

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TM-LTYYY/381**

- Applicant** : Join Smart Limited represented by Masterplan Limited
- Site** : 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
- Site Area** : About 14,553m<sup>2</sup> (including about 775m<sup>2</sup> government land (GL) (i.e. about 5.33%))
- Lease** : (a) Lot 368 RP in D.D. 130: held under Tai Po New Grant No. 5324 (lease conditions not found)  
(b) Remaining lots: Block Government Lease (demised for agricultural purposes)
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYYY/10
- Zoning** : “Residential (Group E)” (“R(E)”) [Restricted to a maximum plot ratio of 1.0, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m)]
- Application** : Proposed Residential Development (Flat)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed residential development (flat) at the application site (the Site). The Site falls within “R(E)” on the approved Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/10. According to Schedule I of the Notes for the “R(E)” zone on the OZP, ‘Flat’ is a Column 2 use which requires permission from the Town Planning Board (the Board). The Site is currently vacant and fenced-off. The location of the Site is shown in **Plans A-1 and A-2**.
- 1.2 The proposed development is for 13 residential blocks comprising 96 numbers of duplex flats. It has a plot ratio of 1.0, a site coverage of 40% and a building height of 15m (4 residential storeys over 1 storey basement car park). There is also an on-site sewerage treatment plant of 10m (including 5m underground) and 3 storeys (including 1 basement storey) high. The proposed development will be developed in two phases.
- 1.3 The Site is involved in six previous applications (No. A/DPA/TM-LTYYY/37 and 60, A/TM-LTYYY/103, 203, 242 and 273). The last previous application (No. A/TM-LTYYY/273) for proposed residential development (flat) development was

approved by the Committee on 17.10.2014 and the planning permission was lapsed on 18.10.2018. Details of the previous applications are summarised at paragraph 5 below and at **Appendix III**.

- 1.4 A comparison of the major development parameters of the previous approved scheme and the current application is as follows:

<b>Major Development Parameters</b>	<b>Previous Approved Application No. A/TM-LTY/273</b>	<b>Current Application No. A/TM-LTY/381</b>	<b>Differences</b>
Site Area Private Land GL	about 14,553m <sup>2</sup> about 13,778m <sup>2</sup> about 775m <sup>2</sup>		No Difference
Maximum Gross Floor Area	not more than 14,553 m <sup>2</sup>		No Difference
Maximum Plot Ratio	not more than 1.0		No Difference
Maximum Site Coverage	not more than 40%		No Difference
No. of Blocks	13		No Difference
Building Height In metres No. of Storeys	15m 4-storey over single-storey car park		No Difference No Difference
No. of Flats	96		No Difference
Average Flat Size	152m <sup>2</sup>		No Difference
Car Parking Spaces For Residents For Visitors	134 2	157 7	+23 +5
Motorcycle Parking Spaces	1	2	+1
Loading/Unloading Spaces	13		No Difference
Bicycle Parking Spaces	10	0	-10
Communal Open Space	minimum 269 m <sup>2</sup>	not less than 259m <sup>2</sup>	-10m <sup>2</sup>
Communal Recreation Facilities for Residents (Including Clubhouse)	Nil		No Difference
Sewerage Treatment Plant	10m (including 5m underground) and 2 storeys (including 1 basement storey) high		No Difference
Design Population (Persons)	269	about 259	-10
Phasing	No	2 Phases	With Phasing
Envisaged Completion Year	2017/2018	2025	N/A

- 1.5 The location plan, section plans, phasing plan, ground floor plan, basement plan and block plan submitted by the applicant are on **Drawings A-1 to A-7** respectively.

- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Letter and application form received on 1.8.2019 **(Appendix I)**
  - (b) Planning Statement attached to the application form **(Appendix Ia)**
  - (c) Further Information (FI) providing responses to departmental comments and a revised Traffic Impact Assessment Report and a revised Water Supply Impact Assessment received on 11.10.2019 **(Appendix Ib)**  
*(accepted but not exempted from publication and recounting requirements)*
  - (d) FI providing responses to Transport Department's (TD's) comments received on 14.11.2019 **(Appendix Ic)**  
*(accepted and exempted from publication and recounting requirements)*
  - (e) FI providing responses to TD's and Water Supplies Department's (WSD's) comments received on 21.11.2019 **(Appendix Id)**  
*(accepted and exempted from publication and recounting requirements)*
- 1.7 On 20.9.2019, the Committee agreed to the applicant's request to defer making a decision on the application for two months so as to allow time for preparation of further information to resolve departmental comments. Further information was received on 11.10.2019. Therefore, the application is submitted to the Committee for consideration at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendix Ia**. They can be summarised as follows:

- (a) The planning intention of the "R(E)" zone is to phase out industrial uses through redevelopment for residential use. Currently, the Site is dominated by temporary structures and some former rural workshops. The proposed residential development could transform around one-tenth of the "R(E)" zone into residential development. This is in-line with the zoning intention in phasing out existing industrial use through residential development. The Application can serve as an impetus to create a synergy effect to the surrounding area, and speeding up the elimination of undesirable industrial use.
- (b) The development tallies with current government policies to meet increasing housing demand. The proposed 96 residential units are mainly medium-sized flats. It echoes with government's aim in providing homes to help people of different income levels, to build a continuous housing ladder for the society and most importantly, offering additional supply of housing to curb undesirable housing outcomes. The site is ready for early development in accordance with the approved zoning. Approval of this application will ensure early provision of private housing flats.

- (c) The residential scheme proposed under this application is identical to the previously approved scheme (Application No: A/YL-LTYY/273) with the same development parameters and building layouts. The proposed scheme complies with the development restrictions as set out in the notes of “R(E)” zone, i.e. maximum plot ratio of 1.0, site coverage of 40% and a maximum building height of 4-storeys over single-storey car park (15m). The only change from the previously approved scheme being an indication of the phasing arrangement under the MLP with the aim to allow flexibility for phased development at the GBP submission stage.
- (d) The proposed private housing development will be in juxtaposition to the possible future public housing developments in Tuen Mun Area 54. From an urban design and planning perspective, the proposed private residential development offers a better and more balanced mix of housing and social dynamics to the area. Having a more desirable and more balanced housing mix will definitely contribute to the sustainability of the community.
- (e) The subject OZP was only recently approved in October 2018, which reaffirmed the “R(E)” zoning and its planning intention on the Application Site. As there is so far no gazette plans reflecting the possible future public housing development proposed by the Housing Authority, the prevailing OZP should serve as the sole statutory document that all public officers and bodies shall follow under s.13 of the Town Planning Ordinance.
- (f) The applicant’s previous application for Extension of Time was rejected on the grounds that there has been a material change in planning circumstances as demonstrated by the Government’s commitment to plan for a comprehensive public housing development which covers the application site. As there is no gazetted plan reflecting the public housing development, the Government’s potential scheme should therefore not be considered as a relevant context. Indeed, the possible future public housing development still needs to go through long EIAO procedures and public consultation with local community and has no guarantee that the project would be implementable.
- (g) The proposed development is low rise in nature with a maximum building height of four storeys over single-storey car park. It is therefore compatible with the existing and surrounding rural environment in terms of building bulk, height and land uses.
- (h) The applicant has secured the ownership of all private lots within the Site. There is only a small strip of GL that straddles at the north-western and south-eastern part of the Site. This intermix of private and GL is commonly found in the development projects especially in New Territories. Hence, there is an existing and long-established mechanism of land exchange to resolve this land ownership issue. However, in order to minimize the possible delay in land exchanges, the applicant now proposes to implement the development in two phases to allow greater flexibility and to expedite the process.
- (i) Technical assessments conducted have clearly demonstrated that the proposed development would be acceptable in planning terms and sustainable in technical, landscape and infrastructural terms. Appropriate mitigation measures, such as landscaping buffers would also be proposed around the boundary of the Site for enhancing the overall visual quality of the area.

- (j) The development is in line with public aspirations. The recent report by the Task Force on Land Supply revealed the urgent need and public aspirations for developing brownfield sites to expedite land supply. Out of all the land supply options, most citizens and concern groups consider brownfield sites as the most effective short-term land supply solution. Located nearest to existing urban settlements, brownfield sites which are currently occupied by rural workshops and storages should be released promptly for housing uses. The residential development proposed under the subject application is in line with the planning intention and should therefore warrant favourable consideration by the Town Planning Board.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable.

### **4. Background**

4.1 The Site is not subject to planning enforcement action.

4.2 The Civil Engineering and Development Department (CEDD) is now undertaking a consultancy study titled “Agreement No. CE 68/2018 (CE) – Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study” (the Study). The Site will encroach onto a proposed public housing development at San Hing Road. The Study was commenced in February 2018 scheduled for completion in Q1 2020.

### **5. Previous Applications**

5.1 There are six previous applications (No. A/DPA/TM-LTY Y/37 and 60, A/TM-LTY Y/103, 203, 242 and 273) at the Site. Five of them (No. A/DPA/TM-LTY Y/37 and 60, A/TM-LTY Y/103, 203 and 242) were for godown, warehouse, open storage, temporary storage and recycling collection centre uses and all were rejected by the Committee or the Board. Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

5.2 Application No. A/TM-LTY Y/273 (PR: 1.0, 96 flats) for proposed residential development (flat) development was approved by the Committee on 17.10.2014 mainly on the considerations of in line with the planning intention of the “R(E)” zone and that the proposed public housing development at San Hing Road was still at the conceptual stage. For background information, application No. A/TM-LTY Y/273-1 for planning permission for the extension of time for commencement of the approved development for an additional period of 4 years until 17.10.2022 was rejected by the Board upon review on 28.9.2018. The major rejection reason were there has been a material change in planning circumstances, as demonstrated by the Government’s commitment to plan for a comprehensive public housing development which covers the Site and progressive action taken to pursue that development. The applicant has

lodged an appeal to the Appeal Board Panel (Town Planning) on 16.10.2018 and the hearing is tentatively scheduled in September/October 2020. The application (No. A/TM-LTY Y/273) was lapsed on 18.10.2018. The same applicant has submitted a s.12A application (No. Y/TM-LTY Y/8) to rezone the Site with additional lots in the vicinity from “Residential (Group E)” (“R(E)”) on the approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/10 and “Residential (Group E) 1” (“R(E)1”) and an area shown as ‘Road’ on the approved Tuen Mun OZP No. S/TM/35 to “Residential (Group A)” (“R(A)”) with a plot ratio of 6 for a private residential development. The application is under processing.

## 6. Similar Applications

- 6.1 There are five similar applications for residential development within the same “R(E)” zone (No. A/TM-LTY Y/221, 282, 291, 311 and 337). Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**. Four of them (No. A/TM-LTY Y/221, 282, 311 and 337) are on the same Site.
- 6.2 Application No. A/TM-LTY Y/221 (PR: 1.0, 24 flats) for proposed house development was rejected by the Board upon review on 14.12.2012. The major rejection reasons were adverse visual impact of the excessive noise barriers of 12.6m in height and about 6m to 57m in length; and failure to provide a satisfactory design and layout for the proposed development. Application No. A/TM-LTY Y/282 (PR: 1.0, 18 flats) for the proposed flat development was approved by the Committee on 13.3.2015 on the considerations of in line with the planning intention and development restrictions of the “R(E)” zone and that the I/R interface and other technical issues of the proposed development had been adequately addressed and in line with the Committee’s previous decision. The application was lapsed on 14.3.2019. Application No. A/TM-LTY Y/311 (PR: 1.1, 35 flats) for proposed flat and minor relaxation of plot ratio and building height restrictions was rejected by the Committee on 13.1.2017. The major rejection reasons were that 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. Application No. A/TM-LTY Y/337 (PR: 1.0, 35 flats) for proposed flat and minor relaxation of building height restriction was approved by the Committee on 23.6.2017 on the considerations of concerned departments had no objection to or no adverse comment and would not have adverse planning implication or impacts on the surrounding areas. The planning permission is valid until 23.6.2021.
- 6.3 Application No. A/TM-LTY Y/291 (PR: 1.0, 16 flats) for the proposed flat development was approved by the Board on view on 12.2.2016 on the considerations of the proposed development was in line with the planning intention of the “R(E)” zone, the development parameters complied with the relevant restrictions of the “R(E)” zone and the proposed development was not incompatible with the surrounding residential use and the applicant had submitted technical assessments to address the Committee’s concerns on air quality, industrial noise, sewage and traffic aspects. The planning permission is valid until 12.2.2020.

**7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)**

7.1 The Site is:

- (a) currently vacant and fenced-off; and
- (b) accessible from San Tat Lane connected to San Hing Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north are orchard, metal workshop and storage yards. To the further north are car repair workshop, storage yards and residential dwellings;
- (b) to the east are godown and San Tat Lane. To the further east are godown, storage yards and residential dwellings;
- (c) to the south are open storage yards, orchard and vacant land. To the further south is Hong Po Road; and
- (d) to the west is open storage of construction materials and vacant.

**8. Planning Intention**

The planning intention of the “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

**9. Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application are summarized as follows:

**Land Administration**

9.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) The proposed residential development contravenes the existing lease conditions and no permission has been given for the utilization of the adjoining 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.
- (b) 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.

- (c) 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.
- (d) As per table 3 "Indicative Development Parameters" of p.21, it is noticed that the Traffic Facilities Provision has been revised and he would defer to TD's comment.
- (e) 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.
- (f) 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.

### **Long-term Development**

#### 9.1.2 Comments of the Chief Engineer/Housing Project 2, Civil Engineering and Development Office (CE/HP2, CEDD):

His office is currently conducting a consultancy study titled "Agreement No. CE 68/2018 (CE) – Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study" for the Government. The consultancy study commenced in February 2018 scheduled for completion in Q1 2020. The subject land lots under application (for private residential development) will encroach into the public housing development site area at San Hing Road. It would affect the comprehensive public housing development and infrastructure works in San Hing Road and Hong Po Road if these land lots are earmarked for private residential development. He has strong reservation to the application.

#### 9.1.3 Comments of the Director of Housing (D of Housing):

CEDD is now conducting the Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study. In this connection, the proposed application is not supported.

### **Traffic**

#### 9.1.4 Comments of the Commissioner for Transport (C for T):

He has no comment on the application from traffic engineering viewpoints subject to the applicant is required to submit a revised traffic impact assessment and implement the traffic mitigation measures identified therein to his satisfaction.



9.1.5 Comments of the Chief Highway Engineer/New Territories North, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) If the proposed run-in/out at San Tat Lane is agreed by TD, the applicant shall construct the run-in/out in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) Adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to nearby public roads/drains.

**Environment**

9.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) The applicant seeks planning permission for a proposed residential development in “R(E)” zone of the OZP. According to the applicant, buffer distance between the air sensitive uses of the development and the kerb side of carriageways could meet the HKPSG requirements and no industrial chimney is identified within 200m from the applicant site boundary.
- (b) According to the Sewerage Impact Assessment enclosed in the application, the sewage generated from the proposed development would be conveyed to the planned San Hing Road Sewage Pumping Station (SHRSPS), Tuen Mun Area 54 Sewage Pumping Station, Western Interceptor Sewer Sewage Pumping Station and ultimately to Pillar Point Sewage Treatment Plant. However, since there is no programme on the SHRSPS, the applicant proposed an interim on-site Sewage Treatment Plant to treat the sewage generated by the proposed development and discharge the treated effluent to Tuen Mun River until the public sewerage system is available for connection.
- (c) He has no adverse comment from air quality and sewerage impacts perspectives. Having said that the applicant is required to submit a sewerage impact assessment and sewer connection proposal to his department and Drainage Services Department for approval in the future.
- (d) According to the Environmental Assessment submitted by the applicant, the Site is subject to road traffic noise impact from Hong Po Road and industrial noise impact from a number of fixed noise sources nearby. According to the road traffic noise impact assessment result, all dwellings of the Site will not be subject to adverse road traffic noise and with implementation of proposed mitigation measures, including blank facade/maintenance window at facades of tower T1, T2, T8 to T13 facing the identified industrial noise sources, no adverse industrial noise impact is anticipated.

- (e) He has no objection to the application from noise planning perspective provided that the applicant should be required to submit noise impact assessment report for the Master Layout Plan/General Building Plan and to provide noise mitigation measures to achieve 100% compliance with the noise criteria with Hong Kong Planning Standards and Guidelines including road traffic noise standard to the satisfaction of DEP or of the Board. Detailed comments are at **Appendix IV**.
- (f) In this regard, the proposed development will unlikely be susceptible to insurmountable industrial/residential interface problems.

### **Drainage**

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

He has no comment from public drainage and sewerage viewpoints subject to the following:

- (a) Should the application be approved, a condition should be stipulated requiring the applicant to submit and implement a drainage proposal for the development to the satisfaction of this Director of Drainage Services.
- (b) Should the proposed development be connected to the public sewerage system in future, please be reminded that hydraulic assessment of the downstream sewers is required.
- (c) The SIA for the planning application needs to meet the full satisfaction of Environmental Protection Department (EPD), the planning authority of sewerage infrastructure. DSD's comments on the SIA are subject to views and agreement of EPD.
- (d) Should the application be approved, a condition should be stipulated requiring the applicant to submit a sewerage proposal for the development and to implement the sewerage modification works proposed to the satisfaction of this Director of Drainage Services.

### **Fire Safety**

#### 9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (b) 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 administered by the Buildings Department.

## **Urban Design and Landscape**

9.1.9 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

### **Urban Design**

- (a) The Site falls within the “R(E)” zone, which is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. The proposed development comprises 13 residential blocks of 4-storey (over one-storey carport) and 15m in height, and is of plot ratio not more than 1 and site coverage not more than 40%. The proposal is in line with the planning intention of the “R(E)” zone and the associated restrictions stipulated on the OZP.
- (b) The proposed development is in keeping with the general low-rise character of the residential developments in the surrounding area, including Villa Pinada to its north west, Tsz Tin Tsuen to its south, San Hing Tsuen to its north east. There are however some existing rural workshops to the east and west of the Site and hence the issue of I/R interface has to be addressed. It is noted that in this regard the noise sources, and peripheral planting strips are provided along the site boundary to screen off the surrounding industrial uses together with other ‘self-protecting building design’ measures such as fixed glazing.
- (c) Subject to the acceptability of the proposed scheme in addressing the noise and other environmental impacts from the nearby industrial uses, he has no objection from urban design and visual point of view.
- (d) The Site located to the north of Hong Po Road lies in an area of “R(E)” zone. The Site is subject to last application No. A/TM-LTY Y/273 for residential development, the landscape proposal was accepted but not implemented. The current application seeks planning permission for the same use.
- (e) As for approval condition (g) under previous planning application No. A/TM-LTY Y/273 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 Y/273. The applicant is advised to provide the measures as proposed should the application be approved.

### Landscape

- (f) With reference to the aerial photo of 2018, the Site consists of various open storage yards and temporary structures. The Site is in an area of rural landscape character disturbed by open storage and temporary structures. In consideration of previous approved application No. A/TM-LTY Y/273, the proposed use is not incompatible with the surrounding area. Hence, he has no objection to the application from the landscape planning perspective.
- (g) 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.

#### 9.1.10 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) It is noted that the proposed development consists of 13 no. 4 storeys tower blocks over single-storey basement carpark which complies with the BHR of 4 storeys permitted in the OZP. In this regard, he would have no comment from visual impact point of view.
- (b) 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.

### Archaeological

#### 9.1.11 Comments of the Executive Secretary (Antiquities and Monuments) (ES(A&M)):

It is mentioned in section 13.6 of the planning statement that the residential scheme under the application is identical to that of the previous approved scheme (Application No. A/TM-LTY Y/273) with the same development parameters and building layouts. In view that the Site is concluded to have no archaeological potential in the detailed archaeological impact assessment completed under application No. A/TM-LTY Y/273, his office has no objection to the application from cultural heritage viewpoint.

### Building Matters

#### 9.1.12 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) 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.

- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) BD is not in a position to provide comments on GLs.
- (g) Detailed comments under the BO will be provided at the building plan submission stage.

### **Others**

#### 9.1.13 Comments of the Director of Electrical and Mechanical Services (DEMS):

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:

- (a) Please observe the requirements of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in the HKPSG published by the Planning Department and ensure they shall be maintained at any time during and after construction;
- (b) 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;

- (c) 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;
- (d) 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.
- (e) 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.

9.1.14 Comments of the Director of Food and Environmental Hygiene (DFEH):

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.

**District Officer’s Comments**

9.1.15 Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

- (a) He has distributed consultation letters to the concerned locals and understands that their comments (if any) will be provided to the Board direct.
- (b) As far as he understands, the Site may encroach into the boundary of the proposed public housing development by the Housing Department (HD) at San Hing Road and Hong Po Road. As a related matter, CEDD is conducting a consultancy study titled “Agreement No. CE 68/2018 (CE) – Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study” in the area. In order to avoid potential project interfaces, comments from HD and CEDD should be sought.

9.2 The following government departments have no comment on the application.

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (d) Chief Engineer/Construction, WSD (CE/C, WSD); and
- (e) Commissioner of Police (C of P).

**10. Public Comments Received During the Statutory Publication Period**

10.1 On 9.8.2019 and 18.10.2019, the application and relevant FI were published for public inspection, which ended on 30.8.2019 and 8.11.2019 respectively, a total of 121 public

comments were received. Amongst the public comments received, 114 of them support the application, 7 raise objection to the application. Samples of the comments are attached to this paper (**Appendices V-1 to V-9**). All the public comments received are deposited at the Secretariat for Members' inspection at the meeting.

10.2 A brief summary of the public comments are as follows:

Publication Period	Support	Objection	Total
9.8.2019 – 30.8.2019	114	3	117
18.10.2019 – 8.11.2019	0	4	4
Total	114	7	121

10.3 114 public comments from local residents and other individuals (**Appendices V-1 to V-4**) support the application on the grounds that the proposed development is in line with the planning intention of the “R(E)” zone and compatible with the surrounding low-rise/village type development; it would help increasing housing supply, enhancing land use efficiency and generating employment. The proposed development is envisaged to help phasing out incompatible industrial uses, improve the local living environment while not anticipated to generate significant adverse traffic and environmental impacts.

10.4 The remaining 7 public comments from a member of the Tuen Mun District Council (**Appendix V-5**), Indigenous Inhabitant Representative of San Hing Tsuen (**Appendices V-6 to V-7**) and 4 other individuals (**Appendices V-8 to V-9**) object to the application. Their major grounds are that the proposed development will cause adverse traffic, environmental (noise, air quality), public order, inadequate social welfare and recreations facilities and the public housing benefit should override private development.

## **11. Planning Considerations and Assessments**

11.1 The application is for proposed residential development (flat) comprising 13 residential blocks of 96 numbers of flats. It has a plot ratio of 1.0, a site coverage of 40% and a building height of 15m (4 residential storeys over 1 storey basement car park). The Site falls within an area zoned “R(E)” which is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem. The proposed development is generally in line with the planning intention of “R(E)” zone and complies with the OZP restrictions.

11.2 After granting the planning approvals for two applications for private residential developments on 17.10.2014 (A/TM-LTY/273) and on 13.3.2015

(A/TM-LTY/282) respectively <sup>1</sup>, the Government had explored whether the proposed public housing developments in the area could be adjusted to take into account the approved private housing developments. In view of the acute demand for public housing, the Government has stepped up its effort in increasing the supply by maximising the development potential of each public housing site. The Site, together with the other approved private residential development site (No. A/TM-LTY/282), has been included into the study area of the Study (**Plan A-1**). CE/HP2, CEDD advises that a consultancy study titled “Agreement No. CE 68/2018 (CE) – Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study” (the Study) is being conducted. The Study was commenced in February 2018 scheduled for completion in Q1 2020. In accordance with established practice, the zoning amendment for the public housing site will be submitted to the Board for consideration upon completion of the feasibility study.

- 11.3 The Site is located at the centre of the Study Site (**Plan A-1**). CE/HP2, CEDD advises that the subject land lots under application (for private residential development) will encroach onto the public housing development site area at San Hing Road. It would affect the comprehensive public housing development and infrastructure works in San Hing Road and Hong Po Road if these land lots are earmarked for private residential development. He has strong reservation to the application. D of Housing advises that CEDD is now conducting the Study. In this connection, the proposed application is not supported. In this regard, the approval of the application may lead to substantial loss of public housing flats and jeopardise the implementation of the public housing project and undermine the comprehensiveness of the public housing project.
- 11.4 DEP advises that he has no adverse comment from air quality, noise and sewerage impacts perspectives and advised that the proposed development will unlikely be susceptible to insurmountable industrial/residential interface problems. C for T advises that he has no comment on the application from traffic engineering viewpoints subject to the applicant is required to submit a revised traffic impact assessment and implement the traffic mitigation measures identified therein to his satisfaction. CTP/UD&L, PlanD advises that the proposed development is in keeping with the general low-rise character of the residential development in the surrounding area. Subject to the acceptability of the proposed scheme in addressing the noise and other environmental impacts from the nearby industrial use, he has no objection from urban design and visual point of view. Other concerned government departments including DAFC, D of FS, PM(W), CEDD, DEMS have no objection to or adverse comment on the application. To address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 12.1 below.

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<sup>1</sup> Both planning permissions have been lapsed. The permission of application No. A/TM-LTY/273 was lapsed on 18.10.2018 whereas the permission of application No. A/TM-LTY/282 was lapsed on 14.3.2019. The applicant of application No. A/TM-LTY/282 has subsequently submitted two applications (No. A/TM-LTY/331 and 337). Application No. A/TM-LTY/311 (PR: 1.1, 35 flats) for proposed flat and minor relaxation of plot ratio and building height restrictions was rejected by the Committee on 13.1.2017. Application No. A/TM-LTY/337 for proposed flat and minor relaxation of building height restriction was approved by the Committee on 23.6.2017 on the considerations of concerned departments had no objection to or no adverse comment and would not have adverse planning implication or impacts on the surrounding areas. The permission is valid until 23.6.2021.



- 11.5 The previous planning application No. A/TM-LTY Y/273, which was objected by HD and not supported by PlanD mainly because of its encroachment onto a public housing site, was approved by the Committee on 17.10.2014 noting that, amongst others, the proposed public housing development at San Hing Road was still at the conceptual stage, the proposed development under application complied with the OZP restrictions, and the “Industrial/Residential” interface and other technical issues were adequately addressed. On 22.2.2018, the applicant sought planning permission for the extension of time for commencement of the approved development for an additional period of 4 years until 17.10.2022 (Application No. A/TM-LTY Y/273-1). The application was rejected by the Board upon review on 28.9.2018. The major rejection reason were there has been a material change in planning circumstances, as demonstrated by the Government’s commitment to plan for a comprehensive public housing development which covers the Site and progressive action taken to pursue that development. Rejecting the subject application is in line with the Board’s previous decision.
- 11.6 Regarding the public comments, the planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department does not support the application for the following reasons:
- the application site encroaches onto part of a planned public housing development. Approval of the application may lead to substantial loss of public housing flats, jeopardise the implementation of the public housing project and undermine the comprehensiveness of the public housing project.
- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 20.9.2023, 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 following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) the design and provision of vehicular access for the proposed development to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of a revised traffic impact assessment and implementation of the traffic mitigation measures identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission and implementation of a sewerage impact assessment and sewer connection proposal to the satisfaction of the Director of Environmental Protection and the Director of Drainage Services or of the Town Planning Board;

- (d) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the submission of a noise impact assessment and the implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix VI**.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

**14. Attachments**

<b>Appendix I</b>	Letter and application form received on 1.8.2019
<b>Appendix Ia</b>	Planning Statement attached to the application form
<b>Appendix Ib</b>	Further Information providing responses to departmental comments and a revised Traffic Impact Assessment Report and a revised Water Supply Impact Assessment received on 11.10.2019
<b>Appendix Ic</b>	Further Information providing responses to Transport Department's comments received on 14.11.2019
<b>Appendix Id</b>	Further Information providing responses to Transport Department's and Water Supplies Department's comments received on 21.11.2019
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications within the Same "R(E)" Zone on the Approved Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/10
<b>Appendix IV</b>	Detailed Comments of Director of Environmental Protection
<b>Appendices V-1 to V-9</b>	Public Comments received during statutory publication period
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Block Plan
<b>Drawings A-2 to A-3</b>	Section Plans
<b>Drawing A-4</b>	Phasing Plan
<b>Drawing A-5</b>	Ground Floor Plan
<b>Drawing A-6</b>	Basement Plan
<b>Drawing A-7</b>	Landscape Master Plan
<b>Plan A-1</b>	Location Plan

<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2019**