

**APPLICATION FOR PERMISSION UNDER SECTION 16
OF THE TOWN PLANNING ORDINANCE (CAP. 131)**

**RENEWAL OF PLANNING APPROVAL FOR PROPOSED TEMPORARY ASPHALT PLANT
FOR A PERIOD OF 5 YEARS**

**AT PART OF THE REMAINING PORTION OF TSING YI TOWN LOT NO. 108
SAI TSO WAN ROAD, TSING YI, NEW TERRITORIES
ON APPROVED TSING YI OUTLINE ZONING PLAN NO. S/TY/32**

SUPPORTING PLANNING STATEMENT

APRIL 2024

Executive Summary

This application for permission under section 16 of the Town Planning Ordinance (Cap. 131) (“the Application”) is made to seek permission from the Town Planning Board (“TPB”) for renewal of planning approval of the proposed temporary asphalt plant for a period of 5 years at Tsing Yi Town Lot No. 108 RP (Part) (“the Application Site”). The Application Site falls within an area zoned “Industrial” (“I”) use on the approved Tsing Yi Outline Zoning Plan No. S/TY/32 (“the OZP”). According to the Notes of the OZP, ‘Asphalt Plant/Concrete Batching Plant’ is a Column 2 use within the “I” zone, thus planning permission is required from the TPB.

The Application Site is subject to previous planning application No. A/TY/135 for the same use which was approved on 2 August 2019 for a period of 5 years. In this connection, a section 16 planning application for planning approval renewal is submitted to avoid adverse impact caused to the operation of the Use.

There is a need to expand the local construction sector and meet the growing demand for asphalt. The Application Site is located at a remote area of Tsing Yi West industrial area and the range of high hills at the central part of Tsing Yi Island would serve as a partition to block off the proposed asphalt plant’s potential environmental impacts and disturbances to the residential areas in the north-eastern part of Tsing Yi. The technical assessments including the Environmental Assessment and Traffic Impact Assessment also concluded that no adverse impacts to the surrounding area would be anticipated from the proposed asphalt plant.

In view of the above and the detailed planning justifications put forward in the Planning Statement, we sincerely seek TPB’s favourable consideration to approve the Application for a temporary period of 5 years.

內容摘要

本申請根據《城市規劃條例》(第 131 章)第 16 條提出規劃許可申請 (『本申請』) 要求城市規劃委員會 (『城規會』) 批給規劃許可續期，准許在(『申請地點』) 闢設續期五年的臨時瀝青廠。申請地點在青衣分區計劃大綱核准圖編號 S/TY/32 (『大綱圖』) 上，屬於『工業』用途地帶。根據大綱圖，在『工業』用途地帶內，「瀝青廠 / 混凝土配料廠」屬於第二欄用途，因此有需要獲得城規會的規劃許可。

有關地點先前申請作為期 5 年的相同用途 (No. A/TY/135)，該申請於 2019 年 8 月 2 日獲批。因此，本申請就有關用途提出第 16 條申請，以避免對瀝青廠的營運造成不良的影響。

本地的建造業必須擴大及滿足瀝青日益增長的需求。申請地點位於青衣西邊較偏遠工業區域，青衣島中部的山脊可阻擋擬議瀝青廠潛在的環境影響及對青衣東北部住宅區域的滋擾。本申請附屬的技術評估包括環境評估及交通影響評估斷定擬議瀝青廠預料不會為周邊環境帶來負面影響。

基於以上各點及規劃報告書內所提供的詳細規劃理據，我們誠懇地希望城市規劃委員會批准有關用途為期 5 年的申請。

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1 Introduction

1.1 Background

This application for permission under section 16 of the Town Planning Ordinance (Cap. 131) ("the Application") is submitted on behalf of Hong Kong United Dockyards Limited ("the Applicant") to the Town Planning Board ("TPB") to seek planning permission for renewal of planning approval of the proposed temporary asphalt plant ("the Use") for a period of 5 years at Tsing Yi Town Lot No. 108 RP (Part) ("the Application Site") (**Appendix I** refers). The Applicant is intended to continue the operation of the current temporary asphalt plant under application No. A/TY/135 at the Application Site.

The Application Site falls within an area zoned "Industrial" ("I") use on the approved Tsing Yi Outline Zoning Plan No. S/TY/32 ("the OZP"). According to the Notes of the OZP, 'Asphalt Plant/Concrete Batching Plant' is a Column 2 use in the "I" zone which planning permission is required from the TPB.

1.2 Statement Structure

This Supporting Planning Statement comprises of six sections. Following the introduction, **section 2** will cover the descriptions on the Application Site and its surrounding context. **Section 3** will elaborate on the respective planning context within which this Application is subject to. The current use will be detailed in **section 4**, which is to be followed by the relevant justifications as presented in **section 5**. The Statement will be concluded in **section 6**. The following technical assessments and supplementary materials are attached along with the Statement in supporting this Application:-

- Schematic Drawings (**Appendix II**)
- Approved Condition Letters under Application No. A/TY/135 (**Appendix III**)
- Environmental Assessment (EA) (**Appendix IV**)
- Traffic Impact Assessment (TIA) (**Appendix V**)

2 The Application Site and its surroundings

2.1 Application Site

The Application Site is a piece of flat land located at the southern part of the remaining portion of Tsing Yi Town Lot ("TYTL") No. 108 and is located at the western part of Tsing Yi with an area of about 6,516.59m². The Application Site is owned by the Applicant and currently for the Use under planning permission (No. A/TY/135). The Application Site is accessible from an internal road of TYTL No. 108 RP to the east extending from the end of Sai Tso Wan Road and has sea frontage to its south-west.

2.2 Land Status

The Application Site forms part of TYTL No. 108 RP held under Conditions of Exchange New Grant No. 6447. According to the land grant, the Application Site is restricted, inter alia, to ship building, ship repairing and ancillary uses, and such heavy engineering uses as may be approved.

The Applicant has already obtained temporary waiver from the Lands Department for the implementation of the Use.

2.3 Surrounding Environment

The surrounding areas have the following characteristics:

- a) mainly a special industrial area with shipyards, oil depots, warehouses, open vehicle parks and container-related uses;
- b) to its north and northwest is the Hong Kong United Dockyards Limited;
- c) to the immediate north and further northwest which also forms part of the TYTL No. 108 RP is a temporary concrete batching plant use (Application No. A/TY/136) which was approved with conditions on 2 August 2019 for 5 years; temporary concrete batching plant use (Application No. A/TY/139) which was approved with conditions on 6 September 2019 for 5 years; a temporary concrete batching plant use (Application No. A/TY/143) which was approved with conditions 1 September 2020 for 5 years ; and a temporary asphalt plant use (Application No. A/TY/144) which was approved with conditions on 1 September 2020 for 5 years;
- d) further to the northwest is the Tsing Ma Bridge;
- e) to its northeast is a steep slope, and the North West Tsing Yi Interchange is located on top;
- f) to the south is the Shell Oil Depot; and
- g) to its west is the Ma Wan Channel.

3 Planning Context

3.1 Territorial Context

Asphalt is required for road maintenance and re-surfacing to ensure that the road networks are kept to standard, the operating three-runway of the Hong Kong International Airport, New Development Areas such as Hung Shui Kiu, Kwu Tung North and Fanling North etc. would require a substantial amount of asphalt.

In longer terms, asphalt would also be much needed to support the development of the Kau Yi Chau Artificial Islands and the New Development Areas in Northern Metropolis. A stable asphalt supply is thus essential to provide trunk roads connecting to these areas and for the artificial islands.

Additionally, the Government aims to play an active role in the development of the Guangdong-Hong Kong-Macao Greater Bay Area and hence there will be a strong demand for professional and infrastructure services including the construction sector for various projects.

3.2 Hong Kong Planning Standards and Guidelines

According to the Chapter 5 of Hong Kong Planning Standards and Guidelines (“HKPSG”), ‘Asphalt Plant’ can be classified as a special industrial activity. It mainly engages in heavy industries and the handling bulky commodities, raw materials and/or dangerous goods. Special industries are generally capital intensive, land extensive and often have special infrastructure and locational requirements. Subject to functional requirements, the location of special industries should be: (a) land extensive; (b) remote from residential areas; (c) preferable in the western quadrant of residential areas; (d) preferably in areas with good air dispersion capacities and where pollution is not serious; (e) sites with deep water-frontage; and (f) directly accessed to sea transport and a safe navigational approach route for ships must be available.

According to Chapter 9 of the HKPSG, ‘Asphalt Plant’ can be considered one of the sources of dusty air pollution. It is suggested that air polluting industries in main urban areas or near to residential developments should be avoided as far as possible. These industries should preferably not be located in topographically confined areas. Adequate buffer areas should be given between the air-polluting uses and sensitive receivers.

3.3 Planning Intention

According to the OZP, the planning intention of the subject “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.

3.4 Statutory Planning Control on Development Parameters

According to the OZP, within the subject “I” zone, no new development, or addition, alteration and / or modification to or redevelopment of an existing building shall result in a total

development and / or redevelopment in excess of a maximum plot ratio of 9.5, or the plot ratio of the existing building, whichever is the greater.

3.5 Previous Planning Application

The Application Site falls within a previous Application No. A/TY/135 which was approved with conditions for temporary asphalt plant for a period of 5 years on 2 August 2019. Approval conditions are tabulated in the below table and the approval letters from the Planning Department are attached at **Appendix III**. In summary, most approved conditions imposed before the operation or commencement of the proposed Use under Application No. A/TY/135 have been discharged.

Approval Conditions (Application No. A/TY/135)	Compliance Date
<i>(a) the submission of a traffic management plan including details on the fleet management and monitoring / auditing mechanism, restrictions of vehicles at critical junctions and a transportation plan before commencement of the operation of the proposed development to the satisfaction of the Commissioner for Transport (C for T) or of the TPB;</i>	14 September 2023
<i>(b) in relation to (a) above, the implementation of the approved traffic management / transportation plans during the operation period of the proposed development to the satisfaction of the C for T or of the TPB;</i>	Yet to be complied
<i>(c) no queuing on public roads in the vicinity of the application site resulting from the operation of the proposed development shall be allowed at any time during the planning approval period of the proposed development;</i>	Yet to be complied
<i>(d) the design and implementation of the road junction improvement works, as proposed by the applicant, before commencement of the operation of the proposed development to the satisfaction of the C for T or of the TPB;</i>	28 February 2023
<i>(e) the design of the proposed vehicle marshalling area, as proposed by the applicant, before commencement of the operation of the proposed development to the satisfaction of the C for T or of the TPB;</i>	17 December 2020
<i>(f) in relation to (e) above, the provision of the proposed vehicle marshalling area, as proposed by the applicant, during the operation period of the proposed development to the satisfaction of the C for T or of the TPB;</i>	17 December 2020
<i>(g) the submission and implementation of water supplies for fire fighting and fire service installations proposals before commencement of the operation of the proposed development to the satisfaction of the Director of Fire Services or of the TPB;</i>	Yet to be complied
<i>(h) the submission of a barging operation plan setting out details of the type and size of the vessel / barge involved, relevant operation, mooring arrangement, etc. before commencement of the operation of the proposed development to the satisfaction of the Director of Marine</i>	15 September 2020

<i>or of the TPB;</i>	
<i>(i) in relation to (h) above, the implementation of the approved barging operation plan and the maintenance of the proposed measures at all times during the operation period of the proposed development to the satisfaction of the Director of Marine or of the TPB;</i>	Yet to be complied
<i>(j) the completion of a full Site Inspection conducted in accordance with requirements in the 'Practice Guide for Investigation and Remediation of Contamination Land', including the submission of Contamination Assessment Plan, Contamination Assessment Report and, if deemed necessary, Remediation Action Plan and Remediation Report before commencement of the construction of the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;</i>	23 June 2020
<i>(k) if any of the above planning conditions (a), (d), (e), (g) or (h) is not complied with before commencement of the operation of the proposed development, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;</i>	Yet to be complied
<i>(l) if any of the above planning conditions (b), (c), (f) or (i) is not complied with during the planning approval / operation period of the proposed development, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and</i>	Yet to be complied
<i>(m) if the above planning condition (j) is not complied with before commencement of the construction of the proposed development, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice."</i>	23 June 2020 (refers to item (j))

4 Current Use

4.1 Proposed Asphalt Plant

The proposed asphalt plant is expected to commence its operation tentatively in May 2024. The Applicant is intended to continue the operation of the Use at the Application Site on a temporary basis for further 5 years. There will not be material changes in the development parameters, in respect of the continuation of the Use at the Site as compared to the last planning approval under application No. A/TY/135.

	Approved Scheme (A/TY/135)		Current scheme
Site Area	About 6,557.493m ²		About 6,516.59m ²
Site Coverage	About 40.937%		About 35.4%
Gross Floor Area	About 3,074.280 m ²		About 2,716.70 m ²
Plot Ratio	About 0.469		About 0.417
Building Height	Not more than 30.525mPD (Not more than 25.125m)		No change
No. of Parking Spaces	Private Car	5 (including 1 accessible space)	
	HGV Trucks	7	
No. of Loading / Unloading Area	4		

The current proposal consists of the main plant / mixing tower, control room, laboratory and electrical plant building, diesel oil tank, aggregate silos, storage shed, conveyer structures and waterfront hoppers (**Appendix II** refers).

The design rated output of the proposed asphalt plant is 260 tonnes/hr. However, the production rate would be limited to not exceeding 80% of the output rate, i.e 208 tonnes/hr. This rate could be limited under Specific Process License issued by Environmental Protection Department. The capacity of the dump truck varies from 11.5 tonnes to 15.5 tonnes, which gives an average of 13.5 tonnes per dump truck, thus hourly trip rate of dump trucks will be 16 trucks/hr.

Proper design layout, traffic arrangement, environmental measures and fire services installations will continue to be provided to ensure no insurmountable impacts and prevent fire risks.

5 Justifications

5.1 No Material Change Since Previous Approval

There is no material change in planning circumstances since the previous temporary approval granted in 2019 such as land use zoning, planning policy and the land use in the vicinity. Approval of this Application is in line with the TPB's previous decision.

5.2 In line with the Planning Intention and Compatible with Surrounding Area

The Application Site is zoned "I" on the OZP and the Use falls under Column 2 which may be permitted with or without conditions on application to TPB. The subject "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. In this connection, the Use is in line with the planning intention.

The Application Site is situated in an industrial area with a cluster of concrete batching plants and asphalt plants. It is separated from sensitive receivers by a range of hills, which is over 1000m from the residential development and the adverse environmental impact arising from the Use is unlikely. Therefore, the Use is considered compatible with the surrounding area on a temporary basis.

5.3 Meeting the Demand of Local Construction Industry

The Use can provide timely delivery of asphalt product to meet the local demand in Hong Kong, which is crucial to the construction industry. There would be an increasing demand for construction materials including asphalt for the large-scale projects to be implemented in Hong Kong.

With the commencement of the three-runway at the Hong Kong Airport and New Development Areas including Hung Shui Kiu, Kwu Tung North and Fanling North, the connectivity of infrastructure facilities such as highways would be maintained and promoted, and such construction would be heavily dependable on construction materials such as asphalt. A sufficient and steady supply of asphalt products can better control the development programme and construction cost of the infrastructure developments.

In the long term, asphalt would also be much needed to support the development and road works of the Kau Yi Chau Artificial Islands and the New Development Areas in Northern Metropolis. With a keen demand for asphalt products, the planning permission of the current asphalt plant shall be renewed to ensure timely and steady supply to support the local construction industry.

5.4 Strategic location of the Application Site for the Use

The Application Site is strategically located at the centre of Hong Kong with marine access for delivery of raw materials to produce asphalt. The Application Site is located at the centre of territory with relatively equidistance to construction sites in North District, North Lantau and Northern Hong Kong Island would enable timely and cost-effective delivery of asphalt products, and most importantly reducing the carbon footprint of each development.

According to Chapters 5 and 9 of the HKPSG, “Asphalt Plant” can be classified as a ‘special industrial activity’ and a source of dusty air pollution. The Application Site satisfies the locational requirements of the Use. The current asphalt plant is locating at a remote area of Tsing Yi West industrial area and in the western quadrant in relation to the residential area of Tsing Yi satisfying the downwind requirement for most of the year.

The Application Site is also not located in an area subject to severe air pollution and is not within a topographically confined airshed. The range of high hills at the centre part of Tsing Yi Island serves as a partition to block off potential environmental impacts and disturbances to the residential areas in the north-eastern part of Tsing Yi. Convenient access provided by the strategic road network in Tsing Yi is considered desirable for asphalt plant operation and will enhance the efficiency to distribute asphalt products to various areas of Hong Kong.

5.5 No Insurmountable Impacts

Since there is no major change to the development parameters as compared with the previous approved scheme No. A/TY/135, no adverse impact in respect to traffic and environmental aspects will be generated from the Use. In terms of traffic capacity, the concerned road junctions in the vicinity of the asphalt plant have been operating with adequate capacity. For environmental aspect, there is adequate buffer distance between the emission sources of the current asphalt plant and the sensitive receivers nearby.

5.6 Similar Planning Applications

There are numbers of planning applications for uses of similar nature (i.e. concrete batching plant / asphalt plant) within the same “I” zone. Since 2010, numbers of planning applications for temporary concrete batching plant (Application Nos. A/TY/110, 112, 117, 119, 123, 126, 128, 132, 136, 139, 143 and 145) and temporary asphalt plant (Application Nos. A/TY/106, 118, 129 and 144), including previous Application No. A/TY/135 had been approved on a temporary basis on grounds that the developments were generally in line with the planning intention of the “I” zone; considered not incompatible with the surrounding industrial related development; and no adverse comments were received from relevant Government departments.

6 Conclusion

The subject Application is submitted to seek the TPB's permission for renewal of planning approval of proposed temporary asphalt plant for a period of 5 years. The renewal approval of the Application will facilitate the expansion of the local construction sector to meet the growing demand for asphalt production. The Application Site is strategically located with marine access for delivery of raw materials to produce asphalt. It is also located at a remote area of Tsing Yi West industrial area surrounded by other industrial-related operations and the range of high hills at the central part of Tsing Yi Island would block off potential environmental impacts and disturbance to the residential areas in the north-eastern part of Tsing Yi. Within the same "I" zone, a number of planning applications for uses of similar nature (i.e. concrete batching plant / asphalt plant) were approved with conditions. The technical assessments including the Environmental Assessment and Traffic Impact Assessment concluded that no adverse impacts to the surrounding areas would be anticipated from the asphalt plant.

Taking into account the above considerations, favorable consideration by the TPB is sought.

7 Appendices

Appendix I	Location Plan
Appendix II	Schematic Drawings
Appendix III	Approval Conditions Letter under Application No. A/TY/135
Appendix IV	Environmental Assessment
Appendix V	Traffic Impact Assessment