

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TKO/126

<u>Applicant</u>	Development Bureau (Works Branch), HKSAR Government represented by Mott MacDonald Hong Kong Limited
<u>Site</u>	Government Land at Tseung Kwan O (TKO) Area 137 Waterfront, New Territories
<u>Site Area</u>	About 4,900m ²
<u>Land Status</u>	Government Land
<u>Plan</u>	Approved TKO Outline Zoning Plan (OZP) No. S/TKO/28
<u>Zoning</u>	“Other Specified Uses” annotated “Deep Waterfront Industry” (“OU(DWI)”)
<u>Application</u>	Proposed Temporary Concrete Batching Plant (CBP) for a Period of 7 years

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary CBP for a period of seven years at the application site (the Site). The Site falls mainly within an area zoned “OU(DWI)” on the approved TKO OZP No. S/TKO/28¹ (**Plan A-1**). According to the Notes of the OZP, ‘Asphalt Plant/Concrete Batching Plant’ is a Column 2 use within the “OU(DWI)” zone, which requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the proposed CBP consists of silos for storage of cement, aggregates and other materials for concrete production; material conveying system; weighing hoppers; concrete mixers; waste management and wastewater treatment facilities and other ancillary supporting facilities (**Drawings A-2 and A-3**). There will be two production lines, each with a design production capacity of about 120m³ per hour. With the proposed operation of 12 hours per day, the maximum design production capacity of the CBP will be 2,880m³ per day. As proposed by the applicant, the actual production rate will be limited to not exceeding 80% of the output rate (i.e. 192m³ per hour or 2,304m³ per day) under the Specified Process Licence (SPL) to be issued by the Environmental Protection Department (EPD). The operation hours of the proposed CBP will be from 7:00 a.m. to 7:00 p.m. daily, while delivery

¹ A minor portion of the Site (about 114.4m² or 2.3%) is not covered by any statutory plan (subject to detailed survey) (**Plan A-2**).

of raw materials for concrete production may take place between 7:00 p.m. and 11:00 p.m. mainly by sea, making use of the 80m long marine frontage of the Site. It is anticipated that there would be about two to three barge loads per day. The number of workers at the plant will be around 20 to 30.

- 1.3 The Site is accessible via a vehicular access within TKO Fill Bank, which connects to Wan Po Road (**Plans A-2 and A-3**). A total of 22 concrete mixer truck (CMT) parking spaces, 10 private car parking spaces and four loading/unloading spaces will be provided within the Site (**Drawing A-2**).
- 1.4 According to the applicant, the 7-year approval period sought under this application covers the Short Term Tenancy (STT) tendering process (about 0.5 year), plant construction and associated statutory approval process (about 1.5 years), and operation of the CBP (about 5 years). Approval condition(s) imposed by the Board will be incorporated as appropriate into the relevant clause(s) of the STT and/or SPL for compliance by the future CBP operator.
- 1.5 The major development parameters of the indicative scheme of the proposed CBP are shown in the following table. Whilst the layout of the CBP is subject to detailed design by the future operator, the proposed CBP will be restricted to a maximum gross floor area (GFA) of 2,058m² and a maximum building height (BH) of 33mPD.

Site Area	About 4,900m ²
GFA	About 2,058m ²
Plot Ratio	About 0.42
Site Coverage	About 23%
Height of the Structures	Not more than 33mPD (Not more than 28m)
No. of CMT Parking Spaces	22
No. of Private Car Parking Spaces	10
No. of Loading/Unloading Bays	4

- 1.6 According to the Traffic Impact Assessment (TIA) submitted by the applicant (**Appendix B1 of Appendix Ia**), it is estimated that the proposed CBP's production level will generate about 24 CMTs per hour. Amongst which, 30% of CMTs will serve TKO area and 70% of CMTs will serve outside TKO through Cross Bay Link (CBL) and TKO – Lam Tin Tunnel (TKO-LT Tunnel), which are scheduled for completion in 2022. According to the TIA, all key junctions will operate satisfactorily. No junction improvement works is therefore required due to the construction and operation of the proposed CBP. Besides, the proposed CBP will not affect all road links performance. When Trunk Road T2² is completed as scheduled for 2026, the traffic condition (including TKO Tunnel) will operate satisfactorily.
- 1.7 According to the Environmental Assessment (EA) submitted by the applicant (**Appendix C of Appendix Ia**), the proposed CBP is far away from the residential developments and will be relocated before the first population intake of TKO Area 137 which is targeted for after 2030. As identified in the EA, TVB City in TKO Industrial Estate (about 480m away from the Site) and coral community in sea area to

² Trunk Road T2 and Cha Kwo Ling Tunnel connect the Central Kowloon Route to the west and the main tunnel of TKO – LT Tunnel to the east.

the west of Fat Tong Chau (about 200m away from the Site) are identified as air sensitive receiver and water sensitive receiver respectively (**Plan A-3**). Nevertheless, they are located far exceeding the 100m buffer distance for CBP in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). The EA confirms that no adverse environmental impacts will be anticipated. As the proposed CBP operation is classified as a Specified Process (SP) in accordance with Schedule 1 of the Air Pollution Control Ordinance, an SPL from EPD will be required for the operation.

- 1.8 On air quality, with the incorporation of proposed mitigation measures, no adverse air impact will be anticipated. The EA recommends that dust mitigation measures be implemented for tackling industrial emission during the operation of CBP. To minimise dust emission from CMTs leaving the Site to various destinations, the EA also recommends to install and operate vehicle washing facilities with sufficient dryers in an enclosed environment to ensure thorough cleaning of vehicles before leaving the CBP, and to install CCTV for surveillance of proper implementation of the control measures.
- 1.9 On noise aspect, no noise sensitive receivers can be found in the assessment area. The noise impact generated by induced traffic is insignificant, therefore, no adverse noise impact off-site will be anticipated. Moreover, given that noise mitigation measures have been adopted at LOHAS Park developments along Wan Po Road and CBL, the proposed CBP will not generate significant changes to the off-site traffic noise impact on the residents in LOHAS Park and along Wan Po Road and CBL. Hence, no adverse noise impact during construction and operation of the proposed CBP is anticipated.
- 1.10 On water quality, no adverse water quality impact is anticipated to the nearby water sensitive receivers during the construction and operation phases. Wastewater treatment facilities will be installed, and all wastewater generated during the operation of the CBP will be reused after treatment to minimise potential discharge. The operator of the proposed CBP will be required to comply with the relevant regulations such as the Water Pollution Control Ordinance. Furthermore, an Emergency Communication Plan will be established for timely notification of relevant stakeholders including the Water Supplies Department (WSD) and the operator of TKO Desalination Plant in case of accidental spillage of foul water from the proposed CBP.
- 1.11 Location plan, indicative layout, elevation and photomontages submitted by the applicant are shown on **Drawings A-1 to A-6**.
- 1.12 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 1.4.2022 (**Appendix I**)
 - (b) Planning Statement including TIA, Marine Traffic Impact Assessment (MTIA), EA, Water Supply Impact Assessment and Drainage Impact Assessment (DIA) (**Appendix Ia**)
 - (c) Further Information (FI) received on 5.5.2022 providing responses to departmental comments[#] (**Appendix Ib**)
 - (d) FI received on 17.5.2022 providing responses to public comments[#] (**Appendix Ic**)

[#] *accepted and exempted from the publication and recounting requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of application are detailed in Section 6 of the Planning Statement at **Appendix I and Appendices Ia, Ib and Ic**. They are summarised as follows:

In Line with the Planning Intention and Compatible with Surrounding Environment

- (a) Being located within an area zoned “OU(DWI)” under the OZP, the proposed CBP is in line with the planning intention of “OU(DWI)” zone.
- (b) The Site is surrounded by other industrial-related activities such as Southeast New Territories (SENT) landfill extension project, fill bank, construction waste sorting facilities and desalination plant. The proposed development is considered compatible with the surroundings.

Utilise the Site without Affecting the Proposed Housing Development at TKO Area 137

- (c) For the “Planning and Engineering Study for Re-planning of TKO Area 137”, detailed information of the future land uses of the site is subject to the final findings and recommendations of the Study. The TKO Area 137 is considered suitable primarily for housing developments to establish a new community, which will be supported by commercial and community facilities as well as infrastructures. The proposed temporary CBP will be relocated before the first population intake of TKO Area 137 which is targeted for after 2030.

Support Public Housing Developments and Other Development/Redevelopment Projects

- (d) According to the Long-Term Housing Strategy Annual Project Report 2020, the Government affirms that its 10-year housing supply target remains unchanged at 430,000. A number of redevelopment projects and the proposed public housing developments are under active planning or being implemented in the urban Kowloon, east Kowloon, TKO and the northern shore of Hong Kong Island. There will be a strong demand for high quality concrete for serving both public and private development projects.

Meet the Increasing Demand of Ready-Mixed Concrete in Hong Kong

- (e) Ready-mixed concrete is one of the most commonly used raw materials for construction projects in Hong Kong. With the continued development of the territory, the amount of construction works and the demand for concrete arising from the planned development projects from the public and private sectors will remain high in the short, medium to long term. The proposed CBP can provide a steady and sustainable concrete supply to meet the increasing concrete demand arising from the planned developments and infrastructural projects.

Strategic Location of the Site for the Proposed Development

- (f) In order to cope with the development of East Kowloon and New Territories East, there is a substantive need to identify an appropriate site for the market to set up a CBP

within the region concerned. As for the location of the CBP, there are a number of factors to consider, including locations of concrete demand, land use compatibility, environmental and traffic impacts, and prerequisites for facilitating the operation of the CBP such as a waterfront site to allow transportation by sea of raw materials for concrete production to avoid increasing road traffic. The proposed temporary CBP at TKO Area 137 is considered suitable and will be able to provide a reliable supply of concrete to support the development of East Kowloon and New Territories East. The Site is strategically located at TKO Area 137 with convenient traffic connection to CBL, TKO-LT Tunnel and the Trunk Road T2, which provides an expressway connecting to the urban Kowloon, the east Kowloon as well as the East Harbour Crossing to Hong Kong Island. The proposed development will support the sustainability of concrete supply chain in the region and reduce cross-district traffic for concrete delivery. With the 80m long marine frontage, the delivery of raw materials for the production of concrete can be accessed by sea and the proposed development can reduce the road traffic burden.

- (g) The proposed development is located at a relatively remote area of TKO Area 137, which is away from sensitive receivers. Geographically, Fat Tong Chau to the north of the Site will serve as a screen to block off any potential environmental impacts and disturbances to the nearest residential areas in LOHAS Park, which is about 1,900m away from the Site.

No Adverse Traffic, Environmental and Infrastructural Impacts

- (h) The Site is far away from residential developments and will be relocated before the first population intake of TKO Area 137 which is targeted for after 2030. No adverse environmental impacts will be anticipated. Technical assessments on traffic, environmental and infrastructural impacts have been conducted to ascertain the technical feasibility of the proposed CBP. The EA confirms that with proper operation and maintenance practices, the proposed CBP will not generate adverse environmental impacts. The TIA concludes that the proposed CBP would not generate adverse traffic impact on the road network in the vicinity. The other technical assessments on the aspects of cultural heritage, drainage, etc. also confirm that the impacts due to the proposed CBP would be minimal and negligible.

Specific Measures to Control the Operation of the Proposed CBP

- (i) To prevent the operation of CBP from causing environmental nuisance, the applicant plans to impose special conditions in the STT and SPL, such as:
- only sea routes can be used as the means of transporting raw materials such as cement, sands and aggregates in order to reduce the pressure of land transportation, and the barges transporting raw materials are required to be fully covered or sealed (Requirements to be included in SPL);
 - the future CBP operator is required to install and adopt Global Positioning System (GPS) for traffic monitoring of CMTs (Requirements to be included in SPL);
 - the future CBP operator is required to carry out a series of environmental management measures, including cleaning the nearby roads mainly leading to the

CBP, and employing an independent environmental consultant to regularly monitor nearby environmental conditions including air and seawater quality with the relevant results announced publicly (Requirements to be included in STT (for air and water quality) and SPL (for air quality));

- more stringent cleaning requirement for CMTs leaving the CBP would be imposed. The body of the CMT is required to be free from dripping water before leaving the CBP, and the surrounding area of the CBP should be installed with adequate surface channels so as to prevent any waste water from flowing out of the CBP (Requirements to be included in SPL);
- in order to strengthen the monitoring of the environmental performance of CBP, the CBP operator is required to install CCTVs in the CBP for better monitoring the environmental impacts on the nearby area arising from the processes or installations (Requirements to be included in SPL); and
- if the CBP operator cannot effectively operate the necessary measures to meet the requirements of SPL to prevent its operation from causing nuisance to the nearby residents, EPD will reject the subsequent application for renewal of the SPL for the CBP (Requirements to be included in SPL).

3. Background

The Site is within TKO Fill Bank, which is for temporary stockpiling of public fill to supplement the projected shortfall in the overall territory-wide public filling capacity (**Plan A-3**). When surplus public filling capacity is available in the territory, the stockpile will be removed and delivered to public filling areas mainly by barges. At present, the future land uses of TKO Area 137 are being studied in the Planning and Engineering Study for Re-planning of TKO Area 137 – Feasibility Study jointly commissioned by the Civil Engineering and Development Department (CEDD) and Planning Department (PlanD). The study is to examine the feasibility of using the area for residential, commercial and other development purposes, subject to the decanting programme of fill bank. TKO Area 137 is considered suitable to be developed primarily for housing purpose to establish a new community, which will be supported by commercial and community facilities as well as infrastructure. The proposed temporary CBP will be relocated before the first population intake of TKO Area 137 which is targeted for after 2030. A suitable site for the permanent CBP will be identified in due course.

4. Compliance with the “Owner’s Consent/Notification” Requirements

As the Site involves government land only, the “owner’s consent/notification” 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. 31) are not applicable to the application.

5. Previous Application

There is no previous application at the Site.

6. **Similar Application**

There is no similar application within the “OU(DWI)” zone on the same OZP.

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

7.1 The Site:

- (a) is a piece of reclaimed land in the waterfront at the barging basin located at the northwestern part of TKO Area 137;
- (b) is formed and is allocated to Fill Management Division of CEDD for fill materials storage to facilitate fill bank operation;
- (c) is accessible via a vehicular access within TKO Fill Bank, which connects to Wan Po Road (Plans A-2 and A-3); and
- (d) has a 80m long sea frontage in the south.

7.2 The surrounding areas have the following characteristics (Plans A-3, A-4a and A-4b):

- (a) the Site is within TKO Fill Bank which is for temporary stockpiling of public fill;
- (b) to its east and south is the barging basin which is surrounded by other supporting facilities/industrial-related activities such as marine barging point for SENT landfill and its extension, barging points for public fill transfer and associated uses, and construction waste sorting facilities;
- (c) further to its southeast (about 900m away) is the TKO Desalination Plant, which is under construction and is scheduled for completion in 2023;
- (d) to its immediate north is a vehicular access connecting to Wan Po Road. Adjacent to the vehicular access, there is an area for the placement of skips allocated to Hong Kong Dumper Truck Drivers Association. To further north are vegetated slopes of Fat Tong Chau zoned as “Green Belt” (“GB”). Fat Tong Chau House Ruin, which is a Site of Archaeological Interest (SAI), is located about 30m to the northwest of the Site; and
- (e) further to its north are TKO Industrial Estate (about 500m away) and LOHAS Park which is a comprehensive residential/commercial development (about 1,900m away)

8. **Planning Intention**

The “OU(DWI)” zone is intended primarily for special industries which require marine access,

access to deep water berths or water frontage. Industries to be accommodated within this zone are usually capital intensive, land-intensive and cannot be accommodated in conventional industrial buildings.

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/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) he has no objection to the application;
- (b) the Site falls within the sites allocated to Fill Management Division, CEDD for the transfer of public fill under GLA-SK2467 and fill bank and subsequent decommissioning of the fill bank under GLA-SK692 (**Plan A-3**); and
- (c) the term of the proposed STT for the temporary CBP at the Site shall not be more than seven years.

Traffic

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

- (a) having considered the TIA submitted by the applicant, he has no comment on the application; and
- (b) should the application be approved, the following approval condition is suggested:

the design and provision of vehicular access and parking and loading/unloading facilities before commencement of operation of the development to the satisfaction of C for T.

Environment

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

- (a) according to the EA submitted by the applicant, adverse environmental impact from the proposed temporary CBP with implementation of the recommended mitigation and control measures is not anticipated. As such, he has no objection to the application;
- (b) based on the findings of the EA covering assessments on air quality, noise, water quality, waste management, hazard to life (non-fuel gas dangerous goods risk) and land contamination which fall within EPD's

ambit, the following key findings are noted:

Air Quality

- (c) the proposed temporary concrete batching plant is located far away from residential developments and will be relocated before the first population intake of TKO Area 137 which is targeted for after 2030. The nearest representative air sensitive receiver identified is TVB City which is located at about 480m away from the proposed CBP well exceeding the buffer distance requirement of 100m for concrete batching plants (*ref: S.3.3.10, Chapter 9 of HKPSG*);
- (d) the proposed temporary CBP is classified as a SP under the Air Pollution Control Ordinance (Cap. 311) requiring a SPL for its operation. Therefore, the future CBP operator shall adopt the best practicable means, such as fully enclosing the loading, unloading, transfer or storage of cement, pulverized fuel ash or other equally dusty material, etc., for preventing any noxious or offensive emissions;
- (e) apart from the above, the applicant has also recommended additional mitigation and control measures, including:
 - the conveying systems on land and the aggregate storage silos will be fully enclosed as far as possible;
 - the weigh hoppers and mixers will be housed inside enclosed environment, and material receiving hoppers will be fitted with over-filling audible alarms;
 - the barge for raw materials transportation will have top cover, and the materials will be fully covered with tarpaulin with sufficient watering; and
 - vehicle washing facilities with sufficient dryers will be installed and operated in an enclosed environment to ensure thorough cleaning of vehicles before leaving the CBP and to install CCTV for surveillance of proper implementation of the control measures, etc.;

Water Quality

- (f) all wastewater generated during the operation of the CBP will be reused after treatment to minimise potential discharge. If discharge is needed, the wastewater will be treated to meet the requirements of the Water Pollution Control Ordinance (Cap. 358);
- (g) in addition, the applicant recommends to establish an Emergency Communication Plan for timely notification of relevant stakeholders including Water Supplies Department (WSD) and the operator of TKO Desalination Plant in case of accidental spillage of foul water from the proposed CBP;

Noise

- (h) full enclosure will be provided for the powered mechanical equipment inside the proposed CBP during operation phase. No adverse fixed noise impact is anticipated;

Induced Traffic

- (i) the induced traffic of the proposed CBP will not have adverse environmental impact to representative sensitive receivers along Wan Po Road and the CBL;

Others

- (j) the EA Report has also assessed and confirmed that no adverse impact from environmental perspective; and
- (k) the CBP operator will employ an Independent Environmental Team to monitor the environmental performance of the CBP.

Marine Engineering

9.1.4 Comments of the Chief Engineer/Port Works, CEDD:

the applicant should maintain the seawall and other marine structures and facilities within, fronting or adjoining the site or formed for provision of services to or formed for the support or protection of the site at his own cost up to the satisfaction of the Government.

Urban Design and Landscape

9.1.5 Comments of the CTP/UD&L, PlanD:

Urban Design

- (a) the Site is located in a remote area in TKO Area 137 which is planned for deep waterfront industries, desalination plant and landfills. There are no sensitive receivers in the vicinity of the Site. As the maximum height of Fat Tong Chau and the proposed CBP are 99.4mPD and 33mPD respectively, Fat Tong Chau will become a natural screen from the residential development at LOHAS Park. From View B taken at the public accessible podium at LOHAS Park to the Site, the proposed CBP is not visible (**Drawings A-4 and A-6**). As the distance between the view from Siu Sai Wan Promenade (View A) to the proposed CBP is about 1,700m away, the visual impact of the proposed CBP is anticipated to be insignificant (**Drawings A-4 and A-5**).

Landscaping

- (b) the Site is fully hard paved and currently occupied as fill bank. There is no landscape resource within the Site. As significant adverse landscape impact is not envisaged, landscape condition is therefore not recommended.

Cultural Heritage

9.1.6 Comments of the Antiquities and Monuments Office (AMO), Development Bureau:

- (a) AMO has no objection to the application; and
- (b) the applicant is advised that the design and works proposal of the CBP, demonstrating fulfilment of the EA Report in the subject s.16 planning application, shall be submitted to the satisfaction of AMO.

Water Supplies

9.1.7 Comments of the Chief Engineer/Construction, WSD:

- (a) he has no objection to the application; and
- (b) the Emergency Communication Plan shall include the measures, such as enclosing the contaminated area to prevent further contamination of nearby by seawater, to be followed by the CBP if accidentally discharge/dumping occurs in the sea outside the proposed CBP.

Drainage

9.1.8 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

the applicant is advised that if the final discharge point for the Site is directly to the sea and the site formation level is considered adequately higher than sea level with climate change consideration, a revised DIA may not be necessary.

Fire Safety

9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the application subject to the provision of fire service installations and water supplies for firefighting to the satisfaction of D of FS. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (b) the applicant is reminded that the provision of emergency vehicular access (EVA) shall comply with Section 6, Part D of the 'Code of Practice for Fire safety in Buildings 2011', which is administered by

the Buildings Department. The EVA provision of the nearby buildings shall not be affected by the proposed work; and

- (c) the applicant should make a separate enquiry to D of FS if the proposed works affect any licensed premises in the area, such as petrol filling station or dangerous goods store.

Building Matters

9.1.10 Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- (a) he has no in-principle objection under the Building Ordinance (BO);
- (b) if the proposed use under application is subject to the issue of a licence, please be reminded that 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; and
- (c) other detailed comments are at **Appendix IV**.

Electricity and Gas Safety

9.1.11 Comments of the Director of Electrical and mechanical Services:

- (a) he has no particular comment on the application on electricity supply safety and gas safety aspect; and
- (b) other detailed comments are at **Appendix IV**.

Others

9.1.12 Comments of the Principal Environmental Protection Officer/Regional Office (South), EPD:

a site in TKO Area 137 was identified by the Joint Working Group on Management of Roadside Skips for storing idle skips, which is now being used for such purpose under STT No. SX4788 (**Plan A-3**). The boundary of the proposed CBP should not intrude on the skip storage site. If there is any change to the boundary of the proposed CBP which will affect the skip storage site, a suitable site should be reprovisioned.

District Office's Comment

9.1.13 Comments of the District Officer (Sai Kung), Home Affairs Department (DO/SK, HAD):

- (a) the CBP proposal in TKO Area 137 has been widely discussed in the local community since 2020. There is strong local sentiment against the proposal. Objections are received from Owner Committees in

LOHAS Park and TKO (South) Area, the incumbent Sai Kung District Council (SKDC) Members and Legislative Council (LegCo) Members. Their concerns/ grounds of objection are potential nuisances which the operation of the CBP may bring to the local community, traffic and noise issues affecting a number of housing blocks on the southeastern side of LOHAS Park including Le Prestige, Wing at Sea, LP6 and Ocean Marini, and request for forbidding those non-compliant concrete plant operators to submit the bid for the new CBP and setting up a proper and effective monitoring mechanism to keep track the performance of the operator.

- (b) SKDC discussed and passed the motion “request withdrawal of the proposal on a temporary concrete batching plant in Area 137, Tseung Kwan O and urge to study the cavern option for provision of a permanent concrete batching plant” (**Appendix II**) at its full council meeting on 3.5.2022. Concerns similar to those mentioned above were raised.

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

- (a) Commissioner of Police;
- (b) Project Manager/East Development Office, CEDD;
- (c) Planning and Development Section (1), Marine Department (D of Marine);
- (d) Chief Engineer/Fill Management, CEDD;
- (e) Chief Architect/Central Management Division 2, Architectural Services Department;
- (f) Chief Highway Engineer/New Territories East, Highways Department;
- (g) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (h) Principal Environmental Protection Officer (Landfills and Development Group), EPD; and
- (i) Director of Agriculture, Fisheries and Conservation.

10. Public Comments Received During Statutory Publication Period

10.1 During the statutory publication period, a total of 9,450 public comments were received. Amongst them, there are 96 supporting comments, 8,901 opposing comments and 453 comments expressing views/concerns on the application. A full set of the public comments is deposited at the Board’s Secretariat for Members’ inspection and samples of the public comments are at **Appendix III**.

10.2 The 96 supporting comments are submitted by individuals with the major grounds summarised below:

- (a) the proposal can help unleash the development potential of TKO Area 137 and expedite housing supply in the region and the territory;
- (b) adequate environmental mitigation and monitoring measures can be introduced to govern the operation of the CBP in order to mitigate potential environmental pollutions;

- (c) as compared to the current location of the CBP which is close to residential buildings in Yau Tong, the proposed location is relatively far from residential settlements; and
- (d) the proposed CBP can be conveniently accessed via the CBL and hence the logistic movements could be expedited without causing much traffic congestion in the TKO inland areas.

10.3 The 8,901 opposing comments are submitted by two LegCo Members (Hon Stanley LI Sai-wing and Hon LAM So-wai), SKDC, three SKDC Members (Mr Edwin CHEUNG, Mr Chris CHEUNG and Ms Christine FONG), Owners' Committees/Sub-committees of nearby residential developments³, as well as local concern groups and individuals. Out of the 8,901 opposing comments, 7,600 are in the form of standard letters with variations and one is in the form petition letter with 586 signatures (samples at **Appendix III**). Major grounds of the opposing comments are summarised below:

Land Use Compatibility

- (a) the proposed CBP is incompatible with the future comprehensive residential and commercial developments in TKO Area 137, the healthy city planning concept for LOHAS Park and the development of non-polluting high-tech industry in TKO Industrial Estate. Provision of CBP should not be singled out before the comprehensive planning of TKO Area 137 is announced for public consultation;
- (b) relocating the CBP from a residential area in Yau Tong to another high-density new town in TKO is a planning mistake and a transfer of problem which is unfair to TKO residents;
- (c) a number of noxious facilities have been tormenting residents of TKO for years, including landfill, fill bank and construction waste sorting facilities. The noxious facilities should be moved out and the area should be reserved for recreational purposes;
- (d) as the future development focus in the territory is not in TKO, it is unjustified to provide a CBP at the eastern tip of Kowloon. Other areas with good transport infrastructure and sea access and are distant from residential areas are better alternatives, e.g. sites near Stonecutters Island/Container Terminal 7&8, Tsing Yi Island, Lung Kwu Tan of Tuen Mun and north Lantau. Besides, studies should be conducted with a view to accommodating the CBP in caverns;
- (e) approval of the application will create an undesirable precedent and encourage similar facilities to relocate to TKO;

Traffic Impact

- (f) there is a low demand of concrete in TKO. The need for delivery of concrete to other areas in the territory will create additional traffic burden to the already congested traffic condition in TKO;
- (g) the existing landfill and fill bank have already resulted in a large number of heavy vehicles passing through Wan Po Road and the residential areas. The increasing traffic flow of CMTs, which has a high accident record, would further jeopardise road safety and increase the risk of other road users. The difficulty in handling accidents related to CMTs would also cause serious traffic delay;
- (h) there are lots of deficiencies in the TIA submitted by the applicant including

³ Nearby residential developments include Bauhinia Garden, Beverly Garden, Kin Ming Estate Ming Yu House, Le Prestige, LOHAS Park, Metro City Phase I, Metro Town, Ocean Shores, Ocean Wings, Residence Oasis, The Beaumont, The Beaumont II, The Capitol, The Grandiose, The Wings, The Wings IIIA, Wings at Sea and Yee Ming Estate Yee Yuet House.

unrealistic assumptions, outdated traffic flow data, under-estimation of concrete production and delivery, and absence of quantitative assessment. Besides, there is a lack of traffic management plan and the internal transport layout is non-functional;

Environmental Impact

- (i) according to the measurements conducted by the local concern groups, the respirable and fine suspended particles (PM10 and PM2.5) at Wan Po Road and area near the existing CBP in Yau Tong are much higher than the relevant standards;
- (j) the proposed CBP and its associated vehicular traffic will generate adverse environmental impact including air and noise pollutions which will result in adverse hygiene and health consequences to the local residents;
- (k) the CBL, which is intended to provide a pleasant environment for the enjoyment of pedestrians and cyclists, should not be used by heavy vehicles;
- (l) the environmental mitigation measures for the CBL, e.g. semi-enclosed noise barriers, are insufficient in mitigating the potential noise and air impacts;
- (m) the debris left behind by CMTs will not only pollute the area, but also block the drainage channels and cause flooding in the surrounding area;
- (n) the TKO Desalination Plant is in proximity to the Site. Water quality in the area might be affected by the operation of the proposed CBP, which will affect the quality and safety of freshwater supply to the territory;

Operational Issues of the CBP

- (o) the current CBP at Yau Tong is poorly managed, breaches pollution-related regulations but has continued to operate despite the Government's rejection of its licence renewal application and the public's complaints. It is highly doubted whether the proposed CBP at the Site will not result in similar problems;
- (p) more stringent requirements such as prohibiting non-compliant operators to submit new bids should be imposed in the licensing system. More effective monitoring system and heavier penalties should be introduced to avoid malpractice of the CBP; and
- (q) the temporary nature of the CBP cannot be ascertained in view of the continuing renewal of the short-term tenancy for the nearby fill bank.

10.4 The 453 comments expressing views/concerns are from a local concern group and individuals. Their major views are summarised below:

- (a) marine traffic should be highly utilised to reduce traffic pressure and pollution brought by road transport;
- (b) more stringent traffic and environmental monitoring measures should be incorporated as conditions of the licence to ensure that operation of the proposed CBP is up to standard; and
- (c) other options for the provision of CBP, including caverns, should be explored. A potential site in Sai Tso Wan of Cha Kwo Ling is suggested for further study.

11. Planning Considerations and Assessments

Planning Intention

- 11.1 The application is for a proposed temporary CBP for a period of seven years at the Site zoned “OU(DWI)” on the OZP. The planning intention of the “OU(DWI)” zone is primarily for special industries which require marine access, access to deep water berths or water frontage. The proposed CBP comprises silos, conveying system, weighing hoppers, concrete mixers, etc. with a maximum GFA of 2,058m² and a maximum BH at 33mPD. As the proposed CBP requires a marine frontage of about 80m and cannot be accommodated in a conventional industrial building, the proposed CBP at the Site is considered generally in line with the planning intention of the “OU(DWI)” zone. Nevertheless, TKO Area 137 has been identified primarily for housing development to establish a new community, which will be supported by commercial and community facilities as well as infrastructures. Given its temporary nature, the proposed CBP at the Site for a period of seven years and to be terminated before the first population intake of future residential development at TKO Area 137 tentatively targeted for after 2030 would not frustrate the long-term planning of the area.

Need for a CBP at this Location

- 11.2 The applicant has demonstrated in the submission that there is a substantive need to identify an appropriate site for the market to set up a CBP for serving the region of East Kowloon and New Territories East so as to meet the demand for concrete arising from the planned development projects from both the public and private sectors. Having considered a number of factors, including locations of concrete demand, land use compatibility, environmental and traffic impact, concrete delivery time, and prerequisites for facilitating the operation of the CBP such as a waterfront site to allow transportation by sea of raw materials for concrete production to avoid increasing road traffic loads, the Site is the most suitable location within the concerned region which can meet the site selection criteria and operational requirements of CBP and no alternative site is available.

Land Use Compatibility

- 11.3 The proposed temporary CBP with a maximum GFA of 2,058m² and a maximum BH of 33mPD is considered not incompatible with the existing surrounding land uses comprising mainly a public fill bank and its barging facilities, a placement for skips, SENT landfill and its extension, construction waste sorting facilities, and desalination plant (for completion in 2023). The nearest sensitive receiver is TVB City in TKO Industrial Estate which is about 480m away from the Site. The nearest residential development (LOHAS Park) is about 1,900m away. Furthermore, the Site and LOHAS Park are separated by TKO Industrial Estate, and the proposed CBP is screened off by Fat Tong Chau which is a 99.4mPD high natural knoll. CTP/UD&L of PlanD considers that significant adverse visual and landscape impacts arising from the proposed CBP are not anticipated. She has no objection to the application from visual and landscape planning perspectives.

Technical Aspects

Traffic

- 11.4 The applicant has submitted a TIA, which demonstrates that the additional traffic generated by the proposed CBP is insignificant, which can be absorbed by existing and planned road network, and that all the assessed junctions will be operating with spare capacity. The TIA confirms that the proposed CBP will not adversely affect the local roads in the vicinity. C for T has no comment on the application from traffic impact point of view. The MTIA conducted also confirms that no adverse marine traffic impact is anticipated. D of Marine has no comment on the MTIA submitted by the applicant.

Environment

- 11.5 The applicant has submitted an EA in support of the application, which concludes that no adverse environmental impacts are anticipated with implementation of the recommended mitigation and control measures during construction and operation. The mitigation measures proposed by the applicant cover various aspects including air quality, noise and water quality. To minimise dust emission from concrete delivery vehicles leaving the Site to various destinations, the applicant is recommended to install and operate vehicle washing facilities with sufficient dryers in an enclosed environment to ensure thorough cleaning of vehicles before leaving the CBP and to install CCTV for surveillance of proper implementation of the control measures. In this regard, DEP has no objection to the application.
- 11.6 To regulate operations and ensure that the future operator would manage the operation of the CBP properly, the applicant plans to impose special conditions in the STT and SPL so that the CBP operator would be required to implement more stringent air quality and water control measures with details stipulated in paragraph 2(i) above.

Other Technical Aspects

- 11.7 WSD has no objection to the application and considers that no significant adverse impact on the operation of TKO Desalination Plant is anticipated provided that the Desalination Plant shall be notified immediately as per the Emergency Communication Plan when untreated waste water for the proposed CBP is discharged to the nearby sea and mitigation measures are to be followed by the CBP operator.
- 11.8 Other relevant government departments, including D of FS, CE/MS of DSD, D of Marine, H(GEO) and AMO have no objection to or no adverse comment on the application.

Public Comments

- 11.9 There are 9,450 public comments received, including 96 supporting comments, 8,901 opposing comments and 453 expressing views/concerns on the application. Their major grounds are summarised in paragraph 10 above. Regarding the concern on traffic aspect, the submitted TIA confirms that the proposed CBP will not cause insurmountable problem to the existing road networks. After commissioning of TKO-LT Tunnel and CBL in 2022 tentatively, as 70% of the CMTs will serve areas outside

TKO, it is anticipated that most of the heavy vehicles generated by the proposed CBP will route through TKO-LT Tunnel and CBL, instead of Wan Po Road and TKO Tunnel, and TKO-LT Tunnel and CBL have sufficient capacities to cater for such traffic. On environmental aspect, the concerns raised could be addressed by incorporation of special conditions in the STT and/or SPL as appropriate, as proposed by the applicant, including implementation of a series of on-site and off-site environmental management measures, employing an independent environmental consultant to regularly monitor the situation and installing CCTVs in the CBP. The relevant special conditions are detailed in paragraph 2(i) above. As regards the query on the temporary nature of the proposed CBP, it should be noted that the approval period sought is seven years only and the applicant also confirms that the proposed temporary CBP would be relocated before the first population intake of TKO Area 137 which is targeted for after 2030. The departmental comments in paragraph 9 above and planning assessments in paragraphs 11.1 to 11.7 above are also relevant.

12. **Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments as mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 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 seven years until 20.5.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the design and provision of vehicular access and parking and loading/unloading facilities before commencement of operation of the development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (b) if the above planning condition is not complied with, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that the proposed development would not generate adverse traffic and environmental impacts on the surrounding area.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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

Appendix I	Application form received on 1.4.2022
Appendix Ia	Planning Statement including Traffic Impact Assessment, Marine Traffic Impact Assessment, Environmental Assessment, Water Supply Impact Assessment and Drainage Impact Assessment received on 1.4.2022
Appendix Ib	Further Information received on 5.5.2022
Appendix Ic	Further Information received on 17.5.2022
Appendix II	Motion passed on 3.5.2022 by Sai Kung District Council
Appendix III	Samples of Public Comments
Appendix IV	Detailed Comments of Government Departments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Indicative Layout
Drawing A-3	Elevation
Drawings A-4 to A-6	Photomontages
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2022**