

RNTPC Paper No. A/I-NEL/7B  
for consideration by  
the Rural and New Town  
Planning Committee  
on 20.7.2018

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/I-NEL/7**

- Applicant** : Yiu Lian Dockyards Limited represented by RHL Surveyors Limited
- Site** : Lot No. 30 in D.D.362 (Part), Tsing Chau Wan, Lantau Island
- Site Area** : About 4,595 m<sup>2</sup>
- Lease** : (a) Private lot granted to the owner for a term of 15 years from 7.10.2008  
(b) Restricted for the purposes of a shipyard for ship/boat building or ship/boat repairing or both
- Plan** : Approved North-East Lantau Outline Zoning Plan (OZP) No. S/I-NEL/12
- Zoning** : “Undetermined”(“U”)
- Application** : Proposed concrete batching plant on a temporary basis for a period of 3 years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use part of Lot No. 30 in D.D.362 Lantau (the Site) (about 4,595m<sup>2</sup>), which is a paved open area within the existing Yiu Lian Dockyard, for a concrete batching plant (CBP) on a temporary basis for a period of 3 years (the proposed development) (**Plan A-1**). The Site forms part of a ship repairing yard currently in operation. The Site falls within an area zoned “Undetermined” (“U”) on the OZP. According to the covering Notes of the OZP, the proposed development within the “U” zone requires permission from the Town Planning Board (the Board).
- 1.2 The proposed development would occupy the open area of the existing Yiu Lian Dockyard whilst the ship repairing activities would be carried out within the existing building and on the adjacent floating dock, i.e. the remaining area of the Dockyard at Lot No. 30 in D.D.362 (Part), Tsing Chau Wan, Lantau Island (the

Lot) (**Plans A-2 and A-3**). The daily operation hours of the proposed development will be from 7:00 a.m. to 7:00 p.m., Mondays to Saturdays.

- 1.3 The Site is the subject of a previous planning application (No. A/I-NEL/6) for a proposed CBP for a temporary period of 3 years submitted by the same applicant. The application was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 8.5.2015 and approved with conditions by the Board upon review on 28.8.2015. Applications for extension of time limit for compliance of the approval conditions and an application for Class B amendments were subsequently approved. However, the approval conditions in relation to the implementation of the measures regarding operation of the proposed CBP proposed in the approved Environmental Assessment (EA), Barging Operation Plan (BOP), Sewerage System Design Proposal, Drainage System Design Proposal, Emergency Vehicular Access, Water Supplies for Fire Fighting and Fire Service Installation Proposals (the proposed measures) were not complied with and the planning permission was revoked on 28.11.2017.
- 1.4 There were two Judicial Review (JR) applications (HCAL 231/2015 and HCAL 110/2016) related to the previous planning application (No. A/I-NEL/6). On 26.11.2015, a JR application (HCAL 231/2015) was filed against the decision of the Board to approve upon review planning application (No. A/I-NEL/6), but the application was withdrawn on 20.6.2016. On 14.6.2016, a JR application (HCAL 110/2016) with similar nature was filed by another applicant and the Court of First Instance refused to grant leave to it on 1.11.2016.
- 1.5 As compared to the previously approved scheme, the current application involves changes in covered land area, uncovered land area, maximum GFA, maximum building height, total number of structures and major equipment. Site plan and layout plan submitted by the applicant are at **Drawings A1 to A2**. A comparison of the development parameters for the proposed CBP are summarised below:

	<b>Approved Application (No. A/I-NEL/6) upon Review (a)</b>	<b>Current Application (No. A/I-NEL/7) (b)</b>	<b>Difference (b) – (a)</b>
<b>Site Area</b>	About 4,595 m <sup>2</sup>	About 4,595 m <sup>2</sup>	No change
<b>Covered Land Area</b>	About 1,031.3 m <sup>2</sup>	About 934.579 m <sup>2</sup>	-96.721m <sup>2</sup> (-9.38%)
<b>Uncovered Land Area</b>	About 3,563.7 m <sup>2</sup>	About 3,660.421 m <sup>2</sup>	+96.721m <sup>2</sup> (+2.71%)
<b>Maximum GFA</b>	About 3,832.03 m <sup>2</sup>	About 2,794.863 m <sup>2</sup>	-1037.167 m <sup>2</sup> (-27.07%)
<b>Maximum Building Height</b>	1 storey / 13.5m above mean formation level	1 storey / 13 m above mean formation level	No change/ -0.5m (-3.7%)
<b>Total No. of structures</b>	18 (including loading/	37 (including concrete batching facilities,	+19 (+105.56%)

	unloading and transfer systems of aggregate and cement, concrete batching facilities, cement silos, water and ice storage tanks and waste management facilities)	cement/ cementitious materials storage silos, enclosed aggregate overhead bin conveyor belt, water and ice storage tanks and wastewater management facilities)	
<b>Parking Spaces Provision</b>			
Mixer Truck Parking Spaces	15 (10 m x 3.5m)	15 (10 m x 3.5m)	No change
Loading/ Unloading Spaces	2 (12 m x 3.5m)	2 (12 m x 3.5m)	No change
<b>Barging Spaces Provision</b>			
Aggregate barge	N/A	1	N/A
Cement/PFA barge	N/A	1	N/A
<b>Maximum Daily concrete production capacity</b>	160m <sup>3</sup> /hour	160m <sup>3</sup> /hour	No change
<b>Major equipment</b>	<ul style="list-style-type: none"> <li>- Two concrete batching facilities (mixers)</li> <li>- 2 x 100 m<sup>3</sup> cementitious materials silos</li> <li>- 2 x 100 m<sup>3</sup> cement/ cementitious silos with loading/ unloading system</li> </ul>	<ul style="list-style-type: none"> <li>- Two concrete batching facilities (mixers)</li> <li>- 2 x 100 m<sup>3</sup> cementitious materials silos</li> <li>- 2 x 100 m<sup>3</sup> cement silos</li> <li>- 2 x 100 m<sup>3</sup> cement/ cementitious silos with loading/ unloading system</li> </ul>	The change is due to introduction of silica fume during the licence for Specified Processes (SP license) application as one of the raw materials in two silos originally designated for cement only.

- 1.6 The locations of the 37 structures are shown on **Drawing A-2**. The concrete batching process mainly involves converting aggregates to concrete and loading of products on trucks. Aggregates are delivered to the plant by sea using barges which are berthed along the northern seafront. It will be pre-wet and unloaded onto Embedded Aggregates Receiving Hopper in the Enclosed Aggregates Ground Store, and then transferred to the aggregate overhead bins via enclosed conveyor belts. Cementitious material (cement and pulverised fuel ash (PFA)) will be loaded from barges to storage silos by a totally enclosed conveying system. The aggregates, PFA and water will then be mixed in the concrete mixer

under a fully wetted and enclosed environment. The mixed and wetted concrete will be discharged into the concrete mixer truck by gravity.

- 1.7 Raw materials for concrete production are proposed to be delivered to the Site by sea while mixed concrete will be delivered to end users by concrete mixer trucks. According to the applicant, the proposed development will generate 0.15% additional marine traffic for incoming raw materials (**Appendix Ic**). The vehicular traffic generated by the proposed development is listed in the following table:

<b>Vehicle Types</b>	<b>Traffic Flow</b>
Concrete mixer truck	21 trucks per hour
Cement truck	1 truck per hour
Ice truck	1 truck per hour

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

- (a) Application form dated 19.12.2017 enclosing the Executive Summary, Site Plan and Master Layout Plan (**Appendix I**)
- (b) BOP dated 17.10.2017, Traffic Impact Assessment (TIA) dated December 2017 and EA report dated 4.12.2017 (**Appendix Ia**)
- (c) Letter dated 21.12.2017 from the applicant enclosing a revised site plan and revised pages of the application form (**Appendix Ib**)
- (d) Further information (FI) including responses to departmental comments, revised BOP, revised TIA and revised EA report received on 21.5.2018  
*[Accepted but not exempted from publication and recounting requirements]* (**Appendix Ic**)
- (e) FI including supplementary information for the previously submitted responses to comments of Marine Department and the revised BOP received on 5.6.2018  
*[Accepted and exempted from publication and recounting requirements]* (**Appendix Id**)
- (f) FI including responses to departmental comments received on 25.6.2018  
*[Accepted and exempted from publication and recounting requirements]* (**Appendix Ie**)
- (g) FI including responses to departmental comments received on 29.6.2018  
*[Accepted and exempted from publication and recounting requirements]* (**Appendix If**)

- (h) FI including clarification on the locations of the proposed structures received on 13.7.2018 **(Appendix Ig)**  
*[Accepted and exempted from publication and recounting requirements]*

1.9 The application was originally scheduled for consideration by the Committee on 9.2.2018. On 9.2.2018 and 6.4.2018, 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/technical clarifications to address the departmental comments. The applicant subsequently submitted FI as detailed in paragraph 1.8 above. The application has been scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Appendix I of the application form at **Appendix I** and the clarifications/supplementary information at **Appendices Ia, Ib, Ic, Id, Ie, If and Ig**. They can be summarised as follow:

- (a) there is no material change on the surrounding environment since the last approval of the previous planning application No. A/I-NEL/6 upon review on 28.8.2015;
- (b) the development progress has been disturbed by two JR applications;
- (c) the applicant has complied most of the approval conditions under the planning application No. A/I-NEL/6 except the approval conditions related to the implementation of the proposed measures.
- (d) the Site is suitable for the proposed development;
- (e) given the suitable scale of the proposed CBP, it is not anticipated to bring any adverse impact to the surrounding traffic and environment; and
- (f) the configuration of the proposed CBP is similar to the previous application.

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

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

## **4. Background**

4.1 The Site forms part of the Lot No. 30 in D.D.362 (about 7,570m<sup>2</sup>), which was granted to the lot owner (i.e. the applicant) by way of private treaty for a lease

term of 15 years from 7.10.1993 for the purposes of a shipyard for ship/boat building or ship/boat repairing or both (the "Shipyard"). The lease term of the lot was subsequently renewed for a term of 15 years from 7.10.2008.

- 4.2 Under the Lease conditions, the lot owner shall throughout the lease term operate the shipyard on the lot on a scale satisfactory to the Director of Lands (D of Lands) ("Operation of the Shipyard" clause); and if at any time shown to the satisfaction of the D of Lands that the Site or any building or structure thereon has ceased to be used for the shipyard for a continuous period of 6 calendar months or more, or the extent of the user has so diminished, it shall be lawful for the Government to serve a 6 calendar months' notice requiring the Lessee to recommence using the Site for the shipyard purposes on a scale satisfactory to the D of Lands, failing which it shall be lawful for the Government to re-enter upon and take back possession of the Site ("Cessation of User" clause).
- 4.3 Marine access right in connection with the Shipyard purpose is permitted under the Lease but loading or unloading of containers and cargoes to or from ocean-going ships is strictly prohibited. Building(s) with a maximum GFA of 15,106m<sup>2</sup> having a maximum building height of 30m above mean formation level (subject to the overall height of 55m above mean formation level) is allowed under Lease.
- 4.4 No right of vehicular access is permitted under the Lease. Approvals were given from the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) by way of a short term waiver (CX2172) to permit vehicular access to and from the Lot and by way of a short term tenancy (STT) (CX2171) to grant a right-of-way over an access road close to the south of the Lot (not a public road under the maintenance of Highways Department (HyD) and used by various parties including government departments) and the adjoining government land for temporary vehicular access to and from the Lot (**Plan A-1**).
- 4.5 The Site falls within the Height Control Zone ranged from 200mPD to 210mPD set out in The Deed of Restrictive Covenant of Hong Kong Disneyland.

## **5. Previous Applications**

- 5.1 There are two previous applications (A/I-NEL/5 and A/I-NEL/6) covering the Site. Details of the applications are summarised in **Appendix II** and the location is shown on **Plan A-1**.
- 5.2 On 4.4.2014, application (No. A/I-NEL/5) for a CBP on a temporary basis for a period of 3 years was rejected by the Committee mainly on grounds of insufficient information to demonstrate the proposed development would only be used on a temporary basis for a period of 3 years, and the adverse traffic and environmental impacts of the proposed development on the surroundings.
- 5.3 On 8.5.2015, application (No. A/I-NEL/6) for a CBP on a temporary basis for a period of 3 years was rejected by the Committee mainly on grounds of insufficient information to demonstrate the proposed development would not

have adverse environmental impacts on the surroundings, and approval of the application would set an undesirable precedent for other similar applications within the “U” zone.

- 5.4 The application was approved with conditions by the Board upon review on 28.8.2015 (extract of the Board meeting minutes at **Appendix III**), mainly on the grounds that the location was considered suitable for a CBP and the concerns of adverse environmental impact could be addressed by incorporation of approval conditions. Since approval of the application, the applicant had applied 8 times for extension of the compliance period on the approval conditions. As the applicant failed to comply with the approval conditions in relation to the implementation of the proposed measures by the specified date, the application was revoked on 28.11.2017.

## 6. Similar Application

There is no similar application for proposed concrete batching plant use in the “U” zone within the OZP.

## 7. The Site and its Surrounding Areas

### 7.1 The Site:

- (a) is a piece of flat land at the northern portion of Lot No. 30 in D.D. 362 Lanatu (the lot), which is located at the north-eastern shore of Lantau Island (**Plan A-1**);
- (b) forms part of Yiu Lian Dockyard, currently being used as a ship repairing yard. An existing building located to the south of the Site is used for ship repairing. There is a floating dock moored to the west of the Site for ship repairing activities (**Plans A-3 to A-6**); and
- (c) is accessible from an access road connecting to Sunny Bay Road, which its usage is shared by other parties including government departments (**Plan A-1**). Marine access to the Site is also available.

### 7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) several temporary works area and an open storage of containers are found in the vicinity of the Site, including the temporary works area for HZMB project to the east, open storage of containers to the south and works area for the expansion of the Hong Kong International Airport into a Three-Runway System to the southwest of the Site; and
- (b) to the further south of the Site are the MTR Tung Chung Line and Airport Express Line rail tracks and the North Lantau Highway (NLH). The Lantau Toll Plaza Administration Building is located to the further southeast at a higher level.

## 8. Planning Intention

The “U” zone adjacent to Sunny Bay MTR station can be considered for compatible tourism and recreational uses subject to further study (**Plan A-1**). The purpose is to develop the Sunny Bay area, served by a highly convenient transport interchange, as a gateway to the North-East Lantau tourism area with tourism and recreation related developments complementary to the international theme park in Penny’s Bay, i.e. Hong Kong Disneyland Resort. Consideration could be given to a range of transport related facilities including public transport interchange and car parking facilities, public open space, potential tourism uses such as retail, entertainment and hotel uses and other compatible uses. The development should be compatible in nature, scale and character with the theme park. The northern reclamation would also provide land for the Road P1 extension which would run parallel to NLH and connect to NLH, Chok Ko Wan Link Road (CKWLR) (Penny’s Bay Section) and Road P2.

## 9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarised as follow:

### Land Administration

9.1.1 Comments of DLO/Is, LandsD:

- (a) the application site comprises an area of 4,595 m<sup>2</sup> representing about 60% of the land area of the subject lot with its proposed CBP and associated parking spaces occupying most of the sea frontage. Marine Department (MD) should be consulted on whether the normal operation of the shipyard within the subject lot can continue under the subject development proposal without diminishing the permitted use under the Government lease;
- (b) relevant departments should be consulted on the potential implications of the coexistence of the two uses, i.e. shipyard and CBP; and
- (c) should planning approval be obtained from the Board, any application from the lot owner for a waiver for such temporary use on part of the Lot would be examined by LandsD on its own merits and at its sole discretion in its capacity as the landlord. However, it must not be construed that a waiver or approval under lease will be given by LandsD.

### Traffic

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

- (a) Table 2.1 of the TIA report (**Appendix Ic**) shows that 15 numbers of concrete mixer truck waiting spaces and 2 numbers of concrete



mixer truck loading/unloading bays will be provided within the proposed CBP. However, Table 5.1 of the TIA report shows that the estimated traffic generation/attraction will be 23 vehicles/hour. The applicant is required to demonstrate that there will be no concrete/cement trucks queuing on the access road outside the concrete batching plant any time during the day;

- (b) paragraph 2.3.2 of the TIA report states that other than concrete, cement and ice, all other materials related to concrete production will be delivered to the proposed CBP through waterway. This should be imposed as an approval condition;
- (c) should the Board approve the application, the following approval conditions should be included in the permission:
  - (i) the transportation and delivery of all materials related to concrete production , except concrete, cement and ice, to the Site by sea, as proposed by the applicant, during the planning approval period; and
  - (ii) no vehicles other than the concrete mixer trucks are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period.

9.1.3 Comments of Principal Project Coordinator 2/Special Duties, Hong Kong Zhuhai Macao Bridge Hong Kong Project Management Office, HyD:

he has no objection to the application provided that the applicant will take over the management and maintenance responsibility of the right-of-way being maintained by the HyD under Temporary Government Land Allocation (TGLA) No. TIS 615 and the traffic signal at the right-of-way, in consideration of the heavy and frequent traffic for delivery of raw materials and product for the CBP.

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

- (a) from marine traffic and safety point of views, he has no objection in principle to the revised information (**Appendix If**) provided by the applicant for the proposed BOP at this stage for the purpose of illustrating that the proposed CBP is safe and practicable; and for the concurrent use of the existing shipyard and the proposed CBP. The following should be imposed as approval conditions:
  - (i) the submission of a revised BOP to the satisfaction of the Director of Marine or of the Board;
  - (ii) the implementation of the measures proposed in the revised BOP and the maintenance of such measures throughout the

planning approval period to the satisfaction of the Director of Marine or of the Board; and

- (b) the applicant shall fully comply with all the contents and requirements in accordance with the revised BOP during its operation. Should there be any change or deviation from the BOP, the applicant should seek the approval from the D of Marine well in advance prior to making any change or deviation from the BOP requirements.

### **Environment**

#### 9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) to note the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by his department should be noted in order to minimize any possible environmental nuisances;
- (b) the plant under this planning application is subject to the control of the Air Pollution Control Ordinance (APCO) 'Specified Process' (SP) licence. A SP licence was granted to the operator on 13 Jan 2017 for four years till 12 Jan 2021. Operation of the plant shall strictly follow the SP licence and the best practicable means requirements under the APCO to control and prevent air pollution arising from the operation of the plant;
- (c) according to the EA report enclosed in the planning application (**Appendix Ic**) submitted under the Town Planning Ordinance, particulate matters are the main air pollutants. With the air quality mitigation measures recommended in the planning application (such as Workshop Building windows to be closed and mechanical ventilation to be provided), together with the air pollution control measures recommended in the EA Report Table 2.1 "Proposed Air Pollution Control Measures at the proposed CBP", it is anticipated that adverse air quality impact can be prevented at the nearby air sensitive receivers. The NO<sub>2</sub> impact was assessed in the previous planning application (No. A/I-NEL/6), and the assessment results concluded that the impact would be minimal with the implementation of the recommended control measures, including those measures applicable to barges and concrete mixer fleet associated with the operation of the plant;
- (d) the following approval conditions are considered necessary if this application is approved by the Board:
  - (i) the implementation of a sewerage system (such as purpose-built toilets with the collected sewage to be temporary store and tanked away by vehicles for proper

disposal at sites to be approved by DSD) and the maintenance of such facilities throughout the planning approval period to the satisfaction of DEP or the Board;

- (ii) the submission of an Air Quality Mitigation Measures Implementation Plan to the satisfaction of DEP or of the Board and the implementation of the measures identified therein; and
- (iii) the submission of a Land Contamination Review Report and the implementation of the mitigation measures proposed therein prior to the commencement of the foundation works for the proposed development to the satisfaction of DEP or of the Board.

### **Nature Conservation**

9.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the sea around the Site is not an important habitat of Chinese White Dolphins based on the results of their long-term dolphin monitoring. Considering that the proposed plant is mainly a land-based project and the Site is currently a shipyard on reclaimed land surrounded by busy waterway and highway, he has no strong view against this application from marine conservation point of view; and
- (b) according to the applicant's submission, the river trade vessels carrying aggregate and PFA would stay well clear from the two Marine Parks in North Lantau waters. Impact from the vessels to the Chinese White Dolphins is not anticipated.

### **Urban Design and Visual**

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

the Site is the subject of a planning application (No. A/I-NEL/6) for the same use approved with conditions upon review by the Board on 28.8.2015. The current proposal is generally the same as the approved proposal except the maximum building height is reduced to 13m. In view of the temporary nature of the proposed development and there is no change in the urban design context of the surroundings, it is anticipated that the proposed development would not induce significant adverse visual impact on the surroundings.

## **Landscape**

### 9.1.8 Comments of the CTP/UD&L, PlanD:

- (a) the Site (4,595m<sup>2</sup>) falls within an area zoned “U” on the approved North-East Lantau OZP No. S/I-NEL/12. This application is the subject of the previous planning application No. A/I-NEL/6 to which they had no objection from the landscape planning perspective. To the east and southwest of the Site are some existing uses of open storage. In the immediate adjacent of the Site at its south/east/southeast sides, there are some existing trees/vegetation. The landscape character area of the Site is the reclamation land adjoining the coastal landscape and coastal uphill landscape. The wider existing surrounding of the Site, however, is the “Green Belt” zone of Ng Kwu Leng, Tsing Chau Tsai, Tai Tsing Chau, Tai Yam Teng and Fa Peng Teng;
- (b) some mature size existing trees/vegetation are located along/within the eastern boundary of the Site. At this corner of the Site, it is now occupied with machinery, containers and a permanent structure. Given the existing trees have attained well established and full tree canopy on the site now, potential impact or disturbance to the tree crowns, trunks and roots of the existing vegetation/trees by the proposed structure/containers/machinery should be avoided as far as possible;
- (c) no information regarding vegetation/tree surveys within and in close proximity of the Site is included. The impacts on any large trees, plant species of conservation interests are not identified or assessed in the application. The potential adverse impacts on the existing trees/vegetation cannot be fully ascertained;
- (d) on the other hand, in view of the proposed land use will take up almost the entire Site, there is a lack of space for a meaningful landscape planting within the Site. She considers that it is impractical for the implementation of a landscape proposal;
- (e) there is no objection on the application from a landscape planning perspective;
- (f) should the Board approve the application, the following approval condition should be included in the permission:
  - submission and implementation of a Tree Preservation Proposal to the satisfaction of the Director of Planning or of the Board; and
- (g) the applicant is advised to make reference to Development Bureau’s guideline on “Design For Tree Protection Zone” under column of Tree Care at the greening website

[http://www.greening.gov.hk/tc/tree\\_care/practices.html](http://www.greening.gov.hk/tc/tree_care/practices.html) to allow adequate spacing between tree and proposed works/structures in order to avoid potential conflicts to the trees (i.e. proposed works/structures should be located to outside dripline of the tree where tree root system is located).

### **Fire Safety**

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

- (a) there is no specific comment on the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of Fire Services Department (FSD). Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (b) the arrangement of emergency vehicular access shall be provided in accordance with Section 6, Part D of Code Practice for Fire Safety in Buildings 2011 which is administrated by Buildings Department.

### **Building Matters**

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

- (a) no objection to the application; and
- (b) according to the latest approved General Building Plans (GBP) on 24.1.2017, the GFA of the temporary CBP is 2,794.859 m<sup>2</sup> and the building height is 13.15m.

### **Drainage**

9.1.11 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) the applicant is required to submit a drainage proposal to demonstrate that the drainage system could serve both the shipyard and CBP without causing flood risks to nearby areas;
- (b) the following approval conditions are considered necessary if this application is approved by the Board:
  - (i) the submission of a drainage proposal to the satisfaction of Director of Drainage Services or of the Board; and
  - (ii) the implementation of the drainage system to the satisfaction of Director of Drainage Services or of the Board.

**Risk Hazard**

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

*Electricity safety*

- (a) as the electricity package substation is to provide electricity supply to some future development in the vicinity, the associated electricity demand should be provided by the nearby substation as far as possible. He has no comment on the captioned application as far as electricity supply safety and reliability are concerned. The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

*Town Gas Safety*

- (b) there is an intermediate pressure town gas transmission pipeline (running along the access road to the Site) in the vicinity of the Site;
- (c) the future developer/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations within/in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development; and
- (d) the future developer/consultant/works contractor is required to observe the requirements of his department’s “Code of Practice on Avoiding Danger from Gas Pipes” for reference. The Code can be downloaded at [http://www.emsd.gov.hk/filemanager/en/content\\_286/cop\\_gas\\_pipes\(english\).pdf](http://www.emsd.gov.hk/filemanager/en/content_286/cop_gas_pipes(english).pdf).

**District Officer’s Comments**

9.1.13 Comments of the District Officer/Tsuen Wan, Home Affairs Department:

- (a) he notes from the BOP submitted by the applicant that the products of the proposed CBP will be carted out by lorries on land, and that will exert pressure to the traffic of North Lantau Highway. In addition, there will be a public columbarium development on Sham Shui Kok Road, as well as housing development at Siu Ho Wan. It seems that at present the only access to Tsing Chau Wan and the future two developments is via Sunny Bay Road, and the traffic

created by the proposed CBP will pose additional problem in the traffic and environmental aspects; and

- (b) he thus has reservations about the proposal, unless traffic, environmental and related issues are properly addressed.

### **Lantau Development**

9.1.14 Comments of the Head of the Sustainable Lantau Office, Civil Engineering and Development Department (H/SLO, CEDD):

- (a) no objection to the proposed development; and
- (b) no interface with the proposed reclamation works at Sunny Bay is expected in relation to the application for the CBP development on temporary basis for a period of 3 years until 2021.

9.2 The following government departments have no objection to / no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer/Port Works, Civil Engineering Office, CEDD;
- (c) Chief Highway Engineer/New Territories West, HyD;
- (d) Chief Town Planner/Strategic Planning, PlanD;
- (e) Commissioner of Police;
- (f) Commissioner for Tourism; and
- (g) Head of the Geotechnical Engineering Office, CEDD

## **10. Public Comments received during the Statutory Publication Periods**

10.1 On 29.12.2017 and 21.5.2018, the application and the FI submitted by the applicant were published for public inspection. During the first three weeks of the statutory public inspection periods, which ended on 19.1.2018 and 19.6.2018 respectively, a total of 11 public comments from members of the public objecting to the application (**Appendix IV**) were received.

10.2 The objecting comments are summarised as follows:

- (a) the proposed CBP may cause adverse impacts to the surrounding traffic and environment, especially marine traffic and water pollution;
- (b) the proposed CBP may have adverse impact on the Chinese White Dolphin as a result of the increase in marine traffic, which is in close proximity to the habitat of the dolphins;
- (c) there is no comprehensive study of NO<sub>2</sub> emission in the EA. The applicant should take the emission from the haul road, vehicles, batching plant and barging activities into account;

- (d) the proposed mitigation measure of closing windows in the EA submitted by the applicant is not acceptable and practical; and
- (e) there is doubt on the applicant's intention to develop a permanent CBP on the Site.

## **11. Planning Considerations and Assessments**

- 11.1 The proposed CBP falls within an area zoned "U" which can be considered for compatible tourism and recreational uses subject to further study. According to the covering Notes of the OZP, the proposed development requires permission from the Board. As confirmed by H/SLO, CEDD, he has no objection to the proposed development and no interface with the proposed reclamation works at Sunny Bay is expected in relation to the application for the CBP development on temporary basis for a period of 3 years until 2021. It is considered that the proposed development would not jeopardise the long-term planning and development of Sunny Bay.
- 11.2 Besides, the Site is currently used as a shipyard together with an existing building located to the south. Formed land for use of temporary works area and open storage of containers are found to the east, southwest and south of the Site (**Plans A-2 and A-3**). The proposed temporary CBP use for a period of 3 years is considered not incompatible with the existing industrial-related uses in the surroundings. CTP/UD&L, PlanD advises that it is anticipated that the proposed development would not induce significant adverse visual impact on the surroundings.
- 11.3 The proposed development is not anticipated to bring adverse impacts on traffic, building, marine traffic and safety, fire safety, drainage, sewerage, environment and landscape aspects as confirmed by concerned government departments. As to the impact on the habitats of Chinese White Dolphins, DAFC advises that according to the applicant's submission, the river trade vessels carrying aggregate and PFA would stay well clear from the two Marine Parks in North Lantau waters. Impact from the vessels to the dolphins is not anticipated. Relevant approval conditions on the above aspects are suggested in paragraph 12.2 for Members' consideration if the application is approved by the Committee.
- 11.4 The last planning application No. A/I-NEL/6 was approved with conditions by the Board upon review on 28.8.2015, mainly on the grounds that the location was considered suitable for a CBP and the concerns of adverse environmental impacts could be addressed by incorporation of approval conditions. Since the last approval, there is no significant change in planning circumstances. Although the planning permission of application No. A/I-NEL/6 was revoked due to non-compliance with the approval conditions in relation to the implementation of the proposed measures, it is noted that the applicant has shown genuine efforts in complying with the relevant conditions by submitting revised EA, BOP, sewerage system design proposal, drainage system design proposal, emergency vehicular access, water supplies for firefighting and fire



service installation proposals; and all these submissions have been accepted by relevant government departments.

- 11.5 A total number of 11 public comments have been received objecting to the application mainly on the potential adverse impacts brought by the proposed development as set out in paragraph 10. Detailed assessments as set out in paragraphs 11.1 to 11.4 above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 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 3 years until 20.7.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the management and maintenance of the existing access road between Sunny Bay Road and the Site as well as the traffic signal at the access road to the satisfaction of the Director of Highways or of the Town Planning Board during the planning approval period;
- (b) the transportation and delivery of all materials related to concrete production, except concrete, cement and ice, to the Site by sea, as proposed by the applicant, during the planning approval period;
- (c) no vehicles other than the concrete mixer trucks are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) the submission of a revised Barging Operation Plan within **6** months from the date of planning approval to the satisfaction of the Director of Marine or of the Town Planning Board by 20.1.2019;
- (e) in relation to (d) above, the implementation of the measures proposed in the revised Barging Operation Plan within **9** months from the date of planning approval by 20.4.2019 to the satisfaction of the Director of Marine or of the Town Planning Board;
- (f) in relation to (e) above, the maintenance of the implemented measures throughout the planning approval period to the satisfaction of the Director of Marine or of the Town Planning Board;
- (g) the submission of an Air Quality Mitigation Measures Implementation Plan within **6** months from the date of planning approval to the

satisfaction of the Director of Environmental Protection or of the Town Planning Board by 20.1.2019;

- (h) in relation to (g) above, the implementation of the measures proposed in the Air Quality Mitigation Measures Implementation Plan within **9** months from the date of planning approval by 20.4.2019 to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (i) the submission of a Land Contamination Review Report within **6** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 20.1.2019;
- (j) in relation to (i) above, the implementation of the mitigation measures proposed in the Land Contamination Review Report prior to the commencement of the foundation works for the proposed development within **9** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 20.4.2019;
- (k) the implementation of the sewerage system, as proposed by the applicant, within **9** months from the date of planning approval by 20.4.2019 to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (l) in relation to (k) above, the maintenance of the implemented sewerage system throughout the planning approval period to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (m) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of Director of Drainage Services or of the Board by 20.1.2019;
- (n) in relation to (m) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of Director of Drainage Services or of the Town Planning Board by 20.4.2019;
- (o) the submission of a tree preservation proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 20.1.2019;
- (p) in relation to (o) above, the implementation of the tree preservation proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 20.4.2019;
- (q) the submission of fire service installations and water supplies for fire fighting proposal within **6** months from the date of planning approval to

the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.1.2019;

- (r) the provision of fire service installations and water supplies for fire fighting within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.4.2019;
- (s) if any of the planning conditions (a), (b), (c), (f) and (l) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (t) if any of the planning conditions (d), (e), (g), (h), (i), (j), (k), (m), (n), (o), (p), (q) and (r) 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 V**.

12.3 There is no strong justification to recommend rejection of the application.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application form dated 19.12.2017 enclosing the Executive Summary, Site Plan and Master Layout Plan,
<b>Appendix Ia</b>	BOP dated 17.10.2017, Traffic Impact Assessment (TIA) dated December 2017 and EA report dated 4.12. 2017
<b>Appendix Ib</b>	Letter dated 21.12.2017 from the applicant enclosing a revised site plan and revised pages of the application form
<b>Appendix Ic</b>	FI including responses to departmental comments, revised BOP, revised TIA and revised EA report received on 21.5.2018

<b>Appendix Id</b>	FI including supplementary information for the previously submitted responses to comments of Marine Department and the revised BOP received on 5.6.2018
<b>Appendix Ie</b>	FI including responses to departmental comments received on 25.6.2018
<b>Appendix If</b>	FI including responses to departmental comments received on 29.6.2018
<b>Appendix Ig</b>	FI including clarification on the locations of the proposed structures received on 13.7.2018
<b>Appendix II</b>	Previous Applications within the Same “Undetermined” Zone on the Approved North-East Lantau Outline Zoning Plan No. S/I-NEL/12
<b>Appendix III</b>	Extract of Minutes of the Board meeting held on 28.8.2015
<b>Appendix IV</b>	Public comments received during the statutory publication periods
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Plan
<b>Drawing A-2</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4 to A-6</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2018**