

**Previous s.16 Applications Covering the Application Sites**

**Approved Application**

<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
A/TM-LTYYY/273	Proposed Residential Development (Flat)	17.10.2014 RNTPC	(1), (2), (3), (4), (5) & (6)

**Approval conditions**

- (1) The provision of vehicular access, parking and loading and unloading facilities.
- (2) The submission and implementation of detailed drainage proposal.
- (3) The provision of water supplies for firefighting and fire service installations.
- (4) The submission of detailed archaeological impact assessment and implementation of the mitigation measures.
- (5) The submission and implementation of tree preservation and landscape proposal.
- (6) The design of the boundary treatment and provision of measures to mitigate the visual impact along the boundary of the proposed development.

**Rejected Applications**

<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reasons</u></b>
A/DPA/TM-LTYYY/37	Godown and Open Storage	16.12.1994 RNTPC	(1) & (2)
A/DPA/TM-LTYYY/60	Proposed Warehouse	21.7.1995 RNTPC	(3), (4), (5), (6) & (7)
A/TM-LTYYY/103	Temporary Warehouse and Open Storage of Cloths for a Period of 3 Years	28.2.2003 TPB	(8), (9), (10), (11) & (12)
A/TM-LTYYY/203	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	30.7.2010 RNTPC	(13), (14), (15) & (16)

A/TM-LTY/242	Proposed Temporary Recyclable Collection Centre for Metal for a Period of 2 Years	11.1.2013 RNTPC	(13), (14), (15), (17), (18) & (19)
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### Rejection Reasons

- (1) The site coverage of 33% for the proposed development is excessive and no justification has been submitted for such excessive built-up area.
- (2) The existing local road in the area is narrow and is not suitable for the use of container vehicles.
- (3) The site coverage of 56.6% and the building height of 9 metres of the proposed development are excessive and no justification has been provided in the submission.
- (4) There is no information in the submission to demonstrate that the proposed development will not have significant adverse impact on the environment.
- (5) There is insufficient information in the submission on the provision of vehicular access to the site.
- (6) The existing access to the application site is not suitable for use by heavy goods vehicles.
- (7) The proposed warehouse can be accommodated in conventional flatted factory and godown premises and no justifications had been provided in the submission for the proposed use at the application site.
- (8) The development of a vehicle park for private cars was not in line with the planning intention of the "Green Belt" ("GB") zone which was to define the limits of urban development areas by natural features and to contain urban sprawl. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- (9) There was insufficient information in the submission to demonstrate that the development, which involved site levelling, would not have adverse drainage impacts on the surrounding areas.
- (10) There was insufficient information in the submission to demonstrate that the proposed use would not have adverse landscape and visual impacts on the surrounding area.
- (11) There was insufficient information in the submission to demonstrate that the western part of the application site would be kept as a landscaped area within the development.
- (12) The approval of the application would set an undesirable precedent for other similar applications within the "GB" zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- (13) The development was not in line with the planning intention of the "Residential (Group E)" ("R(E)") zone which was intended for phasing out of existing industrial uses through redevelopment for residential use. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis.
- (14) The proposed development was not compatible with the general rural character of the surrounding areas, in particular the residential and agricultural uses to the northwest, northeast and southwest of the site.
- (15) The application did not comply with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' in that there was no exceptional circumstances to justify the approval of the application in Category 4 areas. No previous planning approval for the site had been granted. The applicant failed to demonstrate that

the proposed development would not have adverse environmental and drainage impacts on the surrounding areas.

- (16) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "R(E)" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- (17) The application did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there was a general presumption against development within "GB" zone and there were no exceptional circumstances that warrants approval of the application.
- (18) The applicant failed to demonstrate that the proposed development would not generate adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.
- (19) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "R(E)" and "GB" zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Similar s.16 Applications within the Same “R(E)” Zone  
on the Approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/10**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
A/TM-LTY Y/282	Proposed Flat Development	13.3.2015 RNTPC	(1), (2), (3), (4), (5) & (6)
A/TM-LTY Y/291	Proposed Flat Development	12.2.2016 TPB	(1), (5), (6), (7), (8), (9), (10) & (11)
A/TM-LTY Y/337	Proposed Flat and Minor Relaxation of Building Height Restriction	23.6.2017 RNTPC	(1), (2), (4), (6), (12) & (13)

**Approval Conditions**

- (1) The provision of vehicular access, parking and loading and unloading facilities and/or the details of the location of gate houses and drop bars.
- (2) The submission of a (revised) noise impact assessment and implementation of noise mitigation measures.
- (3) The submission of a sewerage impact assessment and implementation of the mitigation measures.
- (4) The submission of a revised drainage impact assessment and implementation of the mitigation measures.
- (5) The provision of water supplies for firefighting and fire service installations.
- (6) The submission and implementation of tree preservation and/or landscape proposal.
- (7) The submission of a revised Sewerage Impact Assessment and implementation of the mitigation measures.
- (8) The submission of a revised Traffic Impact Assessment.
- (9) The submission and implementation of detailed drainage proposal.
- (10) The submission of detailed Archaeological Impact Assessment Report prior to the commencement of any excavation works and implementation of the mitigation measures.
- (11) The design of the boundary treatment and provision of measures to mitigate the visual impact along the boundary of the proposed development.
- (12) The design and re-provision of the existing public car park (at the junction of San Hing Road and Ng Lau Road).
- (13) The design and implementation of vehicular access connecting from San Hing Road to the site.

**Rejected Applications**

<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason(s)</u></b>
A/TM-LTY Y/221	Proposed Flat Development	14.12.2012 TPB	(1) & (2)
A/TM-LTY Y/311	Proposed Flat and Minor Relaxation of Plot Ratio and Building Height Restrictions	13.1.2017 RNTPC	(3)

**Rejection Reasons**

- (1) The proposed noise barriers of 12.6m in height and about 6m to 57m in length were not compatible with the rural setting and would generate adverse visual impact on the surrounding area.
- (2) The applicant failed to provide a satisfactory design and layout for the proposed development and there was room for improvement on these aspects.
- (3) There is no strong planning justification in the submission for minor relaxation of the plot ratio restriction. The approval of such a relaxation would set an undesirable precedent.

**Detailed Comments of the Director of Environmental Projection (DEP)**

The applicant should address the noise related comments below in the future Noise Impact Assessment submission when the actual Master Layout Plan/General Building Plan has been developed.

**Technical comments**

- i. Supporting document from the Transport Department to substantiate that the adopted peak hour traffic flows are the maximum projected within 15 years from the population intake is missing. The traffic data should be forecasted by strictly adopting the methodology endorsed by the Transport Department. The above confirmation is required in the future NIA stage to validate the input data.
- ii. Referring to Annex 5-1 and 5-2, it is noted that a number of open car parks comprise lorry and other heavy vehicles (e.g. I5, I7, I9, I11, I14). Noting that these premises would be considered as major noise emitters under Appendix 4.1 of the noise section in HKPSG, the applicant is required to demonstrate full compliance of the noise standards stipulated in the HKPSG in the future NIA when the actual MLP/GBP has been developed.
- iii. Referring to Annex 5-1, the marked village houses / offices / agricultural land use adjacent to Po Tin Estate Yan Tin House appears to be operated as open car / lorry park instead. Furthermore, confirmation on whether “most workshops and open storages are closed at night” (as stated in S.9.5 of the planning application) or “all workshops and storage were closed at around 7:00pm to 8:00pm” (S.3.3.6 of EA) is required for the identified fixed noise sources. The above issues should be addressed in the future NIA.
- iv. Referring to Figure 6 and Annex 4, the proposed representative NSRs (i.e. noise assessment points) for fixed noise source assessment appears not exhaustive. For example, the bedroom of T7 may perceive S13 when facing eastward. Furthermore, the living room and bedroom of T13 may perceive S16 when facing south-westward. The identification of noise assessment points and the respective line of sight towards the fixed noise sources should be further reviewed in the future NIA when the actual MLG/GBP has been developed.
- v. No assessment has been carried out for the sewage treatment plant of the proposed development. The applicant is required to demonstrate full compliance of the noise standards stipulated in the HKPSG in the future NIA when the detailed design has been developed.
- vi. An undertaking letter from the registered owner should be provided as part of the NIA report to demonstrate the commitment on the implementation of any noise mitigation measures.

**Textual and presentation**

- vii. The NAPs within the same flat should be grouped in Appendix D and F. The number of exceeded flat and the compliance % should be indicated as well.
- viii. Car park in Annex 5-1 should read car park.

**Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the proposed residential development contravenes the existing lease conditions and no permission has been given for the utilization of the adjoining government land (GL). Should any unauthorized structures are found erected on the lots and unauthorized occupation of GL be detected, Government reserves the right to take enforcement actions as may be considered appropriate; the proposed development may affect existing footpaths/tracks on GL which may be serving adjoining private lots in the neighborhood. Should the proposal involves closure and/or diversion of existing footpaths/tracks, statutory procedures involving gazettal of the proposal may be required; it was noted from the previous application that there were local concerns on the possible impact on the existing graves in the vicinity of the site which may requires the applicant's attention; the above is his preliminary observations on the proposal. Details have not been checked and he reserves his position to comment at a later stage where the land exchange application is to be proceeded; and the applicant had already submitted a land exchange application for a proposed residential development. However, the application has been put on hold pending the result of the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road. Notwithstanding whether planning permission is given or not, his office will not process any new land exchange application or amendment to the land exchange already submitted;
- (b) to note the comments of the Director of Environmental Protection (DEP) that the applicant should address the noise related comments below in the future Noise Impact Assessment submission when the actual Master Layout Plan/General Building Plan has been developed.
- (i) Supporting document from the Transport Department to substantiate that the adopted peak hour traffic flows are the maximum projected within 15 years from the population intake is missing. The traffic data should be forecasted by strictly adopting the methodology endorsed by the Transport Department. The above confirmation is required in the future NIA stage to validate the input data.
- (ii) Referring to Annex 5-1 and 5-2, it is noted that a number of open car parks comprise lorry and other heavy vehicles (e.g. I5, I7, I9, I11, I14). Noting that these premises would be considered as major noise emitters under Appendix 4.1 of the noise section in HKPSG, the applicant is required to demonstrate full compliance of the noise standards stipulated in the HKPSG in the future NIA when the actual MLP/GBP has been developed.
- (iii) Referring to Annex 5-1, the marked village houses / offices / agricultural land use adjacent to Po Tin Estate Yan Tin House appears to be operated as open car / lorry park instead. Furthermore, confirmation on whether "most workshops and open storages are closed at night" (as stated in S.9.5 of the planning application) or "all workshops and storage were closed at around 7:00pm to 8:00pm" (S.3.3.6 of EA) is required for the identified fixed noise sources. The above issues should be addressed in the future NIA.
- (iv) Referring to Figure 6 and Annex 4, the proposed representative NSRs (i.e. noise assessment points) for fixed noise source assessment appears not

exhaustive. For example, the bedroom of T7 may perceive S13 when facing eastward. Furthermore, the living room and bedroom of T13 may perceive s.16 when facing south-westward. The identification of noise assessment points and the respective line of sight towards the fixed noise sources should be further reviewed in the future NIA when the actual MLG/GBP has been developed.

- (v) No assessment has been carried out for the sewage treatment plant of the proposed development. The applicant is required to demonstrate full compliance of the noise standards stipulated in the HKPSG in the future NIA when the detailed design has been developed.
  - (vi) An undertaking letter from the registered owner should be provided as part of the NIA report to demonstrate the commitment on the implementation of any noise mitigation measures.
  - (vii) The NAPs within the same flat should be grouped in Appendix D and F. The number of exceeded flat and the compliance % should be indicated as well.
  - (viii) Car park in Annex 5-1 should read car park;
- (c) to note the comments of the Director of Fire Services (D of FS) that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Furthermore, the emergency vehicular 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 in 2011 under Building (Planning) Regulation 41D which is administrated by the Buildings Department;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that as for approval condition (g) for 'the design of the boundary treatment and the provision of measures to mitigate visual impact along the boundary of the proposed development including its boundary fence' under the previously approved application, the applicant has complied 'design' part in December 2016 and therefore this part is not required again provided there is no change to the approved design proposal. On the 'provision' part, it is noted that the submitted landscape master plan under the current application has largely incorporated the features and measures in the accepted design submission for approval condition (g) of application No. A/TM-LTY/273. The applicant is advised to provide the measures as proposed should the application be approved. The applicant is advised that approval of the s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works;
- (e) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) that it is noted that some façade area of the tower T4, T5, T6 and T13 are facing west. Solar control devices should be considered to reduce solar heat gain and avoid glare affecting adjacent area/buildings as far as practicable;



- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) if existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the Buildings Department (BD), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
  - (ii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against Unauthorized Building Works (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;
  - (iii) before any new building works (including open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
  - (iv) 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 respectively;
  - (v) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage;
  - (vi) BD is not in a position to provide comments on GLs; and
  - (vii) detailed comments under the BO will be provided at the building plan submission stage;
- (g) to note the comments of the comments of the Director of Engineering and Mechanical Services (DEMS) that based on the information provided, the Site will be within the preferred working corridor of the 400kV extra high voltage overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) published by the Planning Department. He has no objection in principle to the application subject to the following conditions pertaining to electricity supply safety and reliability, being strictly complied by the applicant and his contractors:
- (i) Please observe the requirements of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.14 under Chapter 7 – Utility Services of the HKPSG published by the Planning Department and ensure they shall be maintained at any time during and after construction;
  - (ii) No scaffolding, crane and hoist shall be built or operated within 6m from the outermost 400kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power shall be consulted on the safety precautions required for carrying out any works near the concerned overhead lines;

- (iii) In any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming;
  - (iv) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
  - (v) As regards the electric and magnetic fields arising from the transmission overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity, if any; and
- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that if the Food and Environmental Hygiene Department (FEHD) is requested to provide refuse collection service, FEHD shall be separately consulted with submission of building plan.