

**Previous s.16 Applications
within the Same “Undetermined” Zone on the
Approved North-East Lantau Outline Zoning Plan No. S/I-NEL/12**

1.Rejected Previous Application

<u>Application No.</u>	<u>Location</u>	<u>Development</u>	<u>Date of Consideration and Decision</u>	<u>Decision</u>
A/I-NEL/5	Lot No. 30 in D.D.362 (Part), Tsing Chau Wan, Lantau Island	Proposed Temporary Concrete Batching Plant for a Period of 3 years	4.4.2014 (RNTPC)	Rejected*

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(a) the applicant fails to demonstrate in the submission that the proposed concrete batching plant development would only be used on a temporary basis for a period of 3 years. Any extension of the proposed development on the site by submitting renewal applications would frustrate the planning intention of the “Undetermined” zone;

(b) the applicant fails to demonstrate in the traffic impact assessment that the concrete mixer trucks could smoothly negotiate the tight bends at the road junctions, the manoeuvring of the concrete mixer trucks would not cause delays to opposing traffic, and the increased traffic volume due to the proposed development would not result in unacceptable congestion and road safety concerns; and

(c) the applicant fails to demonstrate in the environmental assessment that the proposed development would not result in adverse air and land contamination impacts on the surroundings.

2. Approved Previous Application

<u>Application No.</u>	<u>Location</u>	<u>Development</u>	<u>Date of Consideration and Decision</u>	<u>Decision</u>
A/I-NEL/6	Lot No. 30 in D.D.362 (Part), Tsing Chau Wan, Lantau Island	Proposed Temporary Concrete Batching Plant for a Period of 3 years	28.8.2015 (TPB)	Approved with conditions ** upon review

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(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, as proposed by the applicant, 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 raw material for concrete production to the Site by sea, as proposed by the applicant, during the planning approval period;

(c) no vehicles other than the concrete mixer trucks proposed by the applicant are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

(d) the submission of a revised Environmental Assessment (EA), including the land contamination assessment, 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 28.2.2016;

- (e) in relation to (d) above, the implementation of mitigation measures (if any) proposed in the EA within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such measures throughout the planning approval period, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) the submission of a “Barging Operation Plan” within 6 months from the date of planning approval to the satisfaction of the Director of Marine or of TPB by 28.2.2016
- (g) in relation to (f) above, the implementation of the measures proposed in the “Barging Operation Plan” within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such measures throughout the planning approval period, to the satisfaction of the Director of Marine or of the Town Planning Board;
- (h) the submission of a sewerage system design proposal 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 28.2.2016;
- (i) in relation to (h) above, the implementation of a sewerage system within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such measures throughout the planning approval period, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (j) the submission of a drainage system design proposal within 6 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the Town Planning Board by 28.2.2016;
- (k) in relation to (j) above, the implementation of a drainage system within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such measures throughout the planning approval period, to the satisfaction of Director of Drainage Services or of the Town Planning Board;
- (l) the submission of emergency vehicular access, water supplies for fire fighting and fire service installations proposals 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 28.2.2016;
- (m) in relation to (l) above, the implementation of emergency vehicular access, water supplies for fire fighting and fire service installations proposals within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such measures throughout the planning approval period, to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (n) if any of the planning conditions (a), (b) and (c) 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

- (o) if any of the planning conditions (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) 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.

Extract minutes of the 1092nd TPB on 28.8.2015

Sai Kung and Islands District

Agenda Item 3

[Open Meeting (Presentation and Question sessions only)]

Review of Application No. A/I-NEL/6

Temporary Concrete Batching Plant for a Period of 3 Years in “Undetermined” zone, Lot No. 30 (Part) in D.D. 362, Tsing Chau Wan, Lantau

(TPB Paper No. 9984)

[The meeting was conducted in Cantonese.]

12. As RHL Surveyors Limited and Environs were two of the consultants of the applicant, the following Members had declared interests:

Mr H.F. Leung	-	being an employee of the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong which had received donation from RHL
Mr Ivan C.S. Fu]	
Ms Julia M.K. Lau]	having current business dealings with
Mr Dominic K.K. Lam]	Environs
Ms Janice W.M. Lai]	
Mr H.W. Cheung]	

13. Members noted that Mr Lam had left the meeting temporarily. Members also noted that Mr Fu, Ms Lau, Ms Lai and Mr Cheung had no involvement in the application and agreed that their interest as well as that declared by Mr Leung were indirect and they could stay in the meeting.

14. The following representative from the Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

Mr Ivan M.K. Chung	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD
Ms Serena Lau]	
Mr Roger Leung]	
Mr William Ho]	Applicant's representatives
Mr K.C. Huang]	
Mr Dennis Wong]	
Mr Kelvin Leung]	

15. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr Chung (DPO/SKIs) to brief Members on the application.

16. With the aid of a Powerpoint presentation, Mr Chung presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant, Yiu Lian Dockyards Limited, sought planning permission to use the site for a concrete batching plant on a temporary basis for a period of three years. The site, with an area of about 4,595m², was zoned "Undetermined" ("U") on the approved North-East Lantau Outline Zoning Plan (OZP) No. S/I-NEL/12;
- (b) the site formed part of the Yiu Lian Dockyard that was a ship repairing yard, at the north eastern shore of Lantau Island. There were several temporary works areas and an open storage of containers in its surroundings;

- (c) the proposed temporary concrete batching plant had a maximum gross floor area of 3,832.03m² and maximum building height of 1-storey (13.5m). There would be 15 mixer truck parking spaces and two loading/unloading bays. The applicant proposed to transport raw materials for concrete production by sea and transport of mixed concrete by road;
- (d) on 8.5.2015, the Rural and New Town Planning Committee (the RNTPC) rejected the application and the reason was that the applicant had failed to demonstrate in the submitted environmental assessment (EA) that the proposed development would not result in adverse impact on the air quality of the surroundings and the proposed development would not involve foundation/excavation/reconstruction works within the workshop building;
- (e) the applicant had not submitted any written representation in support of the review application;
- (f) departmental comments - comments from relevant government departments were detailed in paragraph 5 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the applicant could not demonstrate that the proposal would be acceptable from environmental planning perspective; there were substantial deficiencies in the technical assessments; the applicant failed to demonstrate that the contribution of NO₂ emission from both marine emissions and vehicular emissions was insignificant; and it was unclear in the contamination assessment plan as to whether the project would involve any foundation/excavation/reconstruction of the concrete paving within the footprint of the workshop building. Other government departments either had no adverse comment on or no objection to the review application;
- (g) the previous and similar applications were detailed in paragraphs 4.4 to 4.6 of the Paper;

- (h) public comments - two public comments, submitted by Kadoorie Farm & Botanic Garden Corporation and the World Wide Fund for Nature Hong Kong, objected to the application on grounds of adverse impact on the core habitat of Chinese white dolphin and leakage and spillage of cement that might cause ecological impacts on the marine ecology;
- (i) PlanD's view - did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
 - (i) the site falls within an area zoned "U", which had potential for tourism and recreational uses in North-East Lantau to complement the Hong Kong Disneyland Resort. Subject to funding, the Civil Engineering and Development Department (CEDD) and PlanD would jointly commission the Sunny Bay Study, that would be commenced for completion in early 2017. The application for the concrete batching plant development on a temporary basis for a period of three years would not jeopardise the long-term planning and development of Sunny Bay;
 - (ii) the previous application (No. A/I-NEL/5) for the same temporary concrete batching use for three years was rejected by the RNTPC on grounds of, inter alia, failure to demonstrate that the proposed concrete batching plant was a genuine temporary use. In the subject application, the applicant proposed to apply state-of-the-art equipment which was faster and easier to install and reuse in other areas, and made the relatively short-term lease term for concrete batching plant use feasible. Hence, the proposed development would not frustrate the long-term use of the "U" zone;
 - (iii) the site was used as a shipyard and surrounding uses were temporary works areas and open storage of containers. The

proposed use was not incompatible with the existing industrial-related uses in the surroundings;

- (iv) the applicant proposed delivery of all materials related to concrete production to the site by sea and to limit vehicular traffic to concrete mixer trucks and cement trucks only. The Director of Marine and the Commissioner for Transport had no objection;
- (v) no further information had been submitted to address the rejection reason regarding environmental impacts and DEP's comments as detailed in paragraph 5.2.6 of the Paper. The reason for not supporting the application remained valid; and
- (vi) as to the opposing public comments, the Director of Agriculture, Fisheries and Conservation advised that the sea around the site was not an important habitat of Chinese white dolphins and had no strong view on the application considering that this was mainly a land-based project and that the site was currently a shipyard on reclaimed land surrounded by busy waterway and highway.

17. The Chairman then invited the applicant's representatives to elaborate on the review application.

18. With the aid of a Powerpoint presentation, Ms Serena Lau made the following main points:

- (a) the site was located in a remote location on Lantau Island and had been used for shipyard purposes for a long time;
- (b) the site was very suitable for concrete batching plant use as it was not incompatible with the existing industrial-related uses in the surroundings; it was far away from residential areas which was in line with the criterion

for locating concrete batching plants in the Hong Kong Planning Standards and Guidelines; there was no noise sensitive receivers in the vicinity; marine-based delivery of materials would reduce air pollution impacts; the proposed plant would have less impact compared to other job-site based plants located within existing communities; the plant could increase supply of concrete that was in high demand; and the application was only for a temporary use of three years;

- (c) the applicant had submitted three planning applications for the same use on the site over the past two years and efforts had been made to address departmental comments where possible. The size and production capacity of the proposed plant in the subject application had been reduced;
- (d) there were only two outstanding matters on the application, air quality impacts on the surroundings and whether the proposed use would involve foundation/excavation/reconstruction works;

Air Quality Impact

- (e) regarding air quality impacts, it was considered that the proposed development would comply with all air quality standards except for minor exceeding of the NO₂ standard. According to their assessment, the predicted exceeding of the NO₂ standard was entirely due to vehicular emissions from the North Lantau Expressway rather than from the plant itself, the air quality standard would be exceeded with or without the project. Their sensitivity test confirmed that their project would only contribute 0.04% to the total NO₂ emissions due to their barging activities. In fact, it was very common for some air quality standards to be exceeded on a minor level and some overseas air quality standards would allow for the the standard to be exceeded say by less than 1%;
- (f) it was understood that government departments had to work by the local standard and might not be able to exercise their discretion to accept the

slight exceeding of the air quality standard. Hence, the applicant wished to bring the case to the Board for its decision;

No Foundation/Excavation/Reconstruction Works

- (g) the proposed plant would be placed outside the existing workshop building and vehicles would only pass through the workshop building for access to the site. There would be no foundation/excavation/reconstruction works both within or outside the workshop building;
- (h) pictures of the mobile concrete batching machine equipment that would be used on the site were shown. Similar machine was used in a Diamond Hill plant. The machine would only be placed on the ground with no need for any foundation/excavation/reconstruction works;
- (i) if the Board did not accept their argument above that their project would not require excavation, the applicant would undertake to conduct a contamination assessment, sampling and testing as a condition to the planning approval and would undertake remedial actions if there were any negative findings;
- (j) they would only commit to undertake the contamination study, if required by the Board, upon the planning approval because the applicant could not afford the extra time and cost for such assessment without assurance that the application would be approved;

[Dr C.P. Lau arrived to join the meeting at this point.]

- (k) the main concern of the Environmental Protection Department (EPD) was whether there was pre-existing contamination on the site due to previous operations. Hence, EPD had requested that the contamination assessment should include the testing of dioxins and furans. The applicant did not agree with this requirement for the following reasons:

- (i) the applicant, who was all along the operator of the shipyard, had perfect knowledge of previous and current operations on the site. The applicant advised that there had been no burning or incineration nor other operations on the site that would cause dioxin and furan;
 - (ii) there was a 300mm-thick concrete slab covering and protecting the grounds since the first day of operation of the shipyard. Soil underneath the concrete slab was unlikely to be contaminated;
 - (iii) the project under application would not require foundation works; and
 - (iv) the land grant had stipulated that at the expiry of the lease term, the applicant had to pay for cleaning up of any contamination on the site;
- (l) for the above reasons, the applicant considered that the assessment of dioxin and furan was unreasonable. Such assessment would need to be conducted overseas that would lead to further delay and cost; and
- (m) there were three other concrete batching plant sites in the northern shore of Lantau Island, including one site that was tendered in 2012 but there was no sign that the plant was under construction to date. Nevertheless, the possible NO₂ and CO₂ emissions from that plant (yet to operate) had been included in the baseline condition of their air quality assessment.

19. Mr Roger Leung continued the presentation and made the following main points:

- (a) the air sensitive receivers identified for the air quality assessment was at the Lantau Toll Plaza Administration Building, that was 200m away from and 40m above the site;

- (b) the background level of NO₂ at the air sensitive receivers were already 80% to 90% of the Air Quality Objective (AQO). Given that the administration building was located adjacent to a major highway, air quality would be unsatisfactory and there would be exceedance in NO₂ with or without the project; and
- (c) the contribution of NO₂ from the project would be less than 1% of the AQO. In overseas standard, exceeding of less than 1% would be regarded as very minimal impact. There was a precedent case for concrete batching plant in Tsing Yi (planning application No. A/TY/127) that had received no in-principle disagreement from government department even though it had similarly exceeded the standard by less than 1%.

20. The Chairman asked DPO to clarify whether from site location and land use aspects, the site was considered suitable for concrete batching plant use; and other than DEP, whether there were adverse comments from other government departments. In response, Mr Chung (DPO/SKIs, PlanD) said that the concrete batching plant was considered not incompatible with the works area and storage uses in its vicinity. The location of the site was suitable for a concrete batching plant as it was near an expressway and there were no residential uses nearby. The application was only for temporary use for three years and would not affect the long-term planning for Sunny Bay that would be subject to study. Only EPD had adverse comments on the application and all other government department had no adverse or no comment.

21. The Chairman asked the applicant's representatives whether they needed to obtain relevant licence from EPD for operation of the concrete batching plant. Mr Roger Leung (RHL) said that they would need to apply to EPD for a licence for Specified Processes (SP licence) before the concrete batch plant commenced operations. Mr C.W. Tse (Deputy Director of EPD) advised that the SP licence would not deal with soil contamination issues. Mr Tse further asked whether the applicant had approached EPD to address the outstanding comments since the RNTPC rejected the section 16 planning application in May this year. Another Member asked why the applicant had not liaised

with EPD to address the outstanding technical comments and it would be difficult for the Board to decide on the technical issues such as NO₂ emissions.

22. In response, Mr Leung said that they had previously liaised with EPD on the scope and method for the EA. Documents had been submitted to EPD which confirmed that the contribution of pollutants from the project would be minimal. Ms Serena Lau (RHL) supplemented that tables shown in the Powerpoint were extracted from the assessments that had already been submitted to EPD. However, there was difference in opinion between their environmental consultant and EPD. The applicant's view was that when the background level of NO₂ was already 80% to 90% of the AQO standard, it would be inevitable that with the NO₂ emission from marine transport proposed for the site, the AQO standard would be slightly exceeded. However, it appeared that EPD was not able to accept exceedance of the AQO standard, however minimal it might be.

23. Mr Tse said that as advised by his colleagues, the applicant had not contacted EPD since the rejection of the section 16 planning application. Assessments were submitted during the section 16 stage but the applicant had not addressed EPD's comments on those assessments. Other than NO₂, EPD raised concern on their dust emission assessment, in that wrong calculations and modelling were used. He said that EPD had not objected to the application but considered that the technical assessments needed to be properly revised. The applicant should have clarified the technical matters with EPD rather than putting the unresolved technical issues before the Board. Mr Leung said that they had on-going dialogue with EPD in the past two years since they submitted the first planning application in May 2013. EPD had repeatedly requested them to include new scopes in the assessments and they had tried to address those comments as far as possible.

24. The Chairman asked the applicant to confirm that they would be willing to prepare other assessments to address EPD's concerns as approval conditions if the Board decided to approve the application. Ms Lau said that they would undertake to conduct a contamination study but they did not agree to include the testing of dioxin and furans. Their environmental consultant had advised, after considering the site history and environment, that such tests were unnecessary. Such tests would cause further delay and increase the cost of the project.

25. A Member asked what the applicant's plan was after the concrete batching plant ceased operation after three years; and whether the applicant was operating similar plants in other parts of Hong Kong and if so, whether those plants were subject to the same environmental requirements. In response, Ms Lau said that the applicant had not operated a concrete batching plant before. Whether the applicant would decide to expand its business operations to include concrete batching plant was a commercial decision yet to be confirmed at this juncture.

26. A Member asked whether the applicant was willing to undertake further air quality assessment to address EPD's concern as a condition of approval. Mr Leung said the applicant had to obtain a SP licence from EPD for operation of the concrete batching plant and one of the requirements for a SP licence was to conduct air quality assessment.

27. Another Member asked the applicant to clarify whether the proposed concrete batching plant would worsen the contamination at the site. Ms Lau said that they had not said that there was contamination on the site and it was EPD's concern that any excavation of the site might expose existing contaminants in the soil. The applicant considered that the requirement to include dioxin and furans in the contamination study was unreasonable. Mr Leung added that given that the site was protected by a 300mm-thick concrete slab and the proposed concrete batching plant would be placed on the ground, there was very little chance for causing contamination. They had taken samples of the soil on the site which showed that there was no sign of existing contamination; those findings had been submitted in previous planning applications.

28. A Member said that it was inappropriate for the applicant to request the Board to overrule EPD on such technical matters. Ms Lau said that they were not asking the Board to overrule EPD, but they were not able to resolve the difference in opinion with EPD even though they had already spent a long time liaising with EPD. They wished to present the merits of the case to the Board and requested the Board to approve the case based on its special circumstances.

29. A Member asked DPO to clarify the Highways Department (HyD)'s comments as highlighted in paragraph 5.2.4 of the Paper. Mr Chung said that the proposed access road connecting the site with Sunny Bay Road was currently managed by HyD. HyD and

the Transport Department (TD) proposed that the applicant should take up the traffic signalling and management of the access road. According to the further information submitted, the applicant had no objection to HyD's and TD's proposal. Should the Board decide to approve the application, such requirement was suggested to be included as an approval condition set out in paragraph 8.2 (a) of the Paper.

30. A Member asked whether the air quality assessment should be assessed based on the incremental change in air quality specifically contributed by the proposed use, given that the site was at a very open location with no surrounding residential developments or sensitive uses. Mr Chung said that EPD had their established standard and requirements for air quality assessment which would normally be followed.

31. As the applicant's representatives had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/SKIs and the applicant's representatives for attending the meeting. They all left the meeting at this point.

Deliberation

32. Mr Tse said that after the applicant submitted the EA for the section 16 planning application, they had not approached EPD regarding the comments they had raised on the EA. Subject to rectification of some technical issues in the EA, EPD had no in-principle objection to the application. Regarding the contamination study, while the proposed concrete batching plant would unlikely lead to soil contamination, the previous shipyard operation might cause land contamination. It was the government's practice to require the applicant to carry out contamination study through land conditions for any change of use on such sites. This was to establish whether at the time for application for change of use there were pre-existing contamination, this would be important to establish the responsibility for cleaning up the contamination. Testing of dioxin and furans was requested because staff of EPD noted in a site visit in 2003 that there was an area on the site that had signs of burning when the site was used as a shipyard. If the applicant could not provide convincing explanation about the operations that caused the signs of burning, it

would be a reasonable requirement to test for dioxins and furans at that location. However, such technical details could be deferred to EPD to further agree with the applicant. Should the Board decide to approve the application, EPD had no objection subject to conditions being imposed to require the applicant to conduct and rectify the EA prior to commencement of operations.

33. The Chairman said that the Board's main consideration was whether the proposed use was suitable from land use planning perspective. With regard to the environmental concerns, the Board would normally rely on the technical department's views. Based on EPD's advice, he asked for Members' views about approving the application subject to conditions that would fully address EPD's concerns.

34. Mr K.K. Ling (Director of Planning) said that when the RNTPC considered the application, it was considered that the location was suitable for a concrete batching plant as it was distant from any residential developments and had marine access. It was also noted that concrete was in high demand in Hong Kong. The application was rejected mainly due to possible adverse environmental impacts. Members were asked to consider the suggested approval conditions at paragraphs 8.2(d) and (e) of the Paper, that required submission of a revised EA and implementation of the mitigation measures proposed in the EA to the satisfaction of DEP within six months and nine months respectively. With such approval conditions, which were stringent and with a definite timeframe for compliance, he considered that the application could be approved.

35. In response to a Members' question, Mr Ling said that the reason for rejection of the section 16 planning application was related to the applicant's failure to demonstrate that there would not be adverse impact on air quality of the surroundings, and whether the proposed development would involve foundation/excavation/reconstruction works or not. The applicant had tried to respond to the rejection reason at the meeting. It was explained that there would be some exceedance of the AQO standard but the impact would be minimal as there were very little air sensitive receivers in the surroundings and there would be no foundation/excavation/reconstruction works involved in the proposed use and vehicle would only access through the workshop building. Members might consider whether those clarifications made at the meeting were sufficient.

36. A Member indicated no objection to the application and asked what would be EPD's stance if the applicant could not satisfy their requirements on the contamination study but the applicant committed that there would be no excavation on the site. In response, Mr Tse said that the treatment of contamination would be different depending on the site circumstances, not all contamination needed to be extracted from the ground, and it was also feasible to cover up the contaminated soil. The main objective of the contamination study was to establish the pre-existing conditions prior to the change in use, which was necessary for determining the responsibility for cleaning up the contaminants. A Member agreed that determining the responsibility for cleaning up the contaminants was important.

37. A Member asked what the government's plan was for the site and its surrounding area. Mr Ling said that there might be reclamation at that location in the long term. The Secretary referred Members to paragraph 7.2 of the Paper regarding details and programme of the Sunny Bay Study, that would cover the site and its adjacent areas.

38. A Member agreed that the application could be approved with conditions. However, it was not appropriate for the applicant not to approach EPD but put the technical issues to the Board for a decision, and approving the application might set a bad precedent. Furthermore, if the relevant approval condition was to the satisfaction of DEP or the Board, the Member doubted if the applicant would again not approach EPD but the Board regarding compliance with conditions. The Secretary said that approval conditions were normally written in such way and the applicant should first approach the relevant departments to prepare the required submissions and if there was difference in opinion that could not be resolved, there were past cases where compliance of approval condition was submitted to the Board for consideration.

39. Another Member said that the Board should not speculate the motives of the applicant in not approaching EPD, the applicant had full discretion as to how to present the review case to the Board. The most important issue would be EPD's latest views on the application after hearing the presentation at the meeting. Another Member said that Ms Lau had explained that they had approached EPD in the past two years but they might not have done so only for the subject review application. This Member agreed that the

application could be approved with conditions.

40. After further deliberation, Members agreed to approve the application with conditions. Members then went through the approval conditions and advisory clauses in paragraph 8.2 of the Paper and considered that they were appropriate.

41. After deliberation, the Board decided to approve the application on a temporary basis for three years until 28.8.2018 on the terms of the application as submitted to the Board and subject to the following 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, as proposed by the applicant, 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 raw material for concrete production to the site by sea, as proposed by the applicant, during the planning approval period;
 - (c) no vehicles other than the concrete mixer trucks proposed by the applicant are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
 - (d) the submission of a revised Environmental Assessment (EA), including the revised land contamination assessment, 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 28.2.2016;
 - (e) in relation to (d) above, the implementation of mitigation measures (if any) proposed in the EA within 9 months from the date of planning approval by 28.5.2016, or before the operation of the

proposed development, whichever is the earlier, and the maintenance of such measures throughout the planning approval period, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

- (f) the submission of a “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 28.2.2016;
- (g) in relation to (f) above, the implementation of the measures proposed in the “Barging Operation Plan” within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such measures throughout the planning approval period, to the satisfaction of the Director of Marine or of the Town Planning Board;
- (h) the submission of a sewerage system design proposal 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 28.2.2016;
- (i) in relation to (h) above, the implementation of a sewerage system within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such facilities throughout the planning approval period to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (j) the submission of a drainage system design proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.2.2016;
- (k) in relation to (j) above, the implementation of a drainage system

within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such facilities throughout the planning approval period to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (l) the submission of emergency vehicular access, water supplies for fire fighting and fire service installations proposals 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 28.2.2016;
- (m) in relation to (l) above, the implementation of emergency vehicular access, water supplies for fire fighting and fire service installations proposals within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such facilities throughout the planning approval period to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (n) if any of the above planning conditions (a), (b) and (c) 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
- (o) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) 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.”

42. The Board also agreed to advise the applicant of the following:

- “ (a) to note the comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that a waiver application for the

proposed temporary concrete batching plant use on the site is required. The application would be examined by LandsD on its own merits at the sole discretion of the Director of Lands in her capacity as the landlord. However, it must not be construed that waiver or approval under lease would be given by LandsD;

(b) to note the comments of the Director of Marine (D of Marine) that:

(i) the "Barging Operation Plan" should demonstrate the establishment of a barging point at the site, mooring of vessels at the sea frontage and its associated barging activities to the satisfaction of the D of Marine prior to the commencement of the operation of the proposed development;

(ii) all vessels employed for the business concerned shall hold/carry valid licences and any other necessary permits;

(c) to note the comments of the Director of Fire Services that:

(i) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

(ii) provision of emergency vehicular access shall comply with Section 6, Part D of Code Practice for Fire Safety in Buildings 2011 which is administrated by the Buildings Department (BD);

(d) to note the comments of the Chief Building Surveyor/New Territories West, BD that:

(i) a means of obtaining access to the Site from a street of not

less than 4.5m wide should be provided in accordance with the Building (Planning) Regulation (B(P)R)5;

- (ii) the gross floor area figure provided in the application should also take into account the office and control room areas where appropriate; and
 - (iii) detailed checking will be carried out in the General Building Plans submission stage. The applicant should demonstrate compliance with the Building Ordinance (BO) in particular but not restricted to emergency vehicular access provision, fire separation with existing building on Site, Sustainable Building Development requirements when applicable and that prescribed window provision of the existing building will not be jeopardised;
- (e) to note the comments of the Director of Electrical and Mechanical Services that:
- (i) there is an intermediate pressure underground town gas transmission pipelines running in the vicinity of the site. The applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the site and the minimum set back distance away from the gas pipes/gas installations if any excavation works are required during the design and construction stages of the proposed development; and
 - (ii) the applicant is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes"

during the construction and operation of the proposed development.”

Advisory Clauses

- (a) to note the comments of the District Lands Officers/Islands that 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;
- (b) to note the comments of the Director of Marine (D of Marine) that 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;
- (c) to note the comments of the Director of Environmental Protection that 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;
- (d) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that 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 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);
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and 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;
- (f) to note the comments of Director of Electrical and Mechanical Services that:
 - (i) 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;
 - (ii) there is an intermediate pressure town gas transmission pipeline (running along the access road to the Site) in the vicinity of the Site;
 - (iii) 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 application site and any required minimum set back distance away from them during the design and construction stages of development; and

- (iv) 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).