

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-FTA/192**

- Applicant** : Build Way International Inc. represented by Aikon Development Consultancy Limited
- Site** : Lots 20 RP (Part), 21 and 23 RP (Part) in D.D. 88 and adjoining Government Land, East of Man Kam To Road, Sheung Shui, New Territories
- Site Area** : About 9,056 m<sup>2</sup> (including about 799 m<sup>2</sup> of Government land)
- Land Status** : (a) Block Government Lease (demised for agricultural use) (about 91.2% of the Site)  
(b) Government land (about 8.8% of the Site)
- Plan** : Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/16
- Zoning** : “Open Storage” (“OS”)
- Application** : Renewal of Planning Approval for Temporary Asphalt Plant for a Period of 5 Years until 12.12.2024

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary asphalt plant for a period of five years until 12.12.2024. The Site falls within an area zoned “OS” on the approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/16 (**Plan A-1**). According to the Notes of the OZP, ‘Asphalt Plant’ is a Column 2 use within the “OS” zone requiring planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 12.12.2019.
- 1.2 The Site is the subject of a previous application No. A/NE-FTA/148 for the same use submitted by the same applicant. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 12.12.2014 for a period of five years up to 12.12.2019. On 23.10.2015, an amendment to the approved scheme (Application No. A/NE-FTA/148-2)<sup>1</sup>, mainly involving extension of emergency vehicular access (EVA), reduction in site area, total GFA, site

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<sup>1</sup> Application No. A/NE-FTA/148-1 was for the extension of the time limit (EOT) for compliance of the approval conditions. The application was approved on 3.6.2015.

coverage and building height, was approved by the Committee. The applicant has complied with all the approval conditions of the last approved application.

- 1.3 According to the applicant, the development scheme submitted under the current renewal application is largely the same as the previous application No. A/NE-FTA/148-2, except for a minor increase in the total gross floor area (GFA) of 43.92 m<sup>2</sup> due to three additional containers at the western corner of the Site for ancillary office and storage uses. A comparison of the major development parameters of the previous approved application and the current renewal application is appended below. For clarity purpose, the location of the additional containers resulting in additional GFA is shown on **Plan A-2**.

Major Development Parameters	Previous Approved Application No. A/NE-FTA/148-2 (a)	Current Application No. A/NE-FTA/192 (b)	Difference (b) – (a)
Site Area	9,056 m <sup>2</sup> (about) (including about 799 m <sup>2</sup> of Government land)	9,056 m <sup>2</sup> (about) (including about 799 m <sup>2</sup> of Government land)	-
GFA	2,329.40 m <sup>2</sup> (about)	2,373.32 m <sup>2</sup> (about)	+ 1.89%
Operational block (Asphalt plant and ancillary equipment / machines)	2,093.72 m <sup>2</sup>	2093.72 m <sup>2</sup>	-
Administrative block (Ancillary office / Storage)	235.68 m <sup>2</sup>	279.60 m <sup>2</sup>	+18.64%
Plot Ratio	0.26	0.26	-
Site Coverage	27%	27%	-
Building Height			
Asphalt plant and ancillary facilities (Excl. ancillary office)	34.6 m	34.6 m	-
Ancillary administrative blocks	8.1 m (1-storey)	8.1 m (1-storey)	-
Car Parking and Loading/Unloading (L/UL) Provision			
Private car parking space	6	6	-
Lay-by for taxis & private cars	1	1	-
L/UL bay for goods vehicles	1	1	-
L/UL bays for asphalt trucks & bitumen trucks	9	9	-

- 1.4 The operation hours of the temporary asphalt plant are 24 hours a day from Mondays to Sundays. The Site is accessible via an existing access road connecting to Man Kam To Road (**Plan A-3**). A master layout plan for the current scheme is at **Drawing A-1**.

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

- |     |   |               |
|-----|---|---------------|
| (a) | Application Form with attachments received on 27.8.2019 | (Appendix I)  |
| (b) | Supplementary Planning Statement received on 27.8.2019  | (Appendix Ia) |
| (c) | Supplementary Information received on 30.8.2019         | (Appendix Ib) |
| (d) | Further Information (FI) received on 27.9.2019          | (Appendix Ic) |
| (e) | FI received on 9.10.2019                                | (Appendix Id) |

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

The justifications put forth by the applicant in support of the application can be summarized as follows:

- (a) the asphalt plant is essential to address local and territorial demand for asphalt and support Hong Kong infrastructural developments, emergency road works or repair and maintenance works. It has a maximum hourly production capacity of 160 tonnes. Should the operation of the temporary asphalt plant be ceased due to the failure in renewing the planning permission, a disruption may be expected on the on-going infrastructure projects supported by the applicant's supply of asphalt;
- (b) there will be no substantial changes in planning circumstances by approving the current application and the applicant has complied with all the planning approval conditions under previous planning approval;
- (c) the development of a similar asphalt plant in an alternative location is not likely to be materialized in the short term. The application is of temporary nature and will not jeopardise the long-term planning intention of the subject "OS" zone;
- (d) the proposal of developing a centralized poultry slaughtering centre to the south of the Site zoned "Other Specified Uses" annotated "Poultry Slaughtering Centre" ("OU(PSC)") on the OZP was shelved by Government in 2010 since the risk of avian influenza in Hong Kong was kept at a low level. The temporary asphalt plant will not be in conflict with the implementation programme of the relocation of the Cheung Sha Wan Temporary Wholesale Poultry Market (CSWTWPM) to the "OU(PSC)" site which is still under consideration by the Government;
- (e) no adverse environmental impact is expected as the temporary asphalt will continue to be in line with all the required environmental control measures and good site practices;
- (f) apart from complying with relevant regulations under the Air Pollution Control Ordinance (APCO), the applicant has also carried out voluntary improvement measures including installing a deodorization system to filter the particles and odour; using low odour bitumen to reduce the volatility and formation of bitumen fume; equipping all asphalt trucks with cover for reducing dusts and odour during transportation; necessary staff training; and regular environmental monitoring within the Site and surrounding areas to ensure minimal impacts to the neighbourhood. According to the Environmental Assessment, no unacceptable noxious and offensive emissions would be generated due to the plant operation;

- (g) no adverse noise impact is expected as additional noise mitigation measures will be provided to ensure that the relevant noise standards under Chapter 9 of HKPSG would be complied with;
- (h) no adverse sewage and water quality impacts are expected as the asphalt production process does not require use of water and no industrial wastewater would be generated. Proper mitigation measures including adopting portable toilets, regular clearance of collected sewage/ wastewater tank, on-site management of using sprinklers for dust suppression and diversion of surface runoff to sedimentation tank would be continued to be implemented to avoid water pollution from sewage and site surface runoff.;
- (i) no adverse traffic impact is expected as there is no significant change in planning circumstances and all key junctions will operate with sufficient capacity. No additional traffic is expected to be generated upon the approval of the renewal application. The traffic generation and attraction are anticipated to be 33 passenger car units (pcu) respectively, i.e. 2-way traffic generation of 66 pcu/hour as in the existing development; and
- (j) approval of the current application will not set an undesirable precedent.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent / Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) by obtaining consent from all the other “current land owners”. For the adjoining Government land, TPB PG-No.31A is not applicable to the application. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

- 4.1 The ‘Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-34C) is relevant to this application. The relevant assessment criteria are summarised as follows –
- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
  - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
  - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
  - (d) whether the approval period sought is reasonable; and

(e) any other relevant considerations.

4.2 Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

## 5. Previous Applications

5.1 The Site was the subject of two previous applications (No. A/NE-FTA/123 and 148) for the same use submitted by the same applicant.

5.2 Application No. A/NE-FTA/123 for a permanent asphalt plant was rejected by the Committee on 4.4.2014 mainly on considerations that the proposed development was not compatible with the planned land uses in the area; and approval of the application would jeopardise the land use planning of the area and set an undesirable precedent for similar applications in the area.

5.3 Planning application No. A/NE-FTA/148 with the same site area, layout and major development parameters of the asphalt plant as the rejected application No. A/NE-FTA/123 was approved with conditions by the Committee on 12.12.2014 on a temporary basis for a period of five years on the considerations that the proposed temporary development would not jeopardise the long-term planning intention of “OS” zone; it was not incompatible with the surrounding land uses; it would not affect the implementation programme of the relocation of the Cheung Sha Wan Temporary Wholesale Poultry Market (CSWTWPM); and relevant Government departments, including the Secretary for Food and Health (S for FH), Director of Agriculture, Fisheries and Conservation (DAFC), Director of Environmental Protection, Department of Health and Director of Food and Environmental Hygiene, have no objection to the application. In connection with the approval, the applicant had also been advised that in the event of future renewal of the planning permission, comments from S for FH or DAFC should be sought based on the latest position of the existing CSWTWPM and the outcome of its related assessments, including environmental and traffic impact assessments.

5.4 On 23.10.2015, the Committee approved under Application No. A/NE-FTA/148-2 amendments to the approved scheme mainly involving extension of EVA, reduction in site area, total GFA, site coverage and building height (in terms of no. of storeys). All approval conditions have been complied with and the asphalt plant commenced operation in April 2017.

5.5 The development parameters submitted under the current renewal application are largely the same as the previous application No. A/NE-FTA/148-2, except for a minor increase in the total gross floor area (GFA) of 43.92 m<sup>2</sup> due to three additional containers at the western corner of the Site for ancillary office and storage uses (**Plan A-2**).

5.6 Details of the previous applications are at **Appendix II**.

**6. Similar Application**

There is no similar application for asphalt plant use within the same “OS” zone on the OZP.

**7. The Site and Its Surrounding Areas (Plans A-1 and A-4, A-5a to A-5d)**

7.1 The Site is:

- (a) flat and formed, occupied by an asphalt plant with valid planning permission until 12.12.2019; and
- (b) accessible via an existing local access road leading to Man Kam To Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) to the east of the Site are occupied by warehouse and open storage sites;
- (b) to the south of the Site are the existing local access road and sites used for open storage and vehicle repair workshop. To the further south of the Site is an area zoned “Other Specified Uses” annotated “Poultry Slaughtering Centre” (“OU(PSC)”) on the OZP, which is now under consideration by the Food and Health Bureau (FHB) and AFCD as a possible site to relocate the existing CSWTWPM. Across the “OU(PSC)” zone to the south is Hung Kiu San Tsuen, a non-recognised village in “OS” zone (**Plan A-1**);
- (c) to the west are open storage sites and a vehicle repair workshop; and
- (d) to the north of the Site is an area zoned “Green Belt” on the OZP scattered with some graves.

**8. Planning Intention**

The planning intention of the “OS” zone in the Fu Tei Au and Sha Ling area is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

**9. Comments from Relevant Government Departments**

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises private lots and adjoining Government land. The lots are Old Schedule lots held under the Block Government lease (demised for agriculture use) without any guaranteed right of access. The applicant should make its own arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the applied use;
- (b) the lots are covered by a valid Short Term Waiver (STW) No. 883 for the purposes of (i) a concrete production plant; and (ii) open storage of machinery and equipment with a total site coverage not exceeding 930.5 m<sup>2</sup>;
- (c) the Government land within and adjoining the Site is covered by Short Term Tenancy (STT) No. 641 for the purposes of (i) a concrete/asphalt batching plant; (ii) manufacturing of concrete products; and (iii) open storage of machinery and equipment with a total site coverage not exceeding 81.84 m<sup>2</sup>; and
- (d) the owners of the lots and the tenant concerned have submitted applications to his office for modification of the user, terms and conditions of the STW and STT respectively, which are being processed by his office. There is no guarantee that the applications will be approved. If the modifications are approved, they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent for the additional site coverage and administrative fees as considered appropriate by his office. Furthermore, the commencement date will be backdated to the first date of discovery.

### **Food Safety and Health**

9.1.2 Comments of the Secretary for Food and Health (S for FH) and the Director of Food and Environmental Hygiene:

- (a) a technical feasibility study on accommodating six existing wholesale food markets (including CSWTWPM, Cheung Sha Wan Wholesale Vegetable Market, Cheung Sha Wan Wholesale Food Market, Cheung Sha Wan Wholesale Fish Market, Kwun Tong Wholesale Fish Market and Western Wholesale Food Market) in North West Tsing Yi is underway for completion in 2020. Various options are being considered. A request has been made to Development Bureau/PlanD for reserving the “OU(PSC)” site for re-provisioning CSWTWPM in 2006. The “OU(PSC)” site should remain to be reserved for re-provisioning CSWTWPM, pending outcome of the study; and

- (b) the applicant should be reminded that the operation of the asphalt plant should not cause any environmental hygiene problems at and in the vicinities of the Site.

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

- (a) the Government is currently reviewing the site zoned “OU(PSC)” adjoining the Site and other options, with a view to identifying the most suitable replacement site for the CSWTWPM. To this end, Civil Engineering and Development Department (CEDD) has commissioned a “Technical Study on Potential Sites for Relocation of Wholesale Markets (including CSWTWPM) and for Other Industrial Uses in North West Tsing Yi”. The study commenced in June 2018 is now scheduled for completion in 2020. Depending on the study results and other considerations, FHB/AFCD will consult the relevant stakeholders and consider the way forward;
- (b) he has no comment on the renewal application as the expected site work commencement date for the re-provisioning of CSWTWPM, if any, at the adjoining “OU(PSC)” site would be beyond the renewal period of the current application, i.e. 12.12.2024; and
- (c) further renewal of the planning approval beyond 12.12.2024 should, however, take into consideration the works schedule of the new wholesale poultry market. If the applicant applies for further renewal of the planning approval, comments should be sought from FHB or her department based on the latest position of the market relocation project and the outcome of its related assessments, including environmental and traffic assessments.

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

- it is noted that a licence is issued by Environmental Protection Department (EPD) for operating an asphalt plant. We trust that EPD has conducted checking and monitoring of the existing asphalt plant through current licensing mechanism and taken reference to EPD’s Guidance Note on the technical, management and monitoring requirements for specified process – Tar and Bitumen Works (Asphaltic Concrete Plants). If necessary, EPD would seek comments from her department on any potential health hazard.

**Environment**

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

- (a) he has no adverse comment on the application from environmental planning perspective;
- (b) according to the application, it is noted that the site configuration and overall site layout (except the slight increase in floor area for ancillary office and storage uses), the asphalt production process and operation



and the maximum production capacity of 160 tonnes/hour should remain unchanged under the renewal application. The continued operation of the asphalt plant will not generate additional traffic and involve major construction works;

Air

- (c) from air quality perspective, it is noted that the asphalt plant is currently operating in accordance with the requirements of the Specified Process (SP) Licence issued to the applicant in 2017 under Air Pollution Control Ordinance (Cap. 311), and the recommendations in the Air Pollution Control Plan (APCP) in support of the SP Licence application. The EA report in the current application referred to the 2017 APCP which revealed three new air sensitive receivers (ASRs), all workshop type of uses, compared with the EA report submitted in support of A/NE-FTA/148, with the nearest new ASR located at about 4m to the south of the Site. Quantitative assessment in the 2017 APCP also showed that there would be no adverse air quality impact to all ASRs from the plant operation. Since the commencement of operation in 2017, the following additional air quality control measures have been implemented:

- additional deodorization system;
- use of low-odour bitumen for asphalt production; and
- equipping asphalt trucks with covers;

Noise

- (d) regarding potential noise impact, the EA report in the current application showed no new noise sensitive receivers (NSRs), i.e. the NSRs are the same as those identified in A/NE-FTA/148. Given the applicant has committed to (i) provide relevant noise mitigation measures, including full enclosure/substantial barrier for all plants/equipment with surface density no less than 14kg/m<sup>2</sup> with 25mm thick internal sound absorptive lining or have a minimum Sound Transmission Class of 30; and (ii) to assure that the relevant noise standards under Chapter 9 of HKPSG would be complied with, no insurmountable noise impact is anticipated;

Sewage

- (e) There is no public sewer nearby. It is noted from the EA report that the production process does not require the use of water, and the collected sewage/wastewater generated by the staff is regularly tankered-away for off-site disposal as recommended in the approved application A/NE-FTA/148. Hence, no adverse impact from sewage treatment/disposal is anticipated;

Hazard to Life

- (f) regarding the potential hazard to life arising from a Potentially Hazardous Installation (PHI), i.e. Sheung Shui Water Treatment Works (**Plan A-1**), he has no objection to the application from chlorine risk perspective; and

- (g) since the operation of the subject asphalt plant in April 2017, about 110 complaints have been received, of which more than 90% were related to air nuisance. The remaining complaints were related to noise nuisance, illegal effluent discharged and light nuisance. Follow-up actions have been taken on each of the complaint case received, including site investigations and inspections. After around 150 numbers of regular and surprise checks, no non-compliance was found and all the complaints were considered unsubstantiated, except for an offence case on the first day of operation in April 2017, for which the applicant was convicted and fined HKD\$15,000 for contravening Air Pollution Control Ordinance (Cap. 311).

### **Traffic**

#### 9.1.6 Comments of the Commissioner for Transport (C for T):

- (a) having reviewed the application and FI submitted by the applicant (**Appendices I, Ia and Ic**), he has no in-principle objection to the application;
- (b) it is noted that the applicant has included the access route via the Lin Ma Hang Road (western section), which would be widened by Highways Department in future. The applicant should be reminded to take note of the above during plant operation; and
- (c) the vehicular access to the Site is via an unnamed local track which is not managed by TD. Its land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly.

#### 9.1.7 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) he has no comment on the application; and
- (b) the vehicular access leading from Man Kam To Road to the Site is not under HyD's maintenance purview.

### **Drainage**

#### 9.1.8 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no in-principle objection to the application;
- (b) the current application is for the renewal of a previous approved scheme in which the applicant has complied with the approval conditions on submission of Drainage Impact Assessment and provision of drainage facilities to the satisfaction of his department;
- (c) noting that there was a drainage complaint about water overflowing from the Site to Man Kam To Road and there is a minor increase in

GFA for the development, should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent areas;

- (d) his general requirements of a drainage proposal is at **Appendix IV**; and
- (e) the Site is in an area where no public sewer connection is available.

### **Building Matters**

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

- (a) he has no in-principle objection to the application;
- (b) the latest set of general building plans for the asphalt plant was approved by the Building Authority on 10.7.2017;
- (c) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (d) before any new building works (including asphalt plant) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (e) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (f) if the proposed use under application is subject to the issue of a licence, any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (g) in connection with (c) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Building (Planning) Regulations (B(P)Rs) 5 and 41D respectively; and
- (h) if the Site does not abut a specified street of not less than 4.5m wide, the development intensity shall be determined by the Building Authority under B(P)R 19(3) at the building plan submission stage.

### **Fire Safety**

#### 9.1.10 Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the renewal application subject to fire service installations (FSIs) and water supplies for firefighting be provided to the satisfaction of his department;
- (b) in consideration of the design/ nature of the proposal, the applicant is required to submit the relevant layout plans to his department incorporated with the proposed FSIs for approval. In preparing the submission, the applicant should note the following points:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) the location of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
- (c) the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

### **Water Supply**

#### 9.1.11 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application; and
- (b) the existing water mains within the Site would be affected. His advisory comments are at **Appendix IV**.

### **Urban Design and Landscape**

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

- (a) as there is no change in overall site area and building height as compared with the previously approved application No. A/NE-FTA/148-2, she has no comment on the renewal application;
- (b) since existing trees and vegetation are found within the Site and there is no major public frontage along the site boundary, should the application be approved, it is considered not necessary to impose a landscape condition as the effect of enhancing the quality of public realm is not apparent; and

- (c) in view of some existing trees and vegetation are found within the Site, the applicant should be reminded that all existing trees and vegetation shall be maintained at all time during the approval period.

### **District Officer's Comments**

9.1.13 Comment of the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) he has consulted the locals regarding the application. 上水虎地坳村居民協會 supports the renewal application as the operation of asphalt plant would serve needs of the community and could be improved by taking comments from others;
- (b) the Chairman, 1<sup>st</sup> Vice-chairman and 2<sup>nd</sup> Vice-chairman of Sheung Shui District Rural Committee (SSDRC) indicate conditional support to the application upon the operation of the asphalt plant complying with all regulations and requirements of Government departments; and
- (c) the Chairman of SSDRC, the incumbent North District Council member of the subject constituency cum Indigenous Inhabitant Representative (IIR) of Sheung Shui Heung, the Resident Presentatives and the remaining IIR of Sheung Shui Heung have no comment on the application.

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

- (a) Chief Architect/CMD2, Architectural Services Department (CA/CMD2, ArchSD);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD); and
- (d) Commissioner of Police (C of P).

## **10. Public Comments Received During Statutory Publication Period**

10.1 On 3.9.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 1,177 public comments were received (**Appendix III**), in which 759 object, 400 support, 13 indicating concern and 5 indicating no comment on the application. A summary of public comments received are as follows:

### **Objecting Comments**

10.2 The 759 objecting comments were submitted by Hon. FONG Kwok-shan, 紅橋瀝青廠關注組, villagers and individuals. They raise objection to the renewal application mainly on the following grounds:

### Environmental Issues

- (a) the asphalt plant generates fumes and odour in the air. Villagers nearby are suffering from these toxic fumes and odour round-the-clock, resulting in headache, throat and eye irritation, insomnia, respiratory diseases and cancer etc.;
- (b) the fumes significantly affect the daily life of nearby villagers despite numerous complaints on air nuisance have been made;
- (c) the fumes from the asphalt plant would dissolve in the rain and river. The polluted water would ultimately be joining Ng Tung River in the west and cause water pollution to other areas of Hong Kong;
- (d) the chemical residues from the sewage/ surface runoff of the asphalt plant are carcinogenic and harmful, poisoning and polluting the water and food sources in the North District;
- (e) the machineries on Site create noise pollution and disturbance to nearby villagers during operation of the development;
- (f) researches have revealed that lung cancer is associated with the prolonged exposure to bitumen fumes generated from the 24-hour operation of asphalt plant;

### Unsuitable Location

- (g) the Site is surrounded by mountains and the fumes from the asphalt plant during operation would concentrate at low level in the vicinity of the Site;
- (h) there should not be any residential settlements within 1000 m buffer of an asphalt plant, not to mention food processing plants and service reservoir;

### Others

- (i) there are existing Sheung Shui Slaughter House, Sheung Shui Water Treatment Works, Table Hill Fresh Water Service Reservoir under construction, proposed poultry slaughtering centre, proposed temporary cold storage for poultry and distribution centre, all in the vicinity of the subject asphalt plant. The toxic pollutants in the air and water would poison the fresh water and food supply;
- (j) there is a diesel tank and other highly flammable fuels stored within the Site which pose fire hazard to nearby residents; and
- (k) heavy vehicles passing the local access road and damage the road surface.

### **Supporting Comments**

10.3 The 400 supporting comments were submitted by the Chairman of North District Council and individuals. Their grounds of supporting the application are summarised as follows:

- (a) industrial and construction industries in Hong Kong should be supported. Renewal of the application would allow reliable and constant supply of

asphalt to facilitate infrastructural development and promote economic development, including job opportunities;

- (b) the continued operation of the development would facilitate the development of the North East New Territories development areas e.g. Kwu Tung North and Fanling North and allow positive competition among different asphalt plants;
- (c) the development parameters of the asphalt plant remain unchanged and its operation is in compliance with relevant Government regulations and requirements;
- (d) asphalt paving/ roads are widely used worldwide. It is durable and a better choice over concrete for development; safe to use with careful handling like other chemicals e.g. fuel and lubricants;
- (e) the asphalt plant has no adverse environmental and traffic impacts to the surrounding areas. No significant incident had happened to the asphalt plant since its commencement of operation;
- (f) noticeable improvements on the asphalt plant have been made by the applicant. Facilities have been upgraded in response to the required environmental mitigation measures and there is no significant adverse environmental impact; and
- (g) there are only few village settlements in the vicinity. The applicant is eager to communicate with the local community and has established a hotline for receiving comments and reporting issues.

#### **Comments with Concerns/ No Comment**

10.4 The 13 comments submitted by individuals raise concerns as follows:

- (a) the renewal application should be widely published such that the public could be informed;
- (b) the public should be aware of the cost and environmental impact of road construction and maintenance;
- (c) whether the operation of the asphalt plant is in compliance with all regulations and requirements should be decided by professionals;
- (d) it is doubtful if the operator could assure safety on water and food qualities and no adverse impact/ pollution to the surroundings;
- (e) rubberised asphalt should be used for road surface instead;
- (f) sustainable development should be pursued with more environmental enhancement measures; and
- (g) the Site should be put out to tender for other uses.

- 10.5 Four comments submitted by individuals and the Chairman of Sheung Shui District Rural Committee indicate no comment on the application while one political comment at **Appendix III** (No. 5-8) submitted by an individual is considered irrelevant to the current renewal application.

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

### The Proposal

- 11.1 The application is for renewal of planning permission for a temporary asphalt plant for a period of five years up to 12.12.2024 at the Site zoned “OS” on the OZP. The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises. While the asphalt plant is not an open storage use entirely in line with the planning intention, it is a Column 2 use under “OS” zone that may be permitted with or without conditions on application to the Board based on individual merits. The application for an asphalt plant on a temporary basis for a period of five years will not jeopardize the long-term planning intention of the “OS” zone.

### Land Use Compatibility

- 11.2 The Site falling entirely within an area zoned “OS” and there are some works area/ open storage/ warehouse/ vehicle repair workshop uses in its vicinity (**Plans A-3 and A-4**). The asphalt plant is considered not incompatible with the existing surrounding rural environment nor significantly affecting the existing landscape character. Since this is a renewal application, CTP/UD&L, PlanD has no comment on the application from the visual impact and landscape planning point of view.

### Interface with the adjoining proposed Poultry Slaughtering Centre site

- 11.3 To the immediate south of the Site is an area zoned “OU(PSC)” on the OZP earmarked for the development of a poultry slaughtering centre (PSC). The asphalt plant is considered not compatible with the planned PSC use.
- 11.4 According to S for FH/DFEH and DAFC, the Government is currently reviewing the Site and other options, with a view to identifying the most suitable replacement site for the CSWTWPM. Upon the completion of the relevant technical study in 2020, S for FH/DAFC will consult the relevant stakeholders and consider the way forward. According to DAFC, if the adjoining “OU(PSC)” site is required for the re-provisioning of CSWTWPM, the site work commencement date would be beyond the renewal period of the current application, i.e. 12.12.2024. As the current renewal application will not be in conflict with the possible relocation site of CSWTWPM, S for FH/DFEH and DAFCF have no comment on the application. Approval of the temporary asphalt plant on a temporary basis for a further five years will not affect the long-term planning and development of the area.



- 11.5 Nonetheless, should the application be approved by the Committee, the applicant should be advised that in the event of the future renewal of the planning permission, comments from S for FH or DAFC should be sought based on the latest position of the relocation of the existing CSWTWPM and the outcome of its related assessments, including environmental and traffic impact assessments.

#### Environmental Impacts

- 11.6 From environmental planning perspective, DEP has no adverse comment on the application. Regular and surprise checks have also been carried out to ensure the operation of the asphalt plant is in compliance with all environmental related regulations and requirements.
- 11.7 As the operation of the asphalt plant is subject to the issuance of the Specified Process (SP) Licence under Air Pollution Control Ordinance (Cap. 311) incorporating the recommendations in the Air Pollution Control Plan (APCP), DEP advises that there would be no adverse air quality impact from plant operation to all air sensitive receivers identified in the APCP. In addition, additional air quality control measures, including additional deodorization system, use of low-odour bitumen for asphalt production and equipping asphalt trucks with covers, have been implemented since the commencement of operation in 2017.
- 11.8 Regarding potential noise impact, the applicant has committed to provide relevant noise mitigation measures, including full enclosure/ substantial barrier for plants/ equipment and to ensure that the relevant noise standards under Chapter 9 of HKPSG would be complied with. In this regard, DEP advises that no insurmountable noise impact is anticipated. Should the application be approved, the applicant will be required to provide the noise mitigation measures to the satisfaction of DEP.
- 11.9 As the production process does not require the use of water, and the collected sewage/wastewater generated by the staff is regularly tankered-away for off-site disposal, DEP advises that no adverse impact from sewage treatment/ disposal is anticipated.

#### Other Impacts

- 11.10 Other Government departments consulted, including C for T, CBS/NTW of BD, D of FS, CE/MN of DSD, CE/C, WSD and D of Health, have either no comment on or no objection to the application.

#### Previous Application

- 11.11 The current development proposal is largely the same as the previously approved scheme. All the approval conditions for the previous application have been complied with and there has not been major change in planning circumstances since the approval of the previous application.

#### TPB PG-No. 34C

- 11.12 The application generally complies with the TPB PG-No. 34C on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions

for Temporary Use or Development' as there has not been any material change in planning circumstances since the approval of the last application; there are no major adverse departmental comments against the renewal application; all the approval conditions for the last application have been complied with; and the approval period sought which is the same as the last approval granted by the Board is not unreasonable.

11.13 Regarding the adverse public comments as detailed in paragraph 10 above, the Government department's comments and the planning assessment 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 temporary use under application for a further period of 5 years.

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 further period of 5 years, and be renewed from 13.12.2019 until 12.12.2024. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a) the maintenance of peripheral fencing on Site at all times during the planning approval period;
- (b) the maintenance of all existing trees within the Site at all times during the planning approval period;
- (c) the submission of drainage 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 13.6.2020;
- (d) in relation to (c) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.9.2020;
- (e) the submission of proposals for fire service installations and water supplies for fire-fighting 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 13.6.2020;
- (f) in relation to (e) above, the implementation of proposals for 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 13.9.2020;
- (g) the implementation of noise mitigation measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection by 13.9.2020;

- (h) if any of the above planning conditions (a) or (b) 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
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) 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 at **Appendix IV**.

12.3 There is no strong reason 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 for renewal of the planning 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 reason(s) for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application form with attachments received on 27.8.2019
<b>Appendix Ia</b>	Supplementary Planning Statement received on 27.8.2019
<b>Appendix Ib</b>	Supplementary Information received on 30.8.2019
<b>Appendix Ic</b>	Further Information received on 27.9.2019
<b>Appendix Id</b>	Further Information received on 9.10.2019
<b>Appendix II</b>	Previous s.16 Applications
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Master Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Comparison between Approved Scheme and Current Scheme
<b>Plan A-3</b>	Site Plan
<b>Plan A-4</b>	Aerial Photo
<b>Plans A-5a to A-5d</b>	Site Photos