

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

**APPLICATION NO. A/TY/146**

- Applicant** : The Hong Kong Shipyard Limited
- Site** : Tsing Yi Town Lot (TYTL) No. 102 (Part), 98 Tam Kon Shan Road,  
Tsing Yi
- Site Area** : About 3,850m<sup>2</sup>
- Lease** : TYTL No. 102
- (a) Under New Grant No. 6991 dated 4.3.1996 with lease term expiring on 30.6.2047
  - (b) Restricted to shipyard for the construction, modification, repair and maintenance of ships and sea-going vessels of all kinds together with all purposes ancillary thereto
  - (c) Restriction on the type of building(s) and/or structure(s) as may be required for the purpose of operation of the shipyard including such as ancillary offices, stores, workshops, canteens and quarters
  - (d) The maximum total gross floor area (GFA) of any building(s) and/or structure(s) erected or to be erected on the lot shall not exceed 9,000m<sup>2</sup>
  - (e) No part of any building(s) or structure(s) erected or to be erected thereon or any installation thereon shall exceed a height of 25m above the mean formation level of the lot; and any crane installed or to be installed shall not exceed a height of 45m above the mean formation level of the lot
  - (f) Prohibition of container loading/unloading by shore based equipment
- Plan** : Approved Tsing Yi Outline Zoning Plan (OZP) No. S/TY/32  
*[currently in force]*
- Draft Tsing Yi OZP No. S/TY/31  
*[in force at the time of submission. The zoning for the site remains unchanged on the current OZP.]*
- Zoning** : “Other Specified Uses” (“OU”) annotated “Boatyard and Marine-oriented Industrial Uses”  
*[No plot ratio/ GFA/ building height restriction]*
- Application** : Proposed Temporary Logistics Centre for a Period of Six Years

## 1. **The Proposal**

- 1.1 The applicant seeks planning permission to use part of TYTL No. 102 (the Site) for a proposed temporary logistics centre for a period of six years. The Site falls within an area zoned “OU” annotated “Boatyard and Marine-oriented Industrial Uses” on the approved Tsing Yi OZP No. S/TY/32 (**Plan A-1**). ‘Logistics Centre’ is subsumed under the ‘Cargo Handling and Forwarding Facility’ use, which is under Column 2 of the zone requiring planning permission from the Town Planning Board (the Board).
- 1.2 TYTL No. 102 is owned by the applicant. In view of the convenient location to the airport, the applicant proposed to utilise about 20% of the lot for logistics centre use as back-up service for aviation logistics when the shipyard market is yet to be recovered and aviation logistics is in demand. The proposed development comprises one single-storey steel-framed structure (GFA of about 2,440m<sup>2</sup>; and building height of not more than 10m in height) and its associated open area for manoeuvring/common driveway. An ancillary office (not more than 50m<sup>2</sup>) will be provided inside the proposed structure. Three loading/unloading (L/UL) bays for heavy goods vehicles (HGVs), three L/UL bays for light goods vehicles and one private car parking space are proposed. According to the applicant, the operation hours are from 7:00 am to 9:00 pm daily all year including public holidays. The proposed logistics centre is mainly accessed by road transportation and no marine access is proposed. To address traffic management concerns raised by Commissioner of Police (C of P), the applicant has proposed traffic management measures involving aspects on access arrangement, traffic safety, on-site manoeuvring arrangement etc. The proposed layout plans submitted by the applicant are shown at **Drawings A-1 and A-2**.
- 1.3 Part of the Site is the subject of four previous applications for concrete batching plant (CBP) by another applicant approved by the Metro Planning Committee (the Committee) or on review by the Board on a temporary basis for a period of 5 years from 2001 to 2016 (**Plan A-1**). However, the CBP had not been implemented. Details of the previous applications are in paragraph 4 below and **Appendix II**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- |  |                                     |
|--|-------------------------------------|
| (a) Application Form received on 24.10.2022              | ( <b>Appendix I</b> )               |
| (b) Supporting Planning Statement received on 24.10.2022 | ( <b>Appendix Ia</b> <sup>1</sup> ) |
| (c) Further Information (FI) received on 23.2.2023*      | ( <b>Appendix Ib</b> )              |
| (d) FI received on 11.4.2023 <sup>#</sup>                | ( <b>Appendix Ic</b> )              |
| (e) FI received on 19.4.2023 <sup>#</sup>                | ( <b>Appendix Id</b> )              |

Remarks:

\* not exempted from publication and recounting requirements

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<sup>1</sup> The applicant has submitted a revised Traffic Impact Assessment (TIA) report received on 23.2.2023 (**Appendix Ib**) superseding the original TIA report enclosed in **Appendix Ia**. Hence, the original TIA report is not attached to **Appendix Ia**.

- 1.5 On 23.12.2022, the Committee agreed to defer making a decision on the application for a period of two months at the request of the applicant.

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

The justifications put forth by the applicant in support of the application are detailed in **Appendices I to Id** which are summarised as follows:

- (a) The back-up services for aviation logistics is in demand. The proposed logistics centre can support the aviation logistics industry.
- (b) The proposed logistics centre use is a compatible temporary use on the Site and improves land utilization temporarily. The proposed logistics centre is mainly accessed by road transportation and no marine access is proposed. It is not anticipated that the logistics centre would have any conflict of the work flow of the existing operation of shipyard.
- (c) The proposed logistics centre at the north of Tsing Yi has easy access through strategic highway from the airport. The Site is located at a distance from the concentrated logistics industry in Kwai Chung, which is able to alleviate the traffic congestion in Kwai Chung.
- (d) The proposed logistics centre is a temporary use within a proposed steel-frame structure. The Site can be reverted back to existing shipyard use after the shipyard market recovers.
- (e) The proposed logistics centre is operated indoor and is fully enclosed. The Site is surrounded by shipyard operations. As such, no noise impact from the proposal is anticipated. Also, according to the TIA, the proposal will not generate significant adverse traffic impact. To address the traffic management concerns, the applicant has proposed traffic management measures as mentioned in paragraph 1.2.
- (f) The anticipated completion time of the proposed logistics centre use is 1.5 years including construction and application of waiver to the Lands Department (LandsD). Thus, a period of 4.5 years for operation of the logistics centre is considered reasonable under the applicant's business cycle.

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

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

## 4. **Previous Applications**

There are four previous planning applications covering part of the Site (Nos. A/TY/62, A/TY/91, A/TY/108 and A/TY/130) submitted by another applicant (**Plan A-1**). Application No. A/TY/62 for a proposed CBP was approved with conditions by the Committee on a temporary basis for a period of 5 years on 12.1.2001. The remaining

three applications were submitted by that applicant, all for the same temporary CBP for a period of 5 years. They were approved with similar conditions by the Committee or on review by the Board on 4.3.2005, 6.8.2010 and 25.11.2016 respectively. These applications were approved on the grounds that the proposed CBP was not incompatible with the surrounding areas; no adverse traffic impact to be generated from the proposed development; and no relevant government departments had raised objections from fire safety, environmental and marine operation aspects. Details of the applications are summarised in **Appendix II**. The proposed temporary CBP was not implemented, and the planning permission of the last application No. A/TY/130 was expired on 25.11.2021.

## 5. **Similar Applications**

There is no similar application for ‘Cargo Handling and Forwarding Facility’ use within the “OU (Boatyard and Marine-oriented Industrial Uses)” zone on the Tsing Yi OZP.

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

6.1 The Site is:

- (a) located in the eastern portion of a shipyard, namely The Hong Kong Shipyard Limited, and occupied by workshops, temporary storage and temporary structures of the shipyard (**Plans A-3 to A-6**); and
- (b) accessible via an access road branched out from the roundabout at the junction of Tam Kon Shan Road and Tsing Yi North Coastal Road (**Plans A-1 and A-2**).

6.2 The surrounding areas have the following characteristics (**Plan A-1 to A-2**):

- (a) located at the western end of the northern shore of Tsing Yi Island, where is mainly occupied by shipyards;
- (b) to the east of the Site is a number of shipyards along Tam Kon Shan Road;
- (c) to the west of the Site is Hong Kong Cement Tsing Yi Plant;
- (d) to the southeast across Tam Kon Shan Road is another “OU” annotated “Boatyard and Marine-oriented Industrial Uses” zone, which is currently occupied by workshops associated with the shipyards;
- (e) to the further south across Tam Kon Shan Road and Tsing Yi North Coastal Road is a hillside zoned “Green Belt” with natural and man-made slopes; and
- (f) two nearest residential developments in the area are Cheung Wang Estate, which is located about 800m to the further southeast of the Site on an upper

platform and Cheung On Estate, which is located about 1km from the Site at the eastern end of Tam Kon Shan Road (**Plan A-1**).

## 7. **Planning Intention**

The planning intention of “OU” zone annotated “Boatyard and Marine-oriented Industrial Uses” is primarily for boatyard and marine-oriented industrial uses.

## 8. **Comments from Relevant Government Departments**

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

### **Land Administration**

8.1.1 Comments of the District Lands Officer/Tsuen Wan & Kwai Tsing (DLO/TW&KT, LandsD):

- (a) according to the lease conditions governing TYTL No. 102, the lot is restricted for a shipyard for the construction, modification, repair and maintenance of ships and sea-going vessels of all kinds together with all purposes ancillary thereto;
- (b) the proposed logistics centre contravenes the Lease conditions. If planning approval is given to the subject application, the owner of the lot is required to apply to LandsD for a temporary waiver prior to the implementation of the proposal. There is no guarantee that the waiver application would be approved;
- (c) LandsD reserves comment on the proposed schematic design which would only be examined in detail during the building plan submission stage upon approval of the temporary waiver. There is no guarantee that the schematic design presented in the current planning application will be acceptable under the lease if it is so reflected in future building plan submission(s); and
- (d) other detailed comments are at **Appendix III**.

### **Traffic**

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

- (a) no objection to the application; and
- (b) no vehicle should be allowed to queue back to or reverse onto/from public road at any time during the planning approval period. The applicant is required to address such issue in traffic management measures proposal should the application approved by the Board.

### 8.1.3 Comments of the C of P:

no objection to the application subject to the submission and implementation of traffic management measures proposal to the satisfaction of C of P or of the Board.

### **Environment**

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

no in-principle objection to the application as the proposed development is operated indoor and the applicant will install centralized air conditioning system with an air treatment system at the fresh air intake for the proposed logistics centre. Other detailed comments are at **Appendix III**.

### **Building Matters**

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

- (a) no in-principle objection to the application; and
- (b) any building or buildings erected or to be erected on the Site shall in all respects comply the Buildings Ordinance, any regulations made thereunder and any amending legislation. Detailed comments will be given upon receipt of submission of general building plans. Other detailed comments are at **Appendix III**.

### **Fire Safety**

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

no in-principle objection to the application subject to fire service installations (FSI) being provided to the satisfaction of D of FS or of the Board. Other detailed comments are at **Appendix III**.

### **Urban Design and Landscape**

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

#### Urban Design

- (a) given the scale of the development and the industrial nature of the surroundings, it is unlikely that the proposed development would induce significant adverse effects on the visual character of the surrounding townscape;

### Landscape

- (b) since the application does not fall within landscape sensitive zonings, no significant landscape impact is envisaged; and
- (c) in view that the proposed development is unlikely to cause significant adverse landscape impact, it is considered not necessary to impose any landscape condition should the application be approved by the Board.

8.2 The following government departments have no objection to or no comment on the application:

- (a) Chief Engineer/Mainland South, Drainage Services Department;
- (b) Chief Highway Engineer/New Territories West, Highways Department;
- (c) Director-General of Trade and Industry;
- (d) Project Manager/West, Civil Engineering and Development Department (CEDD);
- (e) Chief Engineer/Port Works, CEDD;
- (f) Director of Electrical and Mechanical Services;
- (g) Chief Engineer/Development(2), Water Supplies Department;
- (h) District Officer/Kwai Tsing, Home Affairs Department; and
- (i) Director of Marine.

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

During the statutory public inspection periods, one comment from an individual was received in which more information on the type of logistics to be served under the application was requested (**Appendix IV**).

## **10. Planning Considerations and Assessments**

10.1 The application is for temporary logistics centre for a period of six years. The planning intention of the “OU” annotated “Boatyard and Marine-oriented Industrial Uses” zone is intended primarily for boatyard and marine-oriented industrial uses. Given the relatively small development scale and temporary nature of the proposed development for a period of six years, approval of the application on a temporary basis would not jeopardise the long term planning intention of the Site for shipyard and marine-oriented industrial uses.

10.2 The Site is located in an area which is predominantly occupied by shipyards and workshops. The single-storey steel framed structure only occupies about 20% of the existing shipyard at the eastern portion of the Site and according to the applicant, i.e. the owner of the concerned shipyard, considers that it would not affect the operation of the shipyard. As such, the proposed temporary logistic centre by converting a portion of the shipyard is not incompatible with the shipyard and surrounding uses which is industrial in nature (**Plan A-2**).

- 10.3 In support of the application, the applicant has submitted TIA to demonstrate that the proposed logistics centre will not generate significant adverse traffic impact. C for T, C of P and D of FS have no objection to the application. Relevant approval conditions related to the traffic management measures and FSIs are suggested in paragraph 11.2 below to address their respective concerns on traffic management and fire safety aspects. CTP/UD&L of PlanD has no adverse comments from urban design and landscape perspectives. Regarding other technical aspects, DEP and relevant government departments consulted have no objection to or adverse comment on the application.
- 10.4 Regarding the public comment, the justification provided by the applicant in paragraph 2 is relevant.

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

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comment received as mentioned in paragraph 9, the Planning Department has no objection to approve the application on temporary basis for a period of six years.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of six years until 21.4.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission of the traffic management measures proposal, as proposed by the applicant, within six months to the satisfaction of the Commissioner of Police or of the Town Planning Board by 21.10.2023;
- (b) in relation to (a) above, the implementation of the traffic management measures proposal, as proposed by the applicant, within nine months to the satisfaction of the Commissioner of Police or of the Town Planning Board by 21.1.2024;
- (c) the submission of a fire service installations proposal within six months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.10.2023;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within nine months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.1.2024; and
- (e) if any of the above planning conditions (a), (b), (c) and (d) 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**.

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

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**13. Attachments**

<b>Appendix I</b>	Application Form received on 24.10.2022
<b>Appendix Ia</b>	Supporting Planning Statement received on 24.10.2022
<b>Appendix Ib</b>	FI received on 23.2.2023
<b>Appendix Ic</b>	FI received on 11.4.2023
<b>Appendix Id</b>	FI received on 19.4.2023
<b>Appendix II</b>	Previous Applications Covering the Site
<b>Appendix III</b>	Detailed Departmental Comments
<b>Appendix IV</b>	Public Comment
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout
<b>Drawing A-2</b>	Section 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  
APRIL 2023**