

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

**APPLICATION NO. A/TY/148**

<b><u>Applicant</u></b>	: Hongkong United Dockyards Limited represented by Knight Frank Petty Limited
<b><u>Site</u></b>	: Tsing Yi Town Lot (TYTL) No. 108 RP (Part), Tsing Yi
<b><u>Site Area</u></b>	: About 6,516.6m <sup>2</sup>
<b><u>Lease</u></b>	: (a) To expire on 30.6.2047 (b) Restricted for ship building, ship repairing and ancillary uses, such heavy engineering uses as may be approved in writing by the Director of Lands, cargo handling, and storage and repair of containers (c) Subject to a temporary waiver dated 15.2.2022 to permit asphalt production use at the Site for a term from 14.10.2021 to 2.8.2024 and thereafter quarterly
<b><u>Plan</u></b>	: Approved Tsing Yi Outline Zoning Plan (OZP) No. S/TY/32
<b><u>Zoning</u></b>	: “Industrial” (“I”)  [Restricted to a maximum plot ratio (PR) of 9.5, or the PR of the existing building, whichever is the greater]
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Asphalt Plant for a Period of Five Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of the planning approval under Application No. A/TY/135 to continue using part of TYTL No. 108 RP (the Site) for temporary asphalt plant for a period of five years. The Site falls within an area zoned “Industrial” (“I”) on the approved Tsing Yi OZP No. S/TY/32 (**Plan A-1**). According to the Notes of the OZP for “I” zone, ‘Asphalt Plant’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is occupied by an asphalt plant on a piece of reclaimed land located at the established special industrial area in the western part of Tsing Yi. It falls within Hongkong United Dockyards occupying the entire TYTL No. 108 RP. There are three other temporary concrete batching plants (CBPs) and another temporary

asphalt plant within the same lot, which are all in operation (**Plan A-2**). All these temporary uses and the subject asphalt plant are subject to planning approvals. The Site is accessible via a private road through Sai Tso Wan Road, and has sea frontage at its southwest (**Plan A-2**)

- 1.3 The Site is the subject of two previous planning applications (**Appendix II**). The last application submitted by the same applicant for a temporary asphalt plant for a period of five years up to 2.8.2024 was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 2.8.2019.
- 1.4 Comparing with the last approved scheme, except for minor changes in site area, site coverage, gross floor area and parking spaces layout to reflect the existing site boundary and the latest scheme, there is no change in the building layout and other development parameters. The asphalt plant consists of transfer towers, aggregate silos, storage shed, mixing towers, electrical cabinet, control room, laboratory, water tank, oil tank, vehicle cleaning facilities etc. (**Drawing A-1**). Seven heavy goods vehicle parking spaces, four loading/unloading spaces and five private car parking spaces are provided within the Site. The scheme is summarised as follows, and the schematic drawing submitted by the applicant and a comparison with previous scheme are shown on **Drawing A-1**:

<b>Development Parameters</b>			
	A/TY/135 (Previous Application) (a)	A/TY/148 (Current Application) (b)	Difference (about) (b)-(a)
Site Area	6,557.5m <sup>2</sup>	About 6,516.6m <sup>2</sup>	-40.9m <sup>2</sup>
Site Coverage	About 40.9%	About 35.4%	-5.5%
Gross Floor Area	About 3,074.3m <sup>2</sup> (PR of about 0.47)	About 2,716.7m <sup>2</sup> (PR of about 0.42)	-357.6m <sup>2</sup> (-0.05)
Building Height of the Structures	Not more than 30.525mPD (About 25.125m)	Not more than 30.525mPD (About 25.125m)	-
Heavy Goods Vehicle Parking Spaces	7	7	-
Private Car Parking Spaces	5 (including 1 accessible space)	5 (including 1 accessible space)	-
Loading/Unloading Bays	4	4	-

- 1.5 The operation of asphalt plant requires a Specified Process Licence (SPL) issued by the Environmental Protection Department (EPD) and has to comply with requirements as stipulated in the Best Practicable Means for Tar and Bitumen Works (Asphalt Concrete Plants) (BPM). The subject asphalt plant is subject to a SPL issued by the EPD (will be expired on 12.3.2027)<sup>1</sup> and a Temporary Occupation Permit (TOP) issued by the Building Authority (will be expired on

<sup>1</sup> According to the applicant, the design output rate of the subject asphalt plant is 260 tonnes per hour, and the actual production rate will be limited to not exceeding 80% of the output rate (i.e. 208 tones per hour) under the SPL.

2.8.2024). The operation hours of the asphalt plant remain unchanged, i.e. 24-hour standby for production orders.

- 1.6 The Site falls within the '1000m Consultation Zone' of a Potentially Hazardous Installation, i.e. Shell Tsing Yi Installation / DSG LPG Terminal (**Plan A-1**). Same as the last approved application, the number of workers at the asphalt plant remains unchanged (i.e. limited to 14 persons), and thus Quantitative Risk Assessment (QRA) is not required under both applications.
- 1.7 According to the applicant, majority of the raw materials will be delivered by sea where only one barge will arrive at the Site at one time. According to the revised Traffic Impact Assessment (TIA) submitted by the applicant (**Appendix Ic**), delivery of bitumen to the asphalt plant from Shell Tsing Yi Installation to the immediate south of the Site will be delivered by trucks, and two deliveries of bitumen will be required when the asphalt plant runs in maximum capacity. The waste disposal trucks and fuel tankers will only be required once per two to three days. The vehicles to/from the asphalt plant will not queue along Sai Tso Wan Road outside the asphalt plant as there is sufficient parking spaces in the plant. The applicant has also undertaken that no asphalt truck will pass through some of the critical junctions in Tsing Yi such as the junction of Tsing Yi Road West / Ching Hong Road during the peak hour periods, except under emergency and exceptional circumstances. The traffic management plan including the use of fleet management system will be submitted to the Transport Department (TD) for monitoring and ensuring the implementation of the above measures.
- 1.8 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form received on 30.4.2024 (**Appendix I**)
  - (b) Supporting Planning Statement (SPS) received on 30.4.2024<sup>#</sup> (**Appendix Ia**)
  - (c) Further information (FI) received on 7.6.2024<sup>\*#</sup> (1<sup>st</sup> FI) (**Appendix Ib**)
  - (d) FI received on 25.6.2024 and 28.6.2024<sup>^#</sup> (2<sup>nd</sup> FI) (**Appendix Ic**)

Remarks:

<sup>#</sup> A consolidated TIA was received on 28.6.2024 (**Appendix Ic**) that supersedes the previous TIA as part of items (b) and (c), which are not attached in this Paper

<sup>\*</sup> not exempted from publication and recounting requirements

<sup>^</sup> exempted from publication and recounting requirements

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

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia**, and summarised as follows:

- (a) The asphalt plant is in line with the planning intention of the concerned "I" zone. The proposal should be considered compatible with the surrounding areas which are occupied by other industrial-related operations such as shipyards, oil depots, workshops, warehouses, vehicle parks, etc. The Site is located at a remote industrial area in the western part of Tsing Yi separated from the residential areas in the northeast by a range of high hills.

- (b) There is an increasing demand for construction materials including asphalt for the large-scale projects to be implemented in Hong Kong.
- (c) The Site is strategically located at the centre of Hong Kong with marine access for delivery of raw materials, and convenient access to strategic road network in Tsing Yi. It will enable timely and cost-effective delivery of asphalt products and most importantly lower the carbon footprint.
- (d) Since 2008, all the planning applications for temporary CBPs and asphalt plants within the same “T” zone were approved on the grounds that the developments were generally in line with the planning intention of the “T” zone and considered not incompatible with the surrounding industrial-related developments; and no adverse comments were received from relevant Government departments
- (e) The development parameters of the asphalt plant and planning circumstances have no material changes as compared with the last temporary approval. Approval of the current renewal application is in line with the Board’s previous decision. All approval conditions of the last approved application have been complied with.
- (f) No adverse impact in respect of traffic, air, water and waste has been generated from the asphalt plant since the operation.

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

The applicant is the sole “current land owner” for TYTL No.108 RP. Detailed information will be deposited at the meeting for Members’ inspection.

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

Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use for Development (TPB PG-No. 34D) is relevant to the application. The relevant assessment criteria are extracted 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.

## **5. Previous Applications (Plan A-1)**

- 5.1 There are two previous approved planning applications covering whole or part of the Site. Summary of these applications is in **Appendix II**.
- 5.2 Application No. A/TY/112 for a temporary CBP at part of the Site for three years was approved with conditions by the Committee on 24.9.2010 mainly on the grounds of being not incompatible with the surrounding industrial-related uses, and having no objection from concerned Government departments. The proposal was not implemented and the planning permission was subsequently revoked.
- 5.3 Application No. A/TY/135 for a temporary asphalt plant for five years covering the whole Site was approved with conditions by the Committee on 2.8.2019 on similar grounds as Application No. A/TY/112. All the approval conditions have been complied with and the asphalt plant is currently in operation.

## **6. Similar Applications (Plan A-1)**

- 6.1 There are seven similar planning applications for asphalt plant use within the “T” zone on the Tsing Yi OZP (**Plan A-1 and Appendix II**). All of them were approved with conditions by the Committee, including three on permanent basis and four temporarily.
- 6.2 The three permanent approvals (Nos. A/TY/32, A/TY/58 and A/TY/59<sup>2</sup>) at one location to the farthest south of the Site near Tsing Keung Street were granted between 1995 and 2000 mainly on the similar grounds that the proposal was compatible with the surrounding land uses, would not have any significant adverse environmental and/or traffic impacts, and would be subject to the statutory Environment Impact Assessment process under the Environmental Impact Assessment Ordinance and Air Pollution Control Ordinance. The approved uses were not implemented and the permanent approvals lapsed.
- 6.3 Applications No. A/TY/106, A/TY/118, A/TY/129 and A/TY/144 covered largely the same site to the northwest of the Site for temporary asphalt plant for three or five years were approved with conditions by the Committee between 2010 and 2020 mainly on the grounds that the proposal was considered not incompatible with the surrounding industrial-related developments and there were no adverse comments from the concerned departments. The concerned asphalt plant is in operation under the last temporary approval of five years up to 1.9.2025.

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<sup>2</sup> Applications No. A/TY/32, A/TY/58 and A/TY/59 were for the development of cement, concrete and asphalt plants.

**7. The Site and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plan A-4)**

7.1. The location and current conditions of the Site are detailed in paragraph 1.2.

7.2. The surrounding areas have the following characteristics:

- (a) to its immediate north is a temporary CBP with planning permission up to 2.8.2029 under application No. A/TY/147. To the further north is the Hongkong United Dockyards including some workshops and open storage (**Plan A-2**). To the further northwest are two temporary CBPs and one temporary asphalt plant, all in operation and covered with planning permission (up to 6.9.2024 under Application No. A/TY/139, 1.9.2025 under Application No. A/TY/143 and 1.9.2025 under Application No. A/TY/144) (**Plans A-1 to A-3**);
- (b) to its immediate east is a strip of Government land currently under Short Term Tenancy (STT) restricted for access road, marshalling area for container vehicles and open vehicle parks. To its further east is Cheung Tsing Highway located above a steep slope;
- (c) to its immediate south is the Shell Tsing Yi Installation / DSG LPG Terminal; and
- (d) to its west and southwest is Ma Wan Channel.

**8. Planning Intention**

The “T” zone is intended primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries and office related to industrial use are also always permitted in this zone.

**9. Comments from Relevant Government Departments**

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

**Land Administration**

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

- (a) no comment on the application;
- (b) TYTL No. 108 RP is restricted under lease for ship building, ship repairing and ancillary uses, such heavy engineering uses as may be approved in writing by the Director of Lands, cargo handling, and storage and repair of containers purposes only; and

- (c) a temporary waiver for the term from 14.10.2021 to 2.8.2024 and thereafter quarterly for asphalt production purpose has been approved covering the Site.

### **Traffic**

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

- (a) no objection to the application based on the submission from the applicant; and
- (b) should the application be approved, the following approval conditions should be imposed:
  - (i) no vehicle is allowed to queue back or reverse onto/from public road at any time during the planning approval period; and
  - (ii) the submission and implementation of a traffic management plan including contingency plan and associated mitigation measures and traffic facilities.

#### 9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW of HyD):

- (a) no comment on the application from highway maintenance point of view;
- (b) in respect of the public comment regarding the road condition, HyD would arrange removal of hardened substance if needed. In general, frequent use of heavy vehicles is one of the factors causing deterioration of road pavement; and
- (c) other detailed comments are at **Appendix III**.

### **Environment**

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

- (a) the asphalt plant is being operated with a SPL complying with requirements as stipulated in BPM;
- (b) there was no environmental pollution complaint related to the asphalt plant in the past five years; and
- (c) in view of the above, no objection to the application.

### **Fire Safety**

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

- (a) no objection to the application; and
- (b) other detailed comments are at **Appendix III**.

**Building and Structural Matters**

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

- (a) no in-principle objection to the application under the Buildings Ordinance; and
- (b) according to BD's record, the Site is currently occupied by an asphalt plant covered under Temporary Occupation Permit (TOP) No. NT 2/2024/TOP issued by the Building Authority. The said TOP will be expired on 2.8.2024.

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

- (a) no in-principle objection to the application; and
- (b) other detailed comments are at **Appendix III**.

**Other Aspects**

9.1.8 Comments of Chief Highway Engineer/ Research and Development Division (CHE/R&D of HyD)

- (a) no objection to the application; and
- (b) asphalt carriageways are a crucial element forming the road network. Under certain emergency conditions, supplying bituminous materials to the required locations within a specific time could be as short as one hour. Hence, the geographical location of the asphalt plants could be a factor to be considered for meeting such requirement. Taking into account the geographical spread of asphalt plants, i.e. four out of the six plants currently located in far north or western part of the New Territories, the availability of asphalt plants in Tsing Yi is desirable from the perspective of the overall asphalt supply for the road network.

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

- (a) from marine traffic point of view, D of Marine has no objection to the application subject to the continuous implementation of the adopted barging operation plan (BOP) under Application No. A/TY/135 and the continuous maintenance of the adopted measures to the satisfaction of D of Marine; and



(b) other detailed comments are at **Appendix III**.

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

- (a) no particular comment on the application on gas safety aspect; and
- (b) if there is any change in the proposed development that would result in increase in living or working population within the consultation zone of the existing Potentially Hazardous Installation, i.e. Shell Tsing Yi Installation / DSG LPG Terminal, a QRA would be required for submission to the Coordinating Committee on Land-use Planning and Control relating to the Potentially Hazardous Installations for consideration.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (d) Commissioner of Police;
- (e) Director-General of Trade and Industry (DG of TI);
- (f) Project Manager/West, Civil Engineering and Development Department; and
- (g) District Officer (Kwai Tsing), Home Affairs Department.

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

During the statutory public inspection periods, one comment from Yiu Lian Dockyards Limited was received, objecting to the application and expressing concerns mainly on the adverse impacts on road cleanliness, traffic safety and road condition arising from asphalt trucks of the asphalt plants in the area (**Appendix IV**).

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

11.1 The application is to seek renewal of the planning approval to continue using the Site for the temporary asphalt plant for a period of five years. The latest approval under Application No. A/TY/135 with all approval conditions complied with is valid until 2.8.2024. As compared with the previous approved application, except for minor changes in site area, site coverage, GFA and parking spaces layout to reflect the existing site boundary and the latest scheme, there is no change in the building layout, other development parameters, number of employees on site and production capacity.

11.2 The Site falls within an area zoned “I”, which is intended primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. It is located within an established special industrial area in the western part of Tsing Yi. The surrounding areas of

the Site are occupied by various industrial-related operations, including four approved temporary CBPs/asphalt plant, shipyards, oil depots, workshops and open vehicle parks, etc. (**Plan A-1**). The renewal of the planning approval for another five years is considered not in conflict with the planning intention for the Site and not incompatible with the surrounding land uses. Besides, since 2010, there are also four similar applications within the same “T” zone approved with conditions on a temporary basis for three / five years having considered land use compatibility and no adverse departmental comments. Approval of the application is consistent with the previous decisions of the Committee on the previous and similar applications.

- 11.3 In support of the current application, the applicant has submitted a TIA (**Appendix Ic**) which demonstrates that the renewal of the subject plant will not impose adverse traffic impact on the surrounding road network and road junctions. In this regard, C for T has no objection to the application from traffic point of view subject to imposition of relevant approval conditions as per paragraph 12.2. DEP also has no objection to the application as the asphalt plant needs to be operated with a SPL complying with requirements of BPM and there was no environmental pollution complaint received in the past five years. D of Marine has no objection to the application subject to the implementation of the approved BOP submitted under the last approved application and the continuous maintenance of the adopted measures. Other relevant Government departments consulted including D of FS, DG of TI, CBS/NTW of BD and DEMS also have no objection to/no adverse comments on the application.
- 11.4 The application also complies with the relevant assessment criteria under TPB PG-No. 34D in that there has been no material change in planning circumstances since the previous approval granted, there is no adverse planning implication arising from the renewal, the applicant has complied with all approval conditions of the latest planning approval, and the approval period sought which is the same as the last approval granted by the Board is not unreasonable.
- 11.5 Regarding the public comment on traffic safety and road condition aspects, the planning assessments above and the departmental comments in paragraph 9 are relevant. Regarding the road cleanliness aspect, according to BPM, transportation of finished products shall be carried out with closed tankers or trucks that are fully and tightly covered with tarpaulin sheet before leaving the Site; and vehicle cleaning facilities shall be provided to clean leaving vehicles. Also, the Public Cleansing and Prevention of Nuisances Regulation should be complied with to avoid any litter/waste or waste water being deposited from vehicles to public road.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the application for renewal of planning approval.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of five years from

3.8.2024 until 2.8.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle is allowed to queue back or reverse onto/from public road at any time during the planning approval period;
- (b) the submission of a traffic management plan including contingency plan and associated mitigation measures and traffic facilities within six months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 3.2.2025;
- (c) in relation to (b) above, the implementation of the approved traffic management plan during the planning approval period to the satisfaction of the Commissioner of Transport or of the Town Planning Board;
- (d) the implementation of the approved Barging Operation Plan and the continuous maintenance of the adopted measures at all times during the planning approval period to the satisfaction of the Director of Marine or of the Town Planning Board;
- (e) if any of the above planning condition (a), (c) or (d) 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
- (f) if the above planning condition (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

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

12.3 There is no strong planning 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 received on 30.4.2024
<b>Appendix Ia</b>	SPS
<b>Appendix Ib</b>	1 <sup>st</sup> FI received on 7.6.2024
<b>Appendix Ic</b>	2 <sup>nd</sup> FI received on 25.6.2024 and 28.6.2024
<b>Appendix II</b>	Previous and Similar Applications
<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>	Schematic Drawing and Comparison with Previous Scheme
<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 and A-5</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2024**