

RNTPC Paper No. A/YL-ST/610A
For Consideration by
the Rural and New Town
Planning Committee
on 10.6.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/610

- Applicant** : San Tin Rural Committee represented by Nil Studio Limited
- Site** : Government Land in D.D. 102, Castle Peak Road – San Tin, San Tin, Yuen Long
- Site Area** : About 980 m²
- Lease** : Short Term Tenancy (STT) No. 3149
- (a) lease commencing from 26.3.2018 for a fixed term of 3 years and renew thereafter quarterly; and
- (b) a height restriction of 3 storeys and 8.23m.
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Minor Relaxation of Building Height Restriction (BHR) for a Permitted Rural Committee Office and associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed relaxation of BHR from 8.23m to 11.5m (+3.27m/+39.7%) for a permitted rural committee office and associated excavation of land at the application site (the Site). The Site falls within an area zoned “V” on the approved San Tin OZP No. S/YL-ST/8 (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Rural Committee Office’ is always permitted. Minor relaxation of the BHR may be considered by the Board based on the individual merits of a development or redevelopment proposal.

Planning permission is also required before undertaking any excavation of land. The Site is currently vacant.

- 1.2 The applicant intends to relocate the existing rural committee office, which is currently located along Castle Peak Road – San Tin within the same “V” zone, as the Site (**Plan A-1**). The applicant has obtained a Short Term Tenancy (STT) for using the Site as a rural committee office on 26.3.2018 for a fixed term of 3 years and renew thereafter quarterly. The STT was granted with a site area of 980m², a building height of not exceeding 3 storeys and 8.23m and a gross floor area (GFA) of 488m².
- 1.3 The major development parameters and floor uses of the proposed development office are listed below:

Site Area (approx.)	980 m ²
Plot Ratio (approx.)	0.49
Total GFA (approx.)	488 m ²
Site coverage (approx.)	19.4%
Building Height	Not more than 11.5 m
No. of Storeys	3 storeys
No. of Block	1
Greening Coverage (approx.)	20%
Car Parking Spaces	8

Use by Floor (Drawings A-2 and A-3)		Floor height (m)
G/F	Entrance hall, administration office, District Councillor's office, storeroom, washroom, E&M room, landscape garden	4
1/F	Conference room, washroom	4
2/F	Chairman's office, history gallery, washroom, landscape garden	3.5
Roof	Roof garden	
		11.5

- 1.4 According to the applicant, the proposed development will help to form a focal point in San Tin with a new architectural design. It will adopt traditional Chinese architectural style (**Drawings A-9 and A-10**) and innovative design with courtyard (**Drawing A-6**) and high ceiling (**Drawing A-3**) while meeting the functional needs of the rural committee. An opening to the building and a terrace design is proposed to enhance the degree of transparency and light/air penetration of the proposed development. A landscape garden is proposed at the G/F, 2/F and R/F for public enjoyment (**Drawings A-1 and A-2**). A setback of not less than 17m from Castle Peak Road – San Tin will be provided. The open area of the Site will be designed with a ‘feng shui’ pond, garden, plaza and parking area. There will be 8 private car parking spaces (**Drawing A-1**). The Site is accessible from Castle Peak Road – San Tin via a 5m wide ingress/egress. The area and the depth of

excavation of land is about 171.2m² and 1.5m respectively. The floor plans, section and design concept diagrams submitted by the applicant are shown in **Drawings A-1 to A-6**.

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 31.12.2021 (Appendix I)
- (b) Planning statement (Appendix Ia)
- (c) Further information (FI) received on 20.4.2022 in response to departmental comments with revised architectural design. * (Appendix Ib)
- (d) Further information (FI) received on 4.5.2022 providing further planning justifications and clarifications on gross floor area of each floor. # (Appendix Ic)
- (e) Further information (FI) received on 24.5.2022 in response to departmental comments on landscape. (Appendix Id)

Remarks: * accepted but not exempted from publication and recounting requirements.

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1.6 On 18.2.2022, the Committee of the Board decided to defer a decision on the application for a period of two months as requested by the applicant to allow time for the applicant to address departmental comments. The applicant subsequently submitted FI as detailed in paragraph 1.5 above. The application is scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, planning statement and further information at **Appendices I, Ia, Ib and Ic**. They can be summarized as follows:

- (a) The Site is situated at the fringe of a “V” zone and in close vicinity to an area zoned “Other Specified Uses” annotated “Service Station” (“OU(SS)”), which is situated within 100m to the north of the Site. The proposed development, which involves a 3-storey rural committee office, is in low-rise and low density character which is compatible with the surrounding environment.
- (b) The proposed development is in line with the planning intention of “V” zone. The proposed development would make efficient use of the scarce and valuable land resources to address the operational needs of the rural committee and provision of services to the local villagers in San Tin.

- (c) The proposed development could address the social and community needs for local villagers. Various landscape measures are proposed to improve the overall landscape value of the Site. Building setback of not less than 17m is provided to reduce the bulkiness of the building on Castle Peak Road and allow more spaces for public enjoyment and enhancement of the walking environment. The proposed development could make efficient use of scarce land resources for community use.
- (d) Minor relaxation of BHR would meet the operational need. The proposed development accommodates an entrance hall and multi-function rooms for traditional ceremony and events and require the placement of ancillary supporting facilities. Also, design merits including a terrace design allowing integration with the surrounding and establishment of a focal point in San Tin would be created.
- (e) No adverse or significant traffic, environmental, landscape and drainage impacts are anticipated. Adequate mitigation measures will be provided after planning approval has been granted from the Board.

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

As the Site involves GL only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable to the application.

4. Background

The Site is currently not subject to any active enforcement action.

5. Previous Application

The Site in part is the subject of four previous applications (No. A/YL-ST/44, 68, 115 and 216) for temporary vehicle park which were approved with conditions. These previous applications are not relevant to the subject application and the details are summarised at **Appendix II**.

6. Similar Applications

There is no similar planning application for minor relaxation of BH restriction within the “V” zone on the San Tin OZP.

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

7.1 The Site is:

- (a) accessible from Castle Peak Road – San Tin;
- (b) hard paved, and vacant currently.

7.2 The surrounding areas are a mix of residential dwellings, shops, vehicle parks and government department site office and operations centre:

- (a) to the north is a temporary site office of Drainage Service Department (DSD). To further north is a piece of grass land;
- (b) to the east are cycling tracks and San Tin Highway;
- (c) to the south is a temporary maintenance operations centre of Highways Department (HyD); and
- (d) to the west are Wing Ping Tsuen, residential dwellings, shops and services, vehicle parks and vacant land.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

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

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site is covered by STT No.3149 for the purposes of “Rural Committee Office, Open Space and Community Services” with the Chairman for the time being of San Tin Rural Committee as tenant.
- (b) Should planning approval be given to the subject planning application, the STT holder will need to apply to this office for modification of the STT conditions where appropriate. Application will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) Having considered the FI submitted by the applicant, he has no adverse comment on the application from the traffic engineering point of view.
- (b) No vehicle is allowed to queue back to or reverse onto/from public road.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highway Department (CHE/NTW, HyD):

- (a) The access arrangement of the Site from Castle Peak Road – San Tin should be commented by TD.
- (b) If the proposed run-in/out is agreed by TD, the applicant should provide the run-in/out at Castle Peak Road – San Tin to the satisfaction of TD and HyD and in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match the existing adjacent pavement.
- (c) Adequate drainage measures should be provided to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.

9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Highways Department (CE/RD 2-2, HyD):

The Site is in close proximity to Northern Link (NOL) Spur Line alignment and station under development by MTR Corporation Limited (MTRCL). The applicant is required to note the potential nuisance of NOL Spur Line during construction and operation, coordinate with MTRCL before the commencement of works and allow MTRCL to get access to the application site for Ground Investigation works and survey. Deep foundation such as piling is not permitted at the application site.

Visual and Landscape

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

The proposed San Tin Rural Committee Office consists of one block with BH about 11.5m (3 storeys), which is about 39.7% higher than adjacent village type residential development with BHR of 8.23m permitted in OZP. It is undesirable from visual impact point of view and considered not compatible to adjacent developments, subject to Planning Department (PlanD)'s view.

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

Urban Design

- (a) According to the applicant, the proposed development adopts traditional Chinese architectural style with courtyard design and high ceiling to meet the functional needs of the rural committee. Considering the scale and BH of the proposed development, it is unlikely that the proposed minor relaxation of BH from 3 storeys (8.23m) to 11.5m would induce significant adverse visual impacts and change in character to the surrounding areas.

Landscape

- (b) She has no objection to the application from the landscape planning perspective.
- (c) With reference to the aerial photo, the Site is situated in an area of rural fringe landscape character surrounded by village houses, vehicle parks, vacant land and scattered tree groups. According to the Planning Statement, the proposed development only involves a 3-storeys structure for rural committee office. The proposed use is not incompatible with the landscape setting in proximity.

- (d) With reference to the site photos, the Site is hard paved and vacant. Existing trees of invasive tree species in fair condition and wild grasses are observed in the east and south of the periphery of the Site. Landscape impact within the Site arising from the development is not anticipated.
- (e) Since the Site is not located in landscape sensitive zoning and significant adverse landscape impact arising from the proposed development is not envisaged, it is considered not necessary to impose any landscape-related condition should the Board approve the subject application. Advisory comments to the applicant are at **Appendix IV**.

Environment

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

The proposed minor relaxation of BHR for the permitted rural committee office and associated excavation of land will unlikely cause environmental impact and therefore he has no objection to the application.

Drainage

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

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) The applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to the Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterfowl etc.) with supporting design calculations & charts should be included. The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on the Site.
- (c) After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference.
- (d) His detailed comments are at **Appendix IV**.

Fire Safety

9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle provided that the fire service installations (FSIs) and water supplies for firefighting being provided to the satisfaction of the Director of Fire Services.
- (b) Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. Nevertheless, the applicant is advised to observe the requirements of Emergency Vehicular Access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011, which is administered by the Buildings Department (BD).

9.2 The following government departments have no comment on / no objection to the application:

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Chief Building Surveyor/ New Territories West, Buildings Department;
- (c) Project Manager (West), Civil Engineering and Development Department (CEDD);
- (d) Head of Geotechnical Engineering Office, CEDD;
- (e) District Officer (Yuen Long), Home Affairs Department;
- (f) Chief Estate Surveyor/Railway Development, LandsD;
- (g) Director of Food Environment and Hygiene;
- (h) Commissioner of Police; and
- (i) Chief Engineer/Construction, Water Supplies Department.

10. Public Comment Received During Statutory Publication Period

On 8.1.2022 and 27.4.2022, the application and FIs were published for public inspection. During the statutory public inspection periods, one comment from an individual was received (**Appendix III**) raising objection that the villagers should use their own land for the proposed development.

11. Planning Consideration and Assessment

- 11.1 The application is for minor relaxation of BHR for the permitted rural committee office and associated excavation of land at the Site which is zoned “V” and is subject to a BHR of 3 storeys (8.23m) on the OZP. According to the Notes of the

OZP for “V” zone, minor relaxation of the BHR may be considered by the Board upon application based on the individual merits of a development.

Compatibility with the Village Setting

- 11.2 The area surrounding the Site is predominantly occupied by village houses of not exceeding 3 storeys (8.23m). The proposed increase from 8.23m to 11.5m constitutes an increase of nearly 40% but there is no increase in terms of number of storeys, i.e. 3 storeys. Given its location at the fringe of the “V” zone which is next to the San Tin Highway, the proposed minor relaxation of BHR is not considered incompatible with the existing low-rise and low-density setting and the BH profile (**Drawings A-4 to A-8**). While CA/CMD2, ArchSD indicated that it is undesirable from visual impact point of view and considered not compatible to adjacent developments, CTP/UD&L, PlanD, points out that the proposed minor relaxation in BHR will unlikely induce significant adverse visual impacts and change the character of the surrounding area with the scale and BH of the proposed development.

Operational Requirements

- 11.3 The applicant has obtained a Short Term Tenancy (STT) for using the Site as a rural committee office. The proposed minor relaxation of BHR is sought to meet the operational requirements of the new and upgraded rural committee office which is to serve villagers of 23 villages across San Tin by providing various community activities and events. The proposed development needs to provide an entrance hall, multi-function rooms and meeting rooms for traditional ceremony, events and rural committee meetings, which require a higher floor-to-floor height to accommodate the new facilities (**Drawing A-3**). The proposed storey height of 3.5m to 4m is not unreasonable for an office use.

Planning and Design Merits

- 11.4 To ameliorate the bulkiness of the proposed development, an opening to the building and a terraced design is proposed to enhance the degree of transparency and light/air penetration of the proposed development and a landscape garden is proposed at the G/F, 2/F and R/F for public enjoyment. These open spaces of terraces and roof will be opened for public use during office hours. A setback of not less than 17m from Castle Peak Road – San Tin will be provided and various outdoor activities will be held there (such as Tai Chi exercise, roof farming, gardening, tea gathering) (**Drawings A-1 to A-2**).

Technical Concerns

- 11.5 The applicant has also demonstrated that the village committee office and associated excavation of land will not create unacceptable impacts in terms of traffic, sewerage and drainage aspects. Concerned governmental departments

including TD, EPD and DSD have no objection to the application. Technical requirements of C for T, D of FS and CE/MN of DSD are imposed through approval conditions in paragraph 12.2 below.

- 11.6 Regarding the public comment raising objection on the proposed development as detailed in paragraph 10, the planning considerations and departmental comments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no objection to the application:
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 10.6.2026, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the design and provision of run-in/out at Castle Peak Road – San Tin to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of the drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

there is insufficient information in the submission to demonstrate strong planning and design merits to justify the proposed minor relaxation of BHR within the "V" zone.

13. Decision Sought

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

14. Attachments

Appendix I	Application form received on 31.12.2021
Appendix Ia	Planning statement
Appendix Ib	FI received on 20.4.2022
Appendix Ic	FI received on 4.5.2022
Appendix Id	FI received on 24.5.2022
Appendix II	Previous applications
Appendix III	Public comment
Appendix IV	Recommended advisory clauses
Drawing A-1	Master plan
Drawing A-2	Floor plans
Drawing A-3	Section
Drawings A-4 to A-8	Photomontages
Drawings A-9 to A-10	Design concept
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JUNE 2022**