

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

**APPLICATION NO. A/TY/149**

<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 4,200m <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 to permit concrete production use at the Site for a term from 7.1.2014 to 6.7.2015 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 Concrete Batching 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/139 to continue using part of TYTL No. 108 RP (the Site) for temporary concrete batching plant (CBP) 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, ‘Concrete Batching Plant’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site, a piece of reclaimed land located at the established special industrial area in the western part of Tsing Yi, is occupied by a CBP. It falls within Hongkong United Dockyards occupying the entire TYTL No. 108 RP. There are two other

temporary CBPs and two temporary asphalt plants within the same lot, which are all in operation (**Plan A-2**). All these temporary uses and the subject CBP are granted with planning approvals. The Site is accessible via a private road<sup>1</sup> through Sai Tso Wan Road, and has sea frontage at its south (**Plan A-2**).

- 1.3 The Site is the subject of seven previous planning applications (**Appendix II**). The last application submitted by the same applicant for a temporary CBP for a period of five years up to 6.9.2024 was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 6.9.2019.
- 1.4 According to the application, there is no change in the layout and development parameters as compared with the latest approved scheme. The CBP consists of transfer towers, mixing towers, control room and plant office, truck washing facilities, etc. (**Drawing A-1**). The scheme is summarised as follows, and the schematic drawing submitted by the applicant is shown on **Drawing A-1**:

Development Parameters	
Site Area	About 4,200m <sup>2</sup>
Site Coverage	Not more than 39%
Gross Floor Area	Not more than 1,817m <sup>2</sup> (PR of about 0.44)
Building Height of the Structures	Not more than 39.4mPD (About 34.2m)
Private Car Parking Spaces	5
Loading/Unloading Bays	4

- 1.5 The operation of CBP requires a Specified Process Licence (SPL) issued by the Environmental Protection Department (EPD) and has to comply with requirements stipulated in the Best Practicable Means for Cement Works (Concrete Batching Plant) (BPM). The subject CBP is subject to a SPL issued by the EPD (will be expired on 4.5.2026)<sup>2</sup> and a Temporary Occupation Permit (TOP) issued by the Building Authority (will be expired on 6.9.2024). The operation hours of the CBP remain unchanged (i.e. 7:00 a.m. to 7:00 p.m. from Mondays to Saturdays, and occasionally during night time and on Sundays or public holidays, if required). Same as the last approved application, the number of workers at the CBP remains unchanged (i.e. limited to 10 persons)<sup>3</sup>.
- 1.6 According to the applicant, majority of the raw materials will be delivered by sea where a maximum one cement barge and one aggregate barge will be required per day. The remaining raw materials will be delivered by trucks during off-peak time. According to the revised Traffic Impact Assessment (TIA) submitted by the applicant (**Appendix Ib**), the subject CBP will not impose adverse traffic impact on the surrounding road network and junctions. The review of traffic management plan including the use of fleet management system and contingency plan will be

<sup>1</sup> Part of the vehicular access falls within the adjoining CBP to the north which is also under the management of the applicant.

<sup>2</sup> According to the applicant, there are three production lines with a total concrete production capacity of 250m<sup>3</sup> per hour) under the SPL.

<sup>3</sup> The Site falls outside the '1000m Consultation Zone' of a Potentially Hazardous Installation, i.e. Shell Tsing Yi Installation / DSG LPG Terminal, and hence Quantitative Risk Assessment is not required.

submitted to the Transport Department (TD) for monitoring and ensuring the implementation of the above measures.

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

- (a) Application Form received on 8.5.2024 (Appendix I)
- (b) Supporting Planning Statement (SPS) received on 8.5.2024<sup>#</sup>
- (c) Further information (FI) received on 26.6.2024<sup>\*#</sup> (1<sup>st</sup> FI) (Appendix Ia)
- (d) FI received on 5.7.2024 and 8.7.2024<sup>^</sup> (2<sup>nd</sup> FI) (Appendix Ib)

Remarks:

<sup>#</sup> A revised SPS was received on 5.7.2024 (Appendix Ib) to supersede item (b) and part of item (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 **Appendix Ib**, and summarised as follows:

- (a) The CBP 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 concrete 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 concrete products and most importantly lower the carbon footprint.
- (d) Since 2008, all the planning applications for temporary CBPs and asphalt plants within the same “I” zone were approved on the grounds that the developments were generally in line with the planning intention of the “I” 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 CBP 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 CBP since the operation in 2014.

### **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 seven previous planning applications covering whole or part of the Site submitted by the applicant. One was rejected and six were approved with conditions. Summary of these applications is in **Appendix II**.
- 5.2 Four applications (No. A/TY/101, A/TY/102, A/TY/106 and A/TY/110) covering part of the Site were considered by the Committee between 2007 and 2010. Application No. A/TY/101 for a permanent CBP was rejected by the Committee in 2007 mainly on the considerations that the development was not compatible with the proposed recreation and tourism-related uses to the northwest of the site, and the TIA was not acceptable. Subsequently, applications No. A/TY/102 and A/TY/110 for temporary CBP for three years were approved with conditions by the Committee in 2008 and 2010 mainly on the considerations that the approvals could be tolerated as there was no known development programme for the proposed recreation and tourism-related uses, the development was considered not incompatible with the surrounding industrial-related uses, and concerned departments had no objection. Application No. A/TY/106 for a temporary asphalt plant for three years was approved with conditions by the Committee in 2010 on similar grounds.

- 5.3 The remaining three applications (No. A/TY/117, A/TY/126 and A/TY/139) covering the whole Site were approved with conditions by the Committee for three or five years between 2012 and 2019 having considered land-use compatibility and no adverse departmental comments. The subject CBP is currently in operation under the last approval of five years up to 6.9.2024 and all the approval conditions have been complied with.

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

- 6.1 There are 13 similar planning applications for CBP use within the “I” zone on the Tsing Yi OZP (**Plan A-1** and **Appendix II**). All of them were approved with conditions by the Committee, including four on permanent basis and nine temporarily.
- 6.2 The three permanent approvals (No. A/TY/32, A/TY/58 and A/TY/59<sup>4</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 fourth one (No. A/TY/85) at a site to the northwest of Yiu Lian Dockyards Limited for redevelopment of an existing CBP was approved in 2003 mainly on the grounds that the proposal was compatible with the surrounding land uses and the applicant had undertaken to submit transport arrangement plan. These approved uses were not implemented and the permanent approvals lapsed.
- 6.3 Three applications (No. A/TY/119, A/TY/128 and A/TY/143) at a site adjoining the northern boundary of the Site for temporary CBP for three or five years were approved with conditions by the Committee between 2012 and 2020 mainly on the grounds that the proposal was considered not incompatible with the surrounding industrial-related developments, there had been no material change in planning circumstances since the approval of the previous one, and there were no adverse comments from the concerned departments. The concerned CBP is in operation under the last temporary approval of five years up to 1.9.2025.
- 6.4 Another three applications (No. A/TY/112, A/TY/136 and A/TY/147) at one location to the southeast of the Site for a temporary CBP for three or five years were approved with conditions by the Committee between 2010 and 2024. The approvals were granted mainly on the grounds of being not incompatible with the surrounding industrial-related uses, and having no objection from concerned Government departments. The concerned CBP is in operation under the last temporary approval of five years up to 2.8.2029.
- 6.5 The remaining three applications (No. A/TY/123, A/TY/132 and A/TY/145) at the location to the northwest of Yiu Lian Dockyards Limited were granted with

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<sup>4</sup> Applications No. A/TY/32, A/TY/58 and A/TY/59 were for the development of cement, concrete and asphalt plants.

temporary approvals with conditions for three or five years by the Committee between 2014 and 2021 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 CBP is currently in operation under the last temporary approval of five years up to 14.10.2026.

## **7. The Site and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-4 and A-5)**

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 and west are a temporary CBP and a temporary asphalt plant respectively, both in operation and covered with planning permissions (both up to 1.9.2025 under applications No. A/TY/143 and A/TY/144) (**Plans A-2 and A-3**);
- (b) to the east and southeast is the Hongkong United Dockyards including some workshops and open storage, and a strip of Government land currently under short term tenancy (STT) No. 3194K&T restricted for access road, marshalling area for container vehicles and non-fee-paying carpark. To its further east is Cheung Tsing Highway above a steep slope;
- (c) to the further southeast are one temporary CBP and one temporary asphalt plant, both in operation and covered with planning permissions (both up to 2.8.2029 under applications No. A/TY/147 and A/TY/148) (**Plans A-2 and A-3**); and
- (d) to its immediate south is Ma Wan Channel.

## **8. Planning Intention**

The “I” 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;
- (c) a temporary waiver for the term from 7.1.2014 to 6.7.2015 and thereafter quarterly for concrete production purpose has been approved covering the Site;
- (d) the applicant proposed private car parking, waiting / parking and loading unloading spaces at part of the STT No. 3194K&T in its contingency plan of traffic management plan (**Appendix Ib**), and it is subject to a new STT application and the applicant should demonstrate to TD's satisfaction that the remaining area of STT No. 3194K&T could be sufficient for the proposed private car parking, waiting / parking and loading / unloading spaces in its contingency plan of traffic management plan; and
- (e) the application of new STT will be considered by LandsD acting in the capacity as the landlord at its sole discretion. There is no guarantee that the application will be approved and comment on such is reserved. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including amongst others, charging of rent, administrative fee and deposit.

### **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 review of 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; and
- (b) in respect of the public comment regarding the road condition, HyD would arrange removal of hardened concrete if needed. In general, frequent use of heavy vehicles is one of the factors causing deterioration of road pavement.

**Environment**

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

- (a) the CBP is being operated with a SPL complying with requirements as stipulated in BPM;
- (b) based on the information provided by the applicant, there will be no change in the layout and development parameters of the CBP;
- (c) there was no environmental pollution complaint related to the CBP in the past five years; and
- (d) 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 CBP covered under Temporary Occupation Permit (TOP) No. NT 3/2016(TOP) issued by the Building Authority. The said TOP will be expired on 6.9.2024.



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 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/126 and the continuous maintenance of the adopted measures to the satisfaction of D of Marine; and
- (b) other detailed comments are at **Appendix III**.

9.2 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;
- (g) District Officer (Kwai Tsing), Home Affairs Department; and
- (h) Director of Electrical and Mechanical Services.

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

During the statutory public inspection periods, two comments from Yiu Lian Dockyards Limited and an individual were received. Yiu Lian Dockyards Limited objects to the application, expressing concerns mainly on the adverse impacts on road cleanliness, traffic safety and road condition arising from concrete mixer trucks in relation to the CBPs in the area. The individual expresses concern on air pollution generated (**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 CBP for a period of five years. The latest approval under Application No. A/TY/139 with all approval conditions complied with is valid until 6.9.2024. As compared with the previous approved application, there is no change in the layout, development parameters, production capacity, etc.

- 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 plants, shipyards, oil depots, workshops and vehicle parks, etc. (**Plans A-1 and A-2**). 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 nine similar applications within the same “I” 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 revised TIA (**Appendix Ib**) which demonstrates that the renewal of the subject plant will not impose adverse traffic impact on the surrounding road network and 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 CBP 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 previous 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 is not unreasonable.
- 11.5 Regarding the public comments on traffic safety, road condition and air pollution aspects, the planning assessments above and the departmental comments in paragraph 9 are relevant. Regarding the road cleanliness aspect, according to BPM, closure device shall be provided on mixer trucks preventing spillage of concrete from the concrete discharge outlet of mixer trucks; 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 comments 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 7.9.2024 until 6.9.2029. 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 review of 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 7.3.2025;
- (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 8.5.2024
<b>Appendix Ia</b>	1 <sup>st</sup> FI received on 26.6.2024
<b>Appendix Ib</b>	2 <sup>nd</sup> FI received on 5.7.2024 and 8.7.2024
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Detailed Departmental Comments
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Schematic Drawing
<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**