

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

APPLICATION NO. A/YL-TYST/1069

- Applicant** : Hong Kong Concrete Company Limited represented by Townland Consultants Limited
- Site** : 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
- Site Area** : 2,457 m² (about) (including GL of about 303 m² (about 12.3%))
- Lease** : (i) Block Government Lease (demised for agricultural or garden ground use); and
(ii) New Grant No. 4101 (for industrial or godown use)
- Plan** : Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/13
- Zoning** : “Industrial” (“I”)
[Restricted to a maximum plot ratio of 3 and maximum building height of 4 storey(s)(15m)]
- Application** : 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 to use the application site (the Site) for temporary concrete batching plant for a period of 3 years (**Plan A-1**). According to the 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/863.
- 1.2 The Site involves 7 previous applications for concrete batching plant use with/without minor relaxation of building height restriction (BHR). The last application (No. A/YL-TYST/863) for the same use as the current application was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 8.12.2017. All the time-limited approval conditions under the last application had been complied with and the permission is valid up to 17.2.2021. Compared with the last application, the current application is submitted by the same applicant for the same use on the same

site with the same site layout and development parameters.

- 1.3 According to the applicant, the applied use is mainly to serve the current and future sustained demand for concrete in the Northwest New Territories (NWNT). 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.
- 1.4 The major development parameters of the current application are the same as the previously approved application No. A/YL-TYST/863, which are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/863 (a)	Current Application No. A/YL-TYST/1069 (b)
Applied Use	Temporary Concrete Batching Plant for a Period of 3 Years	
Site Area	About 2,457 m ² (including 303 m ² of GL)	
Total Floor Area (Non-domestic)	About 1,447 m ²	
No. and Height of Structures	6 • for concrete batching plant uses (17.4 m)	
No. of Parking and Loading/Unloading (L/UL) Spaces	15 (1 for private car) (14 for heavy goods vehicles)	
Operation Hours	7:30 a.m. to 7:30 p.m. daily	

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with plan received on 22.12.2020 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 19.1.2021 providing FSIs proposal with fire certificate and clarifying the operation (Appendix Ib)
- (d) FI received on 29.1.2021 providing fire certificates (Appendix Ic)
[(c) and (d) 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 the Supplementary Planning Statement and FI (**Appendices Ia** and **Ib**). They can be summarised as follows:

- (a) The Site has been the subject of 7 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/863) had been complied with.

- (b) The applied use will provide an adequate supply of concrete to the wider area and is fully in line with the planning intention of the “I” zone. The existing uses and developments in the vicinity of the Site are predominantly 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 demand for concrete in NWNT 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 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. Protective boundary wall has been installed and the building has been painted in suitable colours to match with the surrounding developments.
- (e) The Site is subject to stringent environmental control. The Environmental Protection Department has granted a Licence for the Conduct of a Specified Process (Specified Process Licence) 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 concrete batching plant will continue to comply with the licensing conditions to ensure that no adverse air quality impact or dust nuisance will be caused.

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

The applicant is one of the “current land owners” 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. 31A) by notifying the other “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31A 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. 34C) are 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 involves 7 previous applications submitted by the same applicant as the current application for concrete batching plant use with/without minor relaxation of BHR covering different extents of the Site. All the applications were approved by the Committee or the Board on review. 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 on the consideration that the development was compatible with the surrounding land uses in the “I” zone; and the concern on the on-site L/UL of concrete batching trucks could be addressed by imposing approval condition.
- 6.3 Application No. A/YL-TYST/181 for amendment and extension of the permanent concrete batching plant and minor relaxation of the BHR from 15m to 17.4m covering the same site as the current application was approved by the Board on review in 2003 mainly on the consideration that there were no adverse comments from concerned departments on environmental and traffic grounds; the applicant had demonstrated that vehicles to and from the Site would only use the major trunk roads and industrial access roads in the vicinity of the Site; the residential developments in the area were not directly abutting the route and would unlikely be affected by the vehicular traffic; and the proposed relaxation of the BHR from 15m to 17.4m was considered not incompatible with the surrounding industrial buildings. However, a temporary permission of 3 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.
- 6.4 Applications No. A/YL-TYST/306, 410, 568, 710 and 863 for renewal of the planning approval for temporary concrete batching plant use were approved with conditions each for a period of 3 years by the Committee between 2006 and 2017. All the associated approval conditions under the respective approvals had been complied with and the planning permission for the last application is valid up to 17.2.2021.
- 6.5 Compared with the last application (No. A/YL-TYST/863), the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters.

7. Similar Application

There is one similar application for concrete batching plant use within the same “I” zone, which was rejected by the Committee in 2001, mainly on the grounds that the proposed development would generate noise and dust nuisances to the nearby residents and there was insufficient information in the submission to address the drainage impact of the proposed development. Details of the application are summarised in **Appendix IV** and the location of the site is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) located off the junction of San Fui Street and San Hi Tsuen Street; and
- (b) currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/863.

8.2 The surrounding areas have the following characteristics:

- (a) industrial in nature comprising predominantly low-rise industrial buildings/godowns, open storage/storage yards, warehouses, ice factories and a vehicle repair workshop with scattered vacant land; and
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 95m to the northwest of the Site.

9. 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.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application and public comments, where relevant, are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises various private lots (Lot Nos. 2019, 1290 S.C RP and 1293 S.C all in D.D.121) and a piece of GL. Lot No. 2019 in D.D.121, held under New Grant No. 4101, shall not be used for any purpose other than for industrial or godown. The lot is also subject to a Temporary Waiver (TW) to permit the use of specified areas for the purpose of vehicle parking and/or L/UL. Lot Nos. 1290 S.C RP and 1293 S.C in D.D.121 are held under Block Government Lease for the purposes of agricultural or garden ground. The lots are subject to Short Term Waivers (STWs) for the purpose of storage of aggregates for concrete production. The GL within the Site is covered by a Short Term Tenancy (STT) for the purpose of storage of aggregates for concrete production.
- (b) The Site does not fall within Shek Kong Airfield Height Restriction

Area.

- (c) Should planning approval be given to the subject planning application, the holder(s) of the TW/STWs/STT needs(s) to apply to her office for modification(s) of the condition(s) contained in the TW/STWs/STT if there are any irregularities on site. Such application(s) will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is/are approved, it/they would be subject to such terms and conditions, including among others the payment of premium, fee and/or rent, as may be imposed by her department.

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. No vehicles are allowed to queue back to or reverse onto/from public roads.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and San Fui Street.

Environment

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

- (a) He does not support the application as there are sensitive receivers of residential use 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) A Specified Process Licence for the concrete batching plant under the Air Pollution Control Ordinance (APCO) has been obtained by the applicant with validity up to 23.3.2021. The plant should be operated according to the licensed terms and conditions during the licensed period. The licensee should apply for renewal and demonstrate compliance to the Air Quality Objectives at the nearby air sensitive receivers.
- (c) Regarding the public comment concerning environmental pollution

(**Appendix V-2**) from the applied use, no substantiated environmental complaint has been received during the past 3 years according to his department's record. The concrete batching plant is currently operating with a Specified Process Licence under the APCO, which should be operated in accordance with the licensed terms and conditions during the licensed period.

- (d) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use" (Code of Practice) to minimise any potential environmental nuisances on the surrounding area.

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application.
- (b) Based on the planning statement enclosed in the application, apparently the applicant would maintain the same drainage facilities as those implemented under the previous planning application No. A/YL-TYST/863.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TYST/863 and the submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Building Matters

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

According to his records, appraisal report for the existing concrete batching plant on the Site, which is unauthorised building works, had been acknowledged via his letter to the Registered Structural Engineer (RSE) on 26.7.2004. As stipulated in paragraph 2 of the said letter, a maintenance survey report together with certification regarding the stability of the concrete batching plant from RSE should be submitted to BD for acceptance and acknowledgement at 2 years interval from the date of the said letter. BD would consider to take enforcement action against the existing concrete batching plant if the applicant fails to comply with the said letter.

Fire Safety

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

He has no objection in principle to the renewal application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

District Officer's Comments

10.1.8 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any feedback from locals.

10.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 29.12.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from the village representative of Fui Sha Wai and an individual. The former objected to the application mainly due to the traffic impact of the applied use (**Appendix V-1**), while the latter objected to the application on the grounds that the applied use will cause adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix V-2**).

12. Planning Considerations and Assessment

12.1 The application is for renewal of planning approval for temporary concrete batching plant for a period of 3 years. The applied use, which is also an industrial process, 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. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site.

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**). The applied use is generally not incompatible with the surrounding industrial uses.

12.3 The application is generally in line with TPB PG-No. 34C in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/863; all the time-limited approval conditions under the previous application No. A/YL-TYST/863 had been complied with; and the 3-year approval period sought is reasonable and of the same timeframe as the previous approval.

- 12.4 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (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. However, there has been no substantiated environmental complaint concerning the Site received in the past 3 years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental nuisances or to address the local concerns and 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 enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to keep the Site clean and tidy at all times, to comply with the licensed terms and conditions of the Specified Process Licence during the licensed period and to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 12.5 Given that seven previous approvals for concrete batching plant uses have been granted to the Site, approval of the current application is generally in line with the Committee's previous decisions.
- 12.6 Two public comments were received on the application during the statutory publication period as summarised in paragraph 11. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comments summarised in paragraph 11 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 3 years and be renewed from 18.2.2021 to 17.2.2024. 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) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the existing trees within the Site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (e) 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 18.5.2021;
- (f) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (g) if any of the above planning conditions (a), (b), (c), (d) and (f) 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
- (h) if the above planning condition (e) 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 (b), (c), (d) and (e) are the same as those under the permission for application No. A/YL-TYST/863, condition (f) has been updated and condition (a) inserted as per the current proposal, and the access restriction clause has been deleted to accord with the department's latest requirements.]

Advisory clauses

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

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the applied use is not in line 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. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding areas.

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 with plan received on 22.12.2020
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 19.1.2021
Appendix Ic	FI received on 29.1.2021
Appendix II	Relevant Extracts of TPB PG-No. 34C
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within the same “T” zone on the OZP
Appendices V-1 and V-2	Public Comments received during the Statutory Publication Period
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Drainage Plan
Drawings A-3a to A-3c	FSIs Proposal
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
FEBRUARY 2021**