

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 PLA

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

傳真 Fax: 2877 0245 / 2522 8426

電話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/I-MWF/26

By Registered Post

7 August 2015

Schofield John Cyril Lester
48 Luk Tei Tong Tsuen
Mui Wo
Lantau Island

Dear Sir/Madam,

**Proposed House in "Residential (Group D)" Zone, Lots No. 318 S.A,
318 RP (Part) and 337 (Part) in D.D.4 MW, Mui Wo, Lantau Island**

I refer to my letter to you dated 14.7.2015.

After giving consideration to the application, the Town Planning Board (the TPB) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the TPB. The permission shall be valid until 17.7.2019; and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The permission is subject to the following conditions :

- (a) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of fire services installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.

The TPB also agreed to advise you of the following :

- (a) to note the comments of the Director of Environmental Protection that the design and operation of the septic tank and soakaway system should follow the requirements in the Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by EPD", including the percolation test, sufficient clearance distances from sensitive receivers and certification by the Authorized Person (AP);
- (b) to note the comments of the Director of Fire Services that emergency vehicular access (EVA) shall be provided in accordance with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department (BD);
- (c) to note the comments of the Chief Engineer/Consultants Management, Drainage Services Department (DSD) that public sewerage would be

available for connection by the proposed development upon completion of the 'PWP Item No. 4353DS - Outlying Islands Sewerage Stage 2 - Extension of Sewerage System to other Unsewered Villages in Mui Wo Village Sewerage Works at Luk Tei Tong and Ma Po Tsuen';

- (d) to note the comments of the Chief Engineer/Hong Kong & Islands, DSD that drainage and sewerage proposals should be submitted to DSD for comment and consideration;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that : (i) for provision of water supply to the site, you may need to extend the inside services to the nearest suitable government water mains for connection. You shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the connection, operation and maintenance of the inside services within the private lots to WSD's standards; and (ii) water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (f) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licence, BD that:
 - (i) if the site does not abut a specified street of not less than 4.5m wide, the development intensity of the proposal should be subject to determination under the Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage;
 - (ii) before any new building works are to be carried out on the site, prior approval and consent from the Building Authority should be obtained, otherwise they are Unauthorized Building Works. An AP should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (iii) access to the site should be clarified under B(P)R 5. The land status of the adjoining lands, footpath, street etc. should be clarified in the building plan submission;
 - (iv) the proposed development should be provided with EVA and means of escape to street, and may need to be resolved with the Fire Services Department and Lands Department upon building plan submission. The proposed EVA shall comply with B(P)R 41D and Section 6 in Part D of the Code of Practice for Fire Safety in Buildings 2011;
 - (v) detailed comments under the BO on the proposal such as permissible plot ratio, site coverage, barrier-free access and facilities, and compliance with the sustainable building design parameters. will be formulated at formal building plans submission stage; and
- (g) to note the comments of the Commissioner for Transport that the maintenance and management responsibilities of the proposed ingress/egress and pathways should be clarified with the relevant lands and maintenance authorities.

If you wish to seek an extension of the validity of this permission, you may submit an application to the TPB for renewal of the permission no less than six weeks before its expiry. This is to allow sufficient time for processing of the application in consultation with the concerned departments. The TPB will not consider any application for renewal of permission if the time limit for commencement of development specified in the permission has already expired at the time of consideration by the TPB. Please refer to the TPB Guidelines No. 35B and 36A for details. The Guidelines and application forms are available at the TPB's website (www.info.gov.hk/tpb/), the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) at 17/F, North Point Government Offices, 333 Java Road, North Point; 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin; and the Secretariat of the TPB at 15/F, North Point Government Offices.

For amendments to the approved scheme that may be permitted with or without application under section 16A, please refer to TPB Guidelines No. 36A for details.

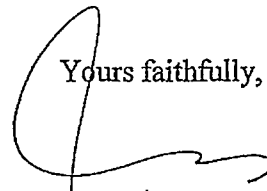
A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 17.7.2015 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 28.8.2015). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

This permission by the TPB under section 16 of the Town Planning Ordinance should not be taken to indicate that any other government approval which may be needed in connection with the development, will be given. You should approach the appropriate government departments on any such matter.

If you have any queries regarding this planning permission, please contact Mr. Richard Siu of Sai Kung & Islands District Planning Office at 2158 6157. In case you wish to consult the relevant Government departments on matters relating to the above approval conditions, a list of the concerned Government officers is attached herewith for your reference.

Yours faithfully,



(Michael CHIU)

for Secretary, Town Planning Board

Extract minutes of the 537th RNTPC on 17.7.2015

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWF/26 Proposed House in "Residential (Group D)" Zone, Lots No. 318 S.A,
318 RP (Part) and 337 (Part) in D.D.4 MW, Mui Wo, Lantau Island
(RNTPC Paper No. A/I-MWF/26)

35. The Secretary reported that AECOM Asia Co. Ltd. (AECOM) was one of the consultants of the applicants. The following Members had declared interests in the item :

- | | | |
|--|---|---|
| Professor S.C. Wong
(the Vice-chairman) | - | having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department |
| Mr Ivan C.S. Fu | - | having current business dealings with AECOM |
| Ms Janice W.M. Lai | | having current business dealings with AECOM |

36. Members noted that Ms Janice W.M. Lai had left the meeting already. Members also noted that Professor S.C. Wong and Mr Ivan C.S. Fu had no involvement in the application and agreed that they could stay in the meeting.

Presentation and Question Sessions

37. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed house;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, seven public comments were received from the Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and individual members objecting to the application mainly on the grounds that the proposed new pathways would infringe on the adjacent properties; the site overlapped with the upstream watercourse of River Silver but no assessments on drainage, sewerage and water quality had been submitted by the applicants; the proposed development might diminish the potential of farmland lying along the watercourse of River Silver and might pose adverse impact on the worshippers to the To Yuen Tung Monastery; and the proposed development had not been discussed in the Luk Tei Tong Village meeting. No local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Regarding the public comments received, all concerned departments had no adverse comment on or no objection to the application.

38. In response to a Member's question on the land owner of the site, Mr Richard Y.L. Siu, STP/SKIs, said that the applicants were the sole "current land owner" but they were not indigenous villagers. The site was currently vacant.

39. Mr Victor W.T. Yeung, the Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department (EPD), said that upon further examination, EPD noted that there should be sufficient space within the site to meet the minimum clearance needed between the septic tank/soakaway system and the nearby stream

as stipulated in EPD's Practice Note for Professional Person PN 5/93. As such, the requirement to impose an approval condition (i.e. approval condition (b) in paragraph 12.2 of the Paper) for "the design and operation of the septic tank and soakaway system to the satisfaction of the Director of Environmental Protection or of the Town Planning Board" was no longer necessary. Mr Yeung further said that when the Authorised Persons made submission under the Buildings Ordinance, they would need to observe the requirements of the PN 5/93.

40. The Chairman noted the comments of the District Lands Officer/Islands, Lands Department (LandsD) that even planning permission was granted, LandsD would not entertain the land exchange application for non-small house development. However, he pointed out that land use planning and land administration were under two separate regimes. Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, clarified that under the prevailing policy, an application for land exchange to permit non-small house development within the village 'environs' of a recognised village would not be entertained. However, as part of the lot had building status, the applicant might be permitted to redevelop the house if it was fully confined within the building land portion, subject to the approval of departments concerned.

Deliberation Session

41. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.7.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “ (a) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of fire services installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.”

42. The Committee also agreed to advise the applicants of the following :

- “ (a) to note the comments of the Director of Environmental Protection that the design and operation of the septic tank and soakaway system should follow the requirements in the Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by EPD", including the percolation test, sufficient clearance distances from sensitive receivers and certification by the Authorized Person (AP);
- (b) to note the comments of the Director of Fire Services that emergency vehicular access (EVA) shall be provided in accordance with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department (BD);
- (c) to note the comments of the Chief Engineer/Consultants Management, Drainage Services Department (DSD) that public sewerage would be available for connection by the proposed development upon completion of the 'PWP Item No. 4353DS - Outlying Islands Sewerage Stage 2 - Extension of Sewerage System to other Unsewered Villages in Mui Wo Village Sewerage Works at Luk Tei Tong and Ma Po Tsuen';
- (d) to note the comments of the Chief Engineer/Hong Kong & Islands, DSD that drainage and sewerage proposals should be submitted to DSD for comment and consideration;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that : (i) for provision of water supply to the site, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the connection, operation and maintenance of the inside services within the private lots to WSD's

standards; and (ii) water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

(f) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licence, BD that:

(i) if the site does not abut a specified street of not less than 4.5m wide, the development intensity of the proposal should be subject to determination under the Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage;

(ii) before any new building works are to be carried out on the site, prior approval and consent from the Building Authority should be obtained, otherwise they are Unauthorized Building Works. An AP should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);

(iii) access to the site should be clarified under B(P)R 5. The land status of the adjoining lands, footpath, street etc. should be clarified in the building plan submission;

(iv) the proposed development should be provided with EVA and means of escape to street, and may need to be resolved with the Fire Services Department and Lands Department upon building plan submission. The proposed EVA shall comply with B(P)R 41D and Section 6 in Part D of the Code of Practice for Fire Safety in Buildings 2011;

(v) detailed comments under the BO on the proposal such as permissible plot ratio, site coverage, barrier-free access and facilities, and compliance with the sustainable building design parameters. will be formulated at formal building plans submission stage; and

(g) to note the comments of the Commissioner for Transport that the

maintenance and management responsibilities of the proposed ingress/egress and pathways should be clarified with the relevant lands and maintenance authorities.”

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that under the Small House (SH) Policy, when executing a SH grant (including a Building Licence issued in respect of private agricultural land), the SH applicant is required, through the warranty clause stipulated in the land grant document, to expressly warrant that he has never made any arrangements to transfer his right to develop a SH or his eligibility to apply for a SH grant. It is against the law to obtain government approval by deception through false declaration or fraud. Criminal prosecution can be initiated if the illegal acts are established by the law enforcement departments;
- (b) to note the comments of the Director of Environmental Protection that the design and operation of the septic tank and/ or soakaway system should follow the requirements in EPD's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department", including the percolation test, sufficient clearance distances from sensitive receivers and certifications by Authorized Person (AP);
- (c) to note the comments of the Commissioner of Transport that the access roads in the vicinity of the Site are not managed by the Transport Department;
- (d) to note the comments of the Chief Engineer/Consultants Management, Drainage Services Department that the Luk Tei Tong and Ma Po Tsuen village sewerage works are still under planning stage. The project was first gazetted in the end 2014 and due to funding availability and unresolved comments on works in Luk Tei Tong, the project could not proceed to construction. In March 2019, amendments were made to the original scheme with an aim to firstly implement the Ma Po Tsuen village sewerage works and it is now in the process of objection resolution. The Luk Tei Tong and Ma Po Tsuen village sewerage works will be implemented upon all relevant preparation works (i.e. gazette authorization, funding application, etc.) are completed;
- (e) to note the comments of the Director of Fire Services that emergency vehicular access (EVA) shall be provided in accordance with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by Buildings Department (BD);
- (f) to note the comments of the Chief Engineer/ Hong Kong & Islands, Drainage Services Department that stormwater drainage and sewerage proposals should be submitted to the Drainage Services Department for comment and consideration;
- (g) to note the comments of the Chief Engineer/ Development (2), Water Supplies Department (WSD) that:
 - (i) for provision of water supply to the Site, the applicants may need to extend their inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the connection, operation and maintenance of the inside services within the private lots to WSD's standard;
 - (ii) water mains in the vicinity of the subject site cannot provide the standard pedestal

hydrant;

- (h) to note the comments of the Chief Building Surveyor/ NT East 1 & Licence, Buildings Department that:
- (i) if the Site does not abut a "Specified Street" of not less than 4.5m wide, the development intensity of the proposal should be subject to determination under Building (Planning) Regulation (B(P)R) 19(3) by the Building Authority upon formal submission of building plan for any proposed new buildings. B(P)R 18A refers;
 - (ii) before any new building works are to be carried out on the Site, the prior approval and consent from the Building Authority should be obtained, otherwise they are Unauthorized Building Works. An AP should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (iii) access to the Site should be clarified under B(P)R 5. The land status of the adjoining lands, footpath, street etc. should be clarified in building plan submission;
 - (iv) the proposed development should be provided with Emergency Vehicular Access (EVA) and Means of Escape to street, and may need to be resolved with Fire Services Department and LandsD upon building plan submission. The proposed EVA shall comply with B(P)R14D and Section 6 of Part D of the Code of Practice for Fire Safety in Buildings 2011;
 - (v) detailed comments under the BO on the proposal such as permissible plot ratio, site coverage, barrier free access and facilities, compliance with the sustainable building design parameters, etc. will be formulated at formal building plans submission stage; and
- (i) to note that according to the Town Planning Board Guidelines (TPB PG No. 35C), any extension(s) of time for commencement of development shall not result in an aggregate extension period longer than the original duration for commencement of approved development proposal. Further EOT for commencement of development would be outside the scope of Class B amendments and a fresh application is required.