

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

APPLICATION NO. A/YL-TYST/1246

<u>Applicant</u>	:	Hong Kong Concrete Company Limited represented by Townland Consultants Limited
<u>Site</u>	:	Lots 1290 S.C RP, 1293 S.C and 2019 in D.D. 121 and Adjoining Government Land (GL), San Fui Street, Tong Yan San Tsuen, Yuen Long, New Territories
<u>Site Area</u>	:	2,457 m ² (about) (including GL of about 303 m ² (12.3%))
<u>Lease</u>	:	(i) Block Government Lease (demised for agricultural use or garden ground use); and (ii) New Grant No. 4101 (for industrial or godown use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Industrial” (“I”) <i>[Restricted to a maximum plot ratio of 3 and a maximum building height (BH) of 4 storeys (15m)]</i>
<u>Application</u>	:	Renewal of Planning Approval for Temporary Concrete Batching Plant for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary concrete batching plant for a period of three years at the application site (the Site) (**Plan A-1**). According to the covering Notes of the OZP for the “I” zone, ‘Concrete Batching Plant’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/1069 until 17.2.2024 (**Plans A-2 to A-4**).
- 1.2 The Site is abutting San Fui Street (**Plans A-2 and A-3**). According to the applicant, the applied use is mainly to serve the current and future sustained demand for concrete in the Northern New Territories. Plans showing the site layout, as-built

drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3c** respectively.

- 1.3 The Site is involved in eight previous applications for concrete batching plant use with/without minor relaxation of BH restriction approved by the Rural and New Town Planning Committee (the Committee) or the Board upon review between 1998 and 2021 (details at paragraph 6 below). Compared with the last application (A/YL-TYST/1069), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. The major development parameters of the current application are summarised as follows:

Site Area	About 2,457 m ²
Total Floor Area (Non-domestic)	About 1,447 m ²
No. and Height of Structures	6 • for concrete batching plant (17.4m)
No. of Parking Space	1 (for private car) (5m x 2.5m)
No. of Loading/ Unloading Spaces	14 (for heavy goods vehicles) (11m x 3.5m each)
Operation Hours	7:30 a.m. to 7:30 p.m. daily, including Sundays

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

- (a) Application Form received on 6.11.2023 (Appendix I)
 - (b) Supplementary Planning Statement (Appendix Ia)
 - (c) Further Information (FI) received on 8.12.2023* (Appendix Ib)
 - (d) FI received on 18.12.2023* (Appendix Ic)
 - (e) FI received on 15.1.2024* (Appendix Id)
 - (f) FI received on 2.2.2024* (Appendix Ie)
- * *exempted from publication and recounting requirements*

- 1.5 On 22.12.2023, the Committee agreed to defer making a decision on the application for one month as requested by the applicant.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement (**Appendix Ia**). They can be summarised as follows:

- (a) the Site is the subject of eight previous planning permissions for concrete batching plant use. There has been no change in planning circumstances since the last approval. All the approval conditions imposed to the last application (No. A/YL-TYST/1069) had been complied with;

- (b) the applied use is fully in line with the planning intention of the “I” zone. The existing uses and developments in the vicinity of the Site are predominately industrial in nature and not environmentally sensitive. The continuation of the concrete batching plant is compatible with the surrounding uses;
- (c) there is a clear and continued demand for concrete in the Northern New Territories in the foreseeable future as a result of ongoing development projects. A sufficient and continuous supply of concrete will assist the Government to meet the implementation programme of planned developments and avoid delays to various public and private sector projects;
- (d) appropriate air/noise mitigation measures have been installed and environmentally sensitive design has been adopted since the commencement of the concrete batching plant to ensure there is no adverse environmental impact on any sensitive receivers. Trees have been planted around the Site and are well-maintained. A protective boundary wall has been installed and the building has been painted in suitable colours to match with the surrounding developments; and
- (e) the Site is subject to stringent environmental control. The Environmental Protection Department has granted the renewal of a Licence for the Conduct of a Specified Process to the operation whereby the applicant is required to comply with the licensing conditions to ensure no adverse air quality impact will be generated. The applicant pledges to continue to comply with the licensing conditions.

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

The applicant is one of the “current land owner” and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by notifying the other “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

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

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in eight previous applications (No. A/YL-TYST/50, 181, 306, 410, 568, 710, 863 and 1069) for concrete batching plant use with/without minor

relaxation of BH restriction covering different extents of the Site. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.

- 6.2 Application No. A/YL-TYST/50 for a permanent concrete batching plant covering the southern portion of the Site was approved by the Committee in 1998 mainly on the considerations that the developments were compatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. Application No. A/YL-TYST/181 for amendment and extension of the permanent concrete batching plant and minor relaxation of the BH restriction from 15m to 17.4m covering the same site as the current application was approved by the Board upon review in 2003 mainly on the considerations that there were no adverse departmental comments on environmental and traffic grounds; and the proposed relaxation of the BH restriction was considered not incompatible with the surrounding industrial buildings. However, a temporary permission of three years instead of a permanent permission as sought was granted so as to monitor the impact of the operation of the development on the environmental and traffic conditions of the area.
- 6.3 The remaining six applications for renewal of the planning approval for temporary concrete batching plant use were approved with conditions each for a period of three years by the Committee between 2006 and 2021 mainly on similar considerations as those mentioned in paragraph 6.2 above. All the time-limited approval conditions under the last approved application No. A/YL-TYST/1069 have been complied with and the planning permission is valid until 17.2.2024.

7. Similar Application

There is no similar application within the subject “I” zone in the past five years.

8. Planning Intention

The planning intention of the “I” zone is 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, office related to industrial use, and selected uses akin to industrial production and would not compromise building and fire safety are also always permitted in this zone.

9. The Site and Its Surrounding Areas (Plans A-1 to A-4)

9.1 The Site is:

- (a) abutting the junction of San Fui Street and San Hi Tsuen Street (**Plans A-2 and A-3**); and
- (b) currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/1069 (**Plans A-2 to A-4**).

9.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) industrial in nature comprising predominantly low-rise industrial buildings/godowns, open storage/storage yards, warehouses, ice factories and a vehicle repair workshop, car park, metal workshop, logistics centre, petrol filling station and scattered vacant land/structures; and
- (b) there is a residential structure located about 95m to the northwest of the Site.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

10.2 The following government department does not support the application:

Environment

10.2.1 Comments from the Director of Environmental Protection (DEP):

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located about 95m to the northwest of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected;
- (b) the applicant has a valid licence to conduct cement works in the premises. The licence is effective from 17.6.2022 and will expire on 16.6.2025;
- (c) no substantiated environmental complaint concerning the Site was received in the past three years; and
- (d) should the application be approved, the applicant should note his advisory comments in **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 14.11.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary concrete batching plant for a period of three years at the Site zoned “I” on the OZP. The applied use is generally not in conflict with the planning intention of the “I” zone which is

primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries.

- 12.2 The surrounding area is industrial in nature comprising predominantly low-rise industrial buildings/godowns, open storage/storage yards, warehouses, ice factories and vehicle repair workshop (**Plan A-2**). Although there is a residential structure to the northwest of the Site, the applied use is generally not incompatible with the surrounding uses.
- 12.3 The application is also generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/1069; all the time-limited approval conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 There is no adverse comment from concerned government departments, including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department on traffic, fire safety and drainage aspects. DEP does not support the application as there is a sensitive receiver of residential use in the vicinity of the Site (located about 95m to its northwest) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected. However, there was no substantiated environmental complaint concerning the Site received by DEP in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise potential environmental nuisances or to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to planning enforcement action. Should the application be approved, the applicant will also be advised to comply with the licensed terms and conditions of the Specified Process Licence during the licensed period, to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, and to keep the Site clean and tidy at all times.
- 12.5 Given that eight previous approvals for concrete batching plant uses had been granted to the Site from 1998 to 2021, approval of the current application is in line with the Committee/Board’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the application.
- 13.2 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 three years and be renewed from 18.2.2024 to 17.2.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 7:30 p.m. and 7:30 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.5.2024;
- (d) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (e) if any of the above planning condition (a), (b) 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 (c) 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.

[Approval conditions (a) to (d) are the same as that under the permission for application No. A/YL-TYST/1069; requirement for maintenance of landscaping has been removed as per the departments' latest requirement; and restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

Advisory clauses

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

- 13.3 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 applied use would not generate adverse environmental impact on the surrounding area.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.

14.3 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.

15. Attachments

Appendix I	Application Form received on 6.11.2023
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 8.12.2023
Appendix Ic	FI received on 18.12.2023
Appendix Id	FI received on 15.1.2024
Appendix Ie	FI received on 2.2.2024
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	As-built Drainage Plan
Drawings A-3a to A-3c	FSIs Proposal
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2024**