

**APPLICATION FOR EXTENSION OF TIME  
FOR COMMENCEMENT OF APPROVED DEVELOPMENT  
UNDER SECTION 16A OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TM-LTYT/337-1**

<b><u>Applicant</u></b>	: Take Harvest Limited represented by John Hui & Associates
<b><u>Site</u></b>	: Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun, New Territories
<b><u>Site Area</u></b>	: About 3,832.4 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/10 (LTYT OZP)
<b><u>Zoning</u></b>	: “Residential (Group E)” (“R(E)”) <i>[Restricted to a maximum plot ratio of 1.0, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m)]</i>
<b><u>Application</u></b>	: Proposed Class B Amendment – Category 18 (under TPB PG-No. 36B)  Proposed Extension of Time for commencement of the approved flat development and minor relaxation of building height restriction for a period of 2 years until 23.6.2023 (i.e. additional 2 years from the original approval)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for Class B amendments to the approved scheme under application No. A/TM-LTYT/337 for the extension of time (EOT) for commencement of the approved development for an additional period of 2 years until 23.6.2023.
- 1.2 The application (No. A/TM-LTYT/337) for proposed flat development and minor relaxation of building height restriction at the application site (the Site) (**Plan AA-1**) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 23.6.2017. The planning permission shall be valid until 23.6.2021 unless before the said date either the development permitted is commenced or the permission is renewed. The approval letter of application No. A/TM-LTYT/337 issued by the Secretary of the Board dated 14.7.2017 is at **Appendix II**.

- 1.3 In support of the current application, the applicant has submitted an Application Form with attachments, which was received on 16.3.2021 (**Appendix I**).
- 1.4 The approved development parameters and the master layout plan under application No. A/TM-LTTY/337 are at **Appendix III** and **Drawing AA-1**.

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

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

- (a) the commencement of the development was delayed because the land exchange process has been put on hold pending the result of the “Agreement No. CE 68/2017 (CE) – Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study” (the Study) for a comprehensive public housing development, which is beyond the control of the applicant;
- (b) the land exchange process has been inevitably affected by the special “work-from-home” arrangement of government departments due to the COVID-19 outbreak;
- (c) proactive actions to implement the proposal have been demonstrated by applying land exchange and constantly urging relevant authorities to process the land exchange application (LEA);
- (d) advices from building services consultants had been sought for preparation of building plans submission to the Building Authority;
- (e) the applicant attempted to proceed with the development by securing development fund and employing development consultants. The applicant had also explored the possibilities to acquire the adjacent lots to extend the development for ancillary and amenity purposes; and
- (f) there is no change in the land use zoning for the subject area since the permission was granted. No adverse planning implication is anticipated.

## **3. Town Planning Board Guidelines**

- 3.1 The Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals (TPB PG-No. 36B) is applicable to this application. The applied EOT for commencement of the development is a Class B amendment under Category 18. According to the Guidelines, the Board has delegated its authority to the Director of Planning to consider applications for Class B amendments. However, application for Class B amendments which is unacceptable by the concerned government departments will need to be submitted to the Board for consideration. In this regard, the Director of Housing (D of Housing) does not support the application as stated in paragraph 8.1.3 below. As such, the application is submitted to the Committee of the Board for consideration.
- 3.2 TPB PG-No. 35C is also applicable to this application. Any EOT for commencement of development shall not result in an aggregated extension period longer than the original duration for commencement of the approved development proposal. The



criteria for assessing applications for EOT for commencement of development are as follows:

- (a) whether there has been any material change in planning circumstances since the original permission was granted (such as a change in planning policy/land-use zoning for the area);
- (b) whether there are any adverse planning implications arising from the extension of time;
- (c) whether the commencement of development is delayed due to some technical/practical problems which are beyond the control of the applicant, e.g. delays in land administration procedures, technical issues in respect of vehicular access and drainage works or difficulties in land assembly;
- (d) whether the applicant has demonstrated that reasonable action(s), e.g. submission of building plans for approval or application for Small House/land exchange, have been taken for the implementation of the approved development;
- (e) whether the applicant has demonstrated that reasonable action(s), e.g. submission and implementation of proposals, have been taken to the satisfaction of relevant Government departments in complying with any approval conditions;
- (f) whether the applicant has demonstrated that there is a good prospect to commence the proposed development within the extended time limit;
- (g) whether the extension period applied for is reasonable; and
- (h) any other relevant considerations.

#### **4. Background**

- 4.1 Application No. A/TM-LTYT/337 for proposed flat development and minor relaxation of building height restriction at the Site was approved with conditions by the Committee of the Board on 23.6.2017 on the considerations that the proposed development is in line with the planning intention of the “R(E)” zone; the proposed minor relaxation of building height is justifiable; and concerned government departments have no objection to or no adverse comment on the changes to the approved scheme<sup>1</sup>. At the time of processing the planning application No. A/TM-LTYT/337 in 2017, the Committee of the Board was made known that the Site fell within the planned public housing development at San Hing Road but the Study has not commenced yet. (**Plan AA-1**).
- 4.2 Since the approval given in 2017, the proposed comprehensive public housing development under planning has made substantial progress. The Civil Engineering and Development Department (CEDD) commenced the Study in February 2018 and it has been substantially completed in Q1 2021. The EIA report of the Study was approved with conditions by the Director of Environmental Protection (DEP) on

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<sup>1</sup> The Site was involved in a previous application (No. A/TM-LTYT/282) for proposed flat development, which was approved by the Committee on 13.3.2015.

30.12.2020<sup>2</sup>. The Site falls within the eastern portion of the proposed public housing development, as shown on the overlay of the site layout plan under the approved EIA report (**Plan AA-1a**).

- 4.3 In accordance with the established practice, the zoning amendment to facilitate the implementation of the proposed public housing development will be submitted to the Board for consideration upon completion of the Study. The Government will take further steps to proceed with public housing development through any necessary land resumption under the Land Resumption Ordinance (LRO).
- 4.4 In relation to actions taken by the applicant to take forward the approved development, the applicant has submitted an LEA to Lands Department (LandsD) on 27.7.2017 (Appendix 2.1 of **Appendix I**) which has been put on hold pending the result of the Study as stated in various responses from LandsD and Development Bureau (DEVB) between 2018 and 2020 (Appendices 2.8, 2.10 and 2.13 of **Appendix I**). On the other hand, the applicant has not submitted any building plans for approval or made any submission in complying with any approval conditions attached to the planning permission since the original approval granted in June 2017 (**Appendix II**).

## **5. Similar Application**

- 5.1 There is a similar application (No. A/TM-LTYT/273-1) (**Plan AA-1**) within the same “R(E)” zone for proposed EOT for commencement of the approved residential development (flat) for a period of 4 years. It also falls within the planned comprehensive public housing development at San Hing Road. The application was rejected by the Committee on 15.6.2018 and the Board upon review on 28.9.2018 on the consideration that the application is not in line TPB PG-No. 35C in that there has been a material change in planning circumstances in respect of a clear intention and plan for a comprehensive public housing development which covers the application site.
- 5.2 The applicant lodged an appeal to the Appeal Board Panel (Town Planning) (TPAB) (Appeal No. 8 of 2018) and TPAB allowed the appeal on 15.3.2021 and granted EOT for commencement for a period of 4 years for the proposed residential development (flat). TPAB allowed the appeal based on the following reasons:
  - (a) there is no material change of planning circumstances that pertained to the appeal site and the proposed comprehensive public housing development was always a planned project since the approval of the original application in 2014;
  - (b) there is uncertainty for the Government to rezone the appeal site for public housing development;
  - (c) the Government could still implement the public housing development by either increasing the plot ratios in the surroundings outside the appeal site or by resuming the appeal site even the EOT for commencement was allowed;

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<sup>2</sup> As the overall study area is larger than 20 ha, the Study is considered a Schedule 3 designated project under the Environmental Impact Assessment Ordinance (EIAO). Thus an EIA report is required to demonstrate the environmental acceptability of the development project.

- (d) the appellant has worked hard to fulfil the approval conditions attached to the planning permission <sup>3</sup>;
- (e) there is no adverse planning implications arising from the EOT;
- (f) the commencement of development has been delayed due to problems which are beyond the control of the appellant;
- (g) the appellant has demonstrated that reasonable actions have been taken for the implementation of the approved development <sup>4</sup>; and
- (h) the applicant has demonstrated that there is a good prospect to commence the proposed development within the extended time limit.

5.3 Details of the application are summarised in **Appendix IV** and the location is shown on **Plan AA-1**.

## **6. The Site and Its Surrounding Areas (Plans AA-1 to AA-4b)**

6.1 The Site is:

- (a) currently vacant and fenced-off (**Plans AA-2 and AA-4b**); and
- (b) accessible from San Hing Road via an existing public car park at the junction of San Hing Road and Ng Lau Road (**Plans AA-2 and AA-3**).

6.2 The surrounding areas have the following characteristics (**Plans AA-2 and AA-3**):

- (a) to the northeast and east are car park, vehicle repair workshop, and residential dwellings;
- (b) to the southeast and south are warehouses/storages, some graves and vacant land. To the further south, there is an ice manufacturing plant;
- (c) to the southwest, west and northwest are parking of vehicles, warehouses/storages, vacant temporary structures, temporary structures for dwelling purposes and orchard/cultivated agricultural land; and
- (d) to the north is San Hing Road, across which are San Hing Tsuen Children Playground, storage/open storage yards and factory uses.

## **7. Planning Intention**

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

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<sup>3</sup> The appellant has complied with all approval conditions attached to the planning permission except those involving implementation.

<sup>4</sup> The appellant has submitted building plans for the approved development for several times.

## **8. Comments from Relevant Government Departments**

- 8.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

Irrespective of whether or not planning permissions are given, there is no guarantee that any LEAs will be approved and he reserves his comment on such. Pursuant to the planning permission granted to the planning application No. A/TM-LTYT/337, the applicant had submitted a LEA for a proposed residential development in 2017. The LEA will be considered by LandsD acting in the capacity as the landlord at its sole discretion. However, the application has been put on hold pending the result of the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road. Notwithstanding whether the EOT is given or not, his office would not process the LEA for the time being.

### **Long-term Development**

- 8.1.2 Comments of the Chief Engineer/Housing Project 2, CEDD (CE/HP2, CEDD):

The Site encroaches onto the public housing development at San Hing Road (SHR) Site, which is currently under the Study undertaken by his department. The Study has been substantially completed. If the Board decides to grant the planning permission, it is suggested to include an advisory clause to inform the applicant that the Site might be subject to land resumption for the implementation of the San Hing Road and Hong Po Road Public Housing Development which might take place at any time within the validity period of the planning permission.

- 8.1.3 Comments of the D of Housing:

CEDD is now conducting the Study. In this connection, the application is not supported.

- 8.2 The following government departments have no comment on or no objection to the EOT application:

- (a) DEP;
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Commission for Transport (C for T);
- (d) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (e) Chief Engineer/Railway Development 2-2, Railway Development Office, HyD (CE/RD2-2, RDO, HyD);
- (f) Director of Agriculture, Fisheries and Conservation (DAFC);

- (g) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (h) Director of Fire Services (D of FS);
- (i) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (j) Project Manager (West), CEDD (PM(W), CEDD);
- (k) Director of Leisure and Cultural Services (DLCS);
- (l) Director of Electrical and Mechanical Services (DEMS);
- (m) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO);
- (n) Commissioner of Police (C of P); and
- (o) District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD).

## **9. Planning Considerations and Assessments**

- 9.1 The application is for EOT for commencement of the approved development under application No. A/TM-LTYT/337 for an additional period of 2 years until 23.6.2023. Since the EOT application is considered unacceptable by D of Housing, it is submitted to the Committee for consideration. The assessment criteria in TPB PG-No. 35C as summarised in paragraph 3.2 above are relevant and the main considerations include any material change in planning circumstances, any adverse planning implications arising from EOT, the reason for delay in commencement of development, any reasonable action to comply with approval conditions, any good prospect to commence the development within the extended time limit and reasonableness of the extension period applied.
- 9.2 Since the original approval given on 23.6.2017, the only action taken by the applicant for implementing the approved development is the submission of LEA (Appendix 2.1 of **Appendix I**). Aside from various letters between the applicant and the Government between 2018 and 2020 as shown in **Appendix I**, the applicant has not made any effort on submitting building plans nor complying with any approval conditions attached to the planning permission (**Appendix II**). Though the LEA has been put on hold pending the result of the Study which is beyond the control of the applicant, it does not stop the applicant from submitting building plans and complying with approval conditions which are governed by different regimes as such submissions/approvals are also essential for taking forward the approved development. In view of this, the applicant fails to demonstrate that reasonable actions have been taken for the implementation of the approved development.
- 9.3 While the proposed extension period of 2 years will not result in an aggregate extension period longer than the original duration (i.e. 4 years) for commencement of the approved development proposal, the applicant did not provide any solid information on the way forward for implementing the approved development within the proposed extension period. Hence, the applicant fails to demonstrate that there is a good prospect to commence the proposed development <sup>5</sup> within the applied extension period.
- 9.4 Since the approval of the original application (No. A/TM-LTYT/337) was given, significant progress has been made on the proposed public housing development that

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<sup>5</sup> According to TPB PG-No. 35C, the approval of building plans or the date of execution of land grant/lease modifications would constitute a commencement of development.

covers the Site (**Plan AA-1**). The Study has been commenced in February 2018 and substantially completed in Q1 2021 with its EIA approval obtained on 30.12.2020. The Government has demonstrated its strong commitment on implementing the proposed public housing development since the original approval was given in 2017. In relation to this, D of Housing does not support the current application. DLO/TM, LandsD advised that notwithstanding whether the EOT is given or not, they would not process the LEA for the time being. Other concerned departments have no objection to or adverse comments on the application.

- 9.5 Having considered the above, the EOT application is not in line with the assessment criteria set out in TPB PG-No. 35C in that the applicant fails to demonstrate that genuine effort has been made in taking reasonable actions for the implementation of the approved development, and that there is a good prospect to commence the proposed development within the extended time limit.
- 9.6 While it is noted that the TPAB allowed the appeal for the similar EOT application (No. A/TM-LTYT/273-1) on 15.3.2021 and found that, amongst others, there is no material change of planning circumstances pertained to the appeal site which also falls within the proposed public housing development, as mentioned in the background information in paragraphs 4 and 5 above, the applicant of that approved application has taken reasonable actions for implementation of the approved scheme (e.g. submission of building plans) and in complying with the approval conditions, which is not demonstrated in the current EOT application.

## **10. Planning Department's Views**

- 10.1 Based on the assessments made in paragraph 9 above, the Planning Department does not support the application for EOT for commencement of the approved development for the following reason:

the application is not in line with TPB PG-No. 35C in that the applicant fails to demonstrate that genuine effort has been made in taking reasonable actions for the implementation of the approved development, and that there is a good prospect to commence the proposed development within the applied extension period.

- 10.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until **23.6.2023**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the design and reprovision of the existing public car park (at the junction of San Hing Road and Ng Lau Road) at the applicant's own cost, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Board;
- (b) the design and implementation of vehicular access connecting from San Hing Road to the site at the applicant's own cost, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Board;

- (c) the provision of vehicular access, parking, loading and unloading facilities, and the details of the location of gate houses and drop bars, if any, to the satisfaction of the Commissioner for Transport or of the Board;
- (d) the submission of a revised noise impact assessment and implementation of noise mitigation measures identified therein to the satisfaction of Director of Environmental Protection or of the Board;
- (e) the submission of a revised drainage impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Board; and
- (f) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Board.

#### Advisory Clauses

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

*[Relevant advisory clause has been updated in light of DLO/TM's comments on the EOT application.]*

### **11. Decision Sought**

- 11.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 11.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 11.3 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.

### **12. Attachments**

<b>Appendix I</b>	Application Form with Attachments Received on 16.3.2021
<b>Appendix II</b>	Approval Letter Issued by the Secretary of the Board Dated 14.7.2017
<b>Appendix III</b>	Approved Development Parameters under Application No. A/TM-LTYT/337
<b>Appendix IV</b>	Similar Application
<b>Appendix V</b>	Advisory Clauses
<b>Drawing AA-1</b>	Approved Master Layout Plan under Application No. A/TM-LTYT/337
<b>Plan AA-1</b>	Location Plan
<b>Plan AA-1a</b>	Location of the Site on the Site Layout Plan of the Approved EIA Report
<b>Plan AA-2</b>	Site Plan

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

**PLANNING DEPARTMENT**  
**MAY 2021**



Form No. S16A  
表格第 S16A 號

2021年 3月 16日  
此文件在\_\_\_\_\_收到。城市規劃委員會  
只會在收到所有必要的資料及文件後才正式確認收到  
申請的日期。16 MAR 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	4/ TM-LTYT/ 337-1 (EOT)
	Date Received 收到日期	16 MAR 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收。
- 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 樓及新界沙田上禾輦路 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。

<b>1. Name of Applicant 申請人姓名 / 名稱</b> ( <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*) <b>TAKE HARVEST LIMITED 載產有限公司</b>	
<b>2. Name of Authorised Agent (if applicable) 獲授權代理人姓名 / 名稱（如適用）</b> ( <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*) <b>JOHN HUI &amp; ASSOCIATES</b> 許永渡建築師地產發展顧問公司	
<b>3. Relevant Permission Granted under the Town Planning Ordinance</b> <b>按《城市規劃條例》批給的有關許可</b>	
Application number to which the permission relates 與許可有關的申請編號	A/TM-LTYT/337
Date of approval 獲批給許可的日期	23.6.2017
Full address/Location of the application site 申請地點的詳細地址 / 地點	Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun
Approved use/development 已批給的用途 / 發展	Flat Development and Minor Relaxation of Building Height Restriction in "Residential (Group E)" Zone

\* 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]	% $\frac{[b] - [a]}{[a]} \times 100$
<input type="checkbox"/> Increase in total gross floor area (sq. m.) 總樓面面積有所增加 (平方米)		NA		
<input type="checkbox"/> Increase in plot ratio 地積比率有所增加		NA		
<input type="checkbox"/> Change in gross site area (sq. m.) 地盤總面積有所改變 (平方米)		NA		
<input type="checkbox"/> Change in number of units 單位數目有所改變		NA		
<input type="checkbox"/> Change in number of building blocks 樓字數目有所改變		NA		
<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		NA		
<input type="checkbox"/> Increase in site coverage (%) 上蓋面積有所增加 (%)		NA		
<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)		NA		
<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)		NA		
<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.....		NA		
<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)		NA		
<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)		NA		
<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)		NA		

# 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)		NA		
<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		NA		
<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)		NA		
<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		NA		
<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)		NA		

(b) ☒ To extend the time for commencement of approved development for .....24..... more month(s).  
將展開獲批准發展的期限延長多.....24.....個月。

☐ To extend the time for compliance with planning condition(s) for .....NA..... 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)

.....  
.....  
.....

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	NA
<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	NA
<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)	NA
<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	NA
<input type="checkbox"/> Change in location of the private open space 私人休憩用地的位置有所改變	NA
<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	NA

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	NA
<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	NA
<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	NA
<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)	NA
<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	NA
<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	NA

**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 refer to a copy of our letter (w/e) dated March 5, 2021 as 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。

Please refer to a copy of our letter (w/e) dated March 5, 2021 as attached.

**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



Dr. HUI Wing To, John

Name in Block Letters  
姓名（請以正楷填寫）

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

PRINCIPAL ARCHITECT

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 .....

on behalf of  
代表

JOHN HUI & ASSOCIATES

JOHN HUI & ASSOCIATES

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

Date

日期.....12/03/2021..... (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/F, 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。



Your Ref.: TPB/A/TM-LTTY/337

Our Ref.: B-22009

March 5, 2021

**BY EMAIL & BY HAND**

Secretary, Town Planning Board  
c/o Planning Department  
15/F North Point Government Offices  
333 Java Road, North Point, Hong Kong

Dear Sirs,

**Application for Extension Of Time for  
Commencement of Development of Planning Permission of  
Proposed Flat Development & Minor Relaxation of Building Height Restriction  
in “Residential (Group E)” Zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP  
AND 472 S.B RP IN D.D. 130, Lam Tei, Tuen Mun**

We act on behalf of the owner of the subject lots, applicant of Planning Permission (no. A/TM-LTTY/337) for residential use that was approved by the Board on 2017/06/23.

Upon the Planning Approval as mentioned, we have applied to the District Lands Office, Tuen Mun (DLO) in July 2017 for the proposed Land Exchange to allow the construction of residential buildings on the subject lots before submission of Building Plans to the Buildings Department for approval and commencement of works. Our client has been very proactive in pursuing the implementation of the project in view of the acute demand of residential flats especially in the middle class low density flats market. Being a small size private developer, our client has every intention to promptly develop the site for return of investment and to relieve the tension in the rising trend in the residential market. We, as the Leading Consultant, and all other consultants are in line to follow up the commencement and the on-going processes of pursuing the project. We have also urged the concerned departments several times for expediting the land exchange process.

However, in or about July 2018, we have received a call from the DLO concerning the holding up of the modification process, with a follow-up letter to inform our client of the reason (DLO letter dated 26 July 2018). Upon receipt of the letter, our client and we are petrified by the notice that “the site falls within a potential public housing development area... “ and is “the subject of an on-going engineering feasibility study...” and the processing of the land exchange “will be put on hold pending the completion of the feasibility study.”

Despite repeated calls and written enquiries (attached Summary of Correspondences referred), our client still cannot attain a definite answer of when would be the completion of the said study. As such, after long process in acquisition of the parcels of lots, and undergoing tedious procedures in planning application to obtain your planning permission, our client's development plan is severely jeopardized by such "on hold" and our client is running into substantial financial loss and our project team resource is also exhausted by such frustrated situation in the past 3 years.

According to comments of the Director of Housing (D of H) and Chief Engineer/Housing Projects 2 Division, Civil Engineering and Development Department (CE/HP2, CEDD) mentioned in para. 9.1.12 & 9.1.13 under section 9 of Comments from Relevant Government Departments of "RNTPC Paper No. A/TM-LTYT/337 For Consideration by the Rural and New Town Planning Committee on 23.6.2017", the "exact site boundary, phasing of development and land requirement are still under refinement yet to be agreed by THB, HD, LandsD, PlanD and other departments concerned." Our client thus holds that the on-going land grant process should not be jeopardized by subsequent decisions that had created tremendous impact to our client's development plans and financial implications. We are therefore instructed to apply to you, for an **Extension of Time for Commencement of Development** beyond 23 June 2021, for a period of **TWO years**, in view of the following circumstances, among others :-

- a) As per our implementation programme in our application in early Year 2017, the subject development is anticipated to be commenced in mid 2018 and completed in about mid/end 2019. The commencement of development (in this case, the execution of land exchange) is delayed by the on-holding of the land exchange process of relevant authorities as mentioned in attached letters, and this is beyond the control of the applicant.
- b) Due to outbreak of COVID-19, the progress of the land exchange process is inevitably affected by the Special "work-from-home" arrangements adopted in various government departments during certain periods from March 2020 to January 2021
- c) The applicant has demonstrated that proactive actions have been taken for the implementation of the approved development by instructing us to apply for land exchange, urging relevant authorities for processing, and seeking for building services consultant's advices in terms of fire engineering for preparation of submission of Building Plans to the Building Authority.
- d) The applicant has been pursuing for the commencement of the development via securing sufficient development funds, retaining us as the Leading Development Consultant, and continuing to explore acquiring adjacent lot to extent the development for ancillary and amenities purposes. Upon successful execution of the land exchange, the applicant shall implement the project in full force.

# JOHN HUI & ASSOCIATES

## Architects & Development Consultants

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- e) The extended period applied for is subject to the completion of the “feasibility study” implemented by relevant developments and our client is the most desperate entity to uplift the holding up and the continual processing of the land exchange that may normally take one year.
- f) There is no change in the land-use zoning for the subject area since the original permission is granted and as such, no adverse planning implications would be arising from the extension of time.

Without your extension of time, our client will forever lose its opportunity to recover any of its investment apart from the time and effort we put into this planning application which will also be rendered in vain. In light of the above, your favourable consideration of our client’s application for such extension is much appreciated.

Yours truly,



John W.T. HUI (Dr.)

B. Arch, PhD (HKU), FHKIA, RIBA, FHIREA  
Registered Architect, Authorized Person

.....  
**JOHN HUI & ASSOCIATES**

**Architects & Development Consultants**

JH/CC/EH

Attachment-

Summary of Correspondences (with copies of the correspondences at Appendices)

e.c.            Client   w/e

Your Ref.: TPB/A/TM-LTTY/337

Our Ref.: B-22009

March 5, 2021

### **SUMMARY OF CORRESPONDENCES**

Appendix	Correspondences	Date
1	<b>Notification Letter from Town Planning Board of the approval of the application for permission under section 16 of the Town Planning Ordinance in the TPB meeting held on 23.6.2017</b>	<b>14 July 2017</b>
2	<b>Application for Land Exchange</b>	
2.1	Submission of the Application to Lands Department	27 July 2017
2.2	Letter from Lands Department	1 August 2017
2.3	Email to Lands Department	20 October 2017
2.4	Email from Lands Department	26 October 2017
2.5	Letter to Lands Department	5 March 2018
2.6	Letter from Lands Department	13 April 2018
2.7	Letter to Development Bureau	3 July 2018
2.8	Letter from Lands Department	26 July 2018
2.9	Letter to Lands Department	16 April 2019
2.10	Letter from Lands Department	17 May 2019
2.11	Letter to Development Bureau	18 February 2020
2.12	Letter to Transport and Housing Bureau	18 February 2020
2.13	Letter from Development Bureau	7 April 2020
2.14	Letter to Development Bureau	23 February 2021
2.15	Letter to Transport and Housing Bureau	26 February 2021

## 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

JOHN HUI & ASSOCIATES	
ARCHITECTS & PROJECT	
MANAGEMENT CONSULTANTS	
REC'D	17 JUL 2017
CIRC'D TO	
COPY TO	
FAX TO	
FILE	By Registered Post & Fax (2577 7182)
REMARKS	

## TOWN PLANNING BOARD

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

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4835

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/TM-LTTY/337

14 July 2017

John Hui & Associates  
Suite 1218, Chevalier Commercial Centre  
8 Wang Hoi Road  
Kowloon Bay, Kowloon  
(Attn.: John W.T. Hui)

Dear Sir/Madam,

**Proposed Flat Development and Minor Relaxation of Building Height  
Restriction in "Residential (Group E)" Zone, Lots 464 S.A ss.1, 464 S.B,  
465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun**

I refer to my letter to you dated 8.5.2017.

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 23.6.2021, 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 design and reprovision of the existing public car park (at the junction of San Hing Road and Ng Lau Road) at your own cost, as proposed by you, to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and implementation of vehicular access connecting from San Hing Road to the site at your own cost, as proposed by you, to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of vehicular access, parking, loading and unloading facilities, and the details of the location of gate houses and drop bars, if any, to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of a revised noise impact assessment and implementation of noise mitigation measures identified therein to the satisfaction of Director of Environmental Protection or of the TPB;
- (e) the submission of a revised drainage impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB.



The TPB also agreed to advise you to note the advisory clauses as set out at Appendix VI 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/](http://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 23.6.2017 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 4.8.2017). 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. Stella Ng of Tuen Mun & Yuen Long West District Planning Office at 2158 6291. 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,



( Miss Rachel HO )  
for Secretary, Town Planning Board

## **List of Government Department Contacts**

(Application No. A/TM-LTTY/337)

部門 Department	辦事處 / 職位 Office / Post Title	聯絡人姓名 Name of Contact Person	電話號碼 Telephone No.	傳真號碼 Facsimile No.
運輸署 Transport Department	交通工程(新界西)部 Traffic Engineering (NTW) Division	陳智彬先生 Mr. CHAN Chi Pan, Ivan	2399 2425	2381 3799
環境保護署 Environmental Protection Department	策略評估組 Strategic Assessment Group	鄧漢強先生 Mr. TANG Hon Keung, Alex	2835 1114	2591 0558
渠務署 Drainage Services Department	新界北渠務部 Mainland North Division	梁家麒先生 Mr. LEUNG Ka Kay	2300 1259	2770 4761

Our Ref.: B-22009

July 27, 2017

**By Courier**

District Lands Office, Tuen Mun  
Lands Department  
6/F., Tuen Mun Government Offices  
1 Tuen Hi Road Tuen Mun, New Territories

Dear Sirs,

**APPLICATION FOR LAND EXCHANGE  
FOR PROPOSED LOW-DENSITY RESIDENTIAL DEVELOPMENT  
AT LOTS 464 S.A ss.1, 464 S.B, 465, 472 S.A RP AND 472 S.B RP IN D.D. 130,  
SAN HING ROAD, LAM TEI, TUEN MUN**

We act for Messrs. Take Harvest Limited, registered owner of the subject lots, and would like to apply for Land Exchange for the proposed residential development on the captioned lots.

We would like to submit herewith the following document and drawings for your processing:-

- a. Authorization letter from the registered owner of the subject lot
- b. A copy of Town Planning Board notification letter dated 2017/07/14 for the approval of the proposed development
- c. Schedule of the variations being sought in respect of the terms and conditions of the existing lease conditions
- d. A copy of Site Plan (1:1000)
- e. 2 copies of the Block Government Lease of DD130 Lot along with Schedule of Crown Lessees, including one original copy of the documents certified by the Land Registry
- f. 2 copies of a computer printout containing the historical and current ownership particulars of the property, including one original copy of the documents certified by the Land Registry
- g. One set of sketch plans (drawing nos.: SP-000 to SP-007) illustrating the proposed development

For any query or information required, kindly contact our Mr. Charles Chan (tel.: 2576 0101, email: [charles@jha.corp.com.hk](mailto:charles@jha.corp.com.hk)).

Your favourable consideration to the above is much appreciated.

Yours faithfully,



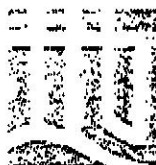
.....  
**JOHN HUI & ASSOCIATES**  
Architects & Development Consultants

JH/CC/hh

e.c. Client - w/e



## Appendix 2.2



地政總署  
屯門地政處  
DISTRICT LANDS OFFICE,  
TUEN MUN  
LANDS DEPARTMENT

我們矢志努力不懈，提供最佳最善的土地行政服務。  
We strive to achieve excellence in land administration.

新界屯門屯門路一號屯門政府合署六樓  
6/F., TUEN MUN GOVERNMENT OFFICES  
1 TUEN HI ROAD, TUEN MUN, N.T.  
網址 Web Site: [www.landsd.gov.hk](http://www.landsd.gov.hk)

電話 Tel: 2451 3183  
圖文傳真 Fax: 2459 0795  
電郵地址 Email: [estmn@landsd.gov.hk](mailto:estmn@landsd.gov.hk)  
本處檔號 Our Ref: (24) in DLOTM 392/MLT/78 V  
(來函請註明本函檔號 Please quote this reference in your reply)  
來函檔號 Your Ref: B-22009

1 August 2017

Take Harvest Limited  
c/o John Hui & Associates Architects & Associates  
Suite 1218 Chevalier Commercial Centre  
8 Wang Hoi Road  
Kowloon Bay  
Hong Kong

By Fax & By Post  
Fax No. 2577 7182

Dear Sir,

**Application for Proposed Land Exchange**  
**Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130**  
**San Hing Road**  
**Tuen Mun, New Territories**

I refer to the captioned application dated 27 July 2017.

The matter is now receiving our attention, please note the following:

- (a) the DLO will consider the application in detail and this may entail consultation with other Government departments;
- (b) the DLO will only deal with the applicant;
- (c) any subsequent dealings in the lot will automatically invalidate the application; and
- (d) it is the duty of the applicant to inform the DLO of any changes in ownership of or dealing in the lot;.

I shall be in contact with you shortly in respect of any further information that is required for consideration of your application and further processing. Should you have any queries in the meantime, you may contact the undersigned case officer.

Yours faithfully,

( Yvonne W.F. CHENG )  
for District Lands Officer, Tuen Mun

- 2 -

C.C.

SS/TM,LACO

Fax No: 2473 3058

From: "CharlesChan" <charles@jha.corp.com.hk>

To: <estmn@landsd.gov.hk>,

Cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED]  
[REDACTED], [REDACTED], [REDACTED]

Date: 2017/10/20 錄 □□ 04:08

Subject: Lot 464 SA ss.1, 464 SB, 465, 462 S.A. RP & 472 S.B RP in DD130- Proposed Land Exchange

---

Your Ref.: (24) in DLOTM 392/MLT/78 V

Dear Ms. Yvonne Cheng,

Regarding our application dated 2017/07/27 and your letter dated 2017/08/01, we would like to enquire the status of it.

Regards,  
Charles Chan

.....  
JOHN HUI & ASSOCIATES  
Architects & Development Consultants  
Tel. 25760101

Project

(&N)

寄件者: <estmn@landsd.gov.hk>

日期: 2017年10月26日 下午 04:19

收件者: "CharlesChan" <charles@jha.corp.com.hk>

副本:

主旨: Re: Lot 464 SA ss.1, 464 SB, 465, 462 S.A. RP & 472 S.B RP in DD130- Proposed Land Exchange

Dear Mr. Chan,

I refer to your enquiry below regarding the captioned application.

Please be advised that we are awaiting advice from THB and HD in connection with the matter.

I shall revert to you as soon as I am in a position to do so.

Yvonne W.F. Cheng

ES/N, DLO/TM

Tel: 2451 3183

Fax: 2459 0795

BR: Pls file.

Your Ref.: DLOTM 392/MLT/78 V  
Our Ref.: B-22009/DLO

5 March 2018

***BY POST & By Email***

District Lands Office, Shatin  
Lands Department  
11/F., Shatin Government Offices  
1 Sheung Wo Che Road, Shatin, NT

Attn.: Ms. Yvonne CHENG

Dear Sirs,

**Proposed Land Exchange  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130  
Change of Correspondence Address**


Kindly be informed that effective from today, our correspondence address will be changed to

John Hui & Associates  
c/o Unit F, G/F, 2 Somerset Road,  
Kowloon Tong, Kowloon

We are still the Agent for the captioned application and our contact persons remain as Mr. Charles CHAN (at 2577 1637, email: [charles@jha.corp.com.hk](mailto:charles@jha.corp.com.hk)) and Dr. John W.T. HUI (at [REDACTED], email: [jh@jha.corp.com.hk](mailto:jh@jha.corp.com.hk)) and our Fax No. remains as 2577 7182.

Thank you for your attention.

Yours truly,



.....  
**JOHN HUI & ASSOCIATES**  
**Architects & Development Consultants**

JH/CC/yh

e.c. Client

c/o Unit F, G/F, 2 Somerset Road, Kowloon Tong, Kowloon



地政總署  
屯門地政處  
DISTRICT LANDS OFFICE,  
TUEN MUN  
LANDS DEPARTMENT

我們矢志努力不懈，提供盡善盡美的土地行政服務。  
We strive to achieve excellence in land administration.

新界屯門屯喜路一號屯門政府合署六樓  
6/F., TUEN MUN GOVERNMENT OFFICES  
1 TUEN HI ROAD, TUEN MUN, N.T.

網址 Web Site: [www.landsd.gov.hk](http://www.landsd.gov.hk)

電話 Tel: 2451 3183  
圖文傳真 Fax: 2459 0795  
電郵地址 Email: [estmn@landsd.gov.hk](mailto:estmn@landsd.gov.hk)  
本處檔號 Our Ref: (8) in DLOTM 392/MLT/78 VI  
(來函請註明本函檔號 Please quote this reference in your reply)  
來函檔號 Your Ref: B-22009/DLO

13 April 2018

Take Harvest Limited  
c/o John Hui & Associates Architects & Associates  
Suite 1218 Chevalier Commercial Centre  
8 Wang Hoi Road  
Kowloon Bay  
Hong Kong

*new address  
for reminder*

Attn: Mr. John HUI

Dear Mr. Hui,

By Fax & By Post  
Fax No. 2577 7182

JOHN HUI & ASSOCIATES ARCHITECTS & PROJECT MANAGEMENT CONSULTANTS	
REC'D	20 APR 2018
CIRC'D TO	<i>ch/ce</i>
COPY TO	
EX TO	<i>clerk</i> ✓
FILE	B22009
REMARKS	

**Application for Proposed Land Exchange**  
**Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130**  
**San Hing Road**  
**Tuen Mun, New Territories**

I refer to the captioned application and your letter dated 5 March 2018. Please be advised matters in connection with your application for land exchange are under consideration.

2. This office shall endeavour to inform you of any latest developments at the first opportunity and also contact you should further information be required.

Yours faithfully,

( Yvonne W.F. CHENG )  
for District Lands Officer, Tuen Mun

# TAKE HARVEST LIMITED

載產有限公司

Unit F, Ground Floor  
2 Somerset Road  
Kowloon Tong  
Kowloon, Hong Kong

Tel: 23385128 23384726  
Fax: 27943938

3<sup>rd</sup> July, 2018

Secretary for Development  
Development Bureau  
19/F., West Wing  
Central Government Offices  
2 Tim Mei Avenue, Tamar, Hong Kong

Dear Sirs,

Re : **DLO ref. DLOTM 392/MLT/78 V**  
**PROPOSED LAND EXCHANGE FOR LOW DENSITY RESIDENTIAL DEVELOPMENT AT**  
**VARIOUS LOTS IN LAM TEI, TUEN MUN**

We are the applicant of the land exchange of the above site for development of five blocks with total 35 medium size flats to meet the acute demand for housing in the market.

After three years of painstaking submissions to the Town Planning Board, approval of Planning Permission was finally obtained in July, 2017. Our architect and application agent have then, on our behalf, lodged the subject application to the Lands Department in July, 2017.

We have also started to refine the planning and design of the project in the hope that development can proceed as soon as the exchange granted and have urged our agent to follow up closely with the District Lands Office and the Headquarter of the Lands Department on the on-going processes.

Nevertheless, almost 11 months have lapsed since the application and we are given to know that our case is still with your esteemed Bureau.

We would therefore appreciate if you could advise us of the present situation so that we can better plan to cope with the rising construction cost and to minimize our time and financial losses incurred throughout this long application process.

Should you require further information, please contact our architect and application agent John Hui & Associates at 25760101 (contact persons : Dr. John Hui, AP or Mr. Charles Chan, Project Director).

We believe that the Government, as well as our company, are moving forward towards the same goal of securing more land supply in an effort to increase housing supply, along with its pledge to streamline development control as stated in the Land Supply Initiatives (TASK FORCE ON LAND SUPPLY Paper No. 03/2017).

We would like to reiterate our commitment to implement and complete this project within our humble capacity as soon as practicable.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lau Po Hin Henry', with a stylized, cursive script.

**Lau Po Hin Henry**  
**Director**





地政總署  
屯門地政處  
DISTRICT LANDS OFFICE,  
TUEN MUN  
LANDS DEPARTMENT

我們矢志努力不懈，提供妥善優質的土地行政服務。  
We strive to achieve excellence in land administration.

新界屯門屯喜路一號屯門政府合署六樓  
6/F., TUEN MUN GOVERNMENT OFFICES  
1 TUEN HI ROAD, TUEN MUN, N.T.  
網址 Web Site: [www.landsd.gov.hk](http://www.landsd.gov.hk)

電話 Tel: 2451 3183  
圖文傳真 Fax: 2459 0795  
電郵地址 Email: [estmn@landsd.gov.hk](mailto:estmn@landsd.gov.hk)  
本處檔號 Our Ref: (31) in DLOTM 392/MLT/78 VI  
(來函請註明本處檔號 Please quote this reference in your reply)  
來函檔號 Your Ref:

26 July 2018

Take Harvest Limited  
Unit F, Ground Floor  
2 Somerset Road  
Kowloon Tong  
Kowloon, Hong Kong

By Fax & Post  
(Fax No: 2794 3938)

Attn: Mr. LAU Po Hin Henry

Dear Sir,

**Proposed Land Exchange  
for Low Density Residential Development  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 472 S.A. RP and 472 S.B RP in DD130  
San Hing Road, Tuen Mun, New Territories**

I refer to your letter dated 3rd July 2018 and various correspondences in respect of the captioned land exchange application.

The subject site falls within the potential public housing development area under the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road. As such, please be advised that the processing of the captioned application has to be put on hold pending for the results of the said feasibility study.

If you have any enquiries regarding the above, please feel free to contact the undersigned.

Yours faithfully,

(Yvonne W.F. CHENG)  
for District Lands Officer, Tuen Mun

## Architects & Development Consultants

---

Your Ref.: DLOTM 392/MLT/78 VI  
Our Ref.: B-22009/DLO

16 April 2019

**BY EMAIL & POST**  
**(estmc2@landsd.gov.hk)**

District Lands Office, Tuen Mun  
Lands Department  
6/F., Tuen Mun Government Offices,  
1 Tuen Hi Road, Tuen Mun, N.T.

Attn.: Ms. AU YEUNG Ching  
(tel.: 2451 3183)

Dear Madam,

**Proposed Land Exchange  
For Low Density Residential Development  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130**

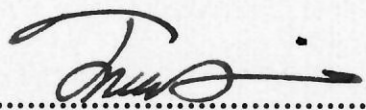
Thank you for your letter dated 26 July 2018 addressed to our Client and our recent telecon.

We understand that the subject site is within a feasibility study area for public housing but without commitment of time of completion. As such, our Client considers that such situation is very unfavourable and prejudiced against our Client's development interest. Also, the development programme, subject to the planning permission validity, is seriously hindered by such open-ended land exchange process.

We would like to request you again to process and expedite our Client's application for the Land Exchange, which has been submitted to your office for almost 2 years since July 2017.

Thank you for your kind attention.

Yours truly,



.....

**JOHN HUI & ASSOCIATES**  
**Architects & Development Consultants**

JH/CC/PL

e.c. Client- Take Harvest Limited



地政總署  
屯門地政處  
DISTRICT LANDS OFFICE,  
TUEN MUN  
LANDS DEPARTMENT

我們矢志努力不懈，提供盡善盡美的土地行政服務。  
We strive to achieve excellence in land administration.

新界屯門屯喜路一號屯門政府合署六樓  
6/F., TUEN MUN GOVERNMENT OFFICES  
1 TUEN HI ROAD, TUEN MUN, N.T.  
網址 Web Site: [www.landso.gov.hk](http://www.landso.gov.hk)

電話 Tel: 2451 3183  
圖文傳真 Fax: 2459 0795  
電郵地址 Email: [estmc2@landso.gov.hk](mailto:estmc2@landso.gov.hk)  
本處檔號 Our Ref: (36) in DLOTM 392/MLT/78 VI  
(來函請註明本函檔號 Please quote this reference in your reply)  
來函檔號 Your Ref: B-22009/DLO

17 May 2019

Take Harvest Limited  
c/o John Hui & Associates  
Room SR, 25/F, One Mid Town,  
11 Hoi Shing Road, Tuen Wan

By Fax & Post  
(Fax No: 2577 7182)

Attn: Dr. John HUI

Dear Sir,

**Proposed Land Exchange  
for Low Density Residential Development  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 472 S.A. RP and 472 S.B RP in DD130  
San Hing Road, Tuen Mun, New Territories**

I refer to your letter dated 16<sup>th</sup> April 2019 and various correspondences in respect of the captioned land exchange application.

The subject site falls within the potential public housing development area under the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road. As such, please be advised that the processing of the captioned application has to be put on hold pending for the results of the said feasibility study.

If you have any enquiries regarding the above, please feel free to contact the undersigned.

Yours faithfully,

(Miss AU YEUNG Ching)  
for District Lands Officer, Tuen Mun

## Architects & Development Consultants

---

DLO's Ref.: DLOTM 392/MLT/78 VI

Our Ref.: B-22009

18 February 2020

**BY EMAIL & POST**  
([sdev@devb.gov.hk](mailto:sdev@devb.gov.hk))

Mr. WONG Wai Lun, Michael, JP  
Secretary for Development  
Development Bureau  
18/F, West Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

Dear Sir,

**Proposed Land Exchange  
For Low Density Residential Development at  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130**

We act for Take Harvest Limited, applicant of the subject Land Exchange. We are given to understand that the subject site falls within the potential public housing development area under the feasibility study of "planning, engineering and EIA" at San Hing Road and Hong Po Road and that such study would be finalized within this year. As such, the processing of the captioned application has to be put on hold pending for the results of the said study as informed by the Lands Department.

Kindly be advised that Town Planning Permission (Ref. No.: TPB/A/TM-LTTY/337) for developing the subject site into low density housing of 35 flats of total GFA of 3832.4 s.m. (Plot Ratio (PR): 1) was granted in June 2017 and land exchange application was submitted to the Lands Department in July 2017.

While our client and we are in support of the policy of pro-actively exploring land parcels for public housing to meet with community's acute demand, our client expressed grave concerns that its development rights and potentials are seriously compromised by such open ended hindrances. Above all, development process has been jeopardized for almost 3 years and financial difficulties are encountered.

Sharing the view to increase housing supply (public and private) via optimizing land use, our client and we **propose to upgrade the residential density in the subject zone to say PR of 5 to 6 for both public and private housing** to address the acute demand of residential flats in Hong Kong. However, to maintain a reasonable balance of housing types in the subject zone, **our client does not agree to recruit the subject site for public housing but instead advocates for the development of private medium-rise flats of higher plot ratio just mentioned.**

# JOHN HUI & ASSOCIATES

## Architects & Development Consultants

---

It is noted that a planning application (Application No. Y/TM-LTTY/8) for rezoning from "Residential (Group E)1" and "Residential (Group E)" to "Residential (Group A)" (PR: 6) for certain lots in the vicinity has been submitted to the Town Planning Board. An Indicative Plan is attached herewith showing the said application site, our site and the potential public housing area under study for your information (Reference: Drawing No. HP2/HPR/SK017 of Project Profile of Development at San Hing Road and Hong Po Road, Tuen Mun prepared by CEDD).

We would therefore be grateful if you could liaise with various concerned bureaux and departments to finalize such study soonest possible and to expedite the subject land exchange with due considerations to the rights of owners of lots concerned and to the demand for private housing of the community at large.

Your earliest favourable consideration for the above is much appreciated.

Yours truly,



.....  
**Dr. John W.T. Hui**  
**JOHN HUI & ASSOCIATES**  
**Architects & Development Consultants**

JH/CC/EH

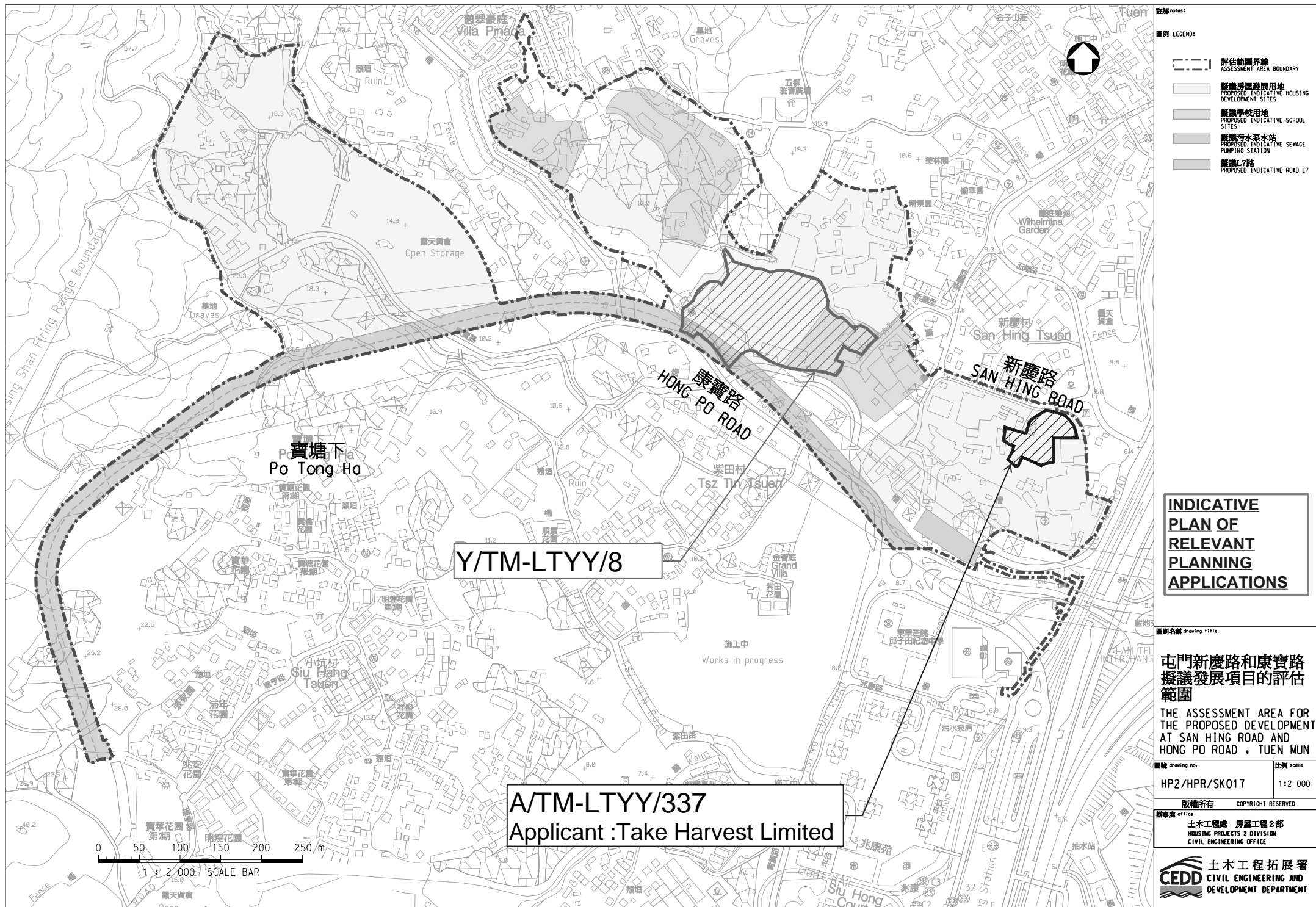
Encl.

e.c. (w/e)

Transport and Housing Bureau-  
Housing Department-  
Civil Engineering and Development Department-  
District Lands Office, Tuen Mun, Lands Department-  
Client- Take Harvest Limited

sthoffice@thb.gov.hk  
psh@housingauthority.gov.hk  
thomaswkchan@cedd.gov.hk  
estmc2@landsd.gov.hk  
Attn.: Mr. Henry Lau





## Architects & Development Consultants

---

DLO's Ref.: DLOTM 392/MLT/78 VI

Our Ref.: B-22009

18 February 2020

**BY EMAIL & POST**  
**([sthoffice@thb.gov.hk](mailto:sthoffice@thb.gov.hk))**

Mr. CHAN Fan, Frank, JP  
Secretary for Transport and Housing  
Transport and Housing Bureau  
22/F, East Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

Dear Sir,

**Proposed Land Exchange  
For Low Density Residential Development at  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130**

We act for Take Harvest Limited, applicant of the subject Land Exchange. We are given to understand that the subject site falls within the potential public housing development area under the feasibility study of "planning, engineering and EIA" at San Hing Road and Hong Po Road and that such study would be finalized within this year. As such, the processing of the captioned application has to be put on hold pending for the results of the said study as informed by the Lands Department.

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# JOHN HUI & ASSOCIATES

## Architects & Development Consultants

---

It is noted that a planning application (Application No. Y/TM-LTTY/8) for rezoning from "Residential (Group E)1" and "Residential (Group E)" to "Residential (Group A)" (PR: 6) for certain lots in the vicinity has been submitted to the Town Planning Board. An Indicative Plan is attached herewith showing the said application site, our site and the potential public housing area under study for your information (Reference: Drawing No. HP2/HPR/SK017 of Project Profile of Development at San Hing Road and Hong Po Road, Tuen Mun prepared by CEDD).

We would therefore be grateful if you could liaise with various concerned bureaux and departments to finalize such study soonest possible and to expedite the subject land exchange with due considerations to the rights of owners of lots concerned and to the demand for private housing of the community at large.

Your earliest favourable consideration for the above is much appreciated.

Yours truly,



.....  
**Dr. John W.T. Hui**  
**JOHN HUI & ASSOCIATES**  
**Architects & Development Consultants**

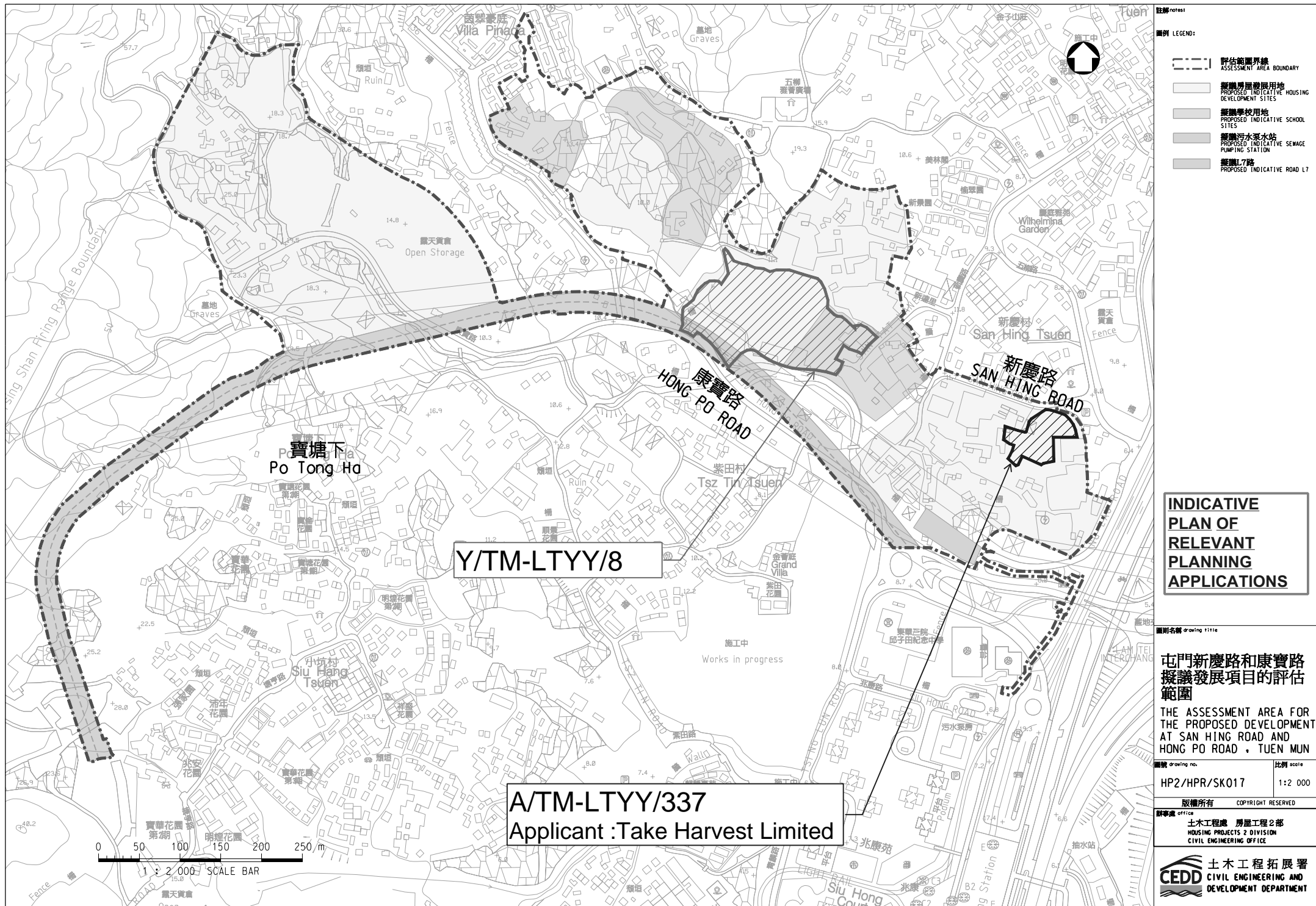
JH/CC/EH

Encl.

e.c. (w/e)  
Development Bureau-  
Housing Department-  
Civil Engineering and Development Department-  
District Lands Office, Tuen Mun, Lands Department-  
Client- Take Harvest Limited

sdev@devb.gov.hk  
psh@housingauthority.gov.hk  
thomaswkchan@cedd.gov.hk  
estmc2@landsd.gov.hk  
Attn.: Mr. Henry Lau





註解 notes:

圖例 LEGEND:

- 評估範圍界線 ASSESSMENT AREA BOUNDARY
- 擬議房屋發展用地 PROPOSED INDICATIVE HOUSING DEVELOPMENT SITES
- 擬議學校用地 PROPOSED INDICATIVE SCHOOL SITES
- 擬議污水泵水站 PROPOSED INDICATIVE SEWAGE PUMPING STATION
- 擬議L7路 PROPOSED INDICATIVE ROAD L7

### INDICATIVE PLAN OF RELEVANT PLANNING APPLICATIONS

圖則名稱 drawing title

屯門新慶路和康寶路  
擬議發展項目的評估  
範圍

THE ASSESSMENT AREA FOR  
THE PROPOSED DEVELOPMENT  
AT SAN HING ROAD AND  
HONG PO ROAD, TUEN MUN

圖號 drawing no.

HP2/HPR/SK017

比例 scale

1:2 000

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辦事處 office

土木工程處 房屋工程2部  
HOUSING PROJECTS 2 DIVISION  
CIVIL ENGINEERING OFFICE

CEDD 土木工程拓展署  
CIVIL ENGINEERING AND  
DEVELOPMENT DEPARTMENT

政府總部  
發展局  
規劃地政科

香港添馬添美道2號  
政府總部西翼



Planning and Lands Branch  
Development Bureau  
Government Secretariat

West Wing, Central Government Offices,  
2 Tim Mei Avenue,  
Tamar, Hong Kong

本局檔號 Our Ref.

電話 Tel.: 3509 8834

來函檔號 Your Ref.

傳真 Fax: 2845 3489

John Hui & Associates  
c/o Unit F, G/F, 2 Somerset Road  
Kowloon Tong, Kowloon

7 April 2020  
By Fax & Post  
(Fax No: 2577 7182)

Attn: Dr. John HUI

Dear Sir,

**Proposed Land Exchange  
for Low Density Residential Development  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 472 S.A. RP and 472 S.B RP in DD130  
San Hing Road, Tuen Mun, New Territories**

I refer to your letter dated 18 February 2020 in respect of the captioned land exchange application.

The subject site falls within a potential public housing development area at San Hing Road and Hong Po Road, which is the subject of an on-going engineering feasibility study. District Lands Office, Tuen Mun of the Lands Department advised you on 26 July 2018 and 17 May 2019 that the processing of the captioned application will be put on hold pending the completion of the said study.

Should you have any question, please contact the undersigned or District Lands Officer Tuen Mun (Ms. Ida LEUNG at tel. 2451 3222)

Yours faithfully,

(Ivan NG)  
for Secretary for Development

## Architects & Development Consultants

DLO's Ref.: DLOTM 392/MLT/78 VI  
Our Ref.: B-22009

23 February 2021

***BY EMAIL & POST***

Development Bureau  
18/F, West Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

Attn.: Mr. Ivan NG

Dear Sir,

**Proposed Land Exchange  
For Low Density Residential Development at  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 472 S.A. RP and 472 S.B RP in DD130**

We refer to our letter dated 18 February 2020 and your response dated 7 April 2020. Now a year has lapsed and we have not received any updated information from any departments concerned.

Our client is now in a very desperate situation that the Planning Permission to allow development of residential flats on the subject site shall expire on 23 June 2021.

As previously mentioned, our client's development programme is to commence the development by mid-2018 and complete by end 2019. Now the scheduled commencement has been delayed for almost 3 years and there is still no clue or indication that whether the land exchange can be processed and executed.

This is extremely unfair to our client in that substantial financial burden has been incurred without knowing the possible prospect of revenue return.

We are therefore again instructed to write to you to strongly request for the following actions for bureaux and departments concerned :-

1. Re-activate and expedite the Land Exchange process since the technical study is still in progress, as told. Such Land Exchange, that is in line with the planning intention of the Outline Zoning Plan, should be independent of the said study with respect to the rights and privileges of our client to develop the site accordingly.
2. Exclude the subject site from including into public housing development in light of the self-sufficient conditions of the site with individual entrance and utility supports to allow flexibility in provision of residential units to meet with market demand.
3. Consider to relax the plot ratio restriction of the subject site to relieve acute demand of mid-low income group to supplement the supply of public housing ahead of time.

# JOHN HUI & ASSOCIATES

## Architects & Development Consultants

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Your earliest favourable response to our client is very much appreciated.

Yours truly,



John W.T. HUI (Dr.)

B. Arch, PhD (HKU), FHKIA, RIBA, FHIREA  
Registered Architect, Authorized Person

.....  
**JOHN HUI & ASSOCIATES**

**Architects & Development Consultants**

JH/CC/EH

e.c.

Transport and Housing Bureau-  
Housing Department-  
Civil Engineering and Development Department-  
District Lands Office, Tuen Mun, Lands Department-  
Client- Take Harvest Limited

sthoffice@thb.gov.hk  
psh@housingauthority.gov.hk  
thomaswkchan@cedd.gov.hk  
estmc2@landsd.gov.hk  
Attn.: Mr. Henry Lau

## Architects & Development Consultants

Our Ref.: B-22009

26 February 2021

Mr. CHAN Fan, Frank, JP  
Secretary for Transport and Housing  
Transport and Housing Bureau  
22/F, East Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

**BY EMAIL & POST**

**(sthoffice@thb.gov.hk)**

Dear Sir,

**Proposed Land Exchange  
For Low Density Residential Development at  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 472 S.A. RP and 472 S.B RP in DD130**

We refer to our letter dated 18 February 2020 addressed to the Development Bureau and your respectful Bureau (copy attached) concerning the potential public housing development area at San Hing Road and Hong Po Road. Now a year has lapsed and we have not received any updated information from any departments concerned.

Our client is now in a very desperate situation that the Planning Permission to allow development of residential flats on the subject site shall expire on 23 June 2021.

As previously mentioned, our client's development programme is to commence the development by mid-2018 and complete by end 2019. Now the scheduled commencement has been delayed for almost 3 years and there is still no clue or indication that whether the land exchange can be processed and executed.

This is extremely unfair to our client in that substantial financial burden has been incurred without knowing the possible prospect of revenue return.

We are therefore instructed to write to you to strongly request for the following actions of your Bureau and the Housing Department concerned :-

1. Advise our client of the outcome of the on-going engineering feasibility study concerned and implications therefrom.
2. Advise our client of the extent and boundary of the potential public housing development area, the programme of such development and the latest updated situation.
3. Exclude the subject site from including into public housing development in light of the very minute size of the site with comparison to the large parcel of land available in the region. Furthermore, the location of the subject site is at the very fringe of the land parcel with individual entrance and ingress point and self-sufficient utility supports, thus would not impose any effect to public housing planning even if excluded. (Indicative Plan of the subject site in the "Residential (Group E)" zoning area in the Approved Lam Tei And Yick Yuen Outline Zoning Plan No. S/TM-LTYY/10 showing its independent and fringe location attached)

# JOHN HUI & ASSOCIATES

## Architects & Development Consultants

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Kindly note that our client and we are in earnest support for the policy of pro-actively exploring land parcels for public housing to meet with community's acute demand, but our client's rights and privileges to develop the site are seriously compromised and should be upheld.

We have also tendered our client's request to the Development Bureau to consider to relax the plot ratio restriction of the subject site to relieve acute demand of mid-low income group to supplement the supply of public housing ahead of time and to allow flexibility in provision of residential units to meet with market demand.

Your earliest favourable response to our client is very much appreciated.

Yours truly,



John W.T. HUI (Dr.)

B. Arch, PhD (HKU), FHKIA, RIBA, FHIREA  
Registered Architect, Authorized Person

.....

**JOHN HUI & ASSOCIATES**

**Architects & Development Consultants**

JH/CC/EH

Encl.

e.c. (w/e)

Development Bureau-  
Housing Department-  
Civil Engineering and Development Department-  
District Lands Office, Tuen Mun, Lands Department-  
Client- Take Harvest Limited

landsunit@devb.gov.hk  
psh@housingauthority.gov.hk  
thomaswkchan@cedd.gov.hk  
estmc2@landsd.gov.hk  
Attn.: Mr. Henry Lau

**Indicative Plan**



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

電 話 Tel: 2231 4835

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/TM-LTY Y/337

By Registered Post & Fax (2577 7182)

14 July 2017

John Hui & Associates  
Suite 1218, Chevalier Commercial Centre  
8 Wang Hoi Road  
Kowloon Bay, Kowloon  
(Attn.: John W.T. Hui)

Dear Sir/Madam,

**Proposed Flat Development and Minor Relaxation of Building Height  
Restriction in "Residential (Group E)" Zone, Lots 464 S.A ss.1, 464 S.B,  
465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun**

I refer to my letter to you dated 8.5.2017.

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 23.6.2021, 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 design and reprovision of the existing public car park (at the junction of San Hing Road and Ng Lau Road) at your own cost, as proposed by you, to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and implementation of vehicular access connecting from San Hing Road to the site at your own cost, as proposed by you, to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of vehicular access, parking, loading and unloading facilities, and the details of the location of gate houses and drop bars, if any, to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of a revised noise impact assessment and implementation of noise mitigation measures identified therein to the satisfaction of Director of Environmental Protection or of the TPB;
- (e) the submission of a revised drainage impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB.



The TPB also agreed to advise you to note the advisory clauses as set out at Appendix VI 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/](http://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 23.6.2017 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 4.8.2017). 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. Stella Ng of Tuen Mun & Yuen Long West District Planning Office at 2158 6291. 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,



( Miss Rachel HO )  
for Secretary, Town Planning Board

**Major Development Parameters under application No. A/TM-LTY Y/337**

<b>Major Parameters</b>	<b>Approved Application No. A/TM-LTY Y/337</b>
Site area (m <sup>2</sup> , about)	3,832.4
Maximum gross floor area (GFA)* (m <sup>2</sup> )	3,832.4
Maximum plot ratio (PR)	1.0
Maximum site coverage (SC) (%)	40 %
No. of blocks	
Domestic	5
Non-domestic	1 (club house)
Building height	
In meters	16.5 (including car park)
In mPD	23.699
No. of storeys	5 (4 residential storeys over 1 basement car park)
No. of flats	35
Average flat size (m <sup>2</sup> )	109.5
Car parking spaces	
For residents	35 (including 1 for disabled)
For visitors	3 (including 1 for disabled)
Motorcycle parking spaces	1
Loading/unloading spaces	1
Bicycle parking spaces	19
Common greenery area (m <sup>2</sup> )	850.42
Communal open space (m <sup>2</sup> , minimum)	145.35
Communal recreation facilities for residents	1 common swimming pool 1 clubhouse
Design Population (persons)	140 (including 3 management staff)

*Notes:*

\* The applicant states that the proposed development would have an estimated exempted GFA of 191.62 m<sup>2</sup> (equivalent to 5% of total GFA) for a club house and a covered swimming pool for recreation purposes.

**Similar Application within the same “R(E)” zone on the OZP**

**Approved Application**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Application</u></b>	<b><u>Date of Consideration</u></b>
1	A/TM-LTYYY/273-1*	Proposed Extension of Time for commencement of the proposed residential development (flat) for a period of 4 years until 17.10.2022 (i.e. additional 4 years from the original approval)	15.3.2021 [Allowed on Appeal]

\* The application was rejected by the Town Planning Board (the Board) on review on 28.9.2018. Subsequently, the applicant lodged an appeal against the Board's decision on 16.10.2018 and the appeal was allowed on 15.3.2021 an extension of time for commencement of the development for a period of 4 years until 15.3.2025.

**Advisory Clauses**

- (a) the approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Town Planning Board may be required;
- (b) to note the comments of the District Lands Officer/Tuen Mun, LandsD (DLO/TM, LandsD) that irrespective of whether or not planning permissions are given, there is no guarantee that any land exchange applications will be approved and he reserves his comment on such. Pursuant to the planning permission granted to the planning application No. A/TM-LTTY/337, the applicant had submitted a land exchange application for a proposed residential development in 2017. The land exchange application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. However, the application has been put on hold pending the result of the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road. Notwithstanding whether the extension of time is given or not, his office would not process the land exchange application for the time being;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, BD (CBS/NTW, BD) that:
  - (i) before any new building works are to be carried out on the application site (the Site), the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
  - (ii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
  - (iii) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation (B(P)R) at the building plan submission stage;
  - (iv) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the B(P)R respectively. In phrasing, application for modification of B(P)R 41D for non-provisions of EVA to each block will be considered at the building plan submission stage if the provisions of EVA under B(P)R 41D are not fully complied with. The provision of sprinkler system might enhance his

considerations on the non-provisions of EVA subject to the comments from Fire Services Department (FSD). Comments from FSD should be sought;

- (v) car parking spaces, loading and unloading lay-by may be disregarded from GFA subject to the compliance with the requirements in Practice Note for Authorized Persons, Registered Structural Engineers and Geotechnical Engineers (PNAP) APP-2 & 111, otherwise, it will be counted as non-domestic GFA. In this connection, compliance with the Sustainable Building Design Guidelines set out in PNAP APP-152 will be considered at the building plan submission stage under the BO; and
- (vi) detailed comments under the BO will be provided at the building plan submission stage;
- (d) to note the comments of Director of Environmental Protection (DEP) that the applicant is advised to liaise with Drainage Services Department (DSD) for the proposed sewer connection. Regarding the air quality impact assessment and noise impact assessment, the applicant should note the following:

Air Quality Impact Assessment (AQIA)

- (i) regarding the AQIA provided in the EA, it is found that the mathematical models adopted in the AQIA are outdated version and no longer accepted by his Department. However, in view of the proposed changes in the current scheme are minor as compared with the approved scheme, it is considered that the findings in the previous assessment should remain valid. Nevertheless, in any future submission, the applicant is reminded to use updated mathematical models to carry out the AQIA. Alternatively, the applicant may make reference to the assessment in the approved planning scheme with a view to demonstrate that the proposed development will not be affected by adverse air quality impact if applicable and evaluate the proposed changes and associated air quality impact in the submission;

Noise Impact Assessment (NIA)

- (ii) the term “fixed window” used in the NIA may cause confusion. The applicant should clarify whether it means “fixed glazing” only or “fixed glazing with maintenance window” and apply the clarified term throughout the NIA. The size of the maintenance window (e.g. 300mm width maintenance window as adopted in other residential development) should also be specified in the NIA;
- (iii) to maintain consistency and avoid confusion in terminology used for the description of noise mitigation measures (NMM) in NIA, the applicant should replace the terminology for the proposed NMM “High-level top-Hung window” by “Acoustic Window (Top-hung Type)”; and
- (iv) to streamline the report reviewing work, the applicant should provide track-changes mode in the future submission;
- (e) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD) that the Mass

Transit Railway Corporation Limited (MTRCL) shall be consulted on the noise assessment in respect of the parameters and assumptions of existing railway made in the assessment and the assessment methodology;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, HyD (CHE/NTW, HyD) that the vehicular access connecting San Hing Road and the Site, and the existing car park are not maintained by HyD. HyD will not take up the maintenance of these items. Any modification to the junction of San Hing Road and the access road to the Site should be designed and constructed to the satisfaction of TD and HyD. Any new island formed for the modification of the car park will not be maintained by HyD. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to note the comments of the Chief Engineer/Mainland North, DSD (CE/MN, DSD) that his detailed comments on the drainage impact assessment that:

Drainage Impact Assessment (DIA)

- (i) for the DIA, please provide substantiation on the extent of sub-catchments L, I, H & G and explain why the areas between Ng Lau Road and Open Channel have not been included in the catchments; and
  - (ii) please provide calculation to demonstrate there is no additional drainage impact on existing public drainage system due to the proposed development;
- (h) to note the comments of the Director of Fire Service (D of FS) that the EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under B(P)R 41D which is administered by BD;
  - (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that:
    - (i) with reference to the planning statement, the Site is hard paved with 6 existing trees within the application boundary and 5 existing trees adjoining the northern boundary. With reference to the aerial photo of 2015, the Site is situated in an area of urban fringe character dominated by open storage and village houses;
    - (ii) the development comprises of 5 buildings blocks and a clubhouse, with a design population of 137 residents. All 3 trees within the Site will be felled with 57 heavy standard trees planted within the common area and private gardens as compensation. The 5 trees outside the northern periphery will be preserved in situ. An area of 145m<sup>2</sup> communal open space would be provided at the centre of the Site. Given that similar development is found in the vicinity, he has no objection on the application from the landscape planning perspective. His other detailed comments are as follows:
      - the applicant may wish to refer to Para. 2.7.1 (c) of Chapter 4 of Hong Kong Planning standards and Guidelines. If applicable and feasible, trees and shrubs should be planted along the periphery of sites. For tree planting, a 3m wide planting strip and a minimum 1.2m soil depth

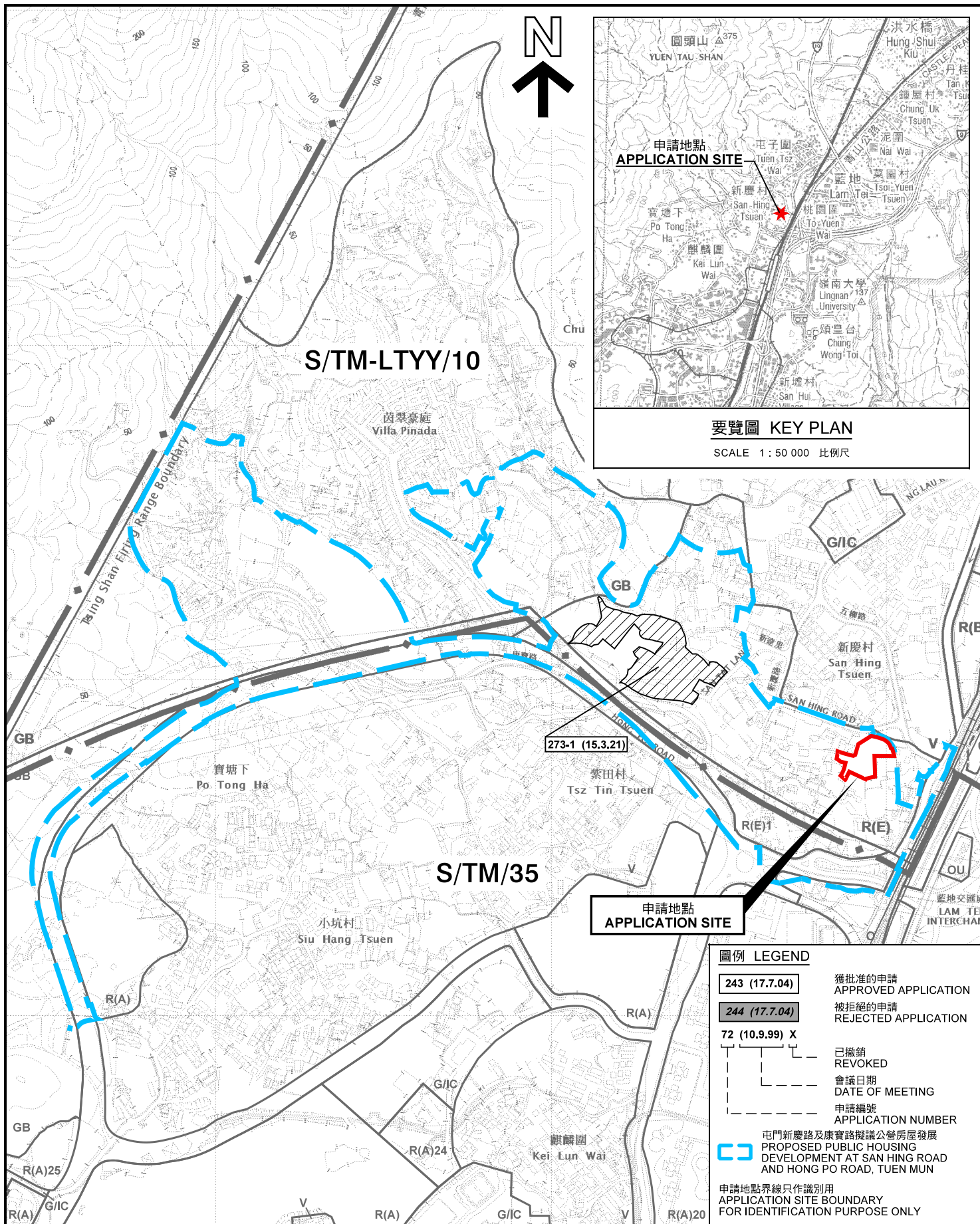
(excluding drains) should be reserved. For other plantings, a minimum of 1m wide planting strip is recommended;

- the applicant is reminded that the Board's approval on submission and/or implementation of accepted the tree preservation/transplanting/removal proposal under the Board's approval condition does not imply approval of any requirements under lease. Approval on tree preservation and removal application, under lease, shall be obtained direct from the concerned District Lands Office of LandsD to which LandsD PN No. 7/2007 and 7/2007A also refer;
  - the applicant may wish to review the use of *Wisteria sinensis* on the vertical green walls along the northern and eastern boundaries as observed in the perspectives. As *Wisteria sinensis* is a deciduous species the overall effectiveness of screening or greening effect by this single species may not be ideal;
  - with reference to Section 5.2 Greenery Calculation, there is no requirement for site coverage of greenery by PlanD. However the applicant may wish to review Sustainable Building Design Guidelines (APP-152) published by BD;
  - it should be clarified if the areas indicated as "at-grade greenery area (accessible by the public)" is a public open space in private development or just available for use by the residents of the proposed development;
  - although communal open space appears to be adequately provided within the Site of the current scheme, the area above the proposed club house should not be countable towards communal open space due to its restrictive access (staircase only); and
  - It appears there is inadequate soil provision for tree planting above the carpark as shown in Section A-A (Drawing No. SP-007 of Attachment 1 in Appendix Ia of RNTPC Paper No. A/TM-LTYY/337);
- (j) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that existing water mains will be affected. A waterworks reserve within 1.5 metres from the centerline of the water main shown on Plan A-2 of RNTPC Paper No. A/TM-LTYY/337 shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works all other services across, through or under it-which the Water Authority may require or authorize. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the plan. The developer shall bear the cost of any necessary diversion works affected by the proposed development. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site; and

- (k) to note the comments of the Chief Engineer/Housing Projects 2, Civil Engineering and Development Department (CE/HP2, CEDD) that the Site might be subject to land resumption for the implementation of the San Hing Road and Hong Po Road Public Housing Development which might take place at any time within the validity period of the planning permission.







申請地點  
APPLICATION SITE

**要覽圖 KEY PLAN**

SCALE 1 : 50 000 比例尺

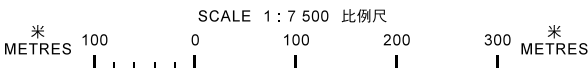
申請地點  
APPLICATION SITE

**圖例 LEGEND**

- 243 (17.7.04) 獲批准的申請  
APPROVED APPLICATION
- 244 (17.7.04) 被拒絕的申請  
REJECTED APPLICATION
- 72 (10.9.99) X 已撤銷  
REVOKED
- 會議日期  
DATE OF MEETING
- 申請編號  
APPLICATION NUMBER
- 屯門新慶路及康寶路擬議公營房屋發展  
PROPOSED PUBLIC HOUSING  
DEVELOPMENT AT SAN HING ROAD  
AND HONG PO ROAD, TUEN MUN
- 申請地點界線只作識別用  
APPLICATION SITE BOUNDARY  
FOR IDENTIFICATION PURPOSE ONLY

**位置圖 LOCATION PLAN**

擬議延長開已獲准的分層住宅及略為放寬建築物高度限制的期限  
新界屯門藍地新慶路丈量約份第130約地段第464號A分段第1小分段、  
第464號B分段、第465號、第472號A分段餘段及第472號B分段餘段  
PROPOSED EXTENSION OF TIME FOR COMMENCEMENT OF THE  
APPROVED FLAT AND MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION  
LOTS 464 S.A ss.1, 464 S.B, 465, 472 S.A RP AND 472 S.B RP IN  
D.D. 130, SAN HING ROAD, LAM TEI, TUEN MUN, NEW TERRITORIES



本摘要圖於2021年5月6日擬備，  
所根據的資料為於2018年10月16日  
核准的分區計劃大綱圖編號 S/TM-LTTY/10  
EXTRACT PLAN PREPARED ON 6.5.2021  
BASED ON OUTLINE ZONING PLAN No.  
S/TM-LTTY/10 APPROVED ON 16.10.2018

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/TM-LTTY/337-1

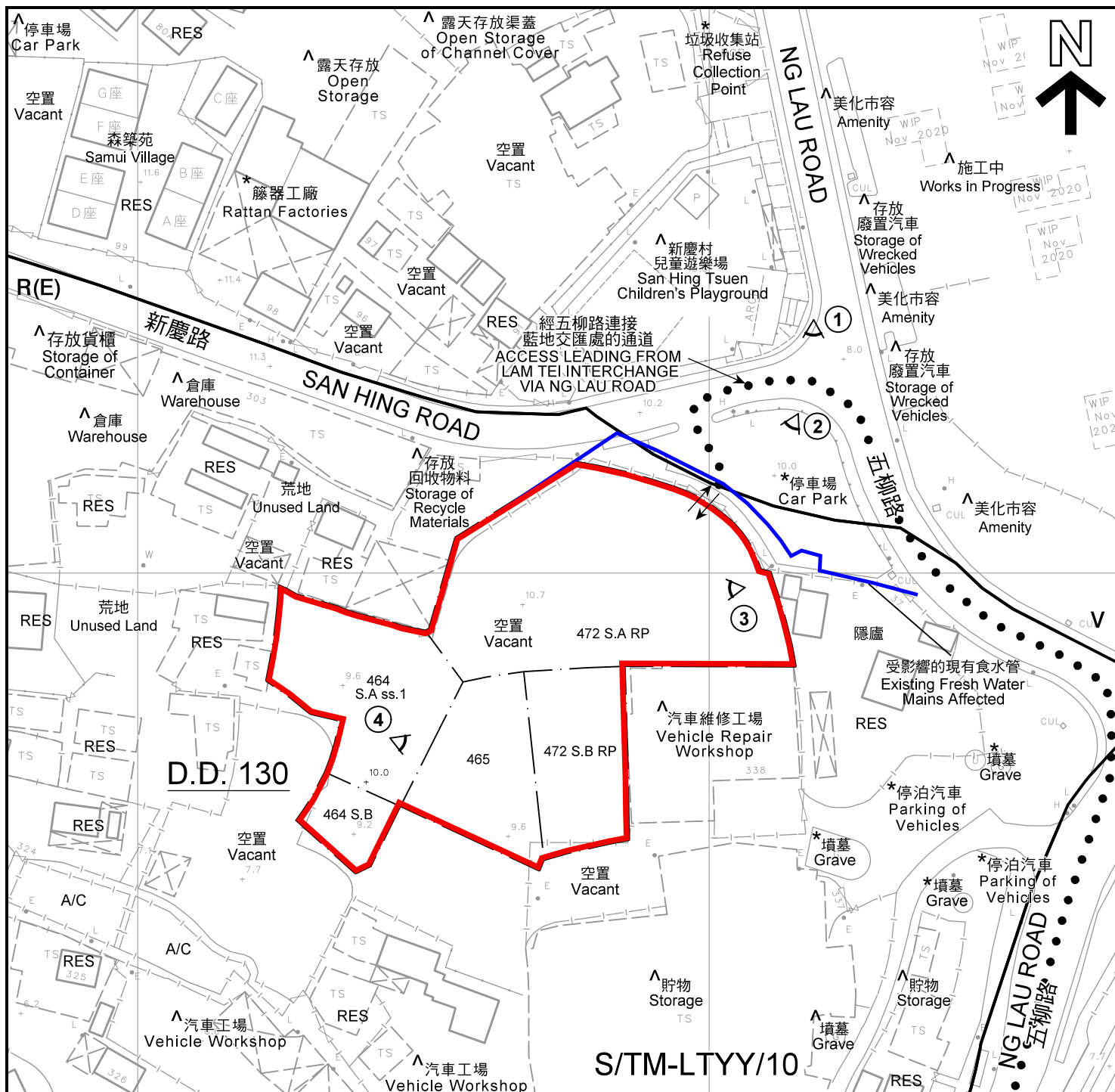
圖 PLAN  
AA-1





PLAN  
AA-1a





#### 註釋 Notes:

- (1) 2021年4月20日及2021年4月23日勘測的土地用途  
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 20.4.2021 & 23.4.2021
- (2) \* 土地用途跟1994年11月4日勘測的土地用途一致  
Indicates that the use is the same as that revealed by the land use survey conducted by the Planning Department on 4.11.1994
- (3) ^ 土地用途跟1994年11月4日勘測的土地用途有別  
Indicates that the use is different from that revealed by the land use survey conducted by the Planning Department on 4.11.1994

#### 平面圖 SITE PLAN

擬議延長展開已獲准的分層住宅及略為放寬建築物高度限制的期限  
新界屯門藍地新慶路丈量約份第130約地段第464A分段第1小分段、  
第464號B分段、第465號、第472號A分段餘段及第472號B分段餘段  
PROPOSED EXTENSION OF TIME FOR COMMENCEMENT OF THE  
APPROVED FLAT AND MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION  
LOTS 464 S.A ss.1, 464 S.B, 465, 472 S.A RP AND 472 S.B RP IN  
D.D. 130, SAN HING ROAD, LAM TEI, TUEN MUN, NEW TERRITORIES

SCALE 1 : 1 000 比例尺

米 20 0 20 40 米  
METRES

#### 圖例 LEGEND

- 申請地點(界線只作識別用)  
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- V 鄉村式發展  
VILLAGE TYPE DEVELOPMENT
- R(E) 住宅(成類)  
RESIDENTIAL (GROUP E)
- A/C 常耕農地  
CULTIVATED AGRICULTURAL LAND
- RES 住用構築物  
RESIDENTIAL STRUCTURES
- ① 實地照片的觀景點  
VIEWING POINT OF SITE PHOTO
- ↔ 入口/出口  
INGRESS / EGRESS

規劃署  
PLANNING  
DEPARTMENT

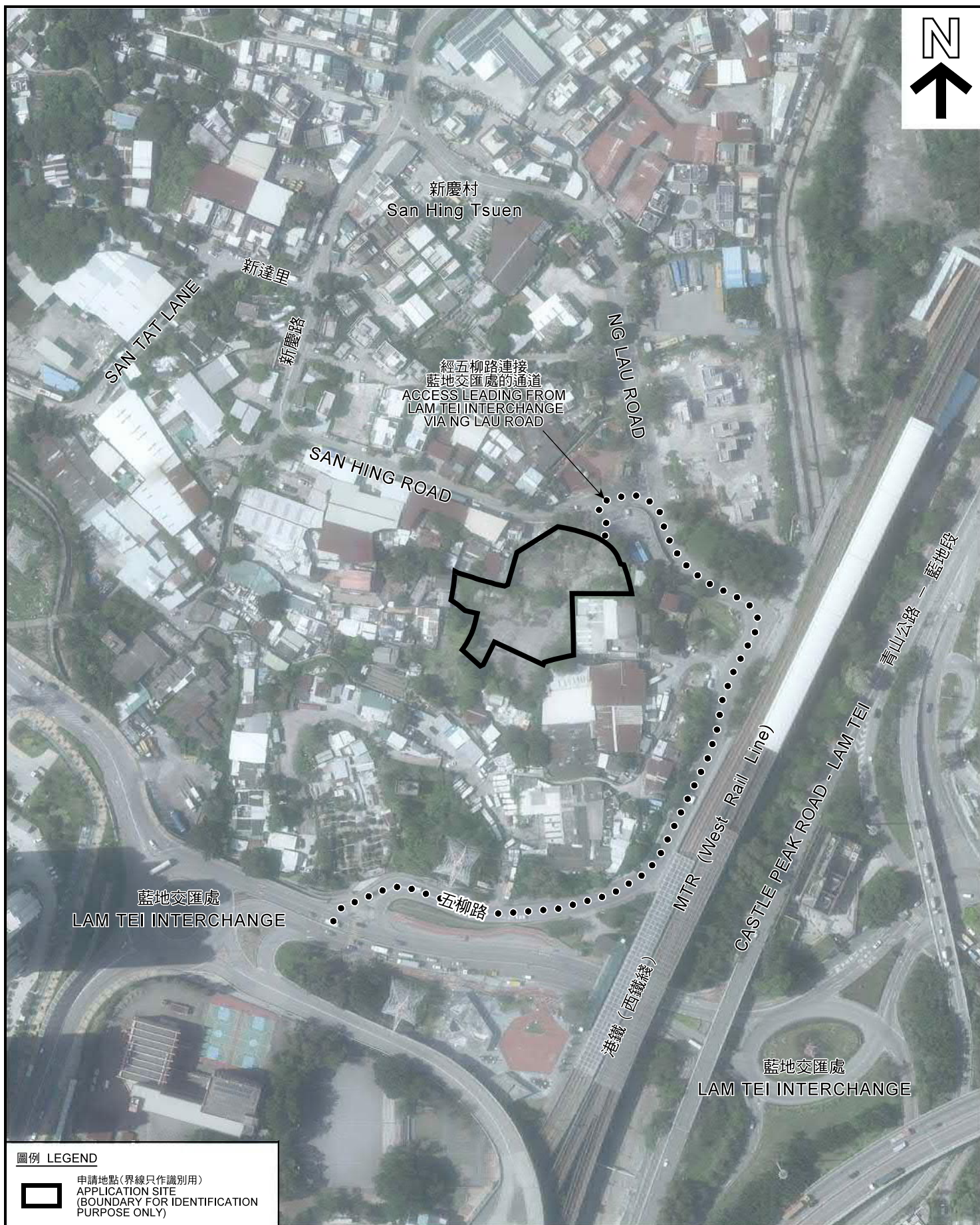


參考編號  
REFERENCE No.

A/TM-LTY/337-1

圖 PLAN  
AA-2





圖例 LEGEND



申請地點(界線只作識別用)  
APPLICATION SITE  
(BOUNDARY FOR IDENTIFICATION  
PURPOSE ONLY)

航攝照片 AERIAL PHOTO

本摘要圖於2021年5月6日擬備，所根據的資料為地政總署於2020年4月28日拍得的航攝照片編號E095727C  
EXTRACT PLAN PREPARED ON 6.5.2021  
BASED ON AERIAL PHOTO No.  
E095727C TAKEN ON 28.4.2020  
BY LANDS DEPARTMENT

擬議延長展開已獲准的分層住宅及略為放寬建築物高度限制的期限  
新界屯門藍地新慶路丈量約份第130約地段第464號A分段第1小分段、  
第464號B分段、第465號、第472號A分段餘段及第472號B分段餘段  
PROPOSED EXTENSION OF TIME FOR COMMENCEMENT OF THE  
APPROVED FLAT AND MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION  
LOTS 464 S.A ss.1, 464 S.B, 465, 472 S.A RP AND 472 S.B RP IN  
D.D. 130, SAN HING ROAD, LAM TEI, TUEN MUN, NEW TERRITORIES

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/TM-LTY/337-1

圖 PLAN  
AA-3





申請地點界線只作識別用  
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

### 實地照片 SITE PHOTOS

本圖於2021年5月6日擬備，所根據的資料為攝於2021年4月20日的實地照片  
PLAN PREPARED ON 6.5.2021  
BASED ON SITE PHOTOS  
TAKEN ON 20.4.2021

擬議延長展開已獲准的分層住宅及略為放寬建築物高度限制的期限  
新界屯門藍地新慶路丈量約份第130約地段第464號A分段第1小分段、  
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規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/TM-LTTY/337-1

圖 PLAN  
AA-4a



### 實地照片 SITE PHOTOS

本圖於2021年5月6日擬備，所根據的資料為攝於2021年4月20日的實地照片  
PLAN PREPARED ON 6.5.2021  
BASED ON SITE PHOTOS  
TAKEN ON 20.4.2021

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規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/TM-LTYYY/337-1

圖 PLAN  
AA-4b

**Agenda Item 39**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/337-1 Proposed Extension of Time for Commencement of the Approved Flat and Minor Relaxation of Building Height Restriction for a Period of 2 Years until 23.6.2023 in “Residential (Group E)” Zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/337-1)

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**Presentation and Question Sessions**

156. Mr Alexander W.Y. Mak, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed extension of time for commencement (EOT) of the approved flat development and minor relaxation of building height restriction for a period of 2 years until 23.6.2023 (i.e. additional 2 years from the original approval);
- (c) departmental comments were set out in paragraph 8 of the Paper; and
- (d) the Planning Department (PlanD)’s views – PlanD did not support the application for EOT for commencement of the approved development based on the assessments set out in paragraph 9 of the Paper. The EOT application was not in line with the assessment criteria set out in the Town Planning Board Guidelines No. 35C. Since obtaining planning approval on 23.6.2017, the only action taken by the Applicant was submission of a land exchange application (LEA). The applicant failed to demonstrate that genuine effort had been made in taking reasonable actions for the implementation of the approved development, as the applicant had not



submitted building plan nor made submissions for complying with any of the approval conditions. The applicant also failed to demonstrate that there was a good prospect to commence the proposed development within the applied extension period of two years. Since the original approval given in 2017, the Government had demonstrated strong commitment to implementing the proposed housing development at San Hing Road and Hong Po Road in that the Civil Engineering and Development Department (CEDD) had substantially completed the feasibility study for the public housing development (the Study). In that regard, the Director of Housing did not support the EOT. The District Lands Officer/Tuen Mun (DLO/TM) of Lands Department (LandsD) advised that notwithstanding whether the EOT was approved or not, he would not process the LEA for the time being. Other concerned departments had no objection to or adverse comment on the application.

157. Some Members raised the following questions:

- (a) the latest position of the LEA, and whether the implementation of the approved development was affected by the special work arrangement of Government departments during the pandemic as claimed by the applicant;
- (b) implication on the original planning approval if the EOT application was rejected; and
- (c) the difference between application No. A/TM-LTYT/273-1 with EOT allowed by the Town Planning Appeal Board (TPAB) and the subject EOT application; and whether there would be any difference in the terms of land resumption if invoked later.

158. In response, Mr Alexander W.Y. Mak, STP/TMYLW, made the following main points:

- (a) the applicant had submitted a LEA to LandsD for the approved scheme under application No. A/TM-LTYT/337 in July 2017 with several enquiry letters on the progress since then. DLO/TM, LandsD and the

Development Bureau advised the applicant via various letters between 2018 and 2020 that the Site fell within the development area under the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road, and that the processing of the LEA had been put on hold pending the result of the Study. Correspondences between the applicant and the Government were enclosed in Appendix I of the Paper. Other than the above action, the applicant had not made any building plan submission nor submission for complying with any of the approval conditions of the planning permission since the original approval given in 2017;

- (b) should the EOT application be rejected by the Committee, the planning permission would lapse on 23.6.2021; and
- (c) the Board rejected the EOT for application No. A/TM-LTY Y/273-1 based on the ground that there was a material change in planning circumstances but that point was not accepted by the TPAB. Both the Board and TPAB noted that the applicant of application No. A/TM-LTY Y/273-1 had taken reasonable actions for implementation of the approved scheme, which was not demonstrated in the current EOT application. Regarding the land resumption matter, it would be dealt with in the project implementation stage of the proposed public housing development at San Hing Road and Hong Po Road.

159. The Chairman further supplemented that the applicant of application No. A/TM-LTY Y/273-1 with the approved EOT might continue to pursue the implementation of its approved scheme while recognising that the Government might initiate land resumption for implementation of the proposed public housing in future. However, if the current application was rejected by the Committee, the applicant could not proceed with the approved scheme unless he successfully sought an approval of the EOT application under review/appeal of the Committee's/Board's decision.

160. Mr Alan K.L. Lo, Assistant Director/Regional 3 of LandsD, further supplemented that there was an established land resumption mechanism under the Lands Resumption Ordinance, and each case would be considered on individual basis.

### Deliberation Session

161. The Chairman invited Members to consider whether the EOT application had satisfied the criteria set out in the Town Planning Board Guidelines No. 35C, including whether the applicant had taken reasonable actions for implementation of the approved development, and whether they had demonstrated a good prospect to commence the proposed development within the extended time limit. Despite that the LEA had been put on hold, the applicant could have tried to submit building plans or comply with the approval conditions to take forward the approved development.

162. A Member considered that the applicant's ground on implementation of the proposed development being affected by the pandemic not justified as the original application was approved in 2017, which was well before the start of the pandemic in 2020.

163. Members generally did not support the EOT application and considered that the applicant had not taken reasonable actions for implementation of the approved development.

164. After deliberation, the Committee decided to reject the application. The reason was :

“the application is not in line with Town Planning Board Guidelines No. 35C in that the applicant fails to demonstrate that genuine effort has been made in taking reasonable actions for implementation of the approved development, and that there is a good prospect to commence the proposed development within the applied extension period.”

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

電 話 Tel: 2231 4810

來函檔號 Your Reference:

By Post & Fax (2577 7182)

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/TM-LTYT/337-1

28 May 2021

John Hui & Associates  
Unit F, G/F  
2 Somerset Road  
Kowloon Tong, Kowloon  
(Attn.: John W.T. Hui / Charles Chan)

Dear Sir/Madam,

**Proposed Extension of Time for Commencement of the Approved Flat  
and Minor Relaxation of Building Height Restriction for a Period of 2 Years  
until 23.6.2023 in "Residential (Group E)" Zone, Lots 464 S.A ss.1, 464 S.B,  
465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun**

I refer to my letter to you dated 17.3.2021.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reason is :

- the application is not in line with TPB Guidelines No. 35C in that you fail to demonstrate that genuine effort has been made in taking reasonable actions for implementation of the approved development, and that there is a good prospect to commence the proposed development within the applied extension period.

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 14.5.2021 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 18.6.2021). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original section 16A application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 or 16A of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Alexander Mak of Tuen Mun & Yuen Long West District Planning Office at 2158 6283.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Raymond Kan', written in a cursive style.

( Raymond KAN )  
for Secretary, Town Planning Board

**TOCO PLANNING CONSULTANTS LTD.**  
TOWN PLANNING, ENVIRONMENT & DEVELOPMENT CONSULTANCY  
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Website: <http://www.tocoplanning.com>



遠材都市規劃  
顧問有限公司

The Secretary,  
Town Planning Board  
15/F North Point Government Offices  
333 Java Road  
North Point, Hong Kong

Your ref.: TPB/ATM-LTYT/337-1

Dear Sir/ Madam,

16 June, 2021

**Proposed Extension of Time for Commencement of the Approved Flat  
And Minor Relaxation of Building Height Restriction for a Period of 2 Years  
Until 23.6.2023 in "Residential (Group E)" Zone, Lots 464A ss.1, 464B,  
465, 472A RP and 472B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun**

We refer to your letter dated 28.5.2021.

We submit herein, under section (17)1 of the Town Planning Ordinance, an application for review of the Town Planning Board's decision in rejecting the section 16 planning application for the captioned development.

Toco Planning Consultants Ltd. has been commissioned as planning consultant and application agent for the section 17 planning review application. A copy of the authorisation letter and a revised Particular of Applicant and Authorised Agent are enclosed. John Hui & Associates will continue to act as the development adviser and project architect for the project.

A Planning Review Statement in support of the planning review application is under preparation and will be submitted for the consideration of the Town Planning Board in due course.

Yours faithfully,

Toco Planning Consultants Ltd.

  
Ted Chan  
Managing Director

c.c. DPO/TM&YLW  
Client  
JHA

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2021 JUN 16 A 10:22  
TOWN PLANNING BOARD

TED T. C. CHAN  
MBIA MKKIP DPP

**TOCO PLANNING CONSULTANTS LTD.**  
TOWN PLANNING, ENVIRONMENT & DEVELOPMENT CONSULTANCY  
Unit No. 5, 13/F., Technology Plaza,  
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達材都市規劃  
顧問有限公司

The Secretary,  
Town Planning Board  
15/F North Point Government Offices  
333 Java Road  
North Point, Hong Kong

Your ref.: TPB/A/TM-LTYT/337-1

Dear Sir/ Madam,

1 November, 2021

**Proposed Extension of Time for Commencement of the Approved Flat and Minor Relaxation of Building Height Restriction for a Period of 2 Years until 23.6.2023 in "Residential (Group E)" Zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun (TPB/A/TM-LTYT/337-1)**

We refer to our letter dated 16.6.2021.

We submit herein, on behalf of Take Harvest Ltd. (the Applicant), a Technical Planning Letter (instead of a Planning Review Statement as stated in our letter dated 16.6.2021) in support of the section 17 review of planning application for the captioned. This Technical Planning Letter provides detailed planning justifications in response to the Town Planning Board's reason of rejection for the proposed extension of time.

Please find attached 8 hard copies of the Technical Planning Letter for your attention. The soft copy will be uploaded once the link has been provided by your Office.

Yours faithfully,

Toco Planning Consultants Ltd.

Ted Chan  
Managing Director



c.c. DPO/TM&YLW  
Client  
JHA

TOWN PLANNING BOARD

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The Secretary,  
Town Planning Board  
15/F, North Point Government Offices  
No. 333 Java Road  
North Point, Hong Kong

Your ref.: TPB/A/TM-LTYT/337-1

Dear Sir/ Madam,

1 November, 2021

**Proposed Extension of Time for Commencement of the Approved Flat and Minor Relaxation of Building Height Restriction for a Period of 2 Years until 23.6.2023 in "Residential (Group E)" Zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun**

**(Technical Planning Letter – TPB/A/TM-LTYT/337-1)**

**1. Background Facts**

Take Harvest Limited (the Applicant) had submitted a section 16 (s.16) planning application (No. A/TM-LTYT/337) to the Town Planning Board (the Board/ TPB) on 13.4.2017 for a flat development with minor relaxation of building height restriction at the captioned private lots (see **Plan A** to **Plan C**). The planning application was approved with conditions by the Rural and New Town Planning Committee (RNTPC/ the Committee) of the TPB on 23.6.2017 and the planning permission shall be valid until 23.6.2021 unless before the said date either the development permitted is commenced or the permission is renewed (see **Appendix I**).

In order to process the implementation of the approved residential scheme, the Applicant had applied to the District Lands Office/ Tuen Mun (DLO/TM) for a land exchange on 27.7.2017 (see **Appendix II**). However, DLO/TM replied in their letters dated 26.7.2018 and 17.5.2019 that the land exchange application had been put on hold pending for the results of the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road. Over the past 4 years, the Applicant had urged the concerned department several times for expediting the land exchange application but they had not been given a definite timing on the completion of the public housing study.

**2. Application for Review of the Refusal of the Extension of Time**

In considering the planning approval would be expired on 23.6.2021, the Applicant had submitted a section 16A (s.16A) planning application for extension of time (No.A/TM-LTYT/337-1) to the TPB on 12.3.2021. The proposed extension of time (EOT) for an additional period of 2 years will facilitate the early commencement for the development. While major departments had no adverse comment on the application,



the RNTPC of the Board decided to reject the application on 14.5.2021 based on the following reasons (see **Appendix III**):

- (a) The application is not in line with TPB Guidelines No. 35C in that you fail to demonstrate the genuine effort has been made in taking reasonable actions for implementation of the approved development, and that there is a good prospect to commence the proposed development within the applied extension period.*

In view of the reason above, the Applicant applied under section 17 (s.17) of the Town Planning Ordinance (TPO) for a review of the RNTPC's section 16A rejection decision. A Technical Planning Letter with detailed planning justifications has been prepared by Toco Planning Consultants Ltd. in support of the planning review application.

### **3. TPB's Considerations and Assessments**

It is important to point out that the TPB's considerations in respect of the subject EOT application are mainly based on the planning assessments as stated on the RNTPC Paper and the relevant extract of minutes of the RNTPC meeting held on 14.5.2021. According to the RNTPC Paper, the Director of Housing (DOH) expressed the view that they did not support the application and the major reason is summarized below:

*"Civil Engineering and Development Department (CEDD) is conducting the Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study. In this connection, the application is not supported."*

Planning Department (PlanD) submitted a Paper to the Committee for consideration. They did not support the application based on the assessment criteria in TPB Guidelines No. 35C and the key points are summarized as follow:-

- (i) no genuine effort had been made as the Applicant had not submitted building plan nor made submissions for complying with any of the approval conditions;
- (ii) could not agree there was a good prospect to commence the proposed development within the applied extension period of two years; and
- (iii) the Government had strong commitment to implementing the proposed housing development at San Hing Road and Hong Po Road.

On 14.5.2021, the RNTPC's members in general agreed with the PlanD's view and they had decided to reject the EOT application.

#### **4. Merits of the Present Planning Review**

• **Planning Justification 1 - In response to Reason (i)**

**The Applicant has Taken Appropriate Steps to Implement the Proposed Scheme**

During the deliberation session when the Committee considered the subject EOT application (Application No. A/TM-LTYT/337-1), the Chairman was of a view that the Applicant could have tried to submit building plans or comply with the approval conditions to take forward the approved development despite the processing of land exchange application being on hold. However, being a small size private developer, the Applicant has every intention to promptly develop the application site within their smaller budget for return of investment and to relieve the tension in the rising trend in the residential market. Prior to the implementation of the proposed residential scheme at the application site, the Applicant had studied in detail a similar (successful) planning case adjacent to the site the key observations are as follows:-

- i) Join Smart Ltd. (JSL), a subsidiary of Sun Hung Kai Properties Ltd., submitted a s.16 planning application (No. A/TM-LTYT/273) for a proposed residential development in Lam Tei on 13.12.2013 (see **Plan D**). The planning application was approved with conditions by the RNTPC of the TPB on 17.10.2014 and the permission was valid until 17.10.2018, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted has been commenced or the permission has been renewed.
- ii) Subsequently, JSL had submitted several technical assessments in order to fulfill the approval conditions for planning permission No. A/TM-LTYT/273. In 2017, all the approval conditions not involving implementation had been complied with. However, JSL had made five general building plan (GBP) submissions and applied for land exchange and all these applications have been rejected or put on hold based on the following reasons:-
  - some of the approval conditions needed to be complied with before GBP approval;
  - DLO/TM considered that the GBP submission was not acceptable as the proposed land exchange of the site was yet to be approved and completed; and
  - the processing of the land exchange had to be put on hold, pending the results of the feasibility study for the proposed public housing development at San Hing Road and Hong Po Road being undertaken by CEDD.

Unlike other big developers, the Applicant is a small company and they have a limited financial budget. They cannot afford to submit multiple times of GPB as each submission requires substantial amount of cost. Thus, they need to be very careful at every step in order to ensure fiscal balance. After the approval of the s.16 planning application, the Applicant has promptly seek building services consultant's advices in terms of fire engineering for preparation of submission of building plans to the Building Authority (BA). However, based on the above observations, the Applicant considered that, even if the approval conditions were partially complied with or building plans were submitted, the development could not be implemented because the land exchange application was not been approved yet.

In addition, according to the Circular Letter issued by the Buildings Department (BD) dated 27.9.2021, one of the typical acceptable situations as indication of realistic prospect of the land forming a site is *"The District Lands Conference of the Lands Department (LandsD) has in-principle approved the land grant or the like to the applicant."* (see **Appendix IV**). Even though this Circular Letter was issued in September this year, the internal practice of the BD has adopted this principle for long.

Hence, in order to save resources and efficient use of their limited funding, the Applicant considered the approval of the land exchange application was the first step to be met before proceeding with the other requirements and submissions, as the genuine purpose for submission of GBP is for commencement of actual construction works, not solely for just complying approval conditions.

In fact, over the past 10 years, the Applicant had been very proactive in pursuing the implementation of private residential development at the application site. They had submitted six s.16 planning applications for proposed flat development, including two s.16 planning applications (Nos. A/TM-LTTY/282 and A/TM-LTTY/337) which were approved by the Board on 13.3.2015 and 23.6.2017 respectively. The Applicant did not agree with the TPB's assessment that they did not make "genuine effort" to implement the proposed development based on the reason that the Applicant did not submit building plans or comply with the approval conditions. Such assessment is considered as discrimination action against the smaller developers/ stakeholders.

• **Planning Justification 2 - In response to Reason (ii)**

**Commencement of Development was Delayed due to Problems which are Beyond the Control of the Applicant**

According to TPB Guidelines No. 35C, the execution of land applications or approval of building plans would constitute a commencement of development. As mentioned above, the Applicant had promptly submitted application for land exchange to DLO/TM on 27.7.2017 and had been on hold until present. According to the Applicant's development programme, the construction of the development was to start by mid-2018 and complete by end of 2019. However, the programme has been delayed for approximately 4 years and there is still no indication whether the land exchange can be processed and executed. The Applicant had urged the concerned department several times for expediting the land exchange application but they could not attain a definite answer. This is extremely unfair to the Applicant since substantial financial burden had been incurred without a proper progress of the land exchange application.

Furthermore, one of the criteria for assessing the application for EOT for commencement of development includes:

*"Whether the commencement of development is delayed due to some technical/practical problems which are beyond the control of the applicant, e.g. delays in land administrative procedures..."*

In view of the futile replies from DLO/TM as attached in **Appendix II** and open-ended land exchange process which has caused the Applicant into a flustered situation, it is considered this alone is a good reason and justification for the approval of the EOT. Under such open-ended process, it is not fair to reject that there was a good prospect to commence the development within the applied EOT.

• **Planning Justification 3 - In response to Reason (ii)**

**Preliminary Layout for the Public Housing Development is still in a Tentative Stage**

According to the RNTPC Paper No. 6.21 dated 23.7.2021, the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road has been completed and according to the preliminary site layout plan (**Plan E**), only approximately 1/3 of the application site is covered by retail/social facilities/ carpark use and a hint of residential use, in which are still 'indicative' subject to detailed assessment. Majority of the site is covered by undetermined use. In addition, the site is located at the fringe of the proposed residential estate, and therefore, the realignment of the public housing block could be easily avoid encroaching onto the site and would not adversely affect the overall site layout plan.

As the building plans and relevant technical proposals have already been prepared and

ready for the compliance of approval conditions, the proposed extension of time of 2 years is considered appropriate and sufficient.

• **Planning Justification 4 - In response to Reason (iii)**

**The Approval of the New Draft Plan is Laden with Uncertainty**

The Applicant understands the Government had strong commitment to implementing the proposed housing development at San Hing Road and Hong Po Road, as it is noted that the new Draft Lam Tei and Yick Yuen OZP No. S/TM-LTY/11 (hereafter also refer as "the new draft plan") was gazetted on 20.8.2021. The new draft plan was exhibited by the Board for 2 months (i.e. 20.10.2021) for public inspection under section 5 of the TPO. During this exhibition period, any person can make Representation to the Board in respect of the new draft plan under section 6(1) of the TPO.

The Government's progressive action taken to pursue the public housing project is a long way to completion and is laden with uncertainty. Extensive public consultation must take place when such an application is made. Prior to the gazette of the new draft plan on 20.8.2021, the Tuen Mun Rural Committee (TMRC) was consulted on 26.6.2021 and they had raised concerns on traffic impact brought by the public housing scheme and its relevant mitigation measures, drainage aspect and compensation and re-housing arrangement for the affected residents and brownfield operator. On 6.7.2021, PlanD, and relevant departments also consulted Tuen Mun District Council (TMDC) in relation to the proposed amendments to the OZP for the public housing scheme. TMDC members expressed grave concerns on the potential traffic impact, inadequate social welfare and Government Institution and Community (GIC) facilities arising from the increased population in the Tuen Mun District and lack of local consultation.

Considering that the plan making process of the new draft plan is still in the early stage and the relevant stakeholders have expressed grave concerns to the plan prior to the gazette of the new draft plan, the rezoning of the application site and/or approval of the new draft plan is still uncertain at this stage.

To achieve the wish of the Government to enlarge the public housing site, the Government have to apply to the TPB to amend the OZP and obtain the approval of the TPB, in the exercise of its planning making function, to the alteration. In so doing, the TPB has to allow the public to make representations and comments in accordance with the requirements of the TPO through the public process. It is legally not permissible for the Government to seek to avoid the normal statutory plan making process by objecting to the EOT.

Conversely, if we were to exercise our discretion in favour of granting the extension of time, as shown in **Plan E** and discussed in **Planning Justification 3**, it appears that the Government could still be able to implement its plan for a comprehensive public housing development by either adjusting the plot ratios in the areas outside the application site and/or by resuming the application site. Additionally, even if the Government does not succeed in resuming the application site, it only occupies a small area of the public housing project.

• **Planning Justification 5 - In response to Reason (iii)**

**The TPB's Discretion must be Exercised within the Parameters of the Approved OZP**

With reference to the Town Planning Appeal No.8 of 2018 between JSL and TPB (see attached **Appendix V**), they have quoted the case of the *International Trader Limited v*

*Town Planning Appeal Board* [2009] 3 HKLRD 339 (International Trader case). The key issue in the International Trader case was whether the Board, when determining a s.16 application was entitled, or required, to have regard to all planning considerations it reasonably judged to be relevant. The Court of Appeal (CA) held that the discretion of the Board had to be exercised within the parameters of the relevant approved plan. If material considerations which fell outside the ambit of the approved plan were taken into account, the Board acted *ultra vires*.

The relevancy of the International Trader case on the subject EOT application was that the Housing Department's (HD) proposed public housing development was still in a preliminary stage and was not within the parameters of the OZP. If the Board took into consideration HD's plan which was not contemplated by the OZP, it would act ultra vires.

Therefore, on the date of the submission of the EOT and this s.17 review application, the Approved Lam Tei and Yick Yuen OZP No. Y/TM-LTTY/10 (Approved OZP 10) was approved by the Chief Executive in Council. The application site still currently falls within the zone as Residential (Group E) on the Approved OZP 10. Accordingly, the Approved OZP 10 should be the governing plan.

The Applicant also would like to argue that the TPB's interpretation of TPB PG-No. 35C is incompatible with the statutory plan-making scheme because it completely bypasses the statutory plan-making process and extensive public consultation and assumes the completion on the rezoning of the application site.

**5. Conclusion and Recommendation**

In view of the planning justifications provided above, the Applicant sincerely requests that honourable members of the TPB would give favourable consideration to this application. This would facilitate the implementation of the proposed residential scheme at the application site, and enable greater contribution to society through providing high quality residential accommodation to the society.

Yours faithfully,

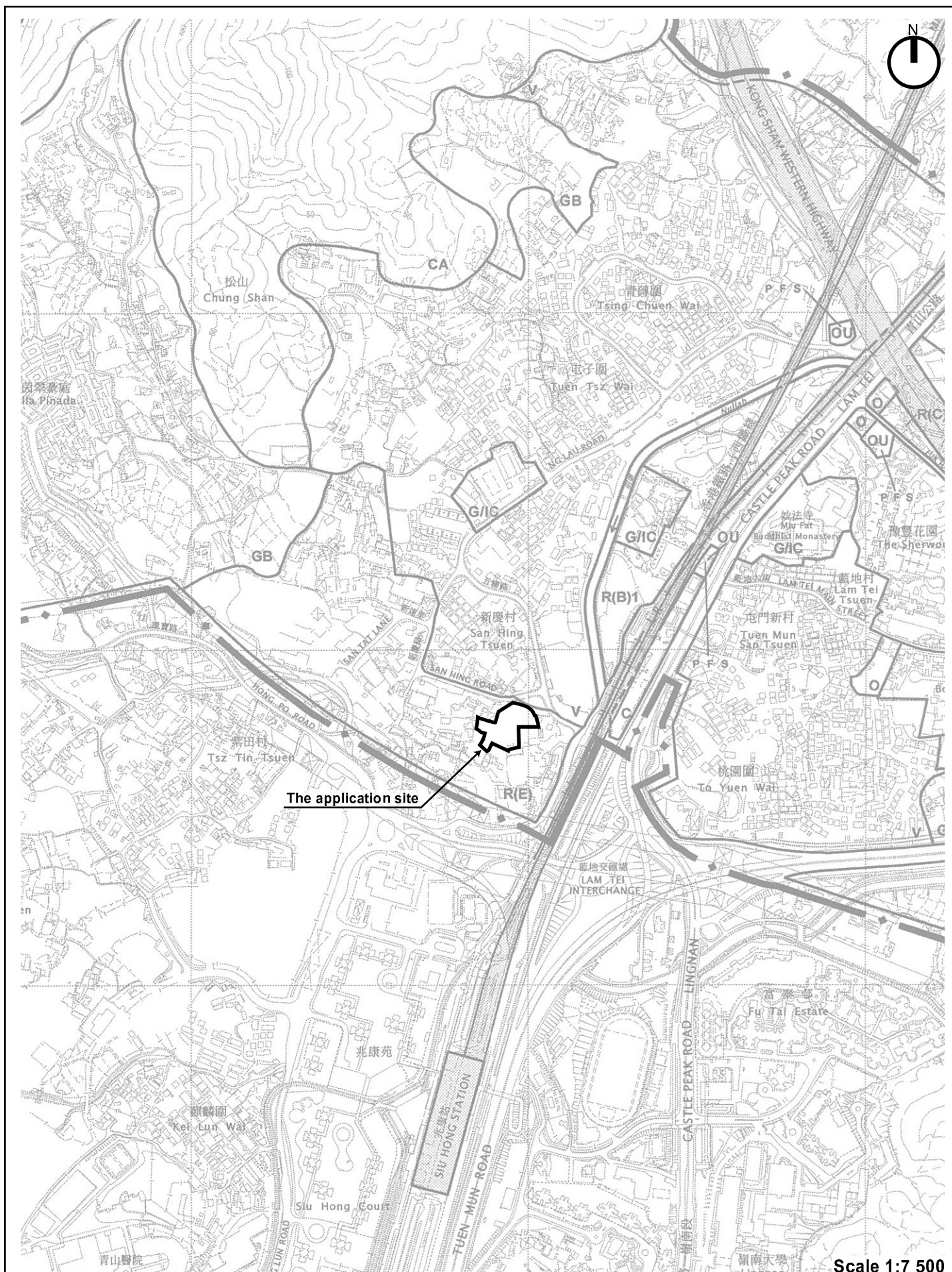
Toco Planning Consultants Ltd.



Ted Chan  
Managing Director







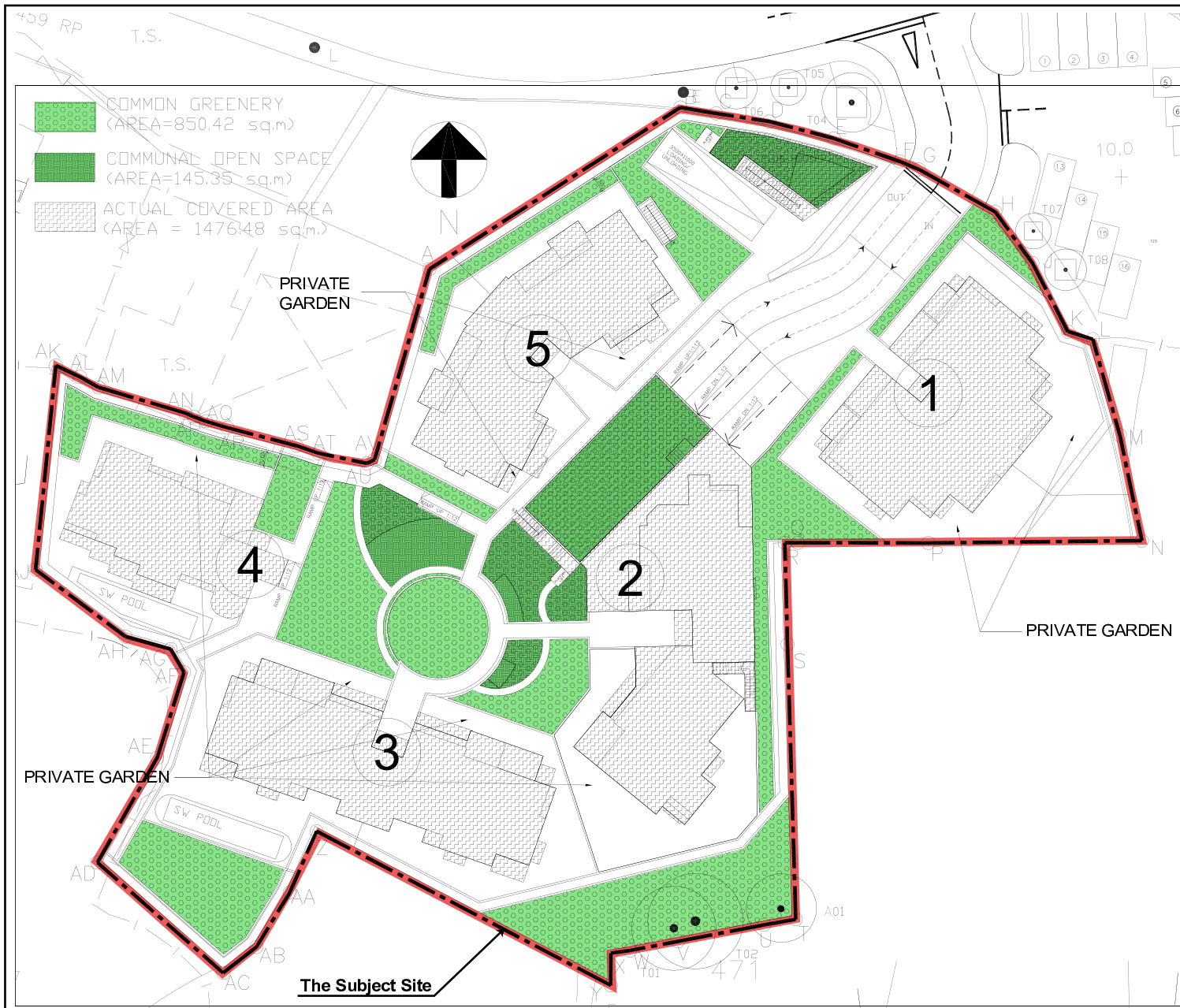
## Plan A: Zoning and Location Plan

Extract of Approved Lam Tei and Yick Yuen

Outline Zoning Plan No.S/TM-LTY/10 (as of submission date on 16.6.2021)

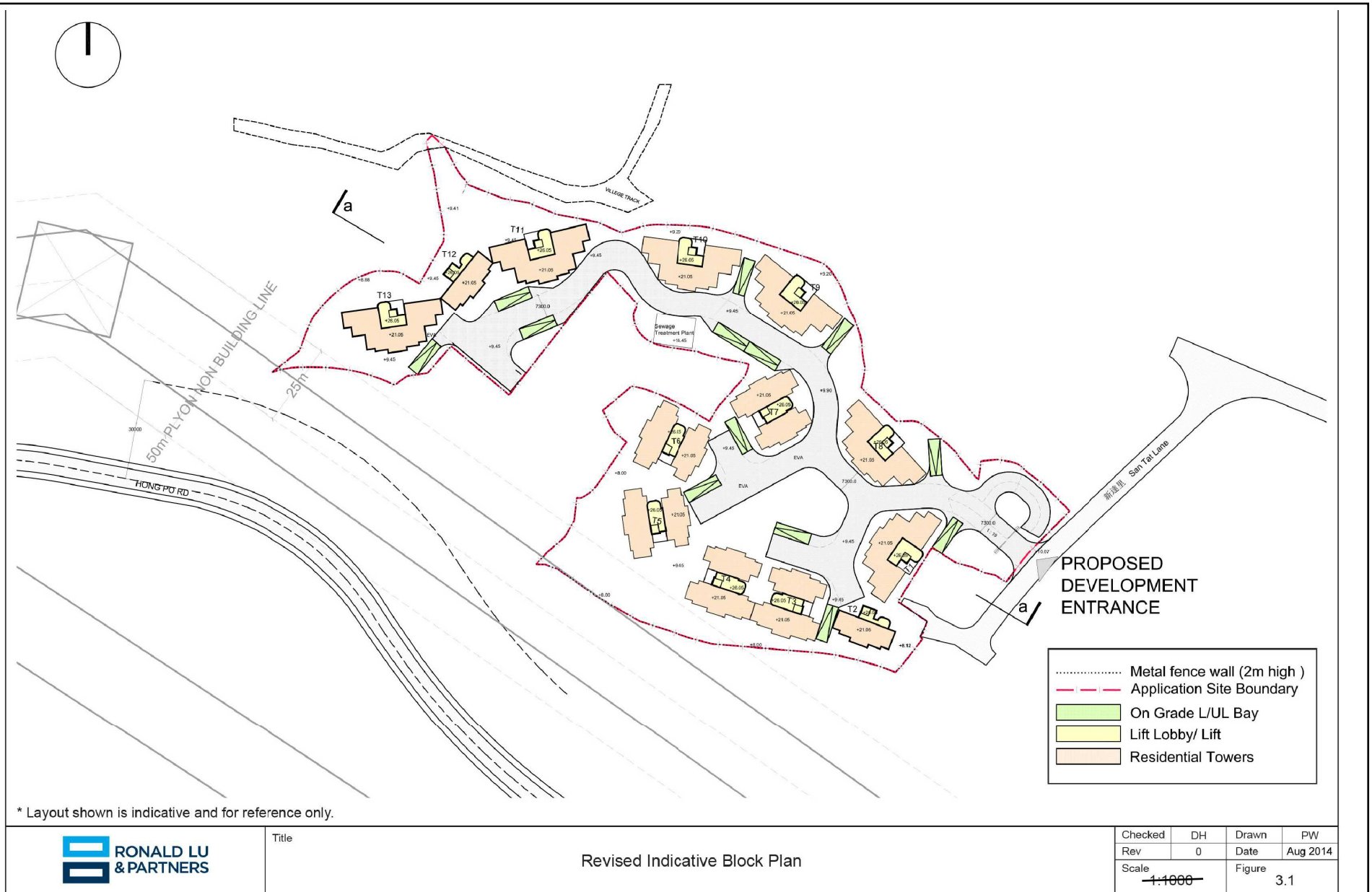






BLOCK	FLAT	LOCATION	G.F.A. OF EACH FLAT \sq.m	G.F.A. OF EACH BLOCK \sq.m
1	A1	L1	117.893	845.526
	A2	L1	117.893	
	B1	L2	108.491	
	B2	L2	108.491	
	C1	L3	98.829	
	C2	L3	98.829	
	D1	L4	97.550	
	D2	L4	97.550	
2	A	L2	105.525	751.641
	B	L3	93.688	
	C	L4	90.681	
	D	L1	128.803	
	E	L2	115.174	
	F	L3	110.242	
	G	L4	107.528	
3	A1	L1	126.220	900.888
	A2	L1	126.220	
	B1	L2	114.428	
	B2	L2	114.428	
	C1	L3	106.367	
	C2	L3	106.367	
	D1	L4	103.429	
	D2	L4	103.429	
4	A	L1	146.686	523.018
	B	L2	127.707	
	C	L3	125.203	
	D	L4	123.422	
5	A1	L1	113.100	811.330
	A2	L1	113.100	
	B1	L2	103.719	
	B2	L2	103.719	
	C1	L3	95.355	
	C2	L3	95.355	
	D1	L4	93.491	
	D2	L4	93.491	
TOTAL				3832.40
SITE AREA \sq.m				3832.400
MAX SITE COVERAGE \sq.m				40% 1532.96
ACTUAL SITE COVERAGE \sq.m				NOT MORE THAN 40%

Scale 1: 500

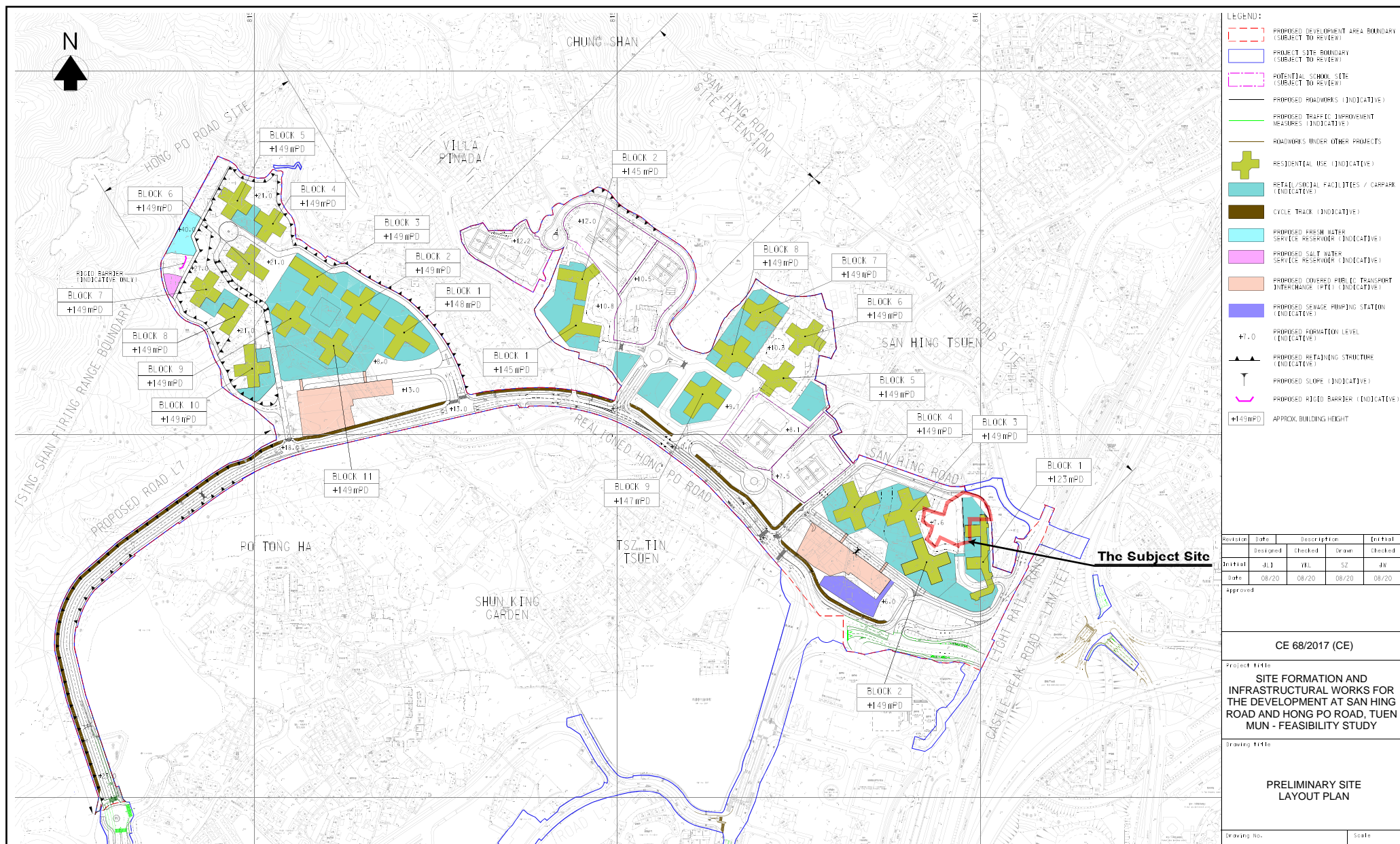


Extracted from Paper No. A/TM-LTYY/273-1A

Not to Scale

## Plan D: Indicative Block Plan of No. A/TM-LTYY/273





Remark(s): Extract of Figure 198172/B&V/FR/0201 of Appendix V of RNTPC Paper No. 6/21 dated 23.7.2021

Not to Scale



# Plan G: Preliminary Site Layout Plan for the Public Housing Development

## 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

JOHN HUI & ASSOCIATES	
ARCHITECTS & PROJECT	
MANAGEMENT CONSULTANTS	
REC'D	17 JUL 2017
CIRC'D TO	
COPY TO	
FAX TO	
FILE	By Registered Post & Fax (2577 7182)
REMARKS	

## TOWN PLANNING BOARD

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

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4835

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/TM-LTTY/337

14 July 2017

John Hui & Associates  
Suite 1218, Chevalier Commercial Centre  
8 Wang Hoi Road  
Kowloon Bay, Kowloon  
(Attn.: John W.T. Hui)

Dear Sir/Madam,

**Proposed Flat Development and Minor Relaxation of Building Height  
Restriction in "Residential (Group E)" Zone, Lots 464 S.A ss.1, 464 S.B,  
465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun**

I refer to my letter to you dated 8.5.2017.

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 23.6.2021, 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 design and reprovision of the existing public car park (at the junction of San Hing Road and Ng Lau Road) at your own cost, as proposed by you, to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and implementation of vehicular access connecting from San Hing Road to the site at your own cost, as proposed by you, to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of vehicular access, parking, loading and unloading facilities, and the details of the location of gate houses and drop bars, if any, to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of a revised noise impact assessment and implementation of noise mitigation measures identified therein to the satisfaction of Director of Environmental Protection or of the TPB;
- (e) the submission of a revised drainage impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB.



The TPB also agreed to advise you to note the advisory clauses as set out at Appendix VI 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/](http://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 23.6.2017 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 4.8.2017). 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. Stella Ng of Tuen Mun & Yuen Long West District Planning Office at 2158 6291. 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,



( Miss Rachel HO )  
for Secretary, Town Planning Board

Your Ref.: TPB/A/TM-LTTY/337

Our Ref.: B-22009

March 5, 2021

### **SUMMARY OF CORRESPONDENCES**

Appendix	Correspondences	Date
1	<b>Notification Letter from Town Planning Board of the approval of the application for permission under section 16 of the Town Planning Ordinance in the TPB meeting held on 23.6.2017</b>	<b>14 July 2017</b>
2	<b>Application for Land Exchange</b>	
2.1	Submission of the Application to Lands Department	27 July 2017
2.2	Letter from Lands Department	1 August 2017
2.3	Email to Lands Department	20 October 2017
2.4	Email from Lands Department	26 October 2017
2.5	Letter to Lands Department	5 March 2018
2.6	Letter from Lands Department	13 April 2018
2.7	Letter to Development Bureau	3 July 2018
2.8	Letter from Lands Department	26 July 2018
2.9	Letter to Lands Department	16 April 2019
2.10	Letter from Lands Department	17 May 2019
2.11	Letter to Development Bureau	18 February 2020
2.12	Letter to Transport and Housing Bureau	18 February 2020
2.13	Letter from Development Bureau	7 April 2020
2.14	Letter to Development Bureau	23 February 2021
2.15	Letter to Transport and Housing Bureau	26 February 2021

Your Ref.: TPB/A/TM-LTTY/337

Our Ref.: B-22009

March 5, 2021

**BY EMAIL & BY HAND**

Secretary, Town Planning Board  
c/o Planning Department  
15/F North Point Government Offices  
333 Java Road, North Point, Hong Kong

Dear Sirs,

**Application for Extension Of Time for  
Commencement of Development of Planning Permission of  
Proposed Flat Development & Minor Relaxation of Building Height Restriction  
in “Residential (Group E)” Zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP  
AND 472 S.B RP IN D.D. 130, Lam Tei, Tuen Mun**

We act on behalf of the owner of the subject lots, applicant of Planning Permission (no. A/TM-LTTY/337) for residential use that was approved by the Board on 2017/06/23.

Upon the Planning Approval as mentioned, we have applied to the District Lands Office, Tuen Mun (DLO) in July 2017 for the proposed Land Exchange to allow the construction of residential buildings on the subject lots before submission of Building Plans to the Buildings Department for approval and commencement of works. Our client has been very proactive in pursuing the implementation of the project in view of the acute demand of residential flats especially in the middle class low density flats market. Being a small size private developer, our client has every intention to promptly develop the site for return of investment and to relieve the tension in the rising trend in the residential market. We, as the Leading Consultant, and all other consultants are in line to follow up the commencement and the on-going processes of pursuing the project. We have also urged the concerned departments several times for expediting the land exchange process.

However, in or about July 2018, we have received a call from the DLO concerning the holding up of the modification process, with a follow-up letter to inform our client of the reason (DLO letter dated 26 July 2018). Upon receipt of the letter, our client and we are petrified by the notice that “the site falls within a potential public housing development area... “ and is “the subject of an on-going engineering feasibility study...” and the processing of the land exchange “will be put on hold pending the completion of the feasibility study.”



Despite repeated calls and written enquiries (attached Summary of Correspondences referred), our client still cannot attain a definite answer of when would be the completion of the said study. As such, after long process in acquisition of the parcels of lots, and undergoing tedious procedures in planning application to obtain your planning permission, our client's development plan is severely jeopardized by such "on hold" and our client is running into substantial financial loss and our project team resource is also exhausted by such frustrated situation in the past 3 years.

According to comments of the Director of Housing (D of H) and Chief Engineer/Housing Projects 2 Division, Civil Engineering and Development Department (CE/HP2, CEDD) mentioned in para. 9.1.12 & 9.1.13 under section 9 of Comments from Relevant Government Departments of "RNTPC Paper No. A/TM-LTYT/337 For Consideration by the Rural and New Town Planning Committee on 23.6.2017", the "exact site boundary, phasing of development and land requirement are still under refinement yet to be agreed by THB, HD, LandsD, PlanD and other departments concerned." Our client thus holds that the on-going land grant process should not be jeopardized by subsequent decisions that had created tremendous impact to our client's development plans and financial implications. We are therefore instructed to apply to you, for an **Extension of Time for Commencement of Development** beyond 23 June 2021, for a period of **TWO years**, in view of the following circumstances, among others :-

- a) As per our implementation programme in our application in early Year 2017, the subject development is anticipated to be commenced in mid 2018 and completed in about mid/end 2019. The commencement of development (in this case, the execution of land exchange) is delayed by the on-holding of the land exchange process of relevant authorities as mentioned in attached letters, and this is beyond the control of the applicant.
- b) Due to outbreak of COVID-19, the progress of the land exchange process is inevitably affected by the Special "work-from-home" arrangements adopted in various government departments during certain periods from March 2020 to January 2021
- c) The applicant has demonstrated that proactive actions have been taken for the implementation of the approved development by instructing us to apply for land exchange, urging relevant authorities for processing, and seeking for building services consultant's advices in terms of fire engineering for preparation of submission of Building Plans to the Building Authority.
- d) The applicant has been pursuing for the commencement of the development via securing sufficient development funds, retaining us as the Leading Development Consultant, and continuing to explore acquiring adjacent lot to extent the development for ancillary and amenities purposes. Upon successful execution of the land exchange, the applicant shall implement the project in full force.

# JOHN HUI & ASSOCIATES

**Architects & Development Consultants**

---

- e) The extended period applied for is subject to the completion of the “feasibility study” implemented by relevant developments and our client is the most desperate entity to uplift the holding up and the continual processing of the land exchange that may normally take one year.
- f) There is no change in the land-use zoning for the subject area since the original permission is granted and as such, no adverse planning implications would be arising from the extension of time.

Without your extension of time, our client will forever lose its opportunity to recover any of its investment apart from the time and effort we put into this planning application which will also be rendered in vain. In light of the above, your favourable consideration of our client’s application for such extension is much appreciated.

Yours truly,



John W.T. HUI (Dr.)

B. Arch, PhD (HKU), FHKIA, RIBA, FHIREA

Registered Architect, Authorized Person

.....

**JOHN HUI & ASSOCIATES**

**Architects & Development Consultants**

JH/CC/EH

Attachment-

Summary of Correspondences (with copies of the correspondences at Appendices)

e.c.            Client   w/e

# JOHN HUI & ASSOCIATES

Architects & Development Consultants

Our Ref.: B-22009

July 27, 2017

**By Courier**

District Lands Office, Tuen Mun  
Lands Department  
6/F., Tuen Mun Government Offices  
1 Tuen Hi Road Tuen Mun, New Territories

Dear Sirs,

**APPLICATION FOR LAND EXCHANGE  
FOR PROPOSED LOW-DENSITY RESIDENTIAL DEVELOPMENT  
AT LOTS 464 S.A ss.1, 464 S.B, 465, 472 S.A RP AND 472 S.B RP IN D.D. 130,  
SAN HING ROAD, LAM TEI, TUEN MUN**

We act for Messrs. Take Harvest Limited, registered owner of the subject lots, and would like to apply for Land Exchange for the proposed residential development on the captioned lots.

We would like to submit herewith the following document and drawings for your processing:-

- a. Authorization letter from the registered owner of the subject lot
- b. A copy of Town Planning Board notification letter dated 2017/07/14 for the approval of the proposed development
- c. Schedule of the variations being sought in respect of the terms and conditions of the existing lease conditions
- d. A copy of Site Plan (1:1000)
- e. 2 copies of the Block Government Lease of DD130 Lot along with Schedule of Crown Lessees, including one original copy of the documents certified by the Land Registry
- f. 2 copies of a computer printout containing the historical and current ownership particulars of the property, including one original copy of the documents certified by the Land Registry
- g. One set of sketch plans (drawing nos.: SP-000 to SP-007) illustrating the proposed development

For any query or information required, kindly contact our Mr. Charles Chan (tel.: 2576 0101, email: [charles@jha.corp.com.hk](mailto:charles@jha.corp.com.hk)).

Your favourable consideration to the above is much appreciated.

Yours faithfully,

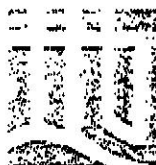


.....  
**JOHN HUI & ASSOCIATES**  
Architects & Development Consultants

JH/CC/hh

e.c. Client - w/e

## Appendix 2.2



地政總署  
屯門地政處  
DISTRICT LANDS OFFICE,  
TUEN MUN  
LANDS DEPARTMENT

我們矢志努力不懈，提供最佳最善的土地行政服務。  
We strive to achieve excellence in land administration.

新界屯門屯門路一號屯門政府合署六樓  
6/F., TUEN MUN GOVERNMENT OFFICES  
1 TUEN HI ROAD, TUEN MUN, N.T.  
網址 Web Site: [www.landsd.gov.hk](http://www.landsd.gov.hk)

電話 Tel: 2451 3183  
圖文傳真 Fax: 2459 0795  
電郵地址 Email: [estmn@landsd.gov.hk](mailto:estmn@landsd.gov.hk)  
本處檔號 Our Ref: (24) in DLOTM 392/MLT/78 V  
(來函請註明本函檔號 Please quote this reference in your reply)  
來函檔號 Your Ref: B-22009

1 August 2017

Take Harvest Limited  
c/o John Hui & Associates Architects & Associates  
Suite 1218 Chevalier Commercial Centre  
8 Wang Hoi Road  
Kowloon Bay  
Hong Kong

By Fax & By Post  
Fax No. 2577 7182

Dear Sir,

**Application for Proposed Land Exchange**  
**Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130**  
**San Hing Road**  
**Tuen Mun, New Territories**

I refer to the captioned application dated 27 July 2017.

The matter is now receiving our attention, please note the following:

- (a) the DLO will consider the application in detail and this may entail consultation with other Government departments;
- (b) the DLO will only deal with the applicant;
- (c) any subsequent dealings in the lot will automatically invalidate the application; and
- (d) it is the duty of the applicant to inform the DLO of any changes in ownership of or dealing in the lot;.

I shall be in contact with you shortly in respect of any further information that is required for consideration of your application and further processing. Should you have any queries in the meantime, you may contact the undersigned case officer.

Yours faithfully,

( Yvonne W.F. CHENG )  
for District Lands Officer, Tuen Mun

- 2 -

C.C.

SS/TM,LACO

Fax No: 2473 3058

From: "CharlesChan" <charles@jha.corp.com.hk>  
To: <estmn@landsd.gov.hk>,  
Cc: "Mr. Henry Lau" <gorsunhk@hotmail.com>, "Portia Chow" <pchow@parkhotelstrategic.com>, "Eunis Tam" <eunis@parkhotelproperty.com>, "Mr. Justin Lau" <iknownothing\_hk@yahoo.com>, <jh@jha.corp.com.hk>  
Date: 2017/10/20 銻 04:08  
Subject: Lot 464 SA ss.1, 464 SB, 465, 462 S.A. RP & 472 S.B RP in DD130- Proposed Land Exchange

---

Your Ref.: (24) in DLOTM 392/MLT/78 V

Dear Ms. Yvonne Cheng,

Regarding our application dated 2017/07/27 and your letter dated 2017/08/01, we would like to enquire the status of it.

Regards,  
Charles Chan

.....  
JOHN HUI & ASSOCIATES  
Architects & Development Consultants  
Tel. 25760101

Project

---

(&N)

寄件者: <estmn@landsd.gov.hk>

日期: 2017年10月26日 下午 04:19

收件者: "CharlesChan" <charles@jha.corp.com.hk>

副本: "Eunis Tam" <eunis@parkhotelproperty.com>; "Mr. Henry Lau" <gorsunhk@hotmail.com>; "Mr. Justin Lau" <iknownothing\_hk@yahoo.com>; <jh@jha.corp.com.hk>; "Portia Chow" <pchow@parkhotelstrategic.com>; <sestm3@landsd.gov.hk>

主旨: Re: Lot 464 SA ss.1, 464 SB, 465, 462 S.A. RP & 472 S.B RP in DD130- Proposed Land Exchange

Dear Mr. Chan,

I refer to your enquiry below regarding the captioned application.

Please be advised that we are awaiting advice from THB and HD in connection with the matter.

I shall revert to you as soon as I am in a position to do so.

Yvonne W.F. Cheng

ES/N, DLO/TM

Tel: 2451 3183

Fax: 2459 0795

BR: Pls file.

Your Ref.: DLOTM 392/MLT/78 V  
Our Ref.: B-22009/DLO

5 March 2018

***BY POST & By Email***

District Lands Office, Shatin  
Lands Department  
11/F., Shatin Government Offices  
1 Sheung Wo Che Road, Shatin, NT

Attn.: Ms. Yvonne CHENG

Dear Sirs,

**Proposed Land Exchange  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130  
Change of Correspondence Address**

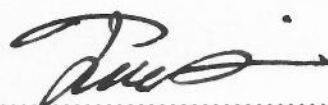
Kindly be informed that effective from today, our correspondence address will be changed to

John Hui & Associates  
c/o Unit F, G/F, 2 Somerset Road,  
Kowloon Tong, Kowloon

We are still the Agent for the captioned application and our contact persons remain as Mr. Charles CHAN (at 2577 1637, email: [charles@jha.corp.com.hk](mailto:charles@jha.corp.com.hk)) and Dr. John W.T. HUI (at 63926378, email: [jh@jha.corp.com.hk](mailto:jh@jha.corp.com.hk)) and our Fax No. remains as 2577 7182.

Thank you for your attention.

Yours truly,



.....  
**JOHN HUI & ASSOCIATES**  
**Architects & Development Consultants**

JH/CC/yh

e.c. Client

c/o Unit F, G/F, 2 Somerset Road, Kowloon Tong, Kowloon





地政總署  
屯門地政處  
DISTRICT LANDS OFFICE,  
TUEN MUN  
LANDS DEPARTMENT

我們矢志努力不懈，提供盡善盡美的土地行政服務。  
We strive to achieve excellence in land administration.

新界屯門屯喜路一號屯門政府合署六樓  
6/F., TUEN MUN GOVERNMENT OFFICES  
1 TUEN HI ROAD, TUEN MUN, N.T.

網址 Web Site: [www.landsd.gov.hk](http://www.landsd.gov.hk)

電話 Tel: 2451 3183  
圖文傳真 Fax: 2459 0795  
電郵地址 Email: [estmn@landsd.gov.hk](mailto:estmn@landsd.gov.hk)  
本處檔號 Our Ref: (8) in DLOTM 392/MLT/78 VI  
(來函請註明本函檔號 Please quote this reference in your reply)  
來函檔號 Your Ref: B-22009/DLO

13 April 2018

Take Harvest Limited  
c/o John Hui & Associates Architects & Associates  
Suite 1218 Chevalier Commercial Centre  
8 Wang Hoi Road  
Kowloon Bay  
Hong Kong

*new address  
for reminder*

By Fax & By Post  
Fax No. 2577 7182

JOHN HUI & ASSOCIATES ARCHITECTS & PROJECT MANAGEMENT CONSULTANTS	
REC'D	20 APR 2018
CIRC'D TO	<i>ch/ce</i>
COPY TO	
EX TO	<i>clerk</i> ✓
FILE	B22009
REMARKS	

Attn: Mr. John HUI

Dear Mr. Hui,

**Application for Proposed Land Exchange**  
**Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130**  
**San Hing Road**  
**Tuen Mun, New Territories**

I refer to the captioned application and your letter dated 5 March 2018. Please be advised matters in connection with your application for land exchange are under consideration.

2. This office shall endeavour to inform you of any latest developments at the first opportunity and also contact you should further information be required.

Yours faithfully,

( Yvonne W.F.CHENG )  
for District Lands Officer, Tuen Mun

# TAKE HARVEST LIMITED

載產有限公司

Unit F, Ground Floor  
2 Somerset Road  
Kowloon Tong  
Kowloon, Hong Kong

Tel: 23385128 23384726  
Fax: 27943938

3<sup>rd</sup> July, 2018

Secretary for Development  
Development Bureau  
19/F., West Wing  
Central Government Offices  
2 Tim Mei Avenue, Tamar, Hong Kong

Dear Sirs,

Re : **DLO ref. DLOTM 392/MLT/78 V**  
**PROPOSED LAND EXCHANGE FOR LOW DENSITY RESIDENTIAL DEVELOPMENT AT**  
**VARIOUS LOTS IN LAM TEI, TUEN MUN**

We are the applicant of the land exchange of the above site for development of five blocks with total 35 medium size flats to meet the acute demand for housing in the market.

After three years of painstaking submissions to the Town Planning Board, approval of Planning Permission was finally obtained in July, 2017. Our architect and application agent have then, on our behalf, lodged the subject application to the Lands Department in July, 2017.

We have also started to refine the planning and design of the project in the hope that development can proceed as soon as the exchange granted and have urged our agent to follow up closely with the District Lands Office and the Headquarter of the Lands Department on the on-going processes.

Nevertheless, almost 11 months have lapsed since the application and we are given to know that our case is still with your esteemed Bureau.

We would therefore appreciate if you could advise us of the present situation so that we can better plan to cope with the rising construction cost and to minimize our time and financial losses incurred throughout this long application process.

Should you require further information, please contact our architect and application agent John Hui & Associates at 25760101 (contact persons : Dr. John Hui, AP or Mr. Charles Chan, Project Director).

We believe that the Government, as well as our company, are moving forward towards the same goal of securing more land supply in an effort to increase housing supply, along with its pledge to streamline development control as stated in the Land Supply Initiatives (TASK FORCE ON LAND SUPPLY Paper No. 03/2017).

We would like to reiterate our commitment to implement and complete this project within our humble capacity as soon as practicable.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lau Po Hin Henry', with a stylized, cursive script.

**Lau Po Hin Henry**  
**Director**



地政總署  
屯門地政處  
DISTRICT LANDS OFFICE,  
TUEN MUN  
LANDS DEPARTMENT

我們矢志努力不懈，提供妥善優質的土地行政服務。  
We strive to achieve excellence in land administration.

新界屯門屯喜路一號屯門政府合署六樓  
6/F., TUEN MUN GOVERNMENT OFFICES  
1 TUEN HI ROAD, TUEN MUN, N.T.  
網址 Web Site: [www.landsd.gov.hk](http://www.landsd.gov.hk)

電話 Tel: 2451 3183  
圖文傳真 Fax: 2459 0795  
電郵地址 Email: [estmn@landsd.gov.hk](mailto:estmn@landsd.gov.hk)  
本處檔號 Our Ref: ( 31 ) in DLOTM 392/MLT/78 VI  
(來函請註明本處檔號 Please quote this reference in your reply)

來函檔號 Your Ref:

26 July 2018

Take Harvest Limited  
Unit F, Ground Floor  
2 Somerset Road  
Kowloon Tong  
Kowloon, Hong Kong

By Fax & Post  
(Fax No: 2794 3938)

Attn: Mr. LAU Po Hin Henry

Dear Sir,

**Proposed Land Exchange  
for Low Density Residential Development  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 472 S.A. RP and 472 S.B RP in DD130  
San Hing Road, Tuen Mun, New Territories**

I refer to your letter dated 3rd July 2018 and various correspondences in respect of the captioned land exchange application.

The subject site falls within the potential public housing development area under the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road. As such, please be advised that the processing of the captioned application has to be put on hold pending for the results of the said feasibility study.

If you have any enquiries regarding the above, please feel free to contact the undersigned.

Yours faithfully,

( Yvonne W.F. CHENG )  
for District Lands Officer, Tuen Mun

## Architects & Development Consultants

---

Your Ref.: DLOTM 392/MLT/78 VI  
Our Ref.: B-22009/DLO

16 April 2019

**BY EMAIL & POST**  
**(estmc2@landsd.gov.hk)**

District Lands Office, Tuen Mun  
Lands Department  
6/F., Tuen Mun Government Offices,  
1 Tuen Hi Road, Tuen Mun, N.T.

Attn.: Ms. AU YEUNG Ching  
(tel.: 2451 3183)

Dear Madam,

**Proposed Land Exchange  
For Low Density Residential Development  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130**

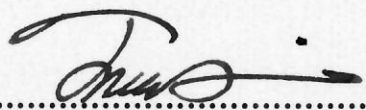
Thank you for your letter dated 26 July 2018 addressed to our Client and our recent telecon.

We understand that the subject site is within a feasibility study area for public housing but without commitment of time of completion. As such, our Client considers that such situation is very unfavourable and prejudiced against our Client's development interest. Also, the development programme, subject to the planning permission validity, is seriously hindered by such open-ended land exchange process.

We would like to request you again to process and expedite our Client's application for the Land Exchange, which has been submitted to your office for almost 2 years since July 2017.

Thank you for your kind attention.

Yours truly,

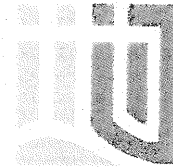


.....

**JOHN HUI & ASSOCIATES**  
**Architects & Development Consultants**

JH/CC/PL

e.c. Client- Take Harvest Limited



地政總署  
屯門地政處  
DISTRICT LANDS OFFICE,  
TUEN MUN  
LANDS DEPARTMENT

我們矢志努力不懈，提供盡善盡美的土地行政服務。  
We strive to achieve excellence in land administration.

新界屯門屯喜路一號屯門政府合署六樓  
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網址 Web Site: [www.landsd.gov.hk](http://www.landsd.gov.hk)

電話 Tel: 2451 3183  
圖文傳真 Fax: 2459 0795  
電郵地址 Email: [estmc2@landsd.gov.hk](mailto:estmc2@landsd.gov.hk)  
本處檔號 Our Ref: (36) in DLOTM 392/MLT/78 VI  
(來函請註明本函檔號 Please quote this reference in your reply)  
來函檔號 Your Ref: B-22009/DLO

17 May 2019

Take Harvest Limited  
c/o John Hui & Associates  
Room SR, 25/F, One Mid Town,  
11 Hoi Shing Road, Tuen Wan

By Fax & Post  
(Fax No: 2577 7182)

Attn: Dr. John HUI

Dear Sir,

**Proposed Land Exchange  
for Low Density Residential Development  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 472 S.A. RP and 472 S.B RP in DD130  
San Hing Road, Tuen Mun, New Territories**

I refer to your letter dated 16<sup>th</sup> April 2019 and various correspondences in respect of the captioned land exchange application.

The subject site falls within the potential public housing development area under the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road. As such, please be advised that the processing of the captioned application has to be put on hold pending for the results of the said feasibility study.

If you have any enquiries regarding the above, please feel free to contact the undersigned.

Yours faithfully,

(Miss AU YEUNG Ching)  
for District Lands Officer, Tuen Mun



## Architects & Development Consultants

---

DLO's Ref.: DLOTM 392/MLT/78 VI

Our Ref.: B-22009

18 February 2020

**BY EMAIL & POST**  
([sdev@devb.gov.hk](mailto:sdev@devb.gov.hk))

Mr. WONG Wai Lun, Michael, JP  
Secretary for Development  
Development Bureau  
18/F, West Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

Dear Sir,

**Proposed Land Exchange  
For Low Density Residential Development at  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130**

We act for Take Harvest Limited, applicant of the subject Land Exchange. We are given to understand that the subject site falls within the potential public housing development area under the feasibility study of "planning, engineering and EIA" at San Hing Road and Hong Po Road and that such study would be finalized within this year. As such, the processing of the captioned application has to be put on hold pending for the results of the said study as informed by the Lands Department.

Kindly be advised that Town Planning Permission (Ref. No.: TPB/A/TM-LTTY/337) for developing the subject site into low density housing of 35 flats of total GFA of 3832.4 s.m. (Plot Ratio (PR): 1) was granted in June 2017 and land exchange application was submitted to the Lands Department in July 2017.

While our client and we are in support of the policy of pro-actively exploring land parcels for public housing to meet with community's acute demand, our client expressed grave concerns that its development rights and potentials are seriously compromised by such open ended hindrances. Above all, development process has been jeopardized for almost 3 years and financial difficulties are encountered.

Sharing the view to increase housing supply (public and private) via optimizing land use, our client and we **propose to upgrade the residential density in the subject zone to say PR of 5 to 6 for both public and private housing** to address the acute demand of residential flats in Hong Kong. However, to maintain a reasonable balance of housing types in the subject zone, **our client does not agree to recruit the subject site for public housing but instead advocates for the development of private medium-rise flats of higher plot ratio just mentioned.**

# JOHN HUI & ASSOCIATES

## Architects & Development Consultants

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It is noted that a planning application (Application No. Y/TM-LTTY/8) for rezoning from "Residential (Group E)1" and "Residential (Group E)" to "Residential (Group A)" (PR: 6) for certain lots in the vicinity has been submitted to the Town Planning Board. An Indicative Plan is attached herewith showing the said application site, our site and the potential public housing area under study for your information (Reference: Drawing No. HP2/HPR/SK017 of Project Profile of Development at San Hing Road and Hong Po Road, Tuen Mun prepared by CEDD).

We would therefore be grateful if you could liaise with various concerned bureaux and departments to finalize such study soonest possible and to expedite the subject land exchange with due considerations to the rights of owners of lots concerned and to the demand for private housing of the community at large.

Your earliest favourable consideration for the above is much appreciated.

Yours truly,



.....  
**Dr. John W.T. Hui**  
**JOHN HUI & ASSOCIATES**  
**Architects & Development Consultants**

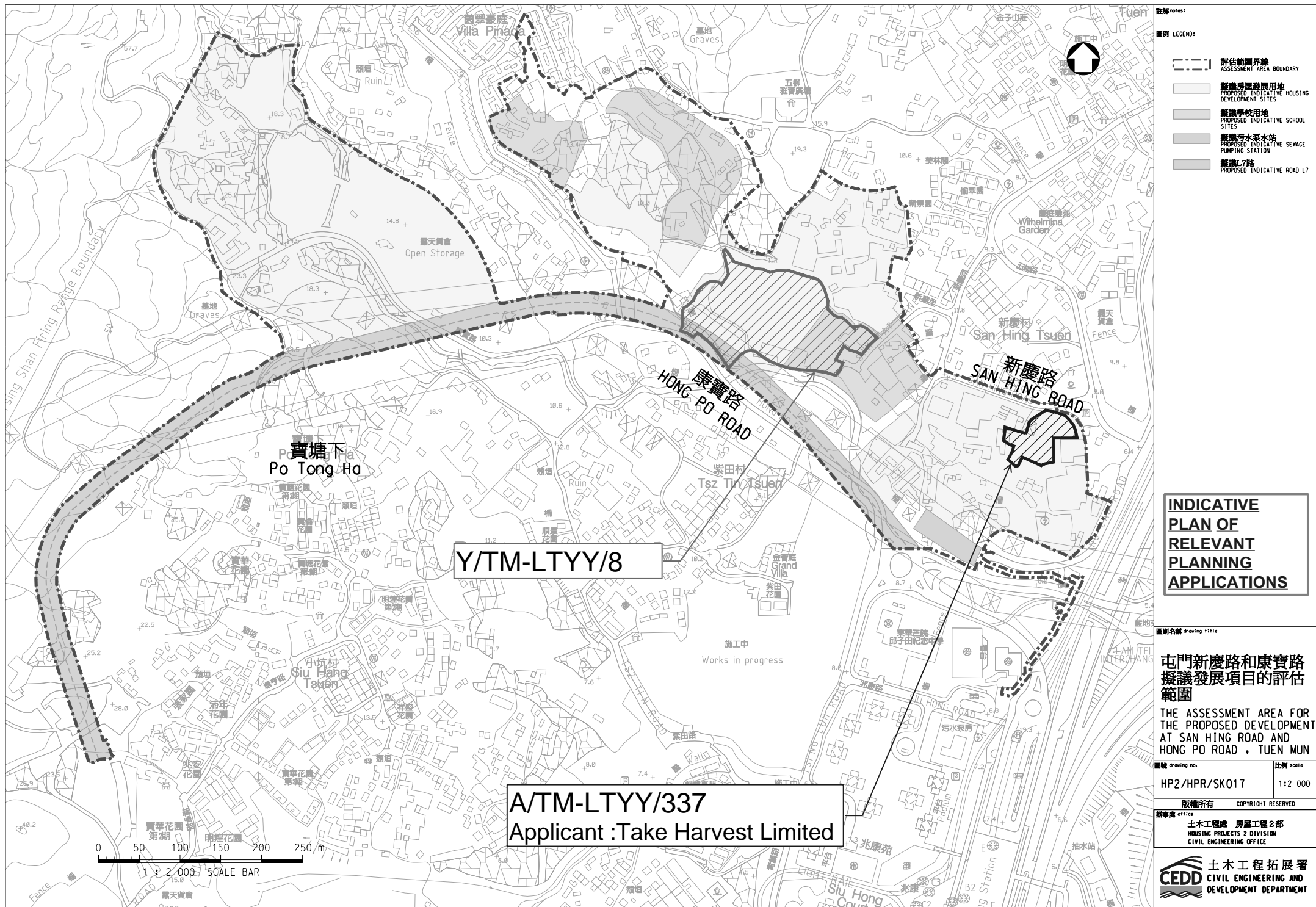
JH/CC/EH

Encl.

e.c. (w/e)

Transport and Housing Bureau-  
Housing Department-  
Civil Engineering and Development Department-  
District Lands Office, Tuen Mun, Lands Department-  
Client- Take Harvest Limited

sthoffice@thb.gov.hk  
psh@housingauthority.gov.hk  
thomaswkchan@cedd.gov.hk  
estmc2@landsd.gov.hk  
Attn.: Mr. Henry Lau



## Architects & Development Consultants

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DLO's Ref.: DLOTM 392/MLT/78 VI

Our Ref.: B-22009

18 February 2020

**BY EMAIL & POST**  
**([sthoffice@thb.gov.hk](mailto:sthoffice@thb.gov.hk))**

Mr. CHAN Fan, Frank, JP  
Secretary for Transport and Housing  
Transport and Housing Bureau  
22/F, East Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

Dear Sir,

**Proposed Land Exchange  
For Low Density Residential Development at  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 462 S.A. RP and 472 S.B RP in DD130**

We act for Take Harvest Limited, applicant of the subject Land Exchange. We are given to understand that the subject site falls within the potential public housing development area under the feasibility study of "planning, engineering and EIA" at San Hing Road and Hong Po Road and that such study would be finalized within this year. As such, the processing of the captioned application has to be put on hold pending for the results of the said study as informed by the Lands Department.

Kindly be advised that Town Planning Permission (Ref. No.: TPB/A/TM-LTYYY/337) for developing the subject site into low density housing of 35 flats of total GFA of 3832.4 s.m. (Plot Ratio (PR): 1) was granted in June 2017 and land exchange application was submitted to the Lands Department in July 2017.

While our client and we are in support of the policy of pro-actively exploring land parcels for public housing to meet with community's acute demand, our client expressed grave concerns that its development rights and potentials are seriously compromised by such open ended hindrances. Above all, development process has been jeopardized for almost 3 years and financial difficulties are encountered.

Sharing the view to increase housing supply (public and private) via optimizing land use, our client and we **propose to upgrade the residential density in the subject zone to say PR of 5 to 6 for both public and private housing** to address the acute demand of residential flats in Hong Kong. However, to maintain a reasonable balance of housing types in the subject zone, **our client does not agree to recruit the subject site for public housing but instead advocates for the development of private medium-rise flats of higher plot ratio just mentioned.**



# JOHN HUI & ASSOCIATES

## Architects & Development Consultants


---

It is noted that a planning application (Application No. Y/TM-LTTY/8) for rezoning from "Residential (Group E)1" and "Residential (Group E)" to "Residential (Group A)" (PR: 6) for certain lots in the vicinity has been submitted to the Town Planning Board. An Indicative Plan is attached herewith showing the said application site, our site and the potential public housing area under study for your information (Reference: Drawing No. HP2/HPR/SK017 of Project Profile of Development at San Hing Road and Hong Po Road, Tuen Mun prepared by CEDD).

We would therefore be grateful if you could liaise with various concerned bureaux and departments to finalize such study soonest possible and to expedite the subject land exchange with due considerations to the rights of owners of lots concerned and to the demand for private housing of the community at large.

Your earliest favourable consideration for the above is much appreciated.

Yours truly,



.....  
**Dr. John W.T. Hui**  
**JOHN HUI & ASSOCIATES**  
**Architects & Development Consultants**

JH/CC/EH

Encl.

e.c. (w/e)  
Development Bureau-  
Housing Department-  
Civil Engineering and Development Department-  
District Lands Office, Tuen Mun, Lands Department-  
Client- Take Harvest Limited

sdev@devb.gov.hk  
psh@housingauthority.gov.hk  
thomaswkchan@cedd.gov.hk  
estmc2@landsd.gov.hk  
Attn.: Mr. Henry Lau





政府總部  
發展局  
規劃地政科

香港添馬添美道2號  
政府總部西翼



Planning and Lands Branch  
Development Bureau  
Government Secretariat

West Wing, Central Government Offices,  
2 Tim Mei Avenue,  
Tamar, Hong Kong

本局檔號 Our Ref.

電話 Tel.: 3509 8834

來函檔號 Your Ref.

傳真 Fax: 2845 3489

John Hui & Associates  
c/o Unit F, G/F, 2 Somerset Road  
Kowloon Tong, Kowloon

7 April 2020  
By Fax & Post  
(Fax No: 2577 7182)

Attn: Dr. John HUI

Dear Sir,

**Proposed Land Exchange  
for Low Density Residential Development  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 472 S.A. RP and 472 S.B RP in DD130  
San Hing Road, Tuen Mun, New Territories**

I refer to your letter dated 18 February 2020 in respect of the captioned land exchange application.

The subject site falls within a potential public housing development area at San Hing Road and Hong Po Road, which is the subject of an on-going engineering feasibility study. District Lands Office, Tuen Mun of the Lands Department advised you on 26 July 2018 and 17 May 2019 that the processing of the captioned application will be put on hold pending the completion of the said study.

Should you have any question, please contact the undersigned or District Lands Officer Tuen Mun (Ms. Ida LEUNG at tel. 2451 3222)

Yours faithfully,

(Ivan NG)  
for Secretary for Development

## Architects & Development Consultants

DLO's Ref.: DLOTM 392/MLT/78 VI  
Our Ref.: B-22009

23 February 2021

***BY EMAIL & POST***

Development Bureau  
18/F, West Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

Attn.: Mr. Ivan NG

Dear Sir,

**Proposed Land Exchange  
For Low Density Residential Development at  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 472 S.A. RP and 472 S.B RP in DD130**

We refer to our letter dated 18 February 2020 and your response dated 7 April 2020. Now a year has lapsed and we have not received any updated information from any departments concerned.

Our client is now in a very desperate situation that the Planning Permission to allow development of residential flats on the subject site shall expire on 23 June 2021.

As previously mentioned, our client's development programme is to commence the development by mid-2018 and complete by end 2019. Now the scheduled commencement has been delayed for almost 3 years and there is still no clue or indication that whether the land exchange can be processed and executed.

This is extremely unfair to our client in that substantial financial burden has been incurred without knowing the possible prospect of revenue return.

We are therefore again instructed to write to you to strongly request for the following actions for bureaux and departments concerned :-

1. Re-activate and expedite the Land Exchange process since the technical study is still in progress, as told. Such Land Exchange, that is in line with the planning intention of the Outline Zoning Plan, should be independent of the said study with respect to the rights and privileges of our client to develop the site accordingly.
2. Exclude the subject site from including into public housing development in light of the self-sufficient conditions of the site with individual entrance and utility supports to allow flexibility in provision of residential units to meet with market demand.
3. Consider to relax the plot ratio restriction of the subject site to relieve acute demand of mid-low income group to supplement the supply of public housing ahead of time.

# JOHN HUI & ASSOCIATES

## Architects & Development Consultants

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Your earliest favourable response to our client is very much appreciated.

Yours truly,



John W.T. HUI (Dr.)

B. Arch, PhD (HKU), FHKIA, RIBA, FHIREA  
Registered Architect, Authorized Person

.....  
**JOHN HUI & ASSOCIATES**

**Architects & Development Consultants**

JH/CC/EH

e.c.

Transport and Housing Bureau-  
Housing Department-  
Civil Engineering and Development Department-  
District Lands Office, Tuen Mun, Lands Department-  
Client- Take Harvest Limited

sthoffice@thb.gov.hk  
psh@housingauthority.gov.hk  
thomaswkchan@cedd.gov.hk  
estmc2@landsd.gov.hk  
Attn.: Mr. Henry Lau

## Architects & Development Consultants

Our Ref.: B-22009

26 February 2021

Mr. CHAN Fan, Frank, JP  
Secretary for Transport and Housing  
Transport and Housing Bureau  
22/F, East Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

**BY EMAIL & POST**  
**(sthoffice@thb.gov.hk)**

Dear Sir,

**Proposed Land Exchange  
For Low Density Residential Development at  
Lot Nos. 464 S.A ss.1, 464 S.B, 465, 472 S.A. RP and 472 S.B RP in DD130**

We refer to our letter dated 18 February 2020 addressed to the Development Bureau and your respectful Bureau (copy attached) concerning the potential public housing development area at San Hing Road and Hong Po Road. Now a year has lapsed and we have not received any updated information from any departments concerned.

Our client is now in a very desperate situation that the Planning Permission to allow development of residential flats on the subject site shall expire on 23 June 2021.

As previously mentioned, our client's development programme is to commence the development by mid-2018 and complete by end 2019. Now the scheduled commencement has been delayed for almost 3 years and there is still no clue or indication that whether the land exchange can be processed and executed.

This is extremely unfair to our client in that substantial financial burden has been incurred without knowing the possible prospect of revenue return.

We are therefore instructed to write to you to strongly request for the following actions of your Bureau and the Housing Department concerned :-

1. Advise our client of the outcome of the on-going engineering feasibility study concerned and implications therefrom.
2. Advise our client of the extent and boundary of the potential public housing development area, the programme of such development and the latest updated situation.
3. Exclude the subject site from including into public housing development in light of the very minute size of the site with comparison to the large parcel of land available in the region. Furthermore, the location of the subject site is at the very fringe of the land parcel with individual entrance and ingress point and self-sufficient utility supports, thus would not impose any effect to public housing planning even if excluded. (Indicative Plan of the subject site in the "Residential (Group E)" zoning area in the Approved Lam Tei And Yick Yuen Outline Zoning Plan No. S/TM-LTYY/10 showing its independent and fringe location attached)

# JOHN HUI & ASSOCIATES

## Architects & Development Consultants

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Kindly note that our client and we are in earnest support for the policy of pro-actively exploring land parcels for public housing to meet with community's acute demand, but our client's rights and privileges to develop the site are seriously compromised and should be upheld.

We have also tendered our client's request to the Development Bureau to consider to relax the plot ratio restriction of the subject site to relieve acute demand of mid-low income group to supplement the supply of public housing ahead of time and to allow flexibility in provision of residential units to meet with market demand.

Your earliest favourable response to our client is very much appreciated.

Yours truly,



John W.T. HUI (Dr.)

B. Arch, PhD (HKU), FHKIA, RIBA, FHIREA  
Registered Architect, Authorized Person

.....

**JOHN HUI & ASSOCIATES**

**Architects & Development Consultants**

JH/CC/EH

Encl.

e.c. (w/e)

Development Bureau-  
Housing Department-  
Civil Engineering and Development Department-  
District Lands Office, Tuen Mun, Lands Department-  
Client- Take Harvest Limited

landsunit@devb.gov.hk  
psh@housingauthority.gov.hk  
thomaswkchan@cedd.gov.hk  
estmc2@landsd.gov.hk  
Attn.: Mr. Henry Lau

**Indicative Plan**





# 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

電話 Tel: 2231 4810

來函檔號 Your Reference:

By Post & Fax (2577 7182)

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/TM-LTTY/337-1

28 May 2021

John Hui & Associates  
Unit F, G/F  
2 Somerset Road  
Kowloon Tong, Kowloon  
(Attn.: John W.T. Hui / Charles Chan)

Dear Sir/Madam,

**Proposed Extension of Time for Commencement of the Approved Flat and Minor Relaxation of Building Height Restriction for a Period of 2 Years until 23.6.2023 in "Residential (Group E)" Zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun**

I refer to my letter to you dated 17.3.2021.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reason is :

- the application is not in line with TPB Guidelines No. 35C in that you fail to demonstrate that genuine effort has been made in taking reasonable actions for implementation of the approved development, and that there is a good prospect to commence the proposed development within the applied extension period.

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 14.5.2021 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 18.6.2021). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original section 16A application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 or 16A of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Alexander Mak of Tuen Mun & Yuen Long West District Planning Office at 2158 6283.

Yours faithfully,



( Raymond KAN )  
for Secretary, Town Planning Board

RK/CC/cl

27 September 2021

To: All Authorized Persons  
Registered Structural Engineers  
Registered Geotechnical Engineers

Dear Sir/Madam,

**Application for Approval of General Building Plans  
Proof of Realistic Prospect of Control of the Land Forming a Site**

Further to my letter of 29 June 2017 regarding the submission of documentary proof to the Building Authority (BA) from an applicant for approval of general building plans to demonstrate having realistic prospect of control of the land forming a site<sup>1</sup>, a review on this issue has been conducted recently. While the BA will consider, as always, all relevant information relating to a particular application provided by an applicant, to enhance transparency and certainty, this Circular Letter serves to promulgate a list of typical acceptable situations as indications of such realistic prospect of control in the Appendix.

2. To promote green environment and encourage paperless submission, authorized persons (AP) are strongly advised to submit bulky documentary proof such as particulars of ownership records from the Land Registry in a non-rewriteable CD-ROM in ISO 9660 format (i.e. CD format) or non-rewriteable DVD-ROM in ISO/IEC 13346:1995 format (i.e. DVD format). The title of the submission, site address, name of the appointed AP, Buildings Department reference number (if available), and disc number should be printed on the cover of the CD/DVD which should be signed by the AP. The electronic files in the CD/DVD should be in Adobe Portable Document Format, including an index file listing the content of the files in the subject CD/DVD.

Yours faithfully,



( CHEUNG Yuk-ching, Karen )  
Assistant Director / New Buildings 1  
for Building Authority

<sup>1</sup> The site of a proposed building for the purposes of the Buildings Ordinance (Cap. 123) can only include land which the applicant for approval of general building plans owns or which the applicant has a realistic prospect of controlling.



**Typical Acceptable Situations as Indications of  
Realistic Prospect of Control of the Land Forming a Site**

- (a) The applicant has been authorised to submit plans by the owners currently registered in Land Registry (LR).
- (b) The applicant is one of the registered lot owners according to LR records and has been authorised to submit plans by all other owners.
- (c) The District Lands Conference of the Lands Department (LandsD) has in-principle approved the land grant or the like to the applicant.
- (d) A government department/bureau has in-principle approved a licence or the like to the applicant.
- (e) The applicant has accepted the basic terms by LandsD for the land grant or has settled the administrative fee for land exchange being processed by LandsD.
- (f) The applicant has leased the land forming the site from the registered lot owner who has authorised the applicant to develop the site.
- (g) For proposed alteration and addition works involving construction of a new building at the common parts of an existing building, the applicant is the Incorporated Owners of the building.
- (h) The applicant has entered into a provisional sale and purchase agreement with non-revocable binding obligations imposed on both sides to complete the sale and purchase with all registered lot owners.
- (i) The applicant has acquired adequate ownership entitling him to make a compulsory sale order application under the Land (Compulsory Sale for Redevelopment) Ordinance, irrespective of whether such application has been or will be made<sup>1</sup>.

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<sup>1</sup> The authorized person should ensure the prevailing threshold for compulsory sale order has been met and submit: (a) a solicitor's letter confirming the percentage of ownership of the site acquired by the applicant, and (b) the required documentary proof of the ownership acquired (e.g. relevant LR records) upon submission of the general building plans (GBP). In connection with the approval of the GBP, the Building Authority (BA) may grant a modification of regulations 20 and 21 of the Building (Planning) Regulations on a "notional site" basis for the proposed development project subject to the condition of a two-years non-renewable time limit. After expiry of the time limit, the applicant should submit the development proposal to the BA for processing afresh under the Buildings Ordinance so that any changes in circumstances would be taken into consideration.

*planned public housing development. Approval of the application may lead to substantial loss of public housing flats, jeopardise the implementation of the public housing project and undermine the comprehensiveness of the public housing project.”]* in paragraph 12.1 of **Annex A** has no relevance to the approved OZP, the “R(E)” zoning of the Site (**Plan FA-1**) and the planning intention of the “R(E)” [footnote 3 The planning intention of the “R(E)” zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem] zone which the application is made.

- 2.6 *The study in relation to the proposed public housing development at San Hing Road does not form part of the planning intention of the OZP. Therefore, if the Committee was to take into account the study or the objection of the Housing Department (HD) (paragraph 9.1.3 of **Annex A**), it acts ultra vires.....*

.....

## **5. Planning Considerations and Assessments**

- 5.1 *In the FI submitted on 27.11.2019, the applicant claimed that the current application is a fresh s.16 application which should be considered on a completely different statutory basis to the previous s.16A application (No. A/TM-LTTY/273- 1) and must be considered in accordance with the “R(E)” zoning of the approved OZP. As held by the CA in International Trader case, the Board, when determining a s.16 application, does not have the power to have regard to any and all planning considerations which it believes would assist it to reach the decision in the public interest. The Board’s discretion must be exercised within the parameters of the approved OZP. The Study in relation to the proposed public housing development does not form part of the planning intention of the approved OZP. If the Board were to take into account the Study or the objection of HD, it acts ultra vires.*
- 5.2 *Legal advice was obtained on the FI. In light of the legal advice, the Board should consider the current s.16 application as a new section 16 application under the approved OZP. The*

*Board's consideration and decision on the current s.16 application should not be based upon the previous application No. A/TM-LTYT/273-1 for an extension of time of the previous planning approval. Furthermore, the CA judgement in the International Trader case is directly relevant in considering this application and the Board would be regarded as acting ultra vires if it had taken into account material considerations which fell outside the ambit of the approved OZP, i.e. the proposed public housing development under the Study in this application.*

- 5.3 *Hence, for the purpose of the current s.16 application, the Board should confine its consideration to whether the applicant has demonstrated that the proposed private residential development is in compliance with the planning intention and development restrictions of the "R(E)" zone as found in the approved OZP, and whether the technical issues have been adequately addressed. In this context, the application has been re-assessed as follows ....*

.....

- 5.8 *The Site is included into the study area for proposed public housing development at San Hing Road and Hong Po Road, Tuen Mun (**Plan FA-1**). The Study is at an advanced stage and scheduled for completion in 2020. Subject to the findings of the Study to ascertain its feasibility, the Government will take further steps to proceed with public housing development through rezoning and any necessary land resumption under the LRO in accordance with the established practice. DLO/TM, LandsD advises that irrespective of whether the planning permission will be given, his office will not process any new land exchange application or amendment to the land exchange application already submitted. CE/HP2, CEDD has strong reservation on the application since approval of the application would affect the comprehensive public housing development and associated infrastructure works. D of Housing also does not support the application. In this regard, the approval of the application may lead to substantial loss of public-housing flats, undermine the comprehensiveness of the public housing project and jeopardise the timetable for implementation of the public housing development arising from the need to re-plan the area.*



5.9 *However, as the proposed public housing development under the Study has not been reflected on the approved OZP, based on the legal advice, the Board should not take the Study into account in considering the current application, otherwise it would act ultra vires. Nevertheless, the approval of the application does not pre-empt the Board from amending the OZP including the land use and development restrictions of the Site in future and the Government from implementing the proposed public housing development under the Study through land resumption under the LRO in accordance with the established practice. In this regard, if planning permission is to be granted, an advisory clause as advised by CE/HP2, CEDD is suggested to inform the applicant clearly that the Site might be subject to land resumption for the implementation of the San Hing Road and Hong Po Road Public Housing Development which might take place at any time within the validity period of the planning permission.”(underlining added)*

.....

6. *Planning Department’s views*

6.1 *Based on the assessments made in paragraph 5 above and having taken into account the public comments mentioned in paragraph 10 of **Annex A**, the Planning Department has no objection to the application...”*

27. The RNTPC acceded to the 381 Application at its 648<sup>th</sup> meeting held on 29 May 2020, the planning permission granted (“**the 2020 Permission**”) being valid until 29 May 2024 and subject to the following conditions:

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

**Advisory Clauses**

- (a) the approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Town Planning Board may be required;
- (b) to note the comments of the District Lands Officer/Tuen Mun, LandsD (DLO/TM, LandsD) that irrespective of whether or not planning permissions are given, there is no guarantee that any land exchange applications will be approved and he reserves his comment on such. Pursuant to the planning permission granted to the planning application No. A/TM-LTYT/337, the applicant had submitted a land exchange application for a proposed residential development in 2017. The land exchange application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. However, the application has been put on hold pending the result of the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road. Notwithstanding whether the extension of time is given or not, his office would not process the land exchange application for the time being;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, BD (CBS/NTW, BD) that:
  - (i) before any new building works are to be carried out on the application site (the Site), the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
  - (ii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
  - (iii) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation (B(P)R) at the building plan submission stage;
  - (iv) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the B(P)R respectively. In phrasing, application for modification of B(P)R 41D for non-provisions of EVA to each block will be considered at the building plan submission stage if the provisions of EVA under B(P)R 41D are not fully complied with. The provision of sprinkler system might enhance his

considerations on the non-provisions of EVA subject to the comments from Fire Services Department (FSD). Comments from FSD should be sought;

- (v) car parking spaces, loading and unloading lay-by may be disregarded from GFA subject to the compliance with the requirements in Practice Note for Authorized Persons, Registered Structural Engineers and Geotechnical Engineers (PNAP) APP-2 & 111, otherwise, it will be counted as non-domestic GFA. In this connection, compliance with the Sustainable Building Design Guidelines set out in PNAP APP-152 will be considered at the building plan submission stage under the BO; and
- (vi) detailed comments under the BO will be provided at the building plan submission stage;
- (d) to note the comments of Director of Environmental Protection (DEP) that the applicant is advised to liaise with Drainage Services Department (DSD) for the proposed sewer connection. Regarding the air quality impact assessment and noise impact assessment, the applicant should note the following:

Air Quality Impact Assessment (AQIA)

- (i) regarding the AQIA provided in the EA, it is found that the mathematical models adopted in the AQIA are outdated version and no longer accepted by his Department. However, in view of the proposed changes in the current scheme are minor as compared with the approved scheme, it is considered that the findings in the previous assessment should remain valid. Nevertheless, in any future submission, the applicant is reminded to use updated mathematical models to carry out the AQIA. Alternatively, the applicant may make reference to the assessment in the approved planning scheme with a view to demonstrate that the proposed development will not be affected by adverse air quality impact if applicable and evaluate the proposed changes and associated air quality impact in the submission;

Noise Impact Assessment (NIA)

- (ii) the term “fixed window” used in the NIA may cause confusion. The applicant should clarify whether it means “fixed glazing” only or “fixed glazing with maintenance window” and apply the clarified term throughout the NIA. The size of the maintenance window (e.g. 300mm width maintenance window as adopted in other residential development) should also be specified in the NIA;
- (iii) to maintain consistency and avoid confusion in terminology used for the description of noise mitigation measures (NMM) in NIA, the applicant should replace the terminology for the proposed NMM “High-level top-Hung window” by “Acoustic Window (Top-hung Type)”; and
- (iv) to streamline the report reviewing work, the applicant should provide track-changes mode in the future submission;
- (e) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD) that the Mass

Transit Railway Corporation Limited (MTRCL) shall be consulted on the noise assessment in respect of the parameters and assumptions of existing railway made in the assessment and the assessment methodology;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, HyD (CHE/NTW, HyD) that the vehicular access connecting San Hing Road and the Site, and the existing car park are not maintained by HyD. HyD will not take up the maintenance of these items. Any modification to the junction of San Hing Road and the access road to the Site should be designed and constructed to the satisfaction of TD and HyD. Any new island formed for the modification of the car park will not be maintained by HyD. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to note the comments of the Chief Engineer/Mainland North, DSD (CE/MN, DSD) that his detailed comments on the drainage impact assessment that:

Drainage Impact Assessment (DIA)

- (i) for the DIA, please provide substantiation on the extent of sub-catchments L, I, H & G and explain why the areas between Ng Lau Road and Open Channel have not been included in the catchments; and
  - (ii) please provide calculation to demonstrate there is no additional drainage impact on existing public drainage system due to the proposed development;
- (h) to note the comments of the Director of Fire Service (D of FS) that the EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under B(P)R 41D which is administered by BD;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that:
- (i) with reference to the planning statement, the Site is hard paved with 6 existing trees within the application boundary and 5 existing trees adjoining the northern boundary. With reference to the aerial photo of 2015, the Site is situated in an area of urban fringe character dominated by open storage and village houses;
  - (ii) the development comprises of 5 buildings blocks and a clubhouse, with a design population of 137 residents. All 3 trees within the Site will be felled with 57 heavy standard trees planted within the common area and private gardens as compensation. The 5 trees outside the northern periphery will be preserved in situ. An area of 145m<sup>2</sup> communal open space would be provided at the centre of the Site. Given that similar development is found in the vicinity, he has no objection on the application from the landscape planning perspective. His other detailed comments are as follows:
    - the applicant may wish to refer to Para. 2.7.1 (c) of Chapter 4 of Hong Kong Planning standards and Guidelines. If applicable and feasible, trees and shrubs should be planted along the periphery of sites. For tree planting, a 3m wide planting strip and a minimum 1.2m soil depth

(excluding drains) should be reserved. For other plantings, a minimum of 1m wide planting strip is recommended;

- the applicant is reminded that the Board's approval on submission and/or implementation of accepted the tree preservation/transplanting/removal proposal under the Board's approval condition does not imply approval of any requirements under lease. Approval on tree preservation and removal application, under lease, shall be obtained direct from the concerned District Lands Office of LandsD to which LandsD PN No. 7/2007 and 7/2007A also refer;
  - the applicant may wish to review the use of *Wisteria sinensis* on the vertical green walls along the northern and eastern boundaries as observed in the perspectives. As *Wisteria sinensis* is a deciduous species the overall effectiveness of screening or greening effect by this single species may not be ideal;
  - with reference to Section 5.2 Greenery Calculation, there is no requirement for site coverage of greenery by PlanD. However the applicant may wish to review Sustainable Building Design Guidelines (APP-152) published by BD;
  - it should be clarified if the areas indicated as "at-grade greenery area (accessible by the public)" is a public open space in private development or just available for use by the residents of the proposed development;
  - although communal open space appears to be adequately provided within the Site of the current scheme, the area above the proposed club house should not be countable towards communal open space due to its restrictive access (staircase only); and
  - It appears there is inadequate soil provision for tree planting above the carpark as shown in Section A-A (Drawing No. SP-007 of Attachment 1 in Appendix Ia of RNTPC Paper No. A/TM-LTYY/337);
- (j) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that existing water mains will be affected. A waterworks reserve within 1.5 metres from the centerline of the water main shown on Plan A-2 of RNTPC Paper No. A/TM-LTYY/337 shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works all other services across, through or under it-which the Water Authority may require or authorize. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the plan. The developer shall bear the cost of any necessary diversion works affected by the proposed development. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site; and

- (k) to note the comments of the Chief Engineer/Housing Projects 2, Civil Engineering and Development Department (CE/HP2, CEDD) that the Site might be subject to land resumption for the implementation of the San Hing Road and Hong Po Road Public Housing Development which might take place at any time within the validity period of the planning permission.