

城市規劃委員會
香港北角渣華道三百三十三號
北角政府合署十五樓

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

傳 真 Fax: 2877 0245 / 2522 8426

By Registered Post & Fax

電 話 Tel: 2231 4810

來函編號 Your Reference:

覆函請註明本會編號

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

9 February 2018

Masterplan Ltd.

Hong Kong
(Attn: Kira Brownlee)

Dear Sir/Madam,

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

I refer to my letter to you dated 26.1.2018.

After giving consideration to the application, the Town Planning Board (TPB) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the TPB. The permission shall be valid until 26.1.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The permission is subject to the following conditions:

- (a) the submission and implementation of a revised layout plan to take into account conditions (b) to (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the proposed development should not exceed the height of the buildings as proposed by you;
- (c) the submission and implementation of a revised Landscape Master Plan including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a revised Ecological Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the submission of a revised Sewerage Impact Assessment and

implementation of sewage treatment and disposal measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;

- (f) the submission of a revised Environmental Assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the submission of a revised Drainage Impact Assessment and the provision and maintenance of the drainage mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) the provision of a comprehensive public transport service proposal for both cross-boundary and local visitors to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the implementation of road improvement works and provision of the pedestrian footbridge linking the San Tin Public Transport Interchange with the development, as proposed by you, to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the design and provision of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (k) the design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

The TPB also agreed to advise you to note the advisory clauses as set out at Appendix F-X of the TPB Paper.

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

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

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 26.1.2018 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 2.3.2018). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

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

If you have any queries regarding this planning permission, please contact Ms. Emily Tong of Fanling, Sheung Shui & Yuen Long East District Planning Office at 2158 6284. In case you wish to consult the relevant Government departments on matters relating to the above approval conditions, a list of the concerned Government officers is attached herewith for your reference.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

Form No. S16A
表格第 S16A 號

2021年 8月 1 日

此文件在 _____ 收到。城市規劃委員會
只會在收到所有必需的資料及文件後才正式承認收到
申請的日期。

10 AUG 2021

This document is received on _____
The Town Planning Board will formally acknowledge
the date of receipt of the application only upon receipt
of all the required information and documents.

APPLICATION FOR AMENDMENT TO
PERMISSION UNDER SECTION 16A(2) OF
THE TOWN PLANNING ORDINANCE (CAP. 131)
根據《城市規劃條例》(第131章)
第16A(2)條遞交的修訂許可申請

General Note and Annotation for the Form 填寫表格的一般指引及註解

Please fill "NA" for inapplicable item.
請在不適用的項目填寫「不適用」。

Please use separate sheets if the space provided is insufficient.
如所提供的空間不足，請另頁說明

Please insert a 「✓」 at the appropriate box.
請在適當的方格內上加上「✓」號

For Official Use Only 請勿填寫此欄	Application No. 申請編號	A/YL-ST/503-1 (701)
	Date Received 收到日期	10 AUG 2021

- The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board, 15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申請人須把填妥的申請表格及其他支持申請的文件（倘有）送交北角渣華道 333 號北角政府合署 15 樓城市規劃委員會秘書處。
- Please read the "Guidance Notes" and the "Town Planning Board Guidelines on Class A and Class B Amendments to Approved Development Proposals" carefully before you fill in this form. Both documents can be downloaded from the Town Planning Board's (the Board's) website at <http://www.info.gov.hk/tpb/>. They can also be obtained from the Secretariat of the Board at 15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel.: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F., Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).
請先細閱《申請須知》的資料單張及有關「對核准發展計劃作出 A 類及 B 類修訂」的城市規劃委員會規劃指引，然後填寫此表格。這兩份文件均可從城市規劃委員會（下稱「委員會」）的網頁下載（網址：<http://www.info.gov.hk/tpb/>），亦可向委員會秘書處（香港北角渣華道 333 號北角政府合署 15 樓 - 電話：2231 4810 或 2231 4835）及規劃署的規劃資料查詢處（熱線：2231 5000）（香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輋路 1 號沙田政府合署 14 樓）索取。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters, preferably in both English and Chinese. The processing of the application may be refused if the required information or the required copies are incomplete.
此表格可從委員會的網頁下載，亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格，填寫的資料宜中英文兼備。如果申請人所提交的資料或文件的副本不齊全，委員會可拒絕處理有關申請。

1. Name of Applicant 申請人姓名/名稱	
<input type="checkbox"/> Mr. 先生 / <input type="checkbox"/> Mrs. 夫人 / <input type="checkbox"/> Miss 小姐 / <input type="checkbox"/> Ms. 女士 / <input checked="" type="checkbox"/> Company 公司 / <input type="checkbox"/> Organization 機構* Topcycle Development Limited 旋高發展有限公司	
2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱（如適用）	
<input type="checkbox"/> Mr. 先生 / <input type="checkbox"/> Mrs. 夫人 / <input type="checkbox"/> Miss 小姐 / <input type="checkbox"/> Ms. 女士 / <input checked="" type="checkbox"/> Company 公司 / <input type="checkbox"/> Organization 機構* Vision Planning Consultants Limited 弘域城市規劃顧問有限公司	
3. Relevant Permission Granted under the Town Planning Ordinance 按《城市規劃條例》批給的有關許可	
Application number to which the permission relates 與許可有關的申請編號	A/YL-ST/503
Date of approval 獲批給許可的日期	26.1.2018
Full address/Location of the application site 申請地點的詳細地址/地點	Lots 661 SC RP, 669 RP, 674 RP (Part) and 733RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long, New Territories
Approved use/development 已批給的用途/發展	Proposed Eating Place, Place of Entertainment, Shop and Services and Minor Relaxation of Building Height Restriction and Excavation of Land

* Applicant of this application must be the person to whom the relevant permission mentioned in Part 3 is granted. In case there is a change in land ownership, the original applicant may appoint the subsequent owner of the site as his/her authorised representative to submit this application.
這宗申請的申請人必須是上述第 3 部分提及的獲批給有關許可的人士。若土地擁有權有所改變，原申請人可授權該用地其後的擁有人為其代表，提交這宗申請。

4. Amendment(s) to Permission Sought 要求修訂許可的事項

(a) Proposed amendments which can be quantified 可量化的擬議修訂

Amendment(s) sought 要求修訂事項	Amount approved 已獲許可的數量 [a]	Amount sought 現要求的數量 [b]	Change 改變	
			Amount 數量 [b] - [a]	% [b] - [a] [a] x 100
<input type="checkbox"/> Increase in total gross floor area (sq. m.) 總樓面面積有所增加 (平方米)				
<input type="checkbox"/> Increase in plot ratio 地積比率有所增加				
<input type="checkbox"/> Change in gross site area (sq. m.) 地盤總面積有所改變 (平方米)				
<input type="checkbox"/> Change in number of units 單位數目有所改變				
<input type="checkbox"/> Change in number of building blocks 樓宇數目有所改變				
<input type="checkbox"/> Increase in 以下項目有所增加: <input type="checkbox"/> absolute building height (m.) 建築物的實際高度 (米) <input type="checkbox"/> number of storeys 層數 <input type="checkbox"/> meters above Principal Datum (mPD) 主水平基準上米數				
<input type="checkbox"/> Increase in site coverage (%) 上蓋面積有所增加 (%)				
<input type="checkbox"/> Change in gross floor area distribution from domestic to non-domestic (sq. m.) 把住用樓面面積改為非住用用途 (平方米)				
<input type="checkbox"/> Change in gross floor area distribution from non-domestic to domestic (sq. m.) 把非住用樓面面積改為住用用途 (平方米)				
<input type="checkbox"/> Change in gross floor area for non-domestic uses for one category to another as set out in # below: from to 把非住用用途的總樓面面積改作#所列另一類別的用途: 改作.....				
<input type="checkbox"/> Change in floor area(s) of government, institution or community facilities (sq. m.) (Please specify the type(s) of facilities) 政府、機構或社區設施的樓面面積有所改變 (平方米) (請註明設施類別)				
<input type="checkbox"/> Reduction in total area of public open space (sq. m.) 公眾休憩用地的總面積有所減少 (平方米)				
<input type="checkbox"/> Change in area of active/passive public open space: 動態/靜態公眾休憩用地的面積有所改變: <input type="checkbox"/> change in area of active public open space (sq. m.) 動態公眾休憩用地的面積有所改變 (平方米) <input type="checkbox"/> change in area of passive public open space (sq. m.) 靜態公眾休憩用地的面積有所改變 (平方米)				

The categories of non-domestic uses include (1) hotel, (2) office and (3) other commercial uses, including but not limited to kindergarten, child care centre and public car park.

非住用用途類別包括(1)酒店、(2)辦公室及(3)其他商業用途，包括但不限於幼稚園、幼兒中心及公眾停車場。

4. Amendment(s) to Permission Sought (Continued) 要求修訂許可的事項 (續)				
(a) Proposed amendments which can be quantified (continued) 可量化的擬議修訂 (續)				
Amendment(s) sought 要求修訂事項	Amount approved 已獲許可的數量 [a]	Amount sought 現要求的數量 [b]	Change 改變	
			Amount 數量 [b] - [a]	% [b] - [a] [a] x 100
<input type="checkbox"/> Reduction in total area of private open space (sq. m.) 私人休憩用地的總面積有所減少 (平方米)				
<input type="checkbox"/> Change in number of the followings: 以下項目的數目有所改變: <input type="checkbox"/> parking spaces (please specify the type(s) and number(s)) 停車位 (請註明車位類別及數目) <input type="checkbox"/> loading and unloading spaces (please specify the type(s) and number(s)) 上落客貨車位 (請註明車位類別及數目) <input type="checkbox"/> ingress/egress point(s) 入口/出口				
<input type="checkbox"/> Change in size of the followings, not initiated by the relevant government departments: 以下項目的大小有所改變, 而有關改變並非由相關政府部門提出: <input type="checkbox"/> non-building area (m.) 非建築用地 (米) <input type="checkbox"/> setback (m.) 後移範圍 (米) <input type="checkbox"/> building gap (m.) 建築物間距 (米)				
<input type="checkbox"/> Change in number of the followings: 以下項目的數目有所改變: <input type="checkbox"/> increase in number of trees to be felled 砍伐樹木的數目有所增加 <input type="checkbox"/> decrease in number of preserved trees 保存樹木的數目有所減少				
<input type="checkbox"/> Change in floor area of public indoor recreational facilities (sq. m.) 公眾室內康樂設施的樓面面積有所改變 (平方米)				
<p>(b) <input checked="" type="checkbox"/> To extend the time for commencement of approved development for⁴⁸ more month(s). 將展開獲批准發展的期限延長多.....⁴⁸個月。</p> <p><input type="checkbox"/> To extend the time for compliance with planning condition(s) for more month(s). 將履行規劃許可附帶條件的期限延長多.....個月。 (please specify the planning condition(s) involved 請註明涉及的規劃條件)</p> <p>.....</p> <p>.....</p> <p>.....</p>				

4. Amendment(s) to Permission Sought (Continued) 要求修訂許可的事項 (續)	
(c) Other proposed amendments (please illustrate on plan, if necessary) 其他擬議修訂 (如需要的話, 請在圖則顯示)	
Amendment(s) sought 要求修訂事項	Details 詳情
<input type="checkbox"/> Change in building blocks 樓宇有所改變 <input type="checkbox"/> change in form of building(s) where the affected portion(s) of the concerned block(s) is(are) the subject of environmental mitigation measures (多幢) 建築物的外形有所改變, 而有關的 (多幢) 樓宇的受影響部分與環境緩解措施有關 <input type="checkbox"/> minor change in disposition of building block(s) (other than house, New Territories Exempted House/ Small House) 輕微改變樓宇 (屋宇、新界豁免管制屋宇 / 小型屋宇除外) 的布局	
<input type="checkbox"/> Change in: 以下項目有所改變: <input type="checkbox"/> internal layout of premises 處所的內部設計 <input type="checkbox"/> disposition of premises 處所的布局	
<input type="checkbox"/> Change in provision of government, institution or community facilities 政府、機構或社區設施的供應有所改變 <input type="checkbox"/> change in types of the facilities 改變設施的種類 <input type="checkbox"/> change in locations of the facilities 改變設施的位置 <input type="checkbox"/> deletion of facilities initiated by the relevant government departments 由有關政府部門提出刪除設施 (please specify the type(s) of facilities 請註明設施類別)	
<input type="checkbox"/> Change in location of the public open space on the same street/podium level(s) where the location of the public open space is the subject of environmental mitigation measures 在同一街道 / 平台層調動公眾休憩用地的位置, 而有關公眾休憩用地的位置與環境緩解措施有關	
<input type="checkbox"/> Change in location of the private open space 私人休憩用地的位置有所改變	
<input type="checkbox"/> Change in location of: 以下項目的位置有所改變: <input type="checkbox"/> ingress/egress point(s) 入口 / 出口 <input type="checkbox"/> footbridge(s)/subway(s) 行人天橋 / 行人隧道 <input type="checkbox"/> public transport terminus 公共車輛總站 <input type="checkbox"/> car park 停車場 <input type="checkbox"/> loading/unloading area/lay-bys 上落客貨車處 / 避車處	

4. Amendment(s) to Permission Sought (Continued) 要求修訂許可的事項 (續)	
(c) Other proposed amendments (continued) (please illustrate on plan, if necessary) 其他擬議修訂 (續) (如需要的話, 請在圖則顯示)	
Amendment(s) sought 要求修訂事項	Details 詳情
<input type="checkbox"/> Change in layout of emergency vehicular access 緊急車輛通道的布局設計有所改變	
<input type="checkbox"/> Change in location of the followings, not initiated by the relevant government departments: 以下項目的位置有所改變, 而有關改變並非由相關政府部門提出: <input type="checkbox"/> non-building area 非建築用地 <input type="checkbox"/> setback 後移範圍 <input type="checkbox"/> building gap 建築物間距	
<input type="checkbox"/> Change in tree preservation and landscape proposals/master plan: 樹木的保存及園景設計建議/總圖有所改變: <input type="checkbox"/> change in soft/hard landscape design 種植花卉樹木/園景建築設計有所改變 <input type="checkbox"/> change in implementation programme 實施計劃有所改變 <input type="checkbox"/> change in individual trees identified for preservation 已選定的予以保存的個別樹木有所改變	
<input type="checkbox"/> Change in provision of public indoor recreational facilities other than floor area (e.g. location, layout and type) 除了樓面面積外, 公眾室內康樂設施的供應有所改變 (例如: 位置、布局設計及種類)	
<input type="checkbox"/> Change in provision of ancillary major utility installation: 主要附屬公用設施裝置的提供應有所改變: <input type="checkbox"/> change in location of the facility 設施的位置有所改變 <input type="checkbox"/> deletion of the facility initiated by the relevant government departments 由有關政府部門提出刪除設施	
<input type="checkbox"/> Minor change in phasing or implementation schedule affecting: 輕微改變分期推行計劃或實施時間表, 以致影響: <input type="checkbox"/> the provision of government, institution or community facilities 政府、機構或社區設施 <input type="checkbox"/> the provision of public open space 公眾休憩用地的供應	

5. Justifications 理由

The applicant is invited to provide justifications in support of the application (Preferably not more than 500 words in English and/or Chinese. Use separate sheets if necessary).

現請申請人提供申請理由及支持其申請的資料（篇幅宜不超過 500 個英文字及／或中文字，如有需要，請另頁說明。）

Please find the EOT Explanatory Statement attached.

6. Plans, Drawings and Documents 圖則、繪圖及文件

Please list plans, drawings and other documents submitted with the application.

請列明連同申請一併遞交的圖則、繪圖及文件。

Annex A - Comments of Planning Department on 1st BP Submission

Annex B - Letter from Planning Department dated 30.7.2020

Annex C - Letter from Planning Department dated 5.8.2020

Annex D - Letter from Planning Department dated 9.2.2021

Annex E - Letter from Buildings Department dated 24.12.2020

7. Declaration 聲明

I hereby declare that the particulars given in this application are correct and true to the best of my knowledge and belief.
本人謹此聲明，本人就這宗申請提交的資料，據本人所知及所信，均屬真實無誤。

I hereby grant a permission to the Board to copy all the materials submitted in an application to the Board and/or to upload such materials to the Board's website for browsing and downloading by the public free-of-charge at the Board's discretion.

本人現准許委員會酌情將本人就此申請所提交的所有資料複製及/或上載至委員會網站，供公眾免費瀏覽或下載。

Signature
簽署

Kim On CHAN

Name in Block Letters
姓名（請以正楷填寫）

☐ Applicant / ☒ Authorised Agent
申請人 / 獲授權代理人

Managing Director

Position (if applicable)
職位（如適用）

Professional Qualification(s)
專業資格

☐ Member 會員 / ☒ Fellow of 資深會員

☒ HKIP / ☐ HKIA / ☐ HKIS / ☐ HKIE / ☐ HKILA / ☐ HKIUD

☒ RPP

Others 其他 RPP #29

on behalf of
代表 Vision Planning Consultants Limited

☒ Company / ☐ Organization Name and Chop (if applicable)
公司 / 機構名稱及蓋章（如適用）

Date
日期 03 AUG 2021 (DD/MM/YYYY)



Warning 警告

Any person who knowingly or willfully makes any statement or furnish any information in connection with this application, which is false in any material particular, shall be liable to an offence under the Crimes Ordinance.
任何人在明知或故意的情況下，就這宗申請提出在任何要項上是虛假的陳述或資料，即屬違反《刑事罪行條例》。

Statement on Personal Data 個人資料的聲明

1. The personal data submitted to the Board in this application will be used by the Secretary of the Board and Government departments for the following purposes:

- (a) the processing of this application; and
- (b) facilitating communication between the applicant and the Secretary of the Board/Government departments

in accordance with the provisions of the Town Planning Ordinance and the relevant Town Planning Board Guidelines.

委員會就這宗申請所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：

- (a) 處理這宗申請；以及，
- (b) 方便申請人與委員會秘書及政府部門之間進行聯絡。

2. The personal data provided by the applicant in this application may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.

申請人就這宗申請提供的個人資料，或亦會向其他人士披露，以作上述第 1 段提及的用途。

3. An applicant has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/E, North Point Government Offices, 333 Java Road, North Point, Hong Kong.

根據《個人資料（私隱）條例》（第 486 章）的規定，申請人有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

1. THE PURPOSE

- 1.1 The purpose of the present application aims to seek a permission of the Rural and New Town Planning Committee ("RNTPC") of the Town Planning Board ("TPB") for a proposed extension of time ("EOT") for commencement of development under Application No. A/YL-ST/503 [hereinafter called the previous approved scheme ("PAS")] for a period of four years. The PAS was approved with conditions by the RNTPC on 26.1.2018.
- 1.2 This EOT application is essential and necessary for the Applicant to address the remaining outstanding technical comments made by the Buildings Department ("BD") on its last building plan ("BP") submission which was disapproved by BD on 24.12.2020. As one of the technical issues involves a strip of Government land located between the subject site and its surrounding roads, this would likely require additional time to liaise and to resolve the matter with the Lands Department ("LandsD") in the near future.

2. ACTIONS TAKEN TO COMMENCE THE PROPOSED DEVELOPMENT

- 2.1 Three approval conditions, namely conditions (c), (f) and (j) imposed by the RNTPC on the PAS for BP approval as required by the Planning Department ("PlanD") (Annex A) were fully complied with on 30.7.2020, 5.8.2020 and 9.2.2021 respectively. Table 1 summarises the key timelines in association with the above actions to discharge the three approval conditions.

Table 1 Summary of Actions Taken for Three Conditions Since 2019

Condition	Date of Submission	DPO's letter	Date DPO's Letter
(j)	6.6.2019	Not acceptable	14.8.2019
(f)	24.6.2019	Not acceptable	14.8.2019
(c)	4.7.2019	Not acceptable	14.8.2019
(c)	6.8.2019	Not acceptable	20.9.2019
(f)	23.9.2019	Not acceptable	15.11.2019
(j)	23.9.2019	Not acceptable	24.1.2020
(c)	28.10.2019	Not acceptable	18.12.2019
(f)	11.2.2020	Not acceptable	29.4.2020

(j)	9.3.2020	Not acceptable	26.8.2020
(c)	22.5.2020	Acceptable (Annex B)	30.7.2020
(f)	29.6.2020	Not acceptable	17.7.2020
(f)	17.7.2020	Acceptable (Annex C)	5.8.2020
(i)	1.12.2020	Acceptable (Annex D)	9.2.2021

- 2.2. It should be noted that before the acceptance of Condition (j) on 9.2.2021, the Applicant already submitted two BP submissions (i.e. 2nd and 3rd BP submissions) to BD for consideration and approval. However, these two BP submissions were disapproved by BD due to some minor technical and land ownership/ land exchange matters. Detailed schedule of the three BP submissions with respect to the PAS are summarized in Table 2.

Table 2 Summary of BP Submissions Since 2019

Date of Submission	BD's Decision	Date of Decision
1.2.2019 (1 st)	Disapproved	2.4.2019
28.6.2019 (2 nd)	Disapproved	27.8.2019
30.10.2020 (3 rd)	Disapproved (Annex E)	24.12.2020

- 2.3 According to the project Authorised Person ("AP"), the 4th BP submission will be prepared once the land ownership issue has been resolved with the LandsD.
- 2.4 Although the permission of the PAS is valid until 26.1.2022 and having considered that the LandsD has suspended to process the land exchange application of the PAS, it is anticipated that more additional time would be required for the LandsD to deal with the land matter thereafter. In view of this, the Applicant wishes to seek a permission of the RNTPC to the present EOT application for a period of four years. The requested extension period for commencement of the proposed development is reasonable in practice.

3. SUPPORTING REASONS

- 3.1 In view of the above, it has been demonstrated that since the approval of the PAS, the Applicant has been taken very active actions to comply with the required procedures (including the compliance of three approval conditions as specified by the PlanD), and to respond and to amend with solutions to all

specific technical comments made by BD with a clear intention to commence the proposed development approved by the RNTPC.

- 3.2 The coming 4th BP submission will not only to resolve the BD's outstanding technical comments made on the 3rd BP submission, but also to resolve fully the land ownership issues with the LandsD at the same time. Therefore, additional time for commencement of the proposed development is definitely required under such circumstances. Indeed, it is not uncommon in practice.
- 3.3 The requested extension period is reasonable in general practice. Yet, it is always the intention of the Applicant to commence the proposed development as early as possible.
- 3.4 The approval of this EOT application is essential and necessary for the Applicant to continue to make further active efforts to commence the proposed development scheme approved by the RNTPC.

VISION PLANNING CONSULTANTS LIMITED
August 2021

15-MAR-2019 10:20

FSYLE/DPD

P.001/007

To: CBS/NTW, BD Attn: Mr. CHONG Ka-kit, Wilson
 BD Ref: (4) in BD 2/9013/19 dated 12.2.2019 Fax No.:
(received by this office on 2.3.2019)

Lot No(s): D.D. 99 Lots 661 scRP, 669 R.P. 674 R.P. & 733 S.E.
 Address: San Tin, Yuen Long, NT
(Drawing Nos. A-01 to A-44)

From: DPO/FS&YLE, PlanD
 Responsible Officer: Ms. Emily TONG
 Telephone No.: 2158 6284 Fax No.: 3105 0057
 File Reference: PD/YLB 3/1/1 Date: 14.3.2019

Part A

- ☐ No objection to approval of plans by BD
☒ Objection to approval of plans by BD under BO s16(1)(d) / ~~A6(1)(a)~~ / ~~16(1)(g)~~ / others

I refer to the building plan (BP) submission attached to your above-quoted memo.

Statutory Comments

- (1) The subject site falls within an area zoned "Other Specified Uses" annotated "Services Stations" ("OU(SS)") zone on the approved San Tin Outline Zoning Plan No. S/YL-ST/8 (the OZP). According to the Notes of the OZP for "OU(SS)" zone, "Eating Place", "Place of Entertainment", "Shop and Services", minor relaxation of building height, and excavation of land require planning permission from the Town Planning Board (the TPB). The site is the subject of a planning Application No. A/YL-ST/503 for proposed commercial development (eating place, place of entertainment, shop and services) with minor relaxation of height restriction and excavation of land, which was approved by the Rural and New Town Planning Committee of the TPB on 26.1.2018 with the conditions as set out in the following table. Copy of the approval letter is attached for reference.

<u>Approval Conditions*</u>	<u>Approving Departments</u>
(a) the submission and implementation of a revised layout plan to take into account conditions (b) to (k) below	Director of Planning (D of Plan)
(b) the proposed development should not exceed the height of the buildings as proposed by the applicant	-
(c) the submission and implementation of a revised Landscape Master Plan including tree preservation proposal.	D of Plan
(d) the submission of a revised Ecological Impact Assessment and implementation of the mitigation measures identified therein	Director of Agriculture, Fisheries and Conservation
(e) the submission of a revised Sewerage Impact Assessment and implementation of sewage treatment and disposal measures identified therein	Director of Environmental Protection (DEP)

(f) the submission of a revised Environmental Assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPE	DEP
(g) the submission of a revised Drainage Impact Assessment and the provision and maintenance of the drainage mitigation measures identified therein	Director of Drainage Services
(h) the provision of a comprehensive public transport service proposal for both cross-boundary and local visitors	Commissioner for Transport (C for T)
(i) the implementation of road improvement works and provision of the pedestrian footbridge linking the San Tin Public Transport Interchange with the development, as proposed by the applicant	C for T
(j) the design and provision of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development	C for T
(k) the design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations	Director of Fire Services

* The above conditions should be complied with to the satisfaction of concerned departments. Should any of the concerned departments consider that the current submission would constitute non-compliance with the relevant conditions, the proposed development under the current submission cannot be considered as having obtained planning permission granted by the TPB for the purpose of s.16(7) of the Town Planning Ordinance.

- (2) According to the approved scheme, the proposed development involves development of two 4-storey elongated commercial blocks over 3-level basements. A comparison of the approved scheme under Application No. A/YL-ST/503 and the subject BP is as follows:

Item	Development Parameters	Approved Scheme A/YL-ST/503 (i)	Current BP (ii)	Difference (ii)-(i)
(a)	Site Area (m ²)	39,705	39,705	0
(b)	Total Non-domestic Gross Floor Area (GFA) (m ²)	86,477	86,477	0
(c)	Plot Ratio	2.178	2.178	0
(d)	Site Coverage (SC)	Max. 65%	56.223%	-8.777 (-13.5%)
(e)	Building Height	7 storeys (4 storeys over 3-level basement) 36.7m/26.55mPD	7 storeys (4 storeys over 3-level basement) 36.7m/26.55mPD	0
(f)	No. of Blocks	2	2	0
(g)	No. of Parking Spaces			0
	- Private Car	614 (at B2/F)	614 (at B2/F)	
	- Motorcycle	62 (at B2/F)	62 (at B2/F)	

(h)	Taxi Stand - NT Taxi - Urban Taxi	12 plus 16 waiting spaces (at G/F) 8 plus 4 waiting spaces (at B1/F)	12 plus 16 waiting spaces (at G/F) 8 plus 4 waiting spaces (at B1/F)	0
(i)	Bus Bays for Public Transport	14 (at G/F including 2 outside the Site along San Tin Tsuen Road)	14 (at G/F including 2 outside the Site along San Tin Tsuen Road)	0
(j)	Pick-up/Drop-off Bays for Cars	8 (at B1/F)	8 (at B1/F)	0
(k)	Pick-up/Drop-off Bays and Parking Spaces for Coaches	20 (at B2/F)	20 (at B2/F)	0
(l)	Loading/Unloading Spaces for Goods Vehicles	73 (43 at B1/F and 30 at B2/F)	73 (43 at B1/F and 30 at B2/F)	0
(m)	Police Parking Spaces	3 (B2/F)	3 (B2/F)	0
(n)	<u>Building Form</u> Compared with the approved scheme, there are slight changes in the building form of the proposed building (not subject of environmental mitigation measures).			

(3) According to the Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals (TPB PG-No. 36B), changes as stated in items (d) and (n) above regarding the reduction in SC and change in building form (not being the subject of environmental mitigation measures) are Class A amendments and no separate planning permission from the TPB is required.

(4) According to the TPB Guidelines PG-No. 20, conditions which concern or would affect the detailed design, disposition and layout of the development should be complied with before approval of the BP. In this regard, submission of revised Landscape Master Plan including tree preservation proposal, revised Environmental Assessment, design proposal of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development under conditions (c), (f) and (j) prior to submission of BP would be required as they may affect the detailed design of the development. However, according to our record, the applicant has not made any submission for compliance with approval conditions of the subject application. As such, the proposed development under the current submission cannot be considered as having satisfied the requirements specified under the TPB Guidelines PG-No. 20, and the development proposal as shown on the submitted building plans cannot be considered as having obtained planning permission granted by the TPB for the purpose of s.16(7) of the Town Planning Ordinance. As such, the carrying out of the building works as shown on the building plan submission will contravene the approved San Tin OZP No. S/YL-ST/8. It is therefore recommended that s16(1)(d) of the Buildings Ordinance be invoked to reject the BP.

Part B


Advisory Comments

- (1) As the approval conditions under Application No. A/YL-ST/503 have not been fully complied with, the applicant is advised to take prompt action to comply with the relevant

approval conditions. If the approval conditions have not been complied with to the satisfaction of concerned departments, PlanD will not support the issuance of Occupation Permit and Certificate of Compliance for the proposed development.

- (2) There are discrepancies found between the total non-domestic GFA as shown in Drawing Nos. A-39 and A-44 (i.e. 86,476.668m² and 86,477m² respectively). The AP should rectify the inconsistency.
- (3) According to Drawing No. A-44, there are 6 disabled car parking spaces, which is different from that shown in Drawing No. A-03 (i.e. 5 for disabled). The AP should rectify the inconsistency.
- (4) The relevant outline zoning plan referred in Drawing No. A-44 should be the approved San Tin Outline Zoning Plan No. S/YL-ST/8 instead of the draft Fanling North Outline Zoning Plan No. S/FLN/1.
- (5) The above comments stated in Part A on the BP submitted may be subject to revision should there be a change in circumstances before a decision on the BP is made by the Building Authority.
- (6) We may provide further comments if and when exemption/modification applications, if any, are to be submitted to BCII/BCIII for consideration, and may provide further comments to LandsD when LandsD considers the BP under the lease conditions.

Signature :



(C. K. YIP)

Post :

DPO/FSYLE, PlanD

c.c.

DAFC

DEP

CB/MN, DSD

C for T

D of FS

DLO/YL, LandsD

AP (CYS Associates (Hong Kong) Ltd.)

Internal

CTP/UD&L, PlanD

Site Record (FSYLE / 00056) (BP 7241)

TPB/A/YL-ST/503

CKY/ET/BAX/bay

城市規劃委員會
香港北角渣甸街三百三十三號
北角政府合署十五樓

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

傳 真 Fax 2877 0245 / 2522 8426

By Registered Post & Fax

電 話 Tel 2231 4810

來函編號 Your Reference:

原函請注意本會編號

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

9 February 2018

Masterplan Ltd.

Hong Kong
(Attn: Kira Brownlee)

Dear Sir/Madam,

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

I refer to my letter to you dated 26.1.2018.

After giving consideration to the application, the Town Planning Board (TPB) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the TPB. The permission shall be valid until 26.1.2022 and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The permission is subject to the following conditions:

- (a) the submission and implementation of a revised layout plan to take into account conditions (b) to (e) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the proposed development should not exceed the height of the buildings as proposed by you;
- (c) the submission and implementation of a revised Landscape Master Plan including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission, of a revised Ecological Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the submission of a revised Sewerage Impact Assessment and

- 2 -

- implementation of sewage treatment and disposal measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the submission of a revised Environmental Assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
 - (g) the submission of a revised Drainage Impact Assessment and the provision and maintenance of the drainage mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
 - (h) the provision of a comprehensive public transport service proposal for both cross-boundary and local visitors to the satisfaction of the Commissioner for Transport or of the TPB;
 - (i) the implementation of road improvement works and provision of the pedestrian footbridge linking the San Tin Public Transport Interchange with the development, as proposed by you, to the satisfaction of the Commissioner for Transport or of the TPB;
 - (j) the design and provision of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
 - (k) the design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

The TPB also agreed to advise you to note the advisory clauses as set out at Appendix F-X of the TPB Paper.

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

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

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 26.1.2018 are enclosed herewith for your reference.

- 3 -

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 2.3.2018). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

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

If you have any queries regarding this planning permission, please contact Ms. Emily Tong of Fanling, Shung Shui & Yuen Long East District Planning Office at 2158 5284. In case you wish to consult the relevant Government departments on matters relating to the above approval conditions, a list of the concerned Government officers is attached herewith for your reference.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

規 劃 署

粉嶺、上水及元朗東規劃處
新界荃灣青山公路 388 號
中環大廈 22 樓 2202 室



By Fax () and Post Annex B
Planning Department

Fanling, Sheung Shui & Yuen Long East
District Planning Office
Unit 2202, 22/F, CDW Building,
388 Castle Peak Road, Tsuen Wan, N.T.

本函檔號 Your Reference
本署檔號 Our Reference () in TPB/A/YL-ST/503
電話號碼 Tel. No.: 3168 4072
傳真號碼 Fax No.: 3168 4074/ 3168 4075

30 July 2020

Vision Planning Consultants Ltd.

(Attn: Mr. Kim On CHAN)

Dear Sir,

**Proposed Eating Place, Place of Entertainment, Shop and Services,
and Minor Relaxation of Building Height Restriction and Excavation of Land in "Other
Specified Uses" annotated "Services Stations" Zone, Lots 661 S.C RP, 669 RP, 674 RP (Part)
and 773 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(Planning Application No. A/YL-ST/503)**

**Compliance with Approval Condition (c) on the Submission and Implementation of
a Revised Landscape Master Plan Including Tree Preservation Proposal**

I refer to your submission dated 22.5.2020 regarding the captioned planning condition regarding the submission and implementation of a revised Landscape Master Plan including tree preservation proposal. The relevant department has been consulted on your submission. Your submission is considered:

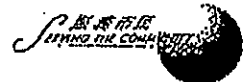
- ☐ Acceptable. The captioned condition has been complied with.
- ☒ Acceptable. Since the captioned condition requires both the submission and implementation of the proposal, it has not been fully complied with. Please proceed to implement the accepted proposal for full compliance with the approval condition. Please find the detailed comments of Chief Town Planner/Urban Design & Landscape of Planning Department (CTP/UD&L, PlanD) at Appendix.
- ☐ Not acceptable. The captioned condition has not been complied with.

Should you have any queries on the comments, please contact Mr. Gigi NG (Tel: directly).

Yours sincerely,

(Ms. Winnie LAU)
District Planning Officer/
Fanling, Sheung Shui and Yuen Long East

我們的理想 - 「透過規劃工作,使香港成為世界知名的國際都市。」
Our Vision - "We plan to make Hong Kong an international city of world prominence."



- 2 -

Planning Department

C.C.
CTP/UD&L
CTP/TPB(2)

(Attn.: Ms. Gigi NG)

WL/AC/Ry/ry

Appendix

Detailed comments of CTP/UD&L, PlanD:

Having reviewed the R to C, the applicant explained the compensation will be provided for those missing trees as part of the current LMP submission. As such, we have no further comment and the LMP submitted from the applicant dated 28.10.2019 is considered acceptable from the landscape planning perspective; hence, it has partially complied with approval condition (c). Full compliance with approval condition (c) rests upon the implementation of the approved LMP to the satisfaction of the Director of Planning or of the TPB.

The applicant should submit sufficient copies of the latest revision of drawings into full sets and for stamping. Kindly be advised that stamped copies should be issued to the relevant parties for record and/or action including DLO.

The applicant is reminded to follow JPN3 and PlanD's Practice Note No. 1/2019 for compliance checking of the completed landscape works. The applicant shall appoint a Registered Landscape Architect (RLA) to certify that the landscape works has been implemented in accordance with the approved LMP and submit a self-certification of compliance (SCC). The involved RLA shall observe and follow the circular letter of 16.6.2015 issued by the Landscape Architects Registration Board (LARB) addressing to all RLAs, in connection with the RLA's Delivery of Professional Standards of Services.

The applicant is reminded that approval of the LMP under TPB approval condition does not imply approval of the site coverage of greenery requirements under APP PNAP-152 and/or under the lease. The site coverage of greenery calculation should be submitted separately to BD/LandsD for approval. Similarly for any proposed tree preservation/removal scheme, the applicant is reminded to approach relevant authority/ government department(s) direct to obtain the necessary approval.

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新界荃灣青山公路 388 號
中環大廈 22 樓 2202 室



By Fax () and Post P.001/002
Planning Department Annex C

Fanling, Sheung Shui &
Yuen Long East
District Planning Office
Unit 2202, 22/F, CDW Building,
388 Castle Peak Road, Tsuen Wan, N.T.

本函檔號 Your Reference

本署檔號 Our Reference () in TPB/A/YL-ST/503

電話號碼 Tel. No.: 3168 4072

傳真機號碼 Fax No.: 3168 4074

5 August 2020

Vision Planning Consultants Ltd.

(Attn: Mr. Kim On CHAN)

Dear Sir,

**Proposed Eating Place, Place of Entertainment, Shop and Services,
and Minor Relaxation of Building Height Restriction and Excavation of Land in "Other
Specified Uses" annotated "Services Stations Zone, Lots 661 S.C RP, 669 RP, 674 RP (Part)
and 773 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(Planning Application No. A/YL-ST/503)
Compliance with Approval Condition (I)**

I refer to your submission dated 17.7.2020 for compliance with the submission part of the captioned approval condition regarding the submission of a revised Environmental Assessment (EA) and implementation of mitigation measures identified in the revised EA. The relevant department has been consulted on your submission. Your submission is considered:

☐ Acceptable. The captioned condition has been complied with.

☒ Acceptable. Since the captioned condition requires both the submission and implementation of the proposal, it has not been fully complied with. Please proceed to implement the accepted proposal for full compliance with the approval condition.

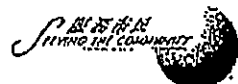
☐ Not acceptable. The captioned condition has not been complied with.

Should you have any queries, please contact Ms. Jolitta CHAN of Environmental Protection Department (Tel:) directly.

Yours sincerely,

(Ms. Winnie LAU)
District Planning Officer/
Fanling, Sheung Shui and Yuen Long East
Planning Department

我們的理想 - 「透過規劃工作,使香港成為世界知名的國際都市。」
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規 劃 署

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新界荃灣青山公路 388 號
中染大廈 22 樓 2202 室



By Fax () and Post
Planning Department Annex D

Fanling, Sheung Shui & Yuen Long East
District Planning Office
Unit 2202, 22/F, CDW Building,
388 Castle Peak Road, Tsuen Wan, N.T.

本函檔號 Your Reference
本署檔號 Our Reference () in TPB/A/YL-ST/503
電話號碼 Tel. No.: 3168 4041
傳真機號碼 Fax No.: 3168 4074/ 3168 4075

9. February 2021

Vision Planning Consultants Ltd.

(Attn: Mr. Kim On CHAN)

Dear Sir,

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

Compliance with Approval Condition (j) on the Design and Provision of Vehicular Access,
Parking Facilities, Loading/Unloading Spaces and Lay-bys

I refer to your submission dated 1.12.2020 (Ref. YL-ST/CC/TDL/19-30) for compliance
with the design part of the captioned approval condition for the proposed development. The
Transport Department has been consulted on your submission. Your submission is considered:

- ☐ Acceptable. The captioned condition has been complied with.
- ☒ Acceptable. Since the captioned condition requires both the design and provision
of the proposal, it has not been fully complied with. Please proceed to implement
the accepted proposal for full compliance with the approval condition.
- ☐ Not acceptable. The captioned condition has not been complied with.

Detailed comments are at Appendix. Should you have any queries on the comments, please
contact Mr. Albert TSE (Tel: 2323 2727) of Transport Department directly.

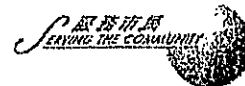
Yours sincerely,

(Anthony LUK)

for District Planning Officer/
Fanling, Sheung Shui and Yuen Long East
Planning Department

C for T (Attn.: Mr. Albert TSE)

我們的理想 - 「透過規劃工作,使香港成為世界知名的國際都市。」
Our Vision - "We plan to make Hong Kong an international city of world prominence."



Appendix

Detailed comments of Transport Department:

1. Given to the understanding that the comprehensive public transport service proposal for both cross-boundary and local visitors has yet to be submitted as required under approval condition (h) of the captioned planning application which may also affect the detailed design and layout of the development, he will provide comments when the detailed information regarding the public transport service proposal is available.
2. Considering that the applicant is prepared to amend the building plans for the proposed development if required under the future public transport service proposal under approval condition (h), he has no adverse comment on the current submission for compliance with the design part of approval condition (j) from traffic engineering perspective. For clarity sake, the applicant is reminded that any change in the building plans which necessitate the change of the design of the vehicular access and parking provision/arrangement under respective approval condition should be submitted for our approval.

24-DEC-2020 13:53 FROM BUILDINGS DEPT

P.01



YOUR REF 來函編號:

OUR REF 本署編號:

(92) in BD 2/9013/19

FAX 圖文傳真:

TEL 電話:

www.bld.gov.hk

CHAU Tak-ho, Kenneth
c/o CYS Associates (Hong Kong) Ltd.

24 December 2020

Hong Kong

Dear Sir,

San Tin, Yuen Long -

D.D. 99 Lots 661 S.C.R.P., 669 R.P., 674 R.P. & 733 S.E.

I refer to your application received on 30 October 2020 for approval of proposals in respect of BUILDING.

2. Your submission of plans has been checked under the curtailed check system announced in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) ADM-19. On this basis, the submission has been found to be fundamentally unacceptable and I hereby disapprove the submission for the reasons detailed in paragraphs 7 of this letter.

3. You are reminded that the curtailed check system covers only the fundamental issues of a building proposal. Although non-fundamental issues will not be raised as reasons for disapproving a submission, I expect that all contraventions of the Buildings Ordinance (BO) and its subsidiary legislation are rectified as and when they are discovered and in any event, before completion of the works is certified. In this connection, I ask you to note that the Building Authority attaches great importance to the proper assumption of duties and responsibilities by authorized persons and registered structural engineers.

4. Your client has been sent a copy of this letter but I would request that you ensure that the contents are understood by him.

5. With the exception of one set of plans which I will retain for record purposes, the remaining copies of your submission are returned herewith.

6. You are advised that under Section 44(1) of the BO, any person aggrieved by a decision made by the Building Authority may appeal from that decision. Should your client wish to appeal against my decision in this letter, please refer to the provisions of Part VI of the BO. In particular, please note that a Notice of Appeal should be served by your client in writing directly on the Secretary to the Appeal Tribunal to be received by him not later than 21 days from the date of this letter.

... / 7(A)

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Our Ref.: (92) in BD 2/9013/19

7 (A). Your plans are disapproved under section 16(1)(d) of the BO as the following contraventions are noted:

- (a) the following areas shall be included in gross floor area (GFA) calculation under regulation 23(3)(a) of the Building (Planning) Regulation (B(P)R) since the pre-requisites for the granting of GFA concessions as stipulated in PNAP APP-151 and APP-152 have not been fully complied with due to the irregularities/insufficient information (e.g. no undertaking letters) noted:
 - (i) Non-Mandatory / non-essential plant rooms and associated pipe ducts; and
 - (ii) Voids at shopping arcade and cinema.
- (b) the following areas shall be included in gross floor area (GFA) calculation under the regulation 23(3)(a) of the B(P)R:
 - (i) Covered areas under glass canopies at 1/F; and
 - (ii) Covered landscaped areas.
- (c) the following items contravene regulation 41(1) of the B(P)R for the provisions of means of escape:
 - (i) Required staircases are not provided in accordance with Clause B11.3 of FS Code 2011 such as the horizontal distance measured along the centreline of the exit route between staircase ST-B03 and staircase ST-B05 exceeds 48m at B2;
 - (ii) Number of exit doors and exit routes are not provided in accordance with B7.1 and Table B2 of FS Code 2011 such as only single exist is provided at F&B G45 on G/F;
 - (iii) Travel distance exceeds the maximum distance under Subsection B11 of FS Code such as deadend travel distance is more than 18m at Shop 309 at 3/F; and
 - (iv) The site does not abut upon and have frontages to two thoroughfares in accordance with Clause B20.1 of FS Code 2011.
- (d) The following item contravene regulation 41D of the B(P)R for the provisions of means of access:
 - (i) Fireman's lifts is not provided in accordance with Clause D8.4 of FS Code 2011 such as area next to ST-B06 at B2 is not served by fireman's lift within 60m.
- (e) The following item contravene regulation 90 of the B(C)R for the provision of fire resisting construction (FRC):
 - (i) Required FRR provision against the compartment volume and use is not provided in accordance with C4.1 and Table C1 of FS Code 2011 such as inadequate FRR separation between the carparks and shops at B1.

7 (B). Your plans are disapproved under section 16(1)(j) of the BO as further particulars and/or plans provided upon my previous refusal not to my satisfaction.:

- (a) justify the proposed site classification and clarify the mean street level with calculations. My position under regulations 20 and 21 of the B(P)R is hereby reserved;
- (b) demonstrate with section plan the clear height of the staircase ST-B09 is sufficient as shown on the grid 2-3 and K-L at B1. My position under regulation 41(1) of the B(P)R is hereby reserved;
- (c) demonstrate compliance with Clause B17.4 of FS Code 2011 on the provision of independent staircase to all basement floors. My position under regulation 41(1) of the B(P)R is hereby reserved;

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Our Ref.: (92) in BD 2/9013/19

- (d) demonstrate compliance with Subsection D3 and Clause D8.4 of FS Code 2011 on the provision of firefighting and rescue stairways to all basement floors. My position under regulation 41C of the B(P)R is hereby reserved;
- (e) clarify the use and area of the space at grid 55-59 and F-L at B2 and justify such area exempted from the GFA calculation. My position under regulation 23(3)(a) of the B(P)R is hereby reserved;
- (f) clarify the site area and site boundary by an authorized land surveyor or lease plan. My position under regulations 20 and 21 of the B(P)R is hereby reserved;
- (g) clarify the status of the proposed improvement works on San Tin Tsuen Road, Castle Peak Road-San Tin and Tung Wing On Road and the width of the streets the site claimed to abut;
- (h) clarify the existing ground profile and justify the GFA concession for carpark as stipulated in Appendix C of PNAP APP-2. My position under regulation 23(3)(a) of the B(P)R is hereby reserved;
- (i) justify the size of refuse chamber and demonstrate compliance with PNAP APP-35. My position under regulation 23(3)(a) of the B(P)R is reserved;
- (j) justify with supporting documents on the area of public transport applied for GFA concession. My position under regulation 23(3)(a) of the B(P)R is reserved;
- (k) justify the voids area for shopping arcade and cinema with assessment. My position under regulation 23(3)(a) of the B(P)R is reserved;
- (a) demonstrate compliance with Clause B5.4 of FS Code 2011 on the provision of protected lobby to transformer rooms at B1. My position under regulation 41(1) of the B(P)R is hereby reserved;
- (a) demonstrate compliance with Subsection B30 of FS Code 2011 on the provision of temporary refuge spaces (TRS) such as the TRS at grid 23-24 and M-N at B1 is not located in a protected exit. My position under regulation 41(1) of the B(P)R is hereby reserved;
- (b) demonstrate compliance with Clause C14.2 of FS Code 2011 on the disposition of smoke vent to each basement floor. My position under regulation 90 of the Building (Construction) Regulations (B(C)R) is hereby reserved;
- (c) clarify and demonstrate compliance with Subsections D7 and D14 of FS Code 2011 on the provision of initial access to fireman's lifts. My position under regulations 41B and 41C of the B(P)R is hereby reserved;
- (d) demonstrate compliance with Clause C9.1 of FS Code 2011 on the provision of smoke seal lobby at basement floors to some lifts connects above the ground storey such as lift L-22 and lift L-23 at B1. My position under regulation 90 of the B(C)R is hereby reserved;; and
- (e) demonstrate and clarify the compliance with the SBD Guidelines as per PNAP APP-151 and APP-152. It is noted that your demonstration is based on the proposed street improvement works without justification.


8. You are reminded that the grounds for this refusal as set out in the above shall not be treated as being exhaustive, and no such refusal shall be construed as implying any approval of any part of such plans.

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Our Ref.: (92) in BD 2/9013/19

9. You are reminded that all examples of the locations quoted above are not exhaustive and you have to review the full set of plans. Moreover, you are advised to provide a list of responses to comments upon resubmission to facilitate the plan processing.
10. Comments dated 15 December 2020 from District Planning Officer/FS&YLE of Planning Department (Irene LAI at 3168 4033) had been copied to you directly.
11. Chief Engineer/Mainland North of Drainage Services Department (L K MA at 2300 1693) advised that the previous comments 8 August 2019 conveyed to you in the Paragraph 12 and Appendix III of my letter dated 27 August 2019 under file reference no. (58) in BD 2/9013/19 are still valid.
12. Chief Geotechnical Engineer/Mainland West, Geotechnical Engineering Office of Civil Engineering and Development Department (Michael K W FUNG at 2762 5223) had no in principle geotechnical objection to your proposal and advised that the previous comments dated 27 August 2019 conveyed to you via fax dated 3 September 2019 are still valid.
13. Comments from other departments, if any will be conveyed to you upon receipt. Your attention is drawn to section 4(3) of the BO
14. Your submitted Forms BA16 will be considered upon resubmission.
15. You are reminded that under regulation 29(3) of the Building (Administration) Regulations (B(A)R) and without prejudice to regulation 30(3) of the B(A)R, the submission of further particulars or other plans consequent upon the refusal of the BA to give his approval under sections 16(1)(i) of the BO shall be deemed to be a fresh application in respect of the plans which the BA had refused to approve. Your future re-submission of plans for the subject proposal will be considered as plans submitted for the first time to the BA for approval, which regulation 30(3)(a) of the B(A)R applies.
16. For any further enquiries, please contact our Wilson CHONG at

Yours sincerely,


 (HUNG Ling-chi)
 Chief Building Surveyor/NTW
 for Building Authority

c.c. TOPCYCLE DEVELOPMENT LIMITED

D of FS	(By Fax ONLY:
DPO/FS&YLE	(By Fax ONLY:
DLO/YL	(By Fax ONLY:
AC for T/T	(By Fax ONLY:
CHE/NTW, HyD	(By Fax ONLY:
CE/MN, DSD	(By Fax ONLY:
GEO, CEDD	(By Fax ONLY:
D of CA	(By Fax ONLY:

Development Parameters under Application No. A/YL-ST/503

Development Parameters	
(a) Site Area	39,705m ² (including about 2,244m ² of GL)
(b) Plot Ratio	2.178
(c) Total non-domestic GFA	86,477m ²
(d) Non-accountable GFA (about)	62,000m ²
- Basement car park and loading/unloading spaces	- 39,000m ²
- Plant room and similar services	- 17,800m ²
- Amenity and green features	- 5,200m ²
(e) Maximum Site Coverage	65%
(f) Building Height (BH)	7 storeys (4 storeys over 3-level basement)
(g) No. of Blocks	2
Internal Transport Facilities	
(h) No. of Parking Spaces	
- Private Car	- 614
- Motorcycle	- 62
(i) Taxi Stand	
- NT Taxi	- 12 plus 16 waiting spaces
- Urban Taxi	- 8 plus 4 waiting spaces
(j) Bus Bays for Public Transport	14
(k) Pick-up/Drop-off Bays for Cars	8
(l) Pick-up/Drop-off Bays and Parking Spaces for Coaches	20
(m) Loading/Unloading Spaces for Goods Vehicles	73
(n) Police Parking Spaces	3
(o) Operation Hours	10:00 a.m. – 10:00 p.m. daily
Uses by Floors	
1/F-3/F	Eating place, place of entertainment, shop and services and roof/terrace
G/F	Eating place, place of entertainment, shop and services, landscape area, taxi stand/waiting spaces and bus bays
B1/F	Eating place, place of entertainment, shop and services, sunken

	courtyard, car drop-offs, taxi stand/waiting spaces, loading/unloading spaces and mechanical and electrical
B2/F	Parking spaces, loading/unloading spaces, coach drop-offs and police parking spaces
B3/F	Temporary sewage treatment plant

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

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

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

family member of the Chairman of HLD;

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

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

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

Presentation and Question Sessions

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

- (a) background to the application;

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

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

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

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

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

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

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

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

- (b) according to the applicant when submitting application No. A/YL-ST/476, the temporary cross-boundary shopping centre aimed to provide a quick solution to meet the demand of cross-boundary visitors in the Yuen Long and North districts for shopping facilities, whereas, for a permanent development, it might require more detailed assessment including Traffic Impact Assessment (TIA) and EcoIA to demonstrate its technical feasibility in the long run and these assessments usually require a longer time to conduct;
- (c) under previous application No. A/YL-ST/476, the applicant claimed that the temporary cross-boundary shopping centre would be managed by a non-profit making foundation which would donate revenue to support local charitable organisations so that the locals could benefit from the development. The applicant of the current application had not provided information for such arrangements;
- (d) there were a number of similar applications for commercial/retail uses in the vicinity. With reference to Plan A-5 of the Paper, she said that application No. A/YL-ST/480, covering an area of only 612m² for temporary shop and services (retail shop) for a period of three years, was approved by the Committee on 19.2.2016. Application No. A/YL-ST/498 at a site across San Sham Road in the "U" zone to the north-east for proposed temporary cross-boundary shopping centre was submitted by a different applicant, and the request for deferment of consideration of the application would be considered by the Committee at the same meeting;

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

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

Deliberation Session

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

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

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

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

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

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

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

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

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

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

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

Agenda Item 34

Section 16 Application

[Open Meeting]

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

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

applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr. Tim T.Y. Fung, STP/STN, and Mr P.Y. Yung, STP(Atg.)/STN, for their attendance to answer Members' enquiries. Mr Fung and Mr Yung left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE), Ms Emily P.W. Tong, Ms S.H. Lam and Ms Ivy C.W. Wong, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/503	Further consideration of application No. A/YL-ST/503 - Proposed Eating Place, Place of Entertainment, Shops and Services, and Minor Relaxation of Building Height Restriction and Excavation of Land in "Other Specified Uses" annotated "Service Stations" Zone, Lots 661 S.C RP, 669 RP, 674 RP (Part) and 733 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/503B)
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67. The Secretary reported that the application was submitted by Topcycle Development Limited, which was a joint venture of Henderson Land Development Company Limited (HLD) and Sun Hung Kai Properties Limited (SHK). Masterplan Limited (Masterplan), AECOM Asia Co. Limited (AECOM), Ramboll Environ Hong Kong Limited (Environ) and Environmental Resources Management (ERM) were four of the consultants of the applicant. The following Members had declared interests on this item:

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| Mr Ivan C.S. Fu | - | having current business dealings with HLD, SHK, Masterplan, AECOM and Environ; |
| Ms Janice W.M. Lai | - | having current business dealings with HLD, SHK, AECOM and Environ; |
| Miss Winnie W.M. Ng | - | being a Director of the Kowloon Motor Bus Co. (1933) Limited and SHK was one of the shareholders. |
| Mr Alex T.H. Lai | - | his firm having current business dealings with SHK and Towngas, which was a subsidiary of HLD; as well as past business dealings with ERM; |
| Mr Stephen L.H. Liu | - | having past business dealings with HLD and SHK; |
| Professor K.C. Chau | - | being an employee of the Chinese University of Hong Kong, which had received a donation from a family member of the Chairman of HLD before; |
| Mr H.F. Leung | - | being an employee of the University of Hong Kong (HKU), which had received a donation from a family member of the Chairman of HLD before; |

- Dr C.H. Hau - having current business dealings with AECOM and being an employee of HKU, which had received a donation from a family member of the Chairman of HLD before;
- Dr Lawrence K.C. Li - being the treasurer of the Hong Kong Polytechnic University, which had obtained sponsorship from HLD before;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association, which had obtained sponsorship from HLD and SHK before; and
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre, which had received a donation from an Executive Director of HLD before.

68. The Committee noted that Mr Alex T.H. Lai, Mr Stephen L.H. Liu and Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting. The Committee agreed that Mr Ivan C.S. Fu and Miss Winnie W.M. Ng should leave the meeting temporarily for the item as their interests were direct. The Committee also noted that as the interests of Mr H.F. Leung, Mr Peter K.T. Yuen, Professor K.C. Chau, Dr C.H. Hau, Dr Lawrence K.C. Li and Ms Christina M. Lee were indirect, they could stay in the meeting.

[Mr Ivan C.S. Fu and Ms Winnie W.M. Ng left the meeting temporarily at this point]

69. The Committee noted that further information (FI) from the applicant's representative was received after issue of the Paper confirming the applicant's intention to extend the tenancy agreement for the temporary shopping centre at the application site for two years. The FI was tabled for Members' consideration.

Presentation and Question Sessions

70. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FSYLE,

presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed commercial development (eating place, place of entertainment, shop and services) with minor relaxation of building height restriction and excavation of land;
- (c) FIs submitted by the applicant on mode of operation of the proposed commercial development, interface of the temporary and permanent development, scale of development and its cumulative impacts;
- (d) departmental comments – departmental comments were set out in paragraph 3 and Appendix F-I of the Paper. The Commissioner for Transport (C for T) had no in-principle objection to the application and no comment on the FI but recommended approval conditions requiring the applicant to submit a comprehensive public transport service proposal for both cross-boundary and local visitors, as well as implementation of road improvement works and provision of pedestrian footbridge linking the San Tin Public Transport Interchange (PTI) with the development. The Commissioner of Customs and Excise and the Director of Immigration had concerns on the cumulative traffic impact and the possible impact on Lok Ma Chau Control Point and Lok Ma Chau Spur Line Control Point, and an approval condition requiring the provision of a comprehensive public transport service proposal was recommended. Other concerned government departments had no objection to or no adverse comment on the application;
- (e) during the statutory public inspection periods for the FIs submitted, six public comments were received from San Tin Rural Committee, the Village Representative (VR) of Yan Sau Wai and two individuals objecting to the application. Major objection grounds were set out in paragraph 4 of the Paper; and

- (f) the Planning Department (PlanD)'s views – PlanD maintained its view of having no objection to the application based on the assessments set out in paragraph 5 of the Paper as well as paragraph 12 of the RNTPC Paper at Appendix F-I. To address the Committee's concerns, the applicant had submitted FIs with information on the interface arrangement of the approved temporary commercial development, the mode of operation of the proposed development and cumulative traffic and ecological impacts. Concerned departments had no objection to or no adverse comment on the application and the submitted FIs. Approval conditions were recommended to address the technical concerns of relevant departments. Regarding the public comments received, comments of concerned departments and the assessments as set out in paragraph 12 of the RNTPC Paper at Appendix F-I were relevant.

71. A Member enquired about the existing number of cross-border shopping centres and its relation with the long-term development of the cross-boundary area. In response, Ms Maggie M.Y. Chin, DPO/FSYLE, stated that three applications for cross-boundary shopping centre had been received, including the approved temporary cross-boundary shopping centre and the current application at the subject site and a proposed temporary cross-boundary shopping centre (i.e. application No. A/YL-ST/498) opposite the site across San Sam Road which was recently withdrawn by the applicant. She supplemented that the proposed development was in line with the planning intention of the current zoning, and fell within the San Tin/Lok Ma Chau Development Node which was intended mainly for commercial development as identified in the "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030" ("Hong Kong 2030+") study.

72. In response to the enquiry from the same Member, Ms Maggie M.Y. Chin clarified that submission of both the revised Ecological Impact Assessment (EcoIA) and Environmental Assessment (EA) were required as recommended under the approval conditions. Since the development was not a designated project under Environmental Impact Assessment Ordinance (EIAO), submission of EIA was not required for the proposed commercial development.

Deliberation Session

73. The Chairman recapitulated that the application was previously considered by the Committee on 22.9.2017 and some Members were concerned about the interface arrangement on the implementation of the temporary and permanent developments at the Site; and the mode of operation of the proposed commercial development to justify the proposed scale of development. The Committee hence decided to defer consideration of the application pending submission of FI by the applicant in addressing the above concerns.

74. Members noted that the structures of the temporary shopping centre would be demolished in the future to make way for the permanent development as proposed under the current application.

75. Regarding the development parameters and the design of the proposed shopping centre, Members noted that the current building height (BH) and site coverage (SC) restrictions for the zone where the application site was located were 4 storeys (15m) and 100% respectively. The proposed minor relaxation of BH from four storeys to seven storeys including three basement levels would not constitute an increase in number of storeys above ground. Iconic structures that were relatively taller were located near the San Tin PTI with stepped height gradually descending to the west facing the nearby villages. Since the general BH of the development above ground was about 16m with a few structures up to 21.2m, the proposed BH was considered compatible with the surrounding context.

76. Some Members generally agreed that the application had planning merits including reduction of building bulk, increasing permeability and provision of greening to enhance visual permeability and enhancing air ventilation of the development.

77. While it was noted that the proposed BH would induce some visual impact when viewed at medium range, Members in general considered that the reduced SC and provision of building setbacks would help minimize the perceived building bulk of the proposal when viewed at close range. In comparison with a development of 15m in BH and 100% in SC as permitted under the OZP, the Vice-chairman expressed that the proposed scheme was considered more desirable in terms of design, variation in BH and visual permeability. Some Members also agreed that the overall visual impact of the proposed development would not be unacceptable.

78. In view of some Members' concerns on whether there were mechanisms to ensure there would be no subsequent revision to the proposed BH profile, the Secretary pointed out that an approval condition could be imposed to restrict the height of the buildings of the proposed development to not more than the level proposed under the current development scheme in this regard.

79. Members in general had no objection to the application and agreed to impose an approval condition to restrict the height of buildings of the proposed development to that proposed by the applicant.

80. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.1.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a revised layout plan to take into account conditions (b) to (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the proposed development should not exceed the height of the buildings as proposed by the applicant;
- (c) the submission and implementation of a revised Landscape Master Plan including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a revised Ecological Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the submission of a revised Sewerage Impact Assessment and implementation of sewage treatment and disposal measures identified

therein to the satisfaction of the Director of Environmental Protection or of the TPB;

- (f) the submission of a revised Environmental Assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the submission of a revised Drainage Impact Assessment and the provision and maintenance of the drainage mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) the provision of a comprehensive public transport service proposal for both cross-boundary and local visitors to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the implementation of road improvement works and provision of the pedestrian footbridge linking the San Tin Public Transport Interchange with the development, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the design and provision of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (k) the design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

81. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix F-X of the Paper.

[Mr Ivan C.S. Fu and Ms Winnie W.M. Ng returned to meeting at this point.]

[Ms Christina M. Lee left the meeting at this point.]