

Previous Applications covering the Site
on the San Tin OZP No: S/YL-ST/8

Approved Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Decision of the RNTPC/TPB	Approval Conditions
1.	A/YL-ST/36	Cross-border traffic service station (including canteen, container freight station, container repair workshop, office and services trades) for a period of 3 years	19.9.1997 Approved by RNTPC (3 years)	2, 3, 4, 6
2.	A/YL-ST/275*	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, tyre repair workshop, office and services trades) for a period of 3 years	15.4.2005 Approved by RNTPC (3years) [Revoked on 15.6.2007]	1, 2, 3, 4
3.	A/YL-ST/342*	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, tyre repair workshop, office and services trades) for a period of 3 years	12.10.2007 Approved by RNTPC (2 years) [Revoked on 12.4.2009]	1, 2, 3, 6, 12
4.	A/YL-ST/354	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, office and services trades) for a period of 3 years	17.4.2009 Approved by RNTPC (3 years)	1, 2, 3, 5, 6, 7, 8, 9, 12, 13, 14
5.	A/YL-ST/424*	Temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, office and services trades) for a period of 3 years	5.10.2012 Approved by RNTPC (3 years) [Revoked on 5.4.2013]	1, 2, 3, 5, 6, 7, 9, 10 11, 13, 14
6.	A/YL-ST/445*	Temporary cross-boundary traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, vehicle repair workshop, office) with ancillary services trades (including handling in and out of container freight, arrival and departure of goods vehicles) and staff canteen for a period of 3 years	26.9.2014 Approved by RNTPC (3 years) [Revoked on 26.12.2015]	1, 2, 3, 5, 7, 10, 11, 13, 14
7.	A/YL-ST/476	Temporary cross-boundary shopping centre	18.9.2015	1,3,5,15,1

	with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods for a period of 3 years	Approved by RNTPC (3 years)	6,17,18,19
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* denotes permission revoked

Approval Condition(s):

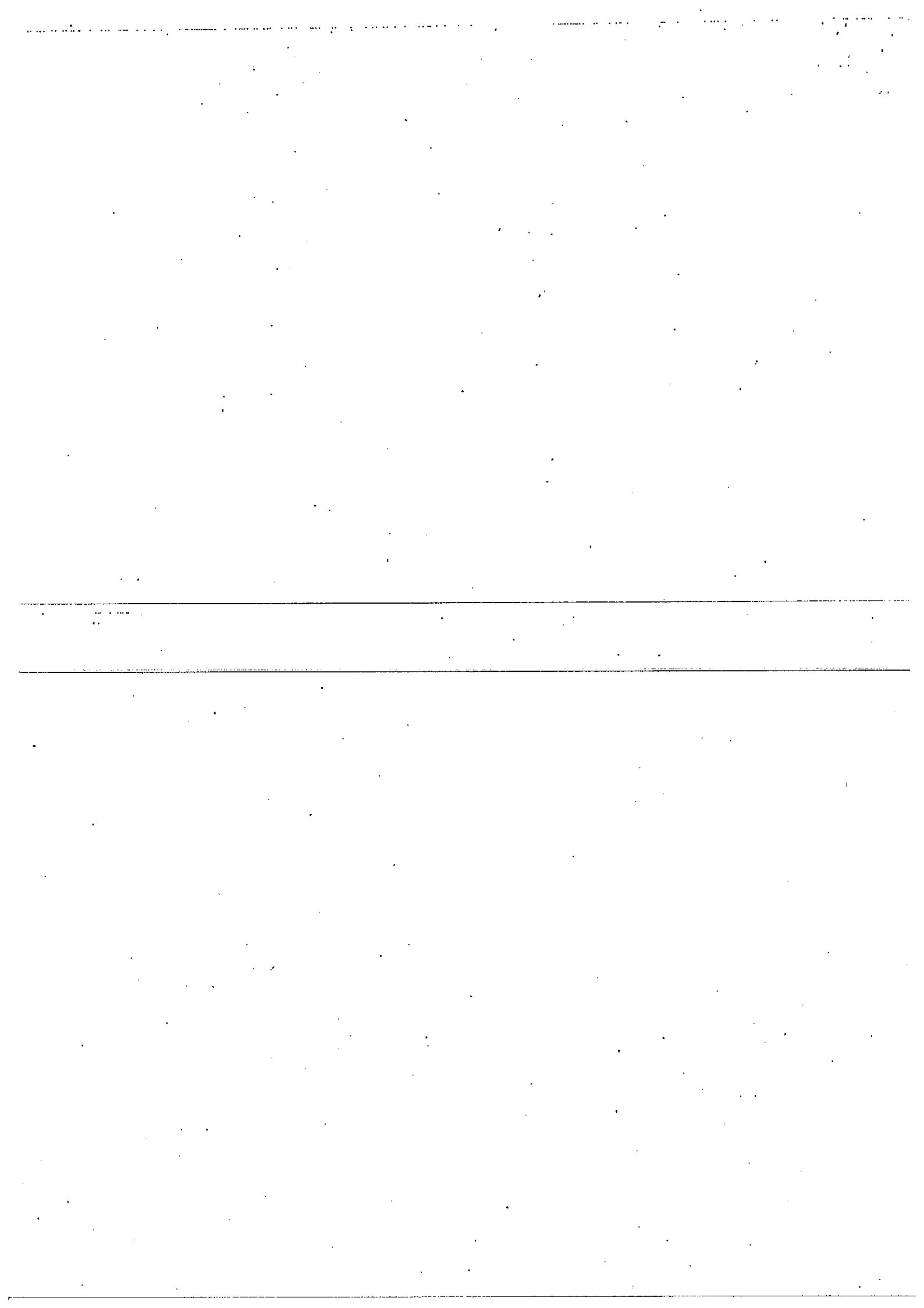
- (1) The submission and implementation of fire service installations proposal/ the provision of fire extinguisher(s).
- (2) The submission and implementation of drainage proposal/The existing drainage facilities on the site should be maintained at all times during the planning approval period/The submission of a condition record of the existing drainage facilities.
- (3) The submission and implementation of landscaping and tree preservation proposals/The landscape planting on the site should be maintained at all times during the approval period.
- (4) The submission of traffic impact assessment/traffic management schemes and implementation of mitigation measures.
- (5) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (6) The setting back of the site to avoid encroachment onto the proposed local road widening works/projects.
- (7) ~~No operation for certain time limit specified in the approved conditions of respective applications.~~
- (8) No operation on Sundays and public holidays.
- (9) ~~No cutting, dismantling, repairing and workshop activity.~~
- (10) No vehicles without valid licenses issued under the Road Traffic Ordinance were allowed to be parked/stored on the site.
- (11) The submission and provision of buffer area proposal.
- (12) The submission and provision of a proper run-in /a vehicular access and run-in/car parking arrangement should be maintained.
- (13) The stacking height of the containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- (14) The stacking height of containers stored at any other parts of the site should not exceed certain units at any time during the planning approval period.
- (15) No operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period.
- (16) The submission of revised Drainage Impact Assessment, implementation of mitigation measures identified in the revised Drainage Impact Assessment, and implemented drainage facilities shall be maintained at all times during the planning approval period.
- (17) The submission of revised Environmental Assessment and implementation of mitigation measures identified in the revised Environmental Assessment.
- (18) The submission of parking layout plan and public transport services proposal, implementation of parking layout plan and public transport services proposal, and implementation of the public transport services proposal.
- (19) The submission and implementation of junction improvement proposal at Tung Wing On Road and the modification works within the San Tin public transport interchange (PTI), as proposed in the TIA.

Rejected Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (RNTPC/TPB)	Rejection Reasons
1.	A/YL-ST/192	Temporary cross boundary traffic service station (including car park, container freight station, container storage, container tractor/trailer park, tyres repair workshop, office and service trades) for a period of 3 years	15.3.2002 Rejected by RNTPC	1
2.	A/YL-ST/262	Temporary cross-border traffic service station (including public car park, container tractor/trailer park, container freight station, container storage, tyre repair areas, ancillary site office and service trades) for a period of 3 years	14.5.2004 Rejected by RNTPC	2

Rejection Reasons:

- (1) There was insufficient information in the submission to demonstrate that due regard had been given to minimize the adverse impacts of the development including drainage, traffic, sewerage, environment and ecology on the surroundings in particular the Mai Po Nature Reserve and the contiguous fish pond areas, and the nearby residents.
- (2) The development did not comply with the revised TPB Guidelines for "Application for Developments within Deep Bay Area", and was not in line with the TPB Guidelines for "Temporary Open Storage and Port Back-up Uses". There was insufficient information in the submission to demonstrate that due regard had been given to minimize the adverse impacts of the development including drainage, traffic, sewage, environment and ecology on the surroundings in particular the Mai Po Nature Reserve and the contiguous fish ponds.



Detailed Departmental Comments

1. Comments of DLO/YL, LandsD

- (a) The applicant's assertion at paragraph 10.4 of the Planning Statement is unclear and is not acceptable. The applicant is required to amend this paragraph to demonstrate what it means in this regard. In response to his comments, the applicant has elaborated that the GL sites as mentioned at para. 10.4 of the Planning Statement have been attributed with the same plot ratio of 2.178 as proposed for the Site, i.e. no exploit of plot ratio of the GL sites into the Site. The applicant is reminded that they are not appropriate to comment on their development potential as they are GL outside the Site.
- (b) As checked with the applicant and understand that the subject planning application, i.e. A/YL-ST/503, is basically the same as the previous withdrawn application No. A/YL-ST/477 and has incorporated numerous responses to government departments comments therein. As such, his comments for the previous Application No. A/YL-ST/477 for relevant issues, such as the granting of any additional GL including the future maintenance of any proposed compensatory trees thereon, the proposed pick-up/drop-off locations for the local shuttle bus, the proposed footpath widening scheme and road improvement works including their future management and maintenance responsibilities and development potential of any adjacent GL as mentioned above etc., are valid as appropriate. It is noted that the applicant noted his comments on a previously withdrawn application (Application No. A/YL-ST/477) (Appendix Ib). They should ensure these comments are complied with accordingly.

2. Comments of CHE/NTW, HyD:

Currently Lok Ma Chau Road is operating under an Environmental Permit (EP) and valid close road permits are required for vehicles accessing the northern section of the road. It is noted from the TIA of this application that the forecast traffic flows at Lok Ma Chau Road may be close to saturation from the noise aspect. In order to ensure that the EP condition on the traffic noise impact on Lok Ma Chau Road will not be violated, the applicant should provide the forecast traffic flow figures at Lok Ma Chau Road for the base year and the design year in different scenarios at "veh/hr" unit for TD and HyD's comments. It is noted from applicant's FI (Appendix Ib) that the projected traffic flow at Lok Ma Chau Road at the Design Year of 2024 (without LMC Loop Phase 1 Development) is 910(1080) veh/hr for am(pm). He has no further comment if TD has no objection to that projection.

3. Comments of DEP:

Comments on the revised EA (Appendix Id):

For clarity and completeness, the applicant should address the following comments:

1. RtC item 4 and s.2.1 4th para. - The statement "All noise sensitive uses potentially affected by the proposed development are village houses....Area sensitive Rating "A" is

- considered appropriate and on conservative side for village house (type (i) area based on Table 1 of TM) not affected by IF" appears confusing. For clarity, the applicant should review and clarify whether "the type of area within which the NSRs are located is considered to be rural area" in accordance with the relevant TM to support the determination of the noise criteria for the planned fixed noise sources at the proposed development.
2. RtC item 10 and s.2.1 6th para. - His previous comment remains valid. The statement "...it will be specified in future tender and design documents that HKPSG standard will be met in implementation of the project by providing corresponding assessment/calculation to client and its consultant for vetting in submission in detailed design stage...it is practical and there will be adequate mechanism to ensure HKPSG standard can be met" in the current submission appears confusing. The applicant should review and clarify.
 3. RtC item 8 and Appendix 2 - Further to his previous comment, "houses near Yan Shui Wai facing the subject site" should be revised as "houses near Tung Chan Wai facing the subject site" in Appendix 2 for clarity.
 4. s.2.1 7th para. - For clarity, please review and clarify whether "~~In fact, even~~ When the predicted noise level ~~is higher~~ exceeds the relevant noise standards, further noise mitigations measures such as ...will can be practicably incorporated so as to comply with the standard".

4. Comments of D of Imm:

- (a) In view of the heavy arrival traffic of visitors from 0800 to 1300 hours (or even later) and the rising trend of the overall passenger traffic at the Lok Ma Chau Control Point (LMCCP), it is considered that the proposal of diverting the cross-boundary visitors to LMCCP by direct cross-boundary coach services and promotion to use Yellow Bus by shopping coupon will strictly exacerbate the already very crowded situation and lengthen the waiting time for clearance of passengers during the bunching hours at this control point.
- (b) Lest there may be any deleterious impact on the clearance operation and public order of LMCCP, it will be necessary for the cross-boundary visitors of the proposed development to be arranged for entry to Hong Kong during the non-bunching hours.
- (c) Having considered the applicant's response to comments in the FI dated 29.8.2017 (Appendix If), he would like to clarify that the figures quoted in the response about the average daily number of visitors using LMCCP are the average numbers of all passengers, in which both Hong Kong residents, foreign and Mainland visitors are included. For example, in 2009, the average number of daily passengers using LMCCP was 93,914 where 74,014 were Hong Kong residents and the remaining 19,900 were Mainland visitors and foreign visitors. In 2017 (up to end of August), the average number of daily passengers using LMCCP is 88,435 where 58,319 are Hong Kong residents and 30,116 are Mainland visitors and foreign visitors.
- (d) Concerning the figures of visitors, the daily average in 2009 was 19,000 and that in 2017 (up to end of August) was 30,116, representing an increase of 51%. The proposal of diverting a number of visitors (5,680 visitors/day, weekend) to LMCCP would raise the

figure to 35,796 which would result in an increase of 80% in the daily average compared with that in 2009 or an increase of 19% compared with the latest daily average figure.

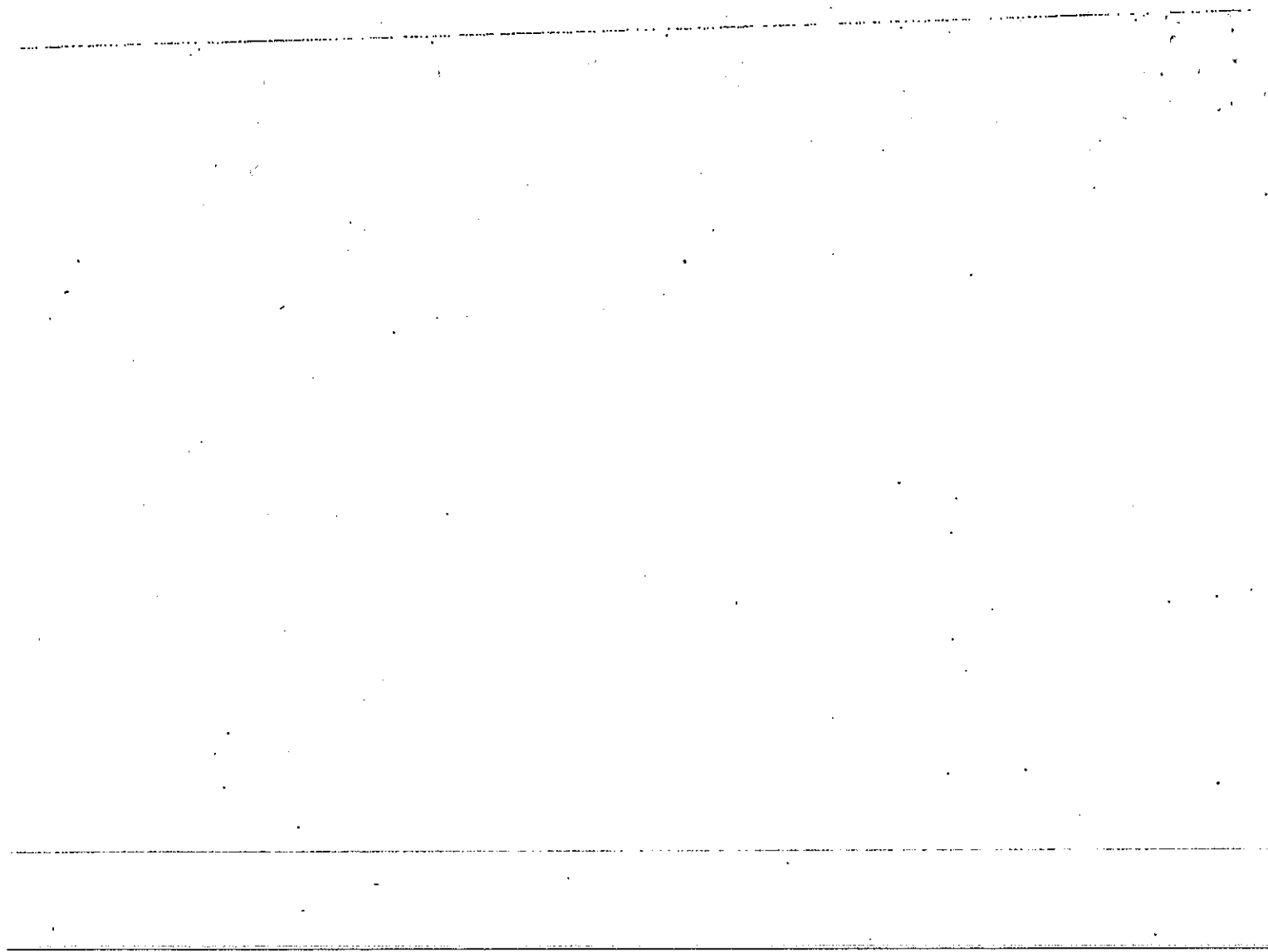


FIG. 1



Recommended Advisory Clauses

- (a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (b) the proposed footbridge should maintain 24-hour access for public use;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department that the owners of the captioned lots should apply to his office for a land exchange for the proposed development. However, there is no guarantee that the application, including the granting of any proposed additional GL, would be approved. Such application will be dealt with by LandsD acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the design and construction of the proposed road improvement works shall comply with the prevailing TD and HyD standards. All proposed road improvement works shall be undertaken by the applicant at their own cost to TD and HyD's satisfaction, subject to the agreement by TD. As the footbridge across Castle Peak Road – San Tin as proposed by the applicant will solely serve the development, HyD will not consider to take up its maintenance responsibility upon completion. Nevertheless, the applicant's attention is drawn to the following particular requirements for provision of ramps and escalators to grade separated pedestrian facilities stipulated in Transport Bureau Technical Circular No. 2/00:
- (i) access for the disabled must be provided for all footbridges, elevated walkways and subways either by the provision of ramps or lifts. (para. 3 of the circular); and
- (ii) where there are developments adjacent to a proposed footbridge, elevated walkway and/or subway, care should be taken during the planning process to enable the connection of the footbridge, elevated walkway and/or subway to the development with lifts being provided in the development. These facilities could replace the provision of ramps. However, the lease conditions or planning approval conditions must contain provisions to the effect that the developer has the responsibility to ensure 24 hours free access of such facilities to adjoining public footways. The completion of the footbridge, elevated walkway and/or subway should tie in with the completion of the development. If for any reason the footbridge, elevated walkway and/or subway is constructed in advance of the development, temporary stairways and temporary at grade crossings for the use of

the disabled should be provided before the development is completed. (para. 4 of the circular);

- (e) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that part of the Site falls within the administrative route protection boundary of the proposed Northern Link (NOL) bifurcation to Lok Ma Chau. It is advised that although the programme and the alignment of the proposed NOL bifurcation to Lok Ma Chau are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL;
- (f) to note the comments of Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Furthermore, the Emergency Vehicle Access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the pre-requisites in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 and sustainable building design guidelines (SBD guidelines) set out in PNAP APP-152 should be complied with if GFA concession is claimed. Detailed checking will be made at the building plan submission stage;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
 - (i) the applicant should note that no building or structure or foundation or support for any building or structure other than fences shall be erected on, over, under or within the Drainage Reserve Area (DRA);
 - (ii) for the Tree Preservation Proposal, all existing trees within the DRA and inside the Site should be removed to his satisfaction. No transplanting of trees would be allowed within the DRA;
 - (iii) after completion of the drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
 - (iv) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
 - (v) the applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;

- (vi) no public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP, the planning authority of sewerage infrastructure, should be obtained;
 - (vii) the applicant should consult DLO/YL regarding all the proposed sewerage and drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future; and
 - (viii) all the proposed sewerage and drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant shall ensure and keep all drainage facilities on site under maintenance all times;
- (i) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should be reminded to seek relevant land administrative party for approval of the proposed felling of 85 trees beyond site boundary due to the footbridge proposal connecting to the Site;
 - (j) to note the comments of Chief Engineer/Construction, Water Supplies Department that details of the water mains connection shall be agreed with his New Territories West Region prior to construction;
 - (k) to note the comments of Director of Food and Environmental Hygiene as follows:
 - (i) if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re-provisioning of the affected facilities by the applicant up to the satisfaction of FEHD may be required. Besides, the applicant should provide sufficient amount of additional recurrent cost for management and maintenance of the re-provisioned facilities to FEHD;
 - (ii) if FEHD is requested to take up management responsibility of new public toilets and refuse collection points, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to him;
 - (iii) if provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to him;
 - (iv) proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction; and
 - (v) if the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses;

- (l) to note the comments of Director of Immigration that the applicant should take note of his concerns over the possible impact on the smooth operation of the nearby control points namely, LMC Control Point and LMC Spur Line Control Point and take necessary measures (e.g. coupon system for transport arrangement to minimise cross-boundary visitors coming before 1300 hour) to ensure the smooth operation of the two control points; and
- (m) to note the comments of Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 33Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/503 Proposed Eating Place, Place of Entertainment, Shops and Services, and Minor Relaxation of Height Restriction and Excavation of Land in "Other Specified Uses" annotated "Service Stations" Zone, Lots 661 S.C RP, 669 RP, 674 RP (Part) and 733 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/503A)

106. The Secretary reported that the application was submitted by Topcycle Development Ltd., a subsidiary of Henderson Land Development Company Ltd. (HLD), and Masterplan Ltd. (Masterplan), AECOM Asia Co. Ltd. (AECOM) and Ramboll Environ Hong Kong Ltd. (Environ) were three of the consultants of the applicant. The following Members had declared interests on the item:

- Mr Ivan C.S. Fu - having current business dealings with HLD, Masterplan, AECOM and Environ;
- Ms Janice W.M. Lai - having current business dealings with HLD, AECOM and Environ;
- Mr Stephen L.H. Liu - having past business dealings with HLD;
- Mr Alex T.H. Lai - his firm having current business dealings with AECOM;
- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong, which had received a donation from a family member of the Chairman of HLD;
- Mr H.F. Leung - being an employee of the University of Hong Kong (HKU), which had received a donation from a

family member of the Chairman of HLD;

- Dr C.H. Hau - having current business dealings with AECOM and being an employee of the HKU, which had received a donation from a family member of the Chairman of HLD;
- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University, which had obtained sponsorship from HLD;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association, which had obtained sponsorship from HLD; and

Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre, which had received a donation from an Executive Director of HLD.

107. The Committee noted that Mr Ivan C.S. Fu, Mr Stephen L.H. Liu, Professor K.C. Chau and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. The Committee also agreed that the interest of Ms Janice W.M. Lai was direct and she should be invited to leave the meeting temporarily for the item, and as the interests of Mr H.F. Leung, Dr Lawrence K.C. Li, Ms Christina M. Lee and Mr Peter K.T. Yuen were indirect and Mr Alex. T.H. Lai had no involvement in the application, they could stay in the meeting.

[Ms Janice W.M. Lai left the meeting at this point.]

Presentation and Question Sessions

108. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed commercial development (eating place, place of entertainment, shops and services) and minor relaxation of height restriction and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation had reservation on the application from nature conservation point of view and raised concerns on whether the proposed development which would generate large amount of traffic and human flow in the site and its surrounding area could be regarded as an appropriate level of residential/recreational development for fulfilling the planning intention of Wetland Buffer Area (WBA) as stipulated in the Town Planning Board Guidelines No. 12C and approval of the application might encourage other similar developments in the WBA which would result in cumulative negative impacts on the ecological integrity of wetland ecosystem in Deep Bay area in future. He was also worried about the impact on the fishpond/wetland habitats in the Wetland Conservation Area (WCA) during the operational phase as spillover of traffic and human flow to San Tin Tsuen Road and the fishpond/wetland habitats in WCA was anticipated. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 176 public comments, including 161 supporting comments submitted by individuals and 15 objecting comments submitted by a Yuen Long District Council member, San Tin Rural Committee, the Hong Kong Bird Watching Society and the Village Representatives of eight villages, were received. The major supportive views and objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The site fell within the "Other Specified Uses" annotated "Service Station"

(“OU(SS)”) zone. The proposed commercial development (eating place, place of entertainment, shop and services) with a plot ratio of 2.178 (or gross floor area of 86,477m²) was considered in compliance with the development restrictions of the “OU(SS)” zone. Regarding the proposed building height (BH) relaxation sought, the proposed BH increase of 3 storeys were all accommodated in basement levels and there would be no increase in the number of storeys above ground. However, in terms of absolute height above ground, the proposed BH would be increased from the originally permitted 15m to levels ranging from 16m to 21.2m above ground to achieve a stepped height design. The site was in close proximity to Lok Ma Chau (LMC) Control Point and LMC Spur Line Control Point and was located adjacent to the San Tin public transport interchange (San Tin PTL/“Yellow Bus” terminus). The proposed development was not incompatible with the surrounding areas. While DAFC had reservation on the application, suitable approval condition requiring submission of a revised Ecological Impact Assessment (EcoIA) and implementation of the recommended mitigation measures was suggested to address the technical concerns. Other concerned departments had no adverse comment on or no in-principle objection to the application from traffic, environmental, drainage, landscape, visual, water supply and electricity/town gas safety perspectives. Seven previous applications at the site for temporary uses had been approved since 1997. The last application No. A/YL-ST/476 submitted by the same applicant for proposed temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods (temporary cross-boundary shopping centre) was approved with conditions by the Committee on 18.9.2015 for a period of three years. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

[Ms Christina M. Lee and Mr Alex T.H. Lai left the meeting at this point.]

109. The Chairman and some Members raised the following questions:

- (a) the progress of implementation of the temporary cross-boundary shopping centre at the site under the approved application No. A/YL-ST/476 and the major difference between that temporary cross-boundary shopping centre and the current proposal under application;
- (b) whether the applicant had provided any justifications on applying for a permanent development while the approved temporary cross-boundary shopping centre had yet to commence operation;
- (c) whether the applicant had proposed any management measures similar to those proposed under application No. A/YL-ST/476, i.e. management of the shopping centre by a non-profit making foundation;
- (d) whether a similar application No. A/YL-ST/498 for proposed temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods for a period of three years in the "Undetermined" ("U") zone to the east of the site was a related application;
- (e) whether the traffic impact assessment had taken into consideration the nearby proposed development including the temporary shopping centre under application No. A/YL-ST/498; and
- (f) how could the concerns of DAFC on ecological impact be addressed.

110. Ms Maggie M.Y. Chin, DPO/FSYLE, made the following responses:

- (a) the site was the subject of a temporary approval under application No. A/YL-ST/476 for temporary cross-boundary shopping centre and the construction works were near completion. According to the applicant, the temporary shopping centre was tentatively scheduled for operation by end 2017. The current proposal under application (No. A/YL-ST/503), submitted by the same applicant was for a permanent commercial development comprising eating place, place of entertainment, and shop and

services uses, which, if approved, was scheduled for construction in 2019 for completion by 2021, after expiry of the planning permission for the temporary cross-boundary shopping centre. The applicant had not provided other information in the submission regarding interface arrangement on the implementation of the temporary and permanent developments;

- (b) according to the applicant when submitting application No. A/YL-ST/476, the temporary cross-boundary shopping centre aimed to provide a quick solution to meet the demand of cross-boundary visitors in the Yuen Long and North districts for shopping facilities, whereas, for a permanent development, it might require more detailed assessment including Traffic Impact Assessment (TIA) and EcoIA to demonstrate its technical feasibility in the long run and these assessments usually require a longer time to conduct;
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- (c) under previous application No. A/YL-ST/476, the applicant claimed that the temporary cross-boundary shopping centre would be managed by a non-profit making foundation which would donate revenue to support local charitable organisations so that the locals could benefit from the development. The applicant of the current application had not provided information for such arrangements;
- (d) there were a number of similar applications for commercial/retail uses in the vicinity. With reference to Plan A-5 of the Paper, she said that application No. A/YL-ST/480, covering an area of only 612m² for temporary shop and services (retail shop) for a period of three years, was approved by the Committee on 19-2-2016. Application No. A/YL-ST/498 at a site across San Sham Road in the "U" zone to the north-east for proposed temporary cross-boundary shopping centre was submitted by a different applicant, and the request for deferment of consideration of the application would be considered by the Committee at the same meeting;

- (e) in the TIA conducted, the applicant had taken into account the potential traffic that would be generated by the proposed temporary shopping centre in the "U" zone under application No. A/YL-ST/498; and
- (f) the applicant had submitted an EcoIA including survey on bird flight path and impact assessment on the nearby habitat and DAFC had no objection to the methodology of the EcoIA. DAFC was mainly concerned on the impact caused by spillover of traffic and human flow to San Tin Tsuen Road on the adjacent wetland. In response, the applicant had proposed a series of mitigation measures in the EcoIA including traffic management measure i.e. traffic exiting the site could only turn right onto San Tin Tsuen Road leading to Castle Peak Road so as to divert traffic away from the wetland, providing hoarding at the site boundary and not to carry out any percussive piling during winter season. To address DAFC's technical concern, an approval condition requiring submission of a revised EcoIA was recommended.

[Mr Philip S.L. Kan and Mr Edwin W.K. Chan left the meeting at this point.]

Deliberation Session

111. Noting that the site was the subject of an approved application (no. A/YL-ST/476) for temporary cross-boundary shopping centre which was under construction and expected to be in operation by end 2017, a Member considered that more information from the applicant should be provided on the interface arrangement on the implementation of the temporary and permanent developments at the site. Besides, it was noted that the temporary cross-boundary shopping centre would be managed by a non-profit making foundation and part of the revenue generated by the development would be used to support local charitable organisations for the benefit of the local community, but no such arrangement had been included in the current application. This Member considered that the Committee should take a more cautious approach in considering permanent development as compared to application for temporary development. It would be preferable to allow the approved temporary cross-boundary shopping centre to commence operation first before considering a permanent development at the site.

112. While sharing the view that the interface arrangement on the implementation of the temporary and permanent developments would need to be clarified, some Members considered that the mode of operation of the proposed commercial development (e.g. whether the revenue generated would be donated for public purpose) should not be a planning consideration. These Members, however, expressed concerns on the impacts of the proposed commercial development on the surrounding areas in view of its large scale, in particular, the precedent effect of approving this application on other similar shopping centre development in the area resulting in cumulative traffic and environmental impacts on the surrounding areas. They had the following major views:

- (a) while the current proposal was generally in line with the planning intention for the "OU(SS)" zone, the scale of the development in the current application was quite large in the local context. More information e.g. on the proposed tenant mix should be provided by the applicant to justify the scale of the development in this locality; and
- (b) if other similar developments in the vicinity were approved in the future, such 'mega mall' would likely transform the area and the implication of which should be considered carefully. Besides, the cumulative impacts on traffic, particularly those on LMC Control Point, should be considered thoroughly.

113. Noting that the applicant had proposed to utilise "Yellow Bus" (Lok Ma Chau – Huanggang Cross-boundary Shuttle Bus Service) as one of the transportation options, Miss Winnie W.M. Ng declared an interest on the item as the bus service was operated by the Kowloon Motor Bus Company (1933) Ltd. of which she was a director. The Committee agreed that as her interest was indirect, she could continue to stay in the meeting.

114. On the assumption on modal split adopted in the TIA, the Committee noted that the applicant had made reference to the data on modal split in the Travel Characteristics Survey published by the Transport Department (TD) and proposed transport facilities including parking spaces based on the requirements stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). The applicant had also conducted a sensitivity analysis

and made reference to other similar shopping centre developments in Hong Kong in formulating the assumptions adopted in the TIA. In response to a Member's query, Mr Patrick K.H. Ho, Chief Traffic Engineer/New Territories West, Transport Department, said that the applicant had assumed 70% of its visitors were local customers and the rest were cross-boundary visitors. Besides, a sensitivity test with an assumption of 50% local customers and 50% cross-boundary visitors had also been conducted. The HKPSG had stipulated the parking requirement for different type of commercial facilities such as retail, office etc. The applicant had adopted the upper limit of the requirement in parking provision in the current proposal. In this regard, TD had no adverse comments on the findings of the TIA.

115. Members noted that Lok Ma Chau Road was operating under an Environmental Permit (EP) and the applicant had proposed mitigation measures to ensure that the EP condition on the traffic noise impact on Lok Ma Chua Road would not be violated. Such measures included the construction of a pedestrian footbridge connecting the site and the cross-boundary shuttle bus station to the south. Free bus vouchers would also be provided to customers to encourage them to utilise public transport services. Should the application be approved, the applicant was required to submit further information on comprehensive public transport service proposal for TD's consideration upon implementation of the proposal. Suitable building design and disposition would also help alleviate the noise impact from San Tin Tsuen Road. On sewerage aspect, a temporary sewage treatment plant would be provided within the development. The Director of Environmental Protection had no adverse comment from environmental aspect based on the impact assessment conducted. In this regard, Members generally had no major concerns on the environmental acceptability of the proposed development.

116. Members noted that in approving the previous application No. A/YL-ST/476, whether the revenue generated from the development would be used for charitable purpose was not discussed in detail and Members' focus were mainly on traffic and environmental aspects. However, noting that the approved temporary cross-boundary shopping centre under application No. A/YL-ST/476 had yet to commence operation and the planning permission would expire in 2018, and the proposed permanent commercial development, if approved, would be implemented in 2019 for completion in 2021, Members generally considered that additional information on the interface arrangement of the temporary and

permanent developments would be required. The applicant should also provide more information to address Members' comments made at the meeting, so as to facilitate the Committee to better assess the impact of the proposed development in the longer-term.

117. After further deliberation, the Committee decided to defer making a decision on the application pending the submission of further information by the applicant to address Members' comments made at the meeting, in particular the interface arrangement on the implementation of the temporary and permanent developments at the site as well as the mode of operation of the proposed commercial development compared to the approved temporary cross-boundary shopping centre.

[The meeting was adjourned for a five-minute break.]

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-ST/498

Proposed Temporary Cross-Boundary Shopping Centre with Ancillary Car Park, Eating Place, Shop and Services (Fast Food Shop), Office and Storage of Consumer Goods for a Period of Three years in "Undetermined" Zone, Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/498C)

118. The Committee noted that the applicant's representative requested on 14.9.2017 deferment of the consideration of the application for two months so as to allow time for the applicant to address further comments from Transport Department, Highways Department and the Hong Kong Police Force and to arrange meetings with them to consider the further information submitted on 14.9.2017. It was the fourth time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including response-to-comments, revised Environmental Assessment, updated Sewerage Impact and Water Supply Analysis Report, revised Traffic Impact Assessment and responses to public comments. To response to further received departmental comments, the

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳真 Fax: 2877 0245 / 2522 8426

By Registered Post & Fax (2587 7068)

電話 Tel: 2231 4835

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-ST/503

13 October 2017

Masterplan Ltd.
Room 3516B, 35/F, China Merchants Tower
Shun Tak Centre
200 Connaught Road Central
Hong Kong
(Attn : Kira Brownlee)

Dear Sir/Madam,

Proposed Eating Place, Place of Entertainment, Shops and Services, and Minor Relaxation of Height Restriction and Excavation of Land in "Other Specified Uses" annotated "Service Stations" Zone, Lots 661 S.C RP, 669 RP, 674 RP (Part) and 733 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long

I refer to my letter to you dated 19.9.2017.

After giving consideration to the application, the Town Planning Board (TPB) decided at its meeting on 22.9.2017 to defer making a decision on the application pending the submission of further information by you to address Members' comments made at the meeting, in particular the interface arrangement on the implementation of the temporary and permanent developments at the site as well as the mode of operation of the proposed commercial development compared to the approved temporary cross-boundary shopping centre.

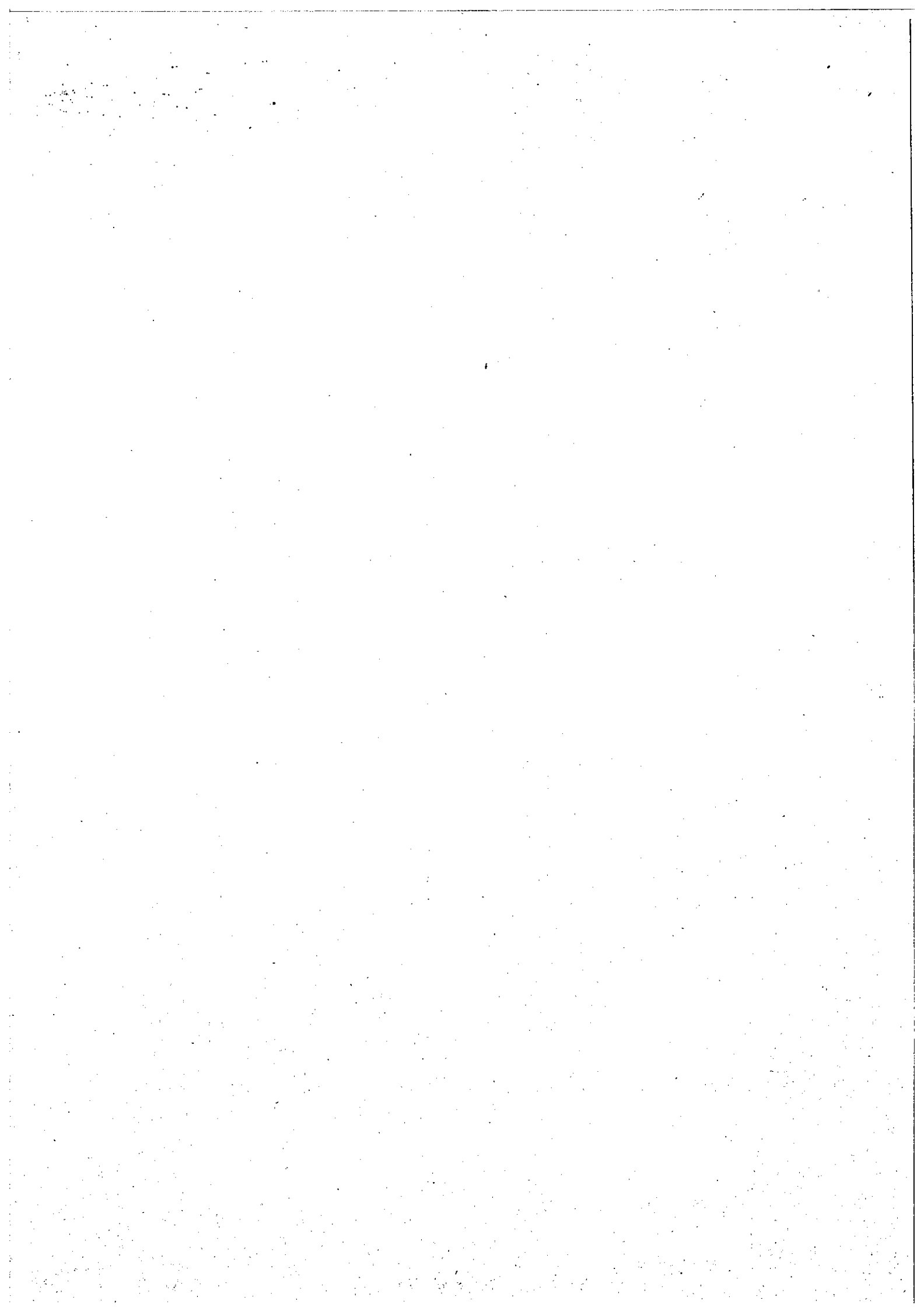
A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 22.9.2017 are enclosed herewith for your reference.

If you wish to seek further clarifications/information on matters relating to the above decision, please contact Ms. Emily Tong of Fanling, Sheung Shui & Yuen Long East District Planning Office at 2158 6284.

Yours faithfully,

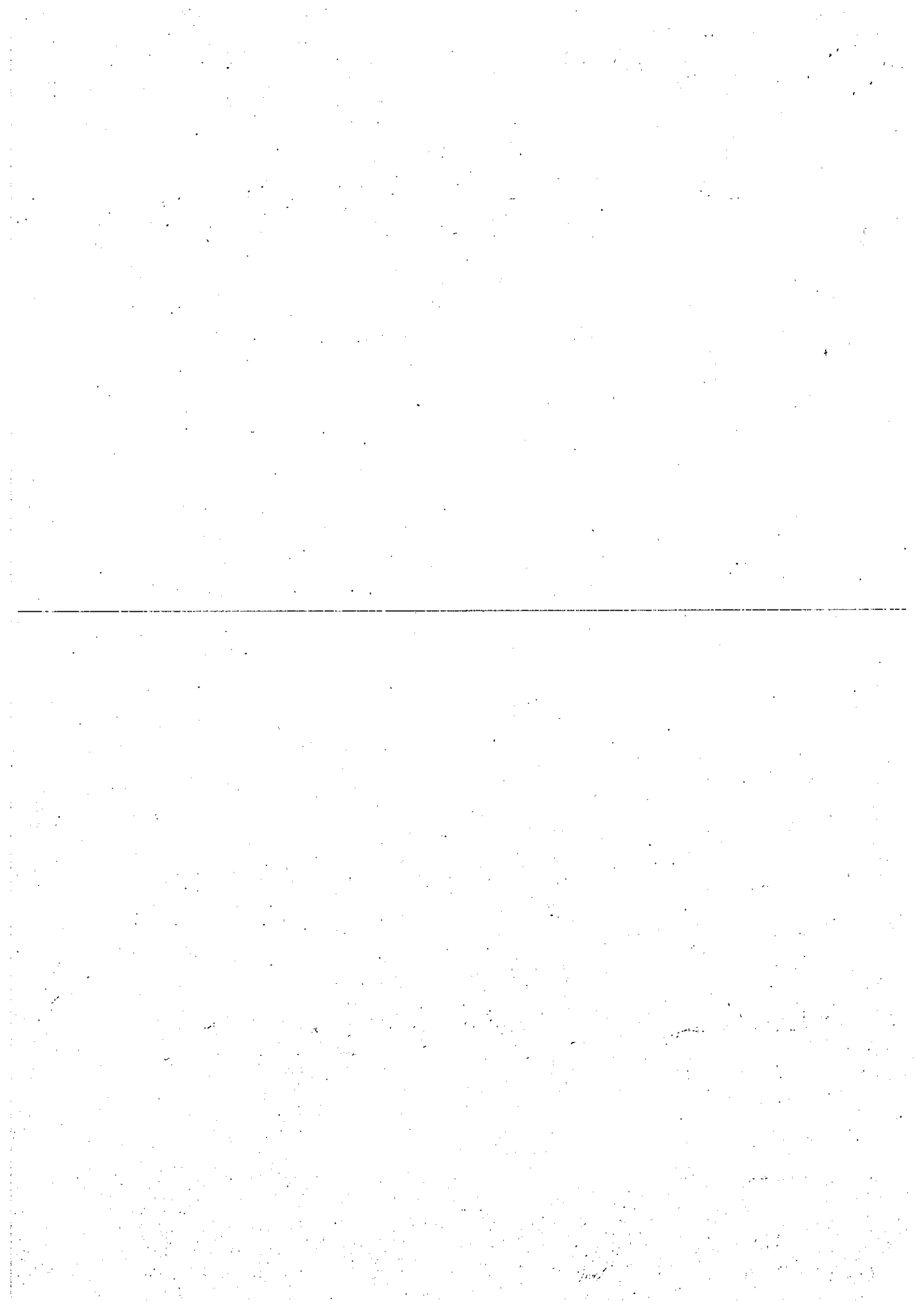


(Miss Rachel HO)
for Secretary, Town Planning Board



Comparison of Key Development Parameters of Application Nos. A/YL-ST/476 and 503

	Current Application (No. A/YL-ST/503)	Application No. A/YL-ST/476
Site Area	39,705m ² (including about 2,244m ² of GL)	39,722.148m ² (including about 2,736.367m ² of GL)
Plot Ratio (PR)	2.178	0.3
Total non-domestic GFA	86,477m ²	12,034.103m ²
Total non-accountable GFA (about)	62,000m ²	435.666m ²
Maximum Site Coverage (SC)	65%	45.368%
Building Height (BH)	7 storeys (4 storeys over 3-level basement) 36.7m/26.55mPD [exceeds the BH restriction of 4 storeys (15m) by +3 storeys (+75%) or +21.7m (+145%)]	- 5.8m (for shops and - ancillary uses) - 12m (for clock and signage tower) - 1 storey
No. of Blocks/Structures	2 blocks	15 structures
No. of Shops	-	208
No. of Parking Spaces	614 for private car, 62 for motorcycle, 12 NT taxi stands plus 16 waiting spaces, 8 urban taxi stands plus 4 waiting spaces	95 for private car (including 2 for the disabled), 12 for MGV, 17 for coaches and 8 for taxi
Bus Bays for Public Transport	14 (including 2 outside the Site along San Tin Tsuen Road)	-
Pick-up/Drop-off Bays for Cars	8	-
Pick-up/Drop-off Bays and Parking Spaces for Coaches	20	-
Loading/Unloading Spaces for Goods Vehicles	73	-
Police Parking Spaces	3	-
Operation Hours	10:00a.m. – 10:00p.m. daily	8:00a.m. to 11:00p.m. daily



Recommended Advisory Clauses

- (a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (b) the proposed footbridge should maintain 24-hour access for public use;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department that the owners of the captioned lots should apply to his office for a land exchange for the proposed development. However, there is no guarantee that the application, including the granting of any proposed additional GL, would be approved. Such application will be dealt with by LandsD acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the design and construction of the proposed road improvement works shall comply with the prevailing TD and HyD standards. All proposed road improvement works shall be undertaken by the applicant at their own cost to TD and HyD's satisfaction, subject to the agreement by TD. As the footbridge across Castle Peak Road – San Tin as proposed by the applicant will solely serve the development, HyD will not consider to take up its maintenance responsibility upon completion. Nevertheless, the applicant's attention is drawn to the following particular requirements for provision of ramps and escalators to grade separated pedestrian facilities stipulated in Transport Bureau Technical Circular No. 2/00:
 - (i) access for the disabled must be provided for all footbridges, elevated walkways and subways either by the provision of ramps or lifts. (para. 3 of the circular); and
 - (ii) where there are developments adjacent to a proposed footbridge, elevated walkway and/or subway, care should be taken during the planning process to enable the connection of the footbridge, elevated walkway and/or subway to the development with lifts being provided in the development. These facilities could replace the provision of ramps. However, the lease conditions or planning approval conditions must contain provisions to the effect that the developer has the responsibility to ensure 24 hours free access of such facilities to adjoining public footways. The completion of the footbridge, elevated walkway and/or subway should tie in with the completion of the development. If for any reason the footbridge, elevated walkway and/or subway is constructed in advance of the development, temporary stairways and temporary at grade crossings for the use of

the disabled should be provided before the development is completed. (para. 4 of the circular);

- (e) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that part of the Site falls within the administrative route protection boundary of the proposed Northern Link (NOL) bifurcation to Lok Ma Chau. It is advised that although the programme and the alignment of the proposed NOL bifurcation to Lok Ma Chau are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL;
- (f) to note the comments of Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Furthermore, the Emergency Vehicle Access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the pre-requisites in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 and sustainable building design guidelines (SBD guidelines) set out in PNAP APP-152 should be complied with if GFA concession is claimed. Detailed checking will be made at the building plan submission stage;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
 - (i) the applicant should note that no building or structure or foundation or support for any building or structure other than fences shall be erected on, over, under or within the Drainage Reserve Area (DRA);
 - (ii) for the Tree Preservation Proposal, all existing trees within the DRA and inside the Site should be removed to his satisfaction. No transplanting of trees would be allowed within the DRA;
 - (iii) after completion of the drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
 - (iv) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
 - (v) the applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;

- (vi) no public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP, the planning authority of sewerage infrastructure, should be obtained;
 - (vii) the applicant should consult DLO/YL regarding all the proposed sewerage and drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future; and
 - (viii) all the proposed sewerage and drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant shall ensure and keep all drainage facilities on site under maintenance all times;
- (i) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should be reminded to seek relevant land administrative party for approval of the proposed felling of 85 trees beyond site boundary due to the footbridge proposal connecting to the Site;
 - (j) to note the comments of Chief Engineer/Construction, Water Supplies Department that details of the water mains connection shall be agreed with his New Territories West Region prior to construction;
 - (k) to note the comments of Director of Food and Environmental Hygiene as follows:
 - (i) if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the applicant up to the satisfaction of FEHD may be required. Besides, the applicant should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD;
 - (ii) if FEHD is requested to take up management responsibility of new public toilets and refuse collection points, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to him;
 - (iii) if provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to him;
 - (iv) proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction; and
 - (v) if the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses;

- (l) to note the comments of Director of Immigration that the applicant should take note of his concerns over the possible impact on the clearance operation of the two nearby control points, namely Lok Ma Chau Control Point and Lok Ma Chau Spur Line Control Point and take necessary measures (e.g. coupon system for transport arrangement to minimise cross-boundary visitors coming before 1300 hour) to ensure the smooth operation of the two control points. It is necessary that the applicant should review the mitigation measures and necessary improvements should be made as and when required, after the commissioning of the proposed development ensuring that the normal clearance operation of the two control points would not be adversely affected. Law enforcement agencies and concerned Government departments should be consulted in due course; and

- (m) to note the comments of Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.