has yet to commence operation.

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

6.1 The Site:

- (a) is a piece of flat land at the north-western portion of TYTL 108 RP, which is located at the western part of Tsing Yi;
- (b) is currently occupied by an existing concrete batching plant under approved Application No. A/TY/126 (**Plans A-4 and A-5**);
- (c) is mainly accessible from a private road of TYTL 108 RP which extends from the end of Sai Tso Wan Road (**Plans A-1 and A-2**), and shares a common access with the adjacent existing concrete batching plant and asphalt plant under approved Application Nos. A/TY/128 and A/TY/129 (**Drawing A-5**); and
- (d) has sea frontage to its south.

6.2 The surrounding areas have the following characteristics:

- (a) to its east and southeast is the Hongkong United Dockyard also forming part of TYTL 108 RP. Part of the dockyard in its south-eastern portion is currently used for open storage, and is subject to a proposed temporary concrete batching plant and a proposed temporary asphalt plant both approved by the Committee on a temporary basis of five years on 2.8.2019 under Application Nos. A/TY/136 and A/TY/135 respectively (**Plan A-2**);
- (b) to its further east and northeast is the Cheung Tsing Highway and Northwest Tsing Yi Interchange located above a steep slope;
- (c) to its further southeast is the Shell Oil Depot. There is also 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-1**);
- (d) to its south is the Ma Wan Channel;
- (e) to its west adjoining the Site also forming part of TYTL 108 RP 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; and
- (f) to its north and northwest adjoining the Site also forming part of TYTL 108 RP is an existing concrete batching plant approved by the Committee on a temporary basis of five years on 7.8.2015 under Application No. A/TY/128.

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 in writing by the Director of Lands, cargo handling, and storage and repair of containers;

- (b) a temporary waiver has been granted to the owner of the subject lot to waive the above user restriction so as to permit concrete production use at the Site for a term from 7.1.2014 to 6.7.2015 and thereafter quarterly. The said temporary waiver is still valid. However, the grant of the said temporary waiver is subject to conditions including, amongst others, compliance with the Town Planning Ordinance. Upon the expiry of the previous planning approval under Application No. A/TY/126, if the current planning application has not been approved, the said temporary waiver may be revoked upon confirmation from the Planning Department of non-compliance with the Town Planning Ordinance;
- (c) it is noted that the applicant has proposed a contingency plan that upon failure of the plant on the Site, 37 trucks will be parked within the site of the adjoining concrete production plant (**Drawing A-6**) currently covered by another temporary waiver letter dated 2.10.2015 under reference no. 28/KTST/2012. Such contingency arrangement, which involves the shared use of facilities amongst the premises under two different temporary waivers, is inconsistent with the two existing waivers for concrete production uses covering the adjoining site and the Site under application respectively. Should planning approval be granted, the applicant will need to apply to the LandsD for effecting the above contingency arrangement. There is no guarantee that any application, if received by the LandsD, will be approved and she reserves her comment on such. The application, if received, will be considered by the LandsD acting in the capacity as the landlord at its sole discretion. 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, amongst others, charging of waiver fee and administrative fee;
- (d) it is noted that the applicant will use a part of the Government land held under STT 3194 KT (**Plan A-2**) for marshalling of vehicles in relation to the operation of the concrete batching plant at the Site, and that the applicant has applied for a modification of the tenancy agreement of the concerned STT to permit marshalling of motor vehicles including container vehicles and trucks. The proposed modification to the tenancy agreement of STT 3194 KT will be considered by the LandsD acting in the capacity as the 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 and she reserves her comment on such. 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, amongst others, charging of administrative fee and revision to rental; and
- (e) the Government reserves all its right to take appropriate lease enforcement action if there is any breach of lease conditions.

Traffic

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

- (a) he has no objection to the application; and
- (b) should the application be approved, the following approval conditions should be imposed:
 - (i) no queuing on public roads in the vicinity of the application site resulting from the operation of the plant shall be allowed at any time during the planning approval period;
 - (ii) the submission of a traffic management plan including contingency plan and associated mitigation measures and traffic facilities; and
 - (iii) the implementation of the approved traffic management plan.

Environment

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

- (a) he has no objection to the application; and
- (b) the applicant is advised to fully address his comments on the air quality assessment of the EA report and submit a revised EA report.

Marine Safety

8.1.4 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 implementation of the approved Barging Operation Plan under Application No. A/TY/126 and the maintenance of the proposed measures to his satisfaction; and
- (b) other detailed comments are set out in **Appendix V**.

Fire Safety

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

he has no in-principle objection to the application subject to the existing fire services installations implemented under Application No. A/TY/126 would be maintained in efficient working order at all times to his satisfaction.

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 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 comment on the application from regulatory services perspective;

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; and

Gas Safety (auto-LPG)

- (c) the applicant is reminded that if there is any change in the plant that will result in an increase in living or working population within the consultation zone of the existing Potentially Hazardous Installation, a Quantitative Risk Assessment would be required for submission to the "Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations" for consideration.

Building Matters

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

- (a) he has no objection to the application;
- (b) according to his office record, the Site is currently occupied by a concrete batching plant with Temporary Building Permit No. NT 7/2016 (TBP) and TOP No. NT 3/2016 issued by the Building Authority. The said TBP and TOP have been renewed up to 28.11.2019;
- (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 EVA shall be provided for all the buildings to be erected on the Site in accordance with the requirements under the Building (Planning) Regulation 41D; and
- (d) detailed comments will be given upon receipt of submission of general building plans.

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

the applicant shall ensure that the concrete batching plant will not cause adverse effect on existing seawall and marine structures.

Urban Design and Landscape

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

Urban Design

- (a) according to the applicant's submission, the development parameters under current application are the same as those under the previously approved Application No. A/TY/126. As there is generally no change in circumstances for different urban design consideration, she has no particular comments on the subject application from urban design and visual perspectives;

Landscaping

- (b) since the application does not involve any landscape issue and there is no existing landscape resource within the Site, no significant landscape impact is envisaged; and
- (c) in view that there is no space available for meaningful landscaping within the Site, it is considered not necessary to

impose any landscape condition should the application be approved by the Board.

District Officer's Comments

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

- (a) he has no comment on the application from the community point of view; and
- (b) his office has posted the application on their notice boards at his office and Cheung Ching Estate Community Centre from 29.3.2019 to 23.4.2019, 26.4.2019 to 17.5.2019, and 16.7.2019 to 6.8.2019, and no comment was received.

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

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

9. Public Comments Received During Statutory Publication Period

9.1 On 29.3.2019, the application was published for public inspection. The subsequent further information submitted by the applicant not exempted from publication requirement were also published for public comments on 26.4.2019 and 16.7.2019. During the statutory public inspection periods, one comment was received from an individual expressing concern on the heavy traffic at Sai Tso Wan Road and the junction at Tsing Yi Road which would affect pedestrian safety (**Appendix IV**).

10. Planning Considerations and Assessments

10.1 The application is to seek planning permission for continuing to use the Site for a temporary concrete batching plant for a period of five years. The Site falls within "I" 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 concrete batching plant and an existing temporary asphalt plant are located to its immediate north and west. There are also a proposed temporary asphalt plan (Application No. A/TY/135) and a proposed temporary concrete batching plant (Application No. A/TY/136) approved by the Committee with conditions on 2.8.2019 to the further southeast

of the Site within the same lot (**Plan 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 temporary concrete batching plant under application for five years is considered not incompatible with the planning intention for the Site from land use point of view.

- 10.2 The Site / part of the Site is the subject of five previously approved planning applications submitted by the same applicant for temporary concrete batching plant / asphalt plant use, which were approved by the Committee between 2008 and 2014. All of the approval conditions of the last approved planning application (No. A/TY/126) were complied with and the concrete batching plant is now in operation. There are also six similar applications within the same “I” zone approved with conditions on a temporary basis for three / five years between 2010 and 2019. Approval of the application is consistent with the previous decisions of the Committee on similar applications.
- 10.3 As advised by the applicant, there will not be any changes in the development parameters and operation scale of the plant under current application as compared with that under Application No. A/TY/126. In support of the current application, the applicant has submitted a revised TIA (**Appendices Ie and Ii**) which demonstrates that the plant will not generate additional traffic to the surrounding road network. In this regard, the C for T has no objection to the application from traffic point of view, whilst a traffic management plan should be submitted / implemented to his satisfaction which can be addressed through the incorporation of approval conditions as suggested in paragraphs 11.2(b) to 11.2(c) below. The applicant has also submitted an EA (**Appendices Ib and Ih**) demonstrating that no adverse environmental impacts will be anticipated. The DEP has no objection to the application from environmental point of view.
- 10.4 Regarding the comments on marine and fire safety raised by the D of Marine and the D of FS in paragraphs 8.1.4 and 8.1.5 above respectively, they can be addressed through incorporation of approval conditions. Other relevant Government departments consulted including DG of TI, CBS/NTW of BD, DEMS and CTP/UD&L of PlanD have no adverse comments / no objection to the application.
- 10.5 Regarding the public comments, the planning assessments above and departmental comments in paragraph 8 are relevant.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comment received as mentioned in paragraph 9, 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 6.9.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no queuing on public roads in the vicinity of the application site resulting from the operation of the concrete batching plant shall be allowed at any time during the planning approval period;
- (b) the submission of a traffic management plan including contingency plan and associated mitigation measures and traffic facilities within six months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board, by 6.3.2020;
- (c) in relation to (b) above, the implementation of the approved traffic management plan during the operation period of the concrete batching plant to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the existing fire services installations implemented at the application site under Application No. A/TY/126 shall be maintained in efficient working order at all times during the planning approval period to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (e) the implementation of the approved Barging Operation Plan under Application No. A/TY/126 and the maintenance of the proposed measures at all times during the planning approval period to the satisfaction of the Director of Marine or of the Town Planning Board;
- (f) if any of the above planning conditions (a), (c), (d) or (e) is not complied with during the planning approval / operation period, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (g) if the above planning condition (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

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

11.3 There is no strong planning reason to recommend rejection of the application.

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 20.3.2019
Appendix Ia	Planning Statement attached to the Application Form received on 20.3.2019
Appendix Ib	Letter dated 17.4.2019 providing an EA and a TIA
Appendix Ic	Letter dated 26.4.2019 providing a replacement page of the TIA
Appendix Id	Letter dated 22.5.2018 requesting deferment of the application
Appendix Ie	Letter dated 9.7.2019 providing responses to departmental comments, a disc containing model files for the EA and a revised TIA
Appendix If	Letter dated 22.8.2019 providing responses to departmental comments
Appendix Ig	Letter dated 23.8.2019 providing responses to departmental comments and replacement pages of the EA
Appendix Ih	Letter dated 30.8.2019 providing revised responses to departmental comments, revised replacement pages of the EA and a disc containing revised model files for the EA
Appendix Ii	Letter dated 30.8.2019 providing responses to departmental comments and a replacement page of the TIA
Appendix II	Previous Applications Covering the Site
Appendix III	Similar Applications
Appendix IV	Public Comment received from Individual Member of the Public
Appendix V	Details of Departmental Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site Plan
Drawing A-2	Layout Plan
Drawings A-3 to A-4	Section Plan and Elevation Plan
Drawing A-5	Layout Plan
Drawing A-6	Contingency Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 to A-5	Site Photos