

**Development Parameters under
Application No. A/TM-LTYT/273**

Site Area	14,533m ²
- Private Land	13,778m ²
- Government Land	775m ²
Maximum Gross Floor Area (GFA)	14,533m ²
Maximum Plot Ratio	1.0
Maximum Site Coverage	40%
No. of Blocks	13
Building Height	
- in metres	15m (including basement car park)
- No. of Storeys	5 storeys (including 1 storey basement car park)
No. of Flats	96 (in duplex)
Average Flat Size	152m ²
Car Parking Spaces	
- For Residents	134
- For Visitors	2
Motorcycle Parking Space	1
Loading/Unloading Spaces	13
Bicycle Parking Spaces	10
Communal Open Space	Minimum 269m ²
Communal Recreation Facilities for Residents (including clubhouse)	Nil
Sewage Treatment Plant	10m (including 5m underground) and 2 storeys (including 1 basement storey)
Design Population	269 persons

Extract of Minutes of RNTPC Meeting on 22.8.2014

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/273 Proposed Residential Development (Flat) in “Residential (Group E)” Zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 246 RP, 246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTYYY/273C)

131. The Secretary reported that the application was submitted by Join Smart Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK), with AECOM Asia Co. Ltd. (AECOM) and Environ Hong Kong Ltd. (Environ) as consultants amongst others. The item also involved a potential housing site identified for public housing development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA).

132. The following Members had declared interests in this item:

- Ms Janice W.M. Lai - having current business dealings with SHK, AECOM and HKHA;
- Mr Ivan C.S. Fu - having current business dealings with SHK, AECOM and Environ;
- Professor S.C. Wong - having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department;
- Mr H.F. Leung - having business dealings with HKHA; and being a member of the Tender Committee of HKHA;
- Mr K.K. Ling
(the Chairman) - as the Director of Planning and being a member of the Strategic Planning Committee and the Building Committee of HKHA;
- Mr Frankie W.P. Chou - being an Alternative Member for the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA; and
- Mr Tony H. Moyung - being an Alternative Member for the Director of Lands who was a Member of HKHA.

133. The Committee considered that the interests of the Chairman, Ms Janice W.M. Lai, Mr Ivan C.S. Fu, Mr H.F. Leung, Mr Frankie W.P. Chou and Mr Tony H. Moyung were direct and agreed that they should leave the meeting temporarily.

134. Members noted that Professor S.C. Wong had no involvement in the application and agreed that Professor Wong could stay in the meeting. The Vice-chairman took over the chairmanship of the meeting at this point.

[Mr K.K Ling, Ms Janice W.M. Lai, Mr Ivan C.S. Fu, Mr H.F. Leung, Mr Frankie W.P. Chou and Mr Tony H. Moyung left the meeting temporarily at this point.]

Presentation and Question Sessions

135. Mr K.C. Kan, STP/TMYLW said that the completion year of the public housing mentioned on P.25 of the Paper should be 2019 – 2024 instead of 2019 – 2014. Members noted.

136. Mr K.C. Kan presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed residential development (flat);
 - (i) the proposed development was for 13 residential blocks comprising 96 duplex flats with a plot ratio of 1.0, site coverage of 40% and building height of 15m (4 residential storeys over 1 storey basement car park); and
 - (ii) since there were open storages, godowns and workshops to the north and east of the site, the applicant proposed to incorporate self-protecting building design to mitigate the industrial noise impacts;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Major comments were summarised as below:
 - (i) the Director of Housing strongly opposed the application, as the site encroached onto part of a planned public housing development with associated welfare, education and retail facilities. Various technical assessments had been conducted and indicated that the public housing would not have insurmountable problems. The proposed development under the application would adversely affect the flat

production, layout and associated community works currently under detailed study by the Government. The target completion year of the public housing development would be 2019-2024. It was also scheduled to consult the Tuen Mun District Council (TMDC) on 2.9.2014 and subsequent actions had been programmed. If the subject application was approved, it was estimated that about 1,600 public housing flats would be lost and the provision of social welfare facilities would be adversely affected.

- (ii) Other concerned government departments had no objection to or no adverse comment on the proposed design, layout and development parameters of the application as well as the technical assessments submitted;

- (d) during the statutory public inspection periods of the application, a total of 110 public comments were received which comprised 95 supporting comments and 15 objections. The supporters included local residents and other individuals and their major grounds were that the proposed development was in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone and compatible with the surrounding low-rise/village-type developments; it would help increasing housing supply, enhancing land use efficiency and generating employment. The objectors included the Indigenous Inhabitant Representation of San Hing Tsuen and Tse Tin Tsuen, as well as the Village Committee of Tuen Mun Heung San Hing Tsuen and other indigenous villagers. Their major grounds were that the proposed development would cause adverse traffic, environmental, drainage and “fung shui” impacts during and after the construction period. One commenter pointed out that the proposed development contravened Government’s policy to increasing housing supply as it was not an efficient use of land; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper, which were summarised as below:

- (i) the Policy Address 2014 already announced that under the Long Term Housing Strategy, the Government targeted to provide a total of 470,000 units in 10 years with public housing accounting for 60%. If the subject application was approved, there would be a loss of about 1,600 public housing flats, as compared with 96 flats proposed in the private residential development;
- (ii) in terms of phasing out the existing industrial uses within the “Residential (Group E)” (“R(E)”) zone, the public housing development covering a larger site would be more effective to achieve the planning intention. The planned public housing development also sought to optimize the development potential of the area through comprehensive redevelopment with higher development intensity. The proposed development might not represent an optimal utilization of land resources. Its irregular boundary might also result in residual land parcel rendering it difficult for development; and
- (iii) the planned public housing development proposal was relatively mature and the TMDC would be consulted on it next month. It might be premature to approve at this stage and thereby pre-empting the opportunity to explore implementation of a more desirable scheme for the area.

137. A Member asked whether the irregularity of the site was a major rejection reason of the application. In response, Mr K.C. Kan said the layout design of the proposed private housing development was constrained by the irregular site boundary. According to the Block Plan and Landscape Master Plan prepared by the applicant, the building blocks would be developed along the site boundary with open space located behind the blocks. The development layout was considered undesirable in terms of achieving the planning intention of the “R(E)” zone, but this was not the major reason for rejecting the application.

138. The Vice-chairman said that the development density of the proposed private housing development was comparatively low and asked whether the potential public housing

development would be incompatible with the surrounding environment. In response, Mr Kan said that the proposed private housing development was in compliance with the development restrictions of the current “R(E)” zone. The potential public housing development, which included the subject application site, could be considered as an expansion of the existing new town as it was located to the north and at the fringe of the Tuen Mun New Town. He further said that if the implementation of the potential public housing development was to proceed, amendments to the subject OZP would be required.

139. A Member said that since the proposed private housing development had complied with the development restrictions of the “R(E)” zone and no adverse departmental comment was received, it was questionable that the application should be rejected because of the possible conflict with a public housing development that might not be eventually materialized. In terms of development intensity, the Member considered that the potential public housing development instead of the private housing development might not be compatible with the surrounding environment which was mainly occupied by village houses and low-density residential developments. In response, Mr Kan said that it was necessary to take into account the current strong demand for public housing. The site was in close proximity to Tuen Mun Area 54 where a number of public housing developments were going to be constructed.

140. A Member concurred that it would be difficult at this stage to take into account the potential public housing development which was yet to be confirmed. The Vice-chairman said that the TMDC was scheduled to be consulted on the potential public housing development on 2.9.2014. In response to a Member’s question on whether the developer knew about the potential public housing development, Mr Kan answered in the affirmative.

[Professor C.M. Hui left the meeting at this point.]

Deliberation Session

141. A Member agreed that it was necessary to consider the prevailing housing policy under which there was also a need to meet the private housing demand. This Member reiterated that the irregularity of the site boundary could not be used as a justification to reject

the application in particular when the proposed private housing development had complied with all the development restrictions of the “R(E)” zone. It would also be difficult to justify if the application was rejected because of the potential public housing development in the area. Another Member concurred.

142. A Member considered that it was necessary to consider the overall housing demand and priority should be given to the public housing development. In the subject case, the potential public housing development would provide an opportunity for a more comprehensive planning of the area through phasing out industrial activities in almost the whole “R(E)” zone. The Member supported PlanD’s recommendation of rejecting the application.

143. The Vice-chairman said that given the planning intention of the “R(E)” zone was to phase out the industrial activities in the area, Members should consider whether the potential public housing development or the proposed private housing development occupying only a small part of the “R(E)” zone would be able to better achieve the planning intention.

144. A Member said that amendments to the OZP (i.e. rezoning from “R(E)” to “Residential (Group A)” (“R(A)”)) would be required if the potential public housing development was to be implemented. The Member doubted whether the rezoning to “R(A)” zone was appropriate in this location and had reservation to reject the application solely because of the housing policy to increase the public housing flats.

145. In response to a Member’s query, the Secretary said that HKHA could submit a s.12A application to effect the rezoning or PlanD could take the initiative to amend the OZP if HKHA could obtain support for the public housing development and received no adverse comments from all concerned government departments. The Secretary also drew Members’ attention to paragraph 11 of the Paper that (i) the applicant had demonstrated efforts to resolve the industrial/residential interface issue through adopting special design features in the layout, and (ii) the potential public housing development was at a mature stage and the TMDC would be consulted on 2.9.2014. Members might consider whether the application should be approved to phase out some of the industrial activities in the “R(E)” zone; or rejected in order not to pre-empt the potential public housing development covering a wider

area of the “R(E)” zone; or deferred a decision pending submission of further information on the layout design and consultation with the TMDC on the potential public housing development.

146. A Member said that the Town Planning Board (TPB) should have regard to the long-term land use planning for an area in undertaking its plan-making function. Unless the Government had made known to the public its potential public housing development, it would be difficult for the TPB to take such development into account in assessing any planning application. Another Member concurred with this view. It would be necessary for the TPB to consider how competition of land resources between the public and private sectors should be handled. A few Members were also concerned about the lack of details on the potential public housing development. In response, the Secretary said that the Committee might consider requesting more information on the layout design and implementation programme of the public housing project and compare it with the proposed private housing project so as to make an informed decision on the subject application. The Vice-chairman said that development opportunities that could optimise the development potential of the site should be considered to safeguard the public interests.

147. To facilitate the discussion, the Secretary set out three scenarios for Members to consider. First, if the Committee approved the application, the applicant could proceed with the proposed development with the compliance of approval conditions; while at the same time, if HKHA decided to pursue the potential public housing development, HKHA could either resume the private land from the applicant or revise the layout design of the public housing development in order to avoid the approved private housing development. Second, if the Committee rejected the application, the applicant was allowed to review the decision of the Committee under s.17 of the Town Planning Ordinance. Third, the Committee might consider deferring a decision on the application pending submission of further information on the potential public housing development to facilitate its further consideration of the application.

148. After further deliberation, Members agreed to defer a decision on the application in order to seek more information on the potential public housing development and to take into account the views of the TMDC on the public housing project.

149. A Member asked if there was any time limit for deferral of consideration of the application. In response, the Secretary said that this application would be resubmitted to the Committee for consideration on the receipt of more information on the potential public housing development. The TMDC would be consulted on the public housing project at the TMDC meeting to be held on 2.9.2014.

150. A Member suggested that consideration should be given to how applications that would have conflicts with potential public housing developments should be handled. This view was shared by another Member who advised that the TPB's decision on such cases might be subject to legal challenges. In response, the Secretary said that the Secretariat would examine how similar situation should be handled in future for Members' reference.

151. The Vice-chairman concluded that since HD had indicated their strong objection to the application and the potential public housing development would soon be presented to the TMDC for consultation, the application should be deferred pending submission of more information on the potential public housing development from HD as well as the views of the TMDC on the public housing project.

152. After further deliberation, the Committee decided to defer a decision on the application.

[The Vice-chairman thanked Mr K.C. Kan, STPs/TMYLW, for his attendance to answer Members' enquires. Mr Kan left the meeting at this point.]

[The meeting was adjourned for a break of five minutes.]

[Dr Eugene K.K. Chan and Ms Janice W.M. Lai left the meeting at this point.]

[Mr K.K. Ling, Mr Ivan C.S. Fu, Mr H.F. Leung, Mr Frankie W.P. Chou and Mr Tony H. Moyung returned to the meeting at this point.]

Extract of Minutes of RNTPC Meeting on 17.10.2014

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY/273 Further Consideration of Proposed Residential Development (Flat) in “Residential (Group E)” Zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 246 RP, 246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY/273D)

132. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with AECOM Asia Co. Ltd. and Environ Hong Kong Ltd. as two of the consultants. The application was opposed by the Director of Housing (D of H), which was the executive arm of the Hong Kong Housing Authority (HKHA), as the site encroached onto part of a planned public housing development with associated welfare, education and retail facilities at San Hing Road. The following Members had declared interests in this item:

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| Ms Janice W.M. Lai | - having current business dealings with SHK, AECOM and HKHA |
| Mr Ivan C.S. Fu | - having current business dealings with SHK, AECOM and Environ |
| Professor S.C. Wong | - being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department |
| Dr Eugene K.K. Chan | - being the Convenor of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK |
| Ms Christina M. LEE | - being a committee member of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK |
| Mr K.K. Ling
(the Chairman) | - being a member of the Strategic Planning Committee and the Building Committee of |

as the Director of Planning

HKHA

Mr. Tony Moyung
as the Assistant Director of Lands
Department

- being an alternate member for the Director of
Lands who was a member of HKHA

Mr Frankie W.P. Chou
as the Chief Engineer (Works) of
Home Affairs Department

- being an alternate member for the Director of
Home Affairs who was a member of the Strategic
Planning Committee & Subsidized Housing
Committee of HKHA

Mr H.F. Leung

- being a member of the Tender Committee of
HKHA

133. The Committee noted that Ms Janice W.M. Lai, Mr Ivan C.S. Fu, Ms Christina M. Lee, Mr Frankie W.P. Chou and Mr H.F. Leung had left the meeting already and considered that the interests of the Chairman and Mr Tony Moyung were direct and agreed that they should leave the meeting temporarily.

[The Chairman and Mr Tony Moyung left the meeting temporarily at this point.]

134. As the Chairman had left the meeting temporarily and Professor S.C. Wong, the Vice-chairman, had no direct involvement in the application, Members agreed that Professor S.C. Wong could stay and chair the meeting for this item. As Dr Eugene K.K. Chan had no direct involvement in the application, Members agreed that he could stay in the meeting.

[Mr F.C. Chan returned to join the meeting at this point.]

Presentation and Question Sessions

135. Mr K.C. Kan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

Background

- (a) on 13.12.2013, the applicant sought planning permission for proposed residential development (flat) at application site (the site). The site fell

within an area zoned “Residential (Group E)” (“R(E)”) on the approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY/6.

- (b) on 22.8.2014, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) first considered the application. The application was opposed by D of H as the site encroached onto part of a planned public housing development with associated welfare, education and retail facilities at San Hing Road. D of H considered that the proposed development under application would adversely affect the flat production, layout and associated community works. Noting that the Tuen Mun District Council (TMDC) would be consulted on 2.9.2014 and details on the potential public housing development were not available at the meeting, the Committee decided to defer a decision on the application in order to seek more information on the potential public housing development and to take into account the views of the TMDC on the public housing project;

Further Information

- (c) on 2.9.2014, the Housing Department (HD) consulted the TMDC on the proposed public housing development with associated welfare, education and retail facilities. The major development parameters of the proposed public housing development were as follows:

Site Area	: About 8.7 ha
Maximum plot ratio	: 5
No. of flats	: About 8,000 flats
Design population	: 24,500 persons
No. of residential blocks	: 11 blocks
Maximum building height	: 125 mPD (39 storeys)
Social welfare facilities	: A district elderly community centre cum day care unit, a child care centre and a special child care centre
Education facilities	: 2 kindergartens and 1 primary school

Other facilities : Retail facility, parking and loading/unloading facilities, open space and recreation facilities, access road to Hong Po Road and a public transport lay-by

- (d) many TMDC Members raised objection to the proposed public housing development mainly on the grounds of inadequate consultation, traffic impact, and insufficient details. The TMDC requested the HD to fully consult the locals on the project and further consult the TMDC before submission of the proposed amendment to OZP for the proposed public housing development to the Board for consideration. On 11.9.2014 and 13.9.2014, the HD, with the assistance of concerned Government departments, conducted a site visit and a local consultation meeting respectively with two TMDC members and the local villagers. They expressed grave concerns on the proposed public housing project;
- (e) the HD was coordinating with concerned departments to address local concerns and technical issues with a view to further consulting the TMDC; and

The Planning Department (PlanD)'s views

- (f) PlanD maintained its view of not supporting the application based on the assessments made in paragraph 3 of the Paper. The reasons were the same as those in paragraph 12.1 of the RNTPC Paper No. A/TM-LTY/273C which included:
 - (i) the development proposal did not represent an optimal utilisation of the limited land resources given its irregular boundary with residual land parcel difficult to be developed; and
 - (ii) the application site encroached onto part of a planned public housing development with associated welfare, education and retail facilities. Premature approval of the application might lead to substantial loss

of public housing flats and jeopardise the implementation of the public housing project.

136. A member asked whether HD had submitted any rezoning proposal for the proposed public housing development for the Board's consideration. In response, Mr K.C. Kan explained that HD could submit the proposed amendment to the draft OZP under section 12A of the Town Planning Ordinance; or upon HD's completion of the various technical assessments and consultation with the relevant DC, PlanD would submit the proposed amendment to the draft OZP to the Board for consideration.

137. The Vice-chariman asked whether the proposed public housing development was only at the conceptual stage. In response, Mr K.C. Kan said that HD had consulted the TMDC on the proposed public housing development. A conceptual plan together with some major development parameters were provided for TMDC's consideration.

138. Another Member asked whether the application site was owned by the applicant and if so, how could HD proceed with the public housing development. In response, Mr. K.C. Kan confirmed that the application site was largely on private land owned by the applicant. He said that if the proposed public housing development was considered acceptable, the draft OZP would be amended and the Lands Department would resume the land for public purpose according to the Land Resumption Ordinance. The Secretary supplemented that according to the Land Resumption Ordinance, private land could only be resumed for a public purpose.

Deliberation Session

139. A Member considered that the private residential scheme under the application appeared to be more advanced than the conceptual public housing scheme in terms of readiness for implementation, was in compliance with the development restrictions on the OZP and was generally acceptable. Moreover, it was not for the Committee to decide whether a residential site should be used for public or private housing development.

140. Two other Members were of the view that it would not be in the interest of the public to approve the application as the proposed public housing development, which would

be more comprehensive and covered a larger area, would provide more housing units to meet the public need. A Member asked how the planned public housing development would be affected, if the private housing development was approved. Making reference to a location plan and HD's conceptual layout, Members noted that the applicant site was about 1.4 ha whilst the planned public housing site was about 8.7 ha. If the subject application was approved, blocks 2, 5 and 6 as well as the proposed school within the public housing development would be affected.

141. The Vice-chairman drew Members' attention that the current application had complied with the development restrictions of the "R(E)" zone as stipulated on the OZP and that technical issues associated with the development had been adequately addressed at this stage. The reason for deferring the subject application by the Committee on 22.8.2014 was that Members wished to seek more information on the proposed public housing development and to take into account the views of TMDC on it.

142. A Member considered that there were demand for both private and public housing. Although the supply of public housing might be affected upon approval of the application, the proposed public housing development with adjustment, could still be pursued. The views were shared by another Member who considered that favourable consideration should be given to the private residential scheme under the application, which was more advanced than HD's conceptual public housing scheme and entailed no technical problem. The Member also noted that TMDC strongly opposed HD's proposed public housing development and there was concern about the traffic impact to be generated by the large-scale public housing development proposed by HD given that there were a number of existing large-scale public housing estates in the locality. Even if the application was approved, the HD could still modify the design and implement the public housing development.

[Professor Eddie C.M. Hui left the meeting at this point.]

143. A Member asked whether the approval of the current application might have implications on the assessment of land value in the future land resumption by the Government. Members noted that assessment of land value by LandsD was generally based on the lease entitlement. The Secretary added that even if the subject application was approved, LandsD could still resume the concerned land if the requirement of the Land

Resumption Ordinance was complied with. When assessing the land value upon land resumption, LandsD would base on the existing lease of the lots, which was mainly for agricultural use.

[Mr. F.C. Chan left the meeting at this point.]

144. A Member considered that approval should be given to the subject application given that HD's proposed public housing development was only at a conceptual stage. The view was shared by two other Members as there was no strong justification to reject the application. A Member was of the view that it should not be the Committee's concern on whether the site should be developed for public housing or not. This Member also worried that HD might not be able to obtain TMDC's blessing in the short term because of the lack of information on the proposed public housing scheme. Another Member however considered that TMDC might agree with the public housing scheme once the HD had submitted a detailed proposal.

145. The Secretary drew Members' attention that the applicant had provided sufficient information and relevant technical assessments to support this application which was considered by the Committee at its meeting on 22.8.2014. At that meeting, Members noted HD's strong objection to the application and agreed to defer the decision in order to seek more information on the proposed public housing development and to take into account the views of the TMDC on the public housing project, noting that TMDC would be consulted on the public housing project on 2.9.2014. At today's meeting, HD had not provided much additional information on the proposed public housing development and it was noted that TMDC had strong reservation on the proposed public housing development. According to the information provided by the HD, the public housing development would commence in 2018 and be completed between 2023 and 2024.

146. A Member who did not support the application proposed to submit the application to the full Board for consideration as a decision on the subject application would involve public interest. The land would be used more efficiently for public housing development to provide affordable housing. The proposal was not supported by other Members who considered that the information provided by the applicant was sufficient and there was no strong justification for further deferring a decision on the application by

submitting it to the full Board. The Vice-chairman also explained that it was under very exceptional circumstances that the Committee would submit a section 16 planning application to the full Board for consideration. The Secretary supplemented that according to the Town Planning Ordinance, the Committee was empowered to consider section 16 planning applications under the delegated authority of the Board, while the Board would consider review applications under section 17 of the Town Planning Ordinance.

147. The Vice-chairman reminded Members that it was the Committee's responsibility to consider and decide on s.16 planning application. He reminded Members to focus on deliberation of the current application. Most of the Members agreed that the application should be considered by the Committee.

148. After further consideration, a vote was taken with three Members in support and two against the application. 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 17.10.2018, 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 implementation of the mitigation measures identified in the Environmental Assessment and Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the provision of vehicular access, parking and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of detailed drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission of detailed archaeological impact assessment and implementation of the mitigation measures identified therein to the

satisfaction of the Director of Leisure and Cultural Services or of the TPB;

- (f) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (g) the design of the boundary treatment and provision of measures to mitigate the visual impact along the boundary of the proposed development, including its boundary fence, to the satisfaction of the Director of Planning or of the TPB.

149. The Committee also agreed to advise the applicant of the following :

- “(a) the approval of the application does not imply that the proposed building design elements could fulfill 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) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the site comprises a total of 17 private lots and adjoining unleased Government land. The private lots are Old Schedule Agricultural Lots, except Lot 368 RP in D.D. 130, which is held under Tai Po New Grant No. 5324, the lease conditions of which cannot be found in the Land Registry. The proposed residential development contravenes the existing lease conditions and involves adjoining Government land. The applicant will need to apply to the LandsD for a land exchange for the proposal. There is no guarantee that the application, if received by the LandsD, will be approved and he reserves his comment on such. The application will be considered by

the LandsD acting in the capacity as the landlord at its sole discretion. In the event that if the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging the payment of premium and administration fee as may be imposed by the LandsD. The quality and sustainable built environment (QBE) requirements in relation to building separation, building setback, greenery, 10% cap on the GFA concession in respect of green/amenity features and non-essential plant room/services and 100% GFA concession where car parks are provided underground and 50% GFA concession for car parks provided above ground unless exemption for granting 100% GFA concession for above ground car parks is approved by the Building Authority, where applicable, will be imposed in the lease for cases involving lease modification and land exchange. The applicability of each QBE requirement for the proposed residential development will be examined in detail during the processing of the land exchange application. Apart from the track at the northwestern corner of the site, it appears that there are other village track(s) affected by the proposed development. If planning approval is given, detailed access arrangements to the site and the adjoining land, including but not limited to the said footpaths/tracks, will be examined at the land exchange processing stage. Should the proposal involve closure of existing footpaths/tracks, such closure is required to go through the statutory procedures set out in the Road (Works, Use and Compensation) Ordinance (Cap. 370) and may require the gazettal under section 5 of Cap. 370. The gazetting procedures for the concerned modification works to facilitate a private development, if required, would be carried out by his Office and the applicant would be liable to pay the Government all the costs on such works (including administrative costs and non-administrative costs). There is no guarantee that the application, if received by the LandsD, will be eventually approved under the provision of Cap. 370 and he reserve his comment on such. Regarding the local concerns on the possible impact on the existing graves in the vicinity of the site, the applicant should examine whether and how the proposed site boundary or the development design can address the local concern;

- (c) to note the comments of the Chief Building Surveyor / New Territories West, Buildings Department (BD) that if the existing structures are

erected on leased land without approval of the Buildings Department (BD) (not being New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including temporary buildings) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included, where possible, in the conditions in the planning approvals. The provision of lighting and ventilation of rooms used or intended to be used for habitation or as kitchen and rooms containing soil fitments shall comply with the requirements stipulated under B(P)R 30 and 36;

- (d) to note the comments of the Director of Environmental Protection that the applicant shall apply for license under Water Pollution Control Ordinance for the sewage treatment plant;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the proposed potted trees should not be placed directly on top of the proposed 1600mm(W) x 1600mm(H)

rectangular channel and the potted trees should not adversely affect the inspection, operation and maintenance of the channel. Proper access route should be provided to the proposed 1600mm(W) x 1600mm(H) rectangular channel taking into account the size of mechanical plant(s) required for carrying out future operation and maintenance works (e.g. lifting up the concrete channel covers and adjacent potted trees). Detailed comments are at Appendix IV of the paper. The Sewerage Impact Assessment (SIA) for the application needs to meet the full satisfaction of the Director of Environmental Protection, the planning authority of sewerage infrastructure. The DSD's comments on the SIA are subject to views and agreement of the DEP;

- (f) to note the comments of the Chief Engineer/Land Drainage, DSD that the applicant is reminded that a valid license for discharge from DEP is required before the discharge of effluent of the local sewage treatment plant commences and the requirements of the effluent discharge, e.g. quantity and quality of effluent, should be agreed by the DEP;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains will be affected. If diversion of the existing water mains is required, the developer shall prior to carrying out the diversion works submit the proposed routing in writing to the Water Authority for approval and the cost of relocating the Government water mains shall be borne by the developer. In case it is not feasible to divert the affected water mains, a Waterworks Reserve within 1.5 m from the centerline of the water mains shall be provided to the WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractor, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorized. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (h) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department that no construction works

on the site should commence prior to the compliance with the approval conditions. The archaeological impact assessment report should be conducted by a qualified archaeologist, who shall obtain a licence from the Antiquities Authority under the Antiquities and Monuments Ordinance (Cap. 53);

- (i) to note the comments from the Director of Social Welfare that the private developer may take the opportunity to enhance the site environment by providing more community facilities in the area;
- (j) to note the comments of the Director of Electrical and Mechanical Services that there are 400 kV overhead lines running close to the proposed development areas. A 50 m working corridor between the proposed development and the concerned 400 kV overhead lines (25 m on either side from the centre line of the transmission line towers) and relevant safety clearances would be maintained in accordance with the Hong Kong Planning Standards and Guidelines. According to paragraph 2.3.17 of the HKPSG, building development will not be restricted in areas outside the working corridor and working circle subject to the provision of emergency vehicular access, wherever appropriate as required by the Fire Services Department (FSD). However, for development within the working corridor and working circle, agreement from the Electrical and Mechanical Services Department (EMSD), FSD and the power company should be sought in order to ensure compliance with the safety and health considerations as given in the HKPSG. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with CLP Power (i.e. the electricity supplier) and, if necessary, ask CLP Power to divert the underground electricity cable (and/or overhead electricity line) away from the vicinity of the proposed structure, where practicable. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines;
- (k) to note the comments of the Director of Health that there are overhead transmission lines and pylons in the vicinity of the proposed residential development. Future occupants of the residential development may

be exposed to extremely low frequency electromagnetic fields generated by the transmission lines. According to the World Health Organization, with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by transmission lines, would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the magnitudes of the electromagnetic fields on-site complied with the relevant ICNIRP guidelines or other established international standards. He notes that the project proponent will ensure the magnitudes of electromagnetic fields on-site comply with the relevant ICNIRP guidelines or other established international standards; and

- (1) to note the comment of District Officer (Tuen Mun), Home Affairs Department that the applicant should keep the portion of the existing village track falling within the site intact and ensure free and unobstructed access during construction stage and after completion of the proposed development. There is also a proposed District Minor Works project (i.e. proposed improvement to van track and associated facilities) in close proximity to the site which will commence in late 2014. Should there be any interface with the proposed works, the applicant should inform his Office.”

[The Chairman and Mr Tony Moyung returned to join the meeting at this point. Mr David Y.T. Lui left the meeting and Professor S.C. Wong and Mr Peter K.T. Yuen left the meeting temporarily at this point.]

Advisory Clauses

- (a) the approval of the application does not imply that the proposed building design elements could fulfill 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 (BD) and the Lands Department (LandsD) 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) to note the comments of the DLO/TM, LandsD that the site comprises a total of 17 private lots and adjoining unleased Government land. The private lots are Old Scheduled Agricultural Lots, except Lot 368 RP in D.D. 130, which is held under Tai Po New Grant No. 5324, the lease conditions of which cannot be found in the Land Registry. The proposed residential development contravenes the existing lease conditions and involves adjoining Government land. The applicant will need to apply to the LandsD for a land exchange for the proposal. There is no guarantee that the application, if received by the LandsD, will be approved and he reserves his comment on such. The application will be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that if the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging the payment of premium and administration fee as may be imposed by the LandsD. The quality and sustainable built environment (QBE) requirements in relation to building separation, building setback, greenery, 10% cap on the GFA concession in respect of green/amenity features and non-essential plant room/services and 100% GFA concession where car parks are provided underground and 50% GFA concession for car parks provided above ground unless exemption for granting 100% GFA concession for above ground car parks is approved by the Building Authority, where applicable, will be imposed in the lease for cases involving lease modification and land exchange. The applicability of each QBE requirement for the proposed residential development will be examined in detail during the processing of the land exchange application. Apart from the track at the northwestern corner of the site, it appears that there are other village track(s) affected by the proposed development. If planning approval is given, detailed access arrangements to the site and the adjoining land, including but not limited to the said footpaths/tracks, will be examined at the land exchange processing stage. Should the proposal involve closure of existing footpaths/tracks, such closure requires to go through the statutory procedures set out in the Road (Works, Use and Compensation) Ordinance (Cap. 370) and may require the gazettal under section 5 of Cap. 370. The gazetting procedures for the concerned modification works to facilitate a private development, if required, would be carried out by his Office and the applicant would be liable to pay the Government all the costs on such works (including administrative costs and non-administrative costs). There is no guarantee that the application, if received by the LandsD, will be eventually approved under the provision of Cap. 370 and he reserve his comment on such. Regarding the local concerns on the possible impact on the existing graves in the vicinity of the site, the applicant should examine whether and how proposed site

boundary or the development design can address the local concern;

- (c) to note the comments of the CBS/NTW, BD that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including temporary buildings) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included, where possible, in the conditions in the planning approvals. The provision of lighting and ventilation of rooms used or intended to be used for habitation or as kitchen and rooms containing soil fitments shall comply with the requirements stipulated under B(P)R 30 and 36;
- (d) to note the comments of the DEP that the applicant shall apply for license under Water Pollution Control Ordinance for the sewage treatment plant;
- (e) to note the comments of the CE/MN, DSD that the proposed potted trees should not be placed directly on top of the proposed 1600mm(W) x 1600mm(H) rectangular channel and the potted trees should not adversely affect the inspection, operation and maintenance of the channel. Proper access route should be provided to the proposed 1600mm(W) x 1600mm(H) rectangular channel taking into account the size of mechanical plant(s) required for carrying out future operation and maintenance works (e.g. lifting up the concrete channel covers and adjacent potted trees). Detailed comments are at **Appendix VIa** (extracted from Appendix IV of RNTPC Paper No. A/TM-LTYY/273C). The Sewerage Impact Assessment (SIA) for the application needs to meet the full satisfaction of the DEP, the planning authority of sewerage infrastructure. The DSD's comments on the SIA are subject to views and agreement of the DEP;
- (f) to note the comments of the CE/LD, DSD that the applicant is reminded that a valid license for discharge from DEP is required before the discharge of effluent of the local sewage treatment plant commences and the requirements of the effluent discharge, e.g. quantity and quality of effluent, should be agreed by the DEP;

- (g) to note the comments of the CE/Dev(2), WSD that existing water mains will be affected. If diversion of the existing water mains is required, the developer shall prior to carrying out the diversion works submit the proposed routing in writing to the Water Authority for approval and the cost of relocating the Government water mains shall be borne by the developer. In case it is not feasible to divert the affected water mains, a Waterworks Reserve within 1.5 m from the centerline of the water mains shall be provided to the WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractor, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorized. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (h) to note the comments of the AMO, LCSD that no construction works on the site should commence prior to the compliance with the approval conditions. The archaeological impact assessment report should be conducted by a qualified archaeologist, who shall obtain a licence from the Antiquities Authority under the Antiquities and Monuments Ordinance (Cap. 53);
- (i) to note the comments from the DSW that the private developer may take the opportunity to enhance the site environment by providing more community facilities in the area;
- (j) to note the comments of the DEMS that there are 400 kV overhead lines running close to the proposed development areas. A 50 m working corridor between the proposed development and the concerned 400 kV overhead lines (25 m on either side from the centre line of the transmission line towers) and relevant safety clearances would be maintained in accordance with the HKPSG. According to paragraph 2.3.17 of the HKPSG, building development will not be restricted in areas outside the working corridor and working circle subject to the provision of emergency vehicular access, wherever appropriate as required by the Fire Services Department (FSD). However, for development within the working corridor and working circle, agreement from the Electrical and Mechanical Services Department (EMSD), FSD and the power company should be sought in order to ensure compliance with the safety and health considerations as given in the HKPSG. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with CLP Power (i.e. the electricity supplier) and, if necessary, ask CLP Power to divert the underground electricity cable (and/or overhead electricity line) away from the vicinity of the proposed structure, where practicable. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines;
- (k) to note the comments of the D of Health that there are overhead transmission lines and pylons in the vicinity of the proposed residential development. Future

occupants of the residential development may be exposed to extremely low frequency electromagnetic fields generated by the transmission lines. According to the World Health Organization, with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by transmission lines, would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the magnitudes of the electromagnetic fields on-site complied with the relevant ICNIRP guidelines or other established international standards. He notes that the project proponent will ensure the magnitudes of electromagnetic fields on-site complied with the relevant ICNIRP guidelines or other established international standards; and

- (1) to note the comment of DO(TM), HAD that the applicant should keep portion of existing village track falling within the site intact and ensure free and unobstructed access during construction stage and after completion of the proposed development. There is also a proposed District Minor Works project (i.e. proposed improvement to van track and associated facilities) in close proximity to the site which will commence in late 2014. Should there be any interface with the proposed works, the applicant should inform his Office.

Appendix IV of RNTPC
Paper No. A/TM-LTY/273C

Detailed Comments of Government Departments Concerned

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

Drainage Impact Assessment (at Appendix Ik and Im)

Comments

- (a) He has no in-principle objection to the Drainage Impact Assessment (DIA) for the captioned application.
- (b) The applicant should be reminded that the proposed potted trees should not be placed directly on top of the proposed 1600(W) x 1600(H) rectangular channel and the potted trees should not adversely affect the inspection, operation and maintenance of the channel.
- (c) The applicant should be reminded that proper access route should be provided to the proposed 1600(W) x 1600(H) rectangular channel taking into account the size of mechanical plant(s) required for carrying out future operation and maintenance works (e.g. lifting up the concrete channel covers and adjacent potted trees).
- (d) Should the application be approved, the applicant shall submit and implement a detailed drainage proposal for the site to the satisfaction of DSD to ensure that it will not cause adverse drainage impact to the neighbourhoods of the application site.

Reminders

- (e) There is an existing watercourse running across the western part of the site. This existing watercourse lies on Government land and it is essential to the drainage of areas around the application site. It is noted that the applicant proposed to divert the watercourse to a 1600(W) x 1600(H) rectangular channel ("the diverted drain"). The applicant shall not erect any structure including any support, or place any object or obstruction of any kind in the diverted drain or suffer the same to be erected or placed in the drain. The applicant shall ensure that the areas within 3 metres from the extremities of the diverted drain on each side within the subject application site are clear of any structure or obstruction to permit free access along the diverted drain at all times.
- (f) The applicant shall maintain those parts of the diverted drain falling within the application site structurally intact and clear of any refuse, deposits or like obstructions to the unimpeded flow in the diverted drain.

- (g) The applicant shall allow the personnel of DSD or its agents to enter upon or access through the application site for purposes of inspection of the diverted drain within a notice of 14 days issued by DSD in writing. In case any inspection on the diverted drain by DSD is needed, the potted trees directly on top/ in the vicinity of the diverted drain shall be removed and reinstated where necessary by the applicant and at the applicant's cost.
- (h) The cover level of proposed peripheral channels could be flush with the existing adjoining ground level. Channels should be provided with grated covers.
- (i) The applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the site any time during or after the works.
- (j) It is noted that there will be proposed fence wall along the boundary of the site. The applicant is reminded that where walls are erected or kerbs are laid along the boundary of the site, peripheral channels should be provided on both sides of the walls or kerbs with details to be agreed by DSD. Alternatively, the applicant may construct adequate openings at the foot of the wall, with size and spacing to be justified by design calculations and details to be agreed by DSD, in order to allow the passage of overland flow from adjacent catchment areas.
- (k) The proposed drainage works should be constructed by the lot owners at their own expense. For works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/TM, LandsD and/or relevant private lot owners.
- (l) Para. 5 - The temporary drainage works should be in accordance with "DSD Technical Circular No. 14/2000 – Temporary Flow Diversions and Temporary Works Affecting Capacity in Stormwater Drainage System".
- (m) With reference to the drawings, the proposed 600mm drainage pipe would be connected to the existing public drain (manhole no. SCH1015463) and hence modification to the existing drain would be necessary. A terminal manhole should be constructed within and close to the site boundary before discharging the stormwater to the nearby public drain. The applicant is also reminded to follow the established procedures and requirements and submit a drainage connection proposal to DSD for comment and approval. The connection work will be subject to our technical audit, for which an audit fee will be charged. Detailed guidelines and application form are available at DSD's website at www.dsd.gov.hk.

Sewerage Impact Assessment (at **Appendix Ik**)

- (n) The Sewerage Impact Assessment (SIA) for the application needs to meet the full satisfaction of Environmental Protection Department (EPD), the planning authority of sewerage infrastructure. DSD's comments on the SIA submitted by the applicant are subject to views and agreement of EPD.