

Previous s.16 Applications covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTN/488	Proposed Residential Development	27.5.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9)

Approval Conditions

- (1) Provision of buffer area from the "Conservation Area (1)" zone to the west of the site.
- (2) Design and provision of boundary fencing along the western site boundary adjoining the West Rail reconstructed wetland.
- (3) Provision of setback of the development from Kam Tai Road to the north of the site.
- (4) Provision of road improvement works, vehicular access, car parking and loading/unloading facilities.
- (5) Submission of a revised noise impact assessment and implementation of mitigation measures identified therein.
- (6) Submission of a revised traffic impact assessment and implementation of the mitigation measures identified therein.
- (7) Submission and implementation of landscape master plan and tree preservation proposal.
- (8) Submission of a revised drainage impact assessment and implementation of mitigation measures identified therein.
- (9) Design and provision of water supplies for fire fighting and fire service installations

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/DPA/YL-KTN/43	Residential Development	25.11.1994 on review  (18.10.1995 Dismissed by the Town Planning Appeal Board)	(1), (2), (3), (4)

Rejection Reasons

- (1) The proposed development is premature at this stage in view of the number of transportation network and drainage works being planned in the area and the fact that it may pre-empt a

review of the land use in the general area with regard to the scale, location and phasing of future developments there.

- (2) The proposed development is not in line with the planning intention for the area as reflected in the approved Kam Tin North Development Permission Area Plan No. DPA/YL-KTN/2 which is to encourage agricultural uses and recreational uses compatible with the rural environment and unlikely to adversely affect local communities. Low-rise, low-density residential development may be permitted provided that it can be demonstrated in the submission that the proposed development will have insignificant impacts on the drainage and traffic of the area, but the applicant have not demonstrated this.
- (3) The proposed development intensity of a plot ratio of 0.8 is excessive in the rural area.
- (4) The proposed development will be adversely affected by the proposed Kam Tin Bypass and the re-alignment of the Kam Tin Bypass as proposed in the submission is unacceptable from the road design and implementation programming points of view.

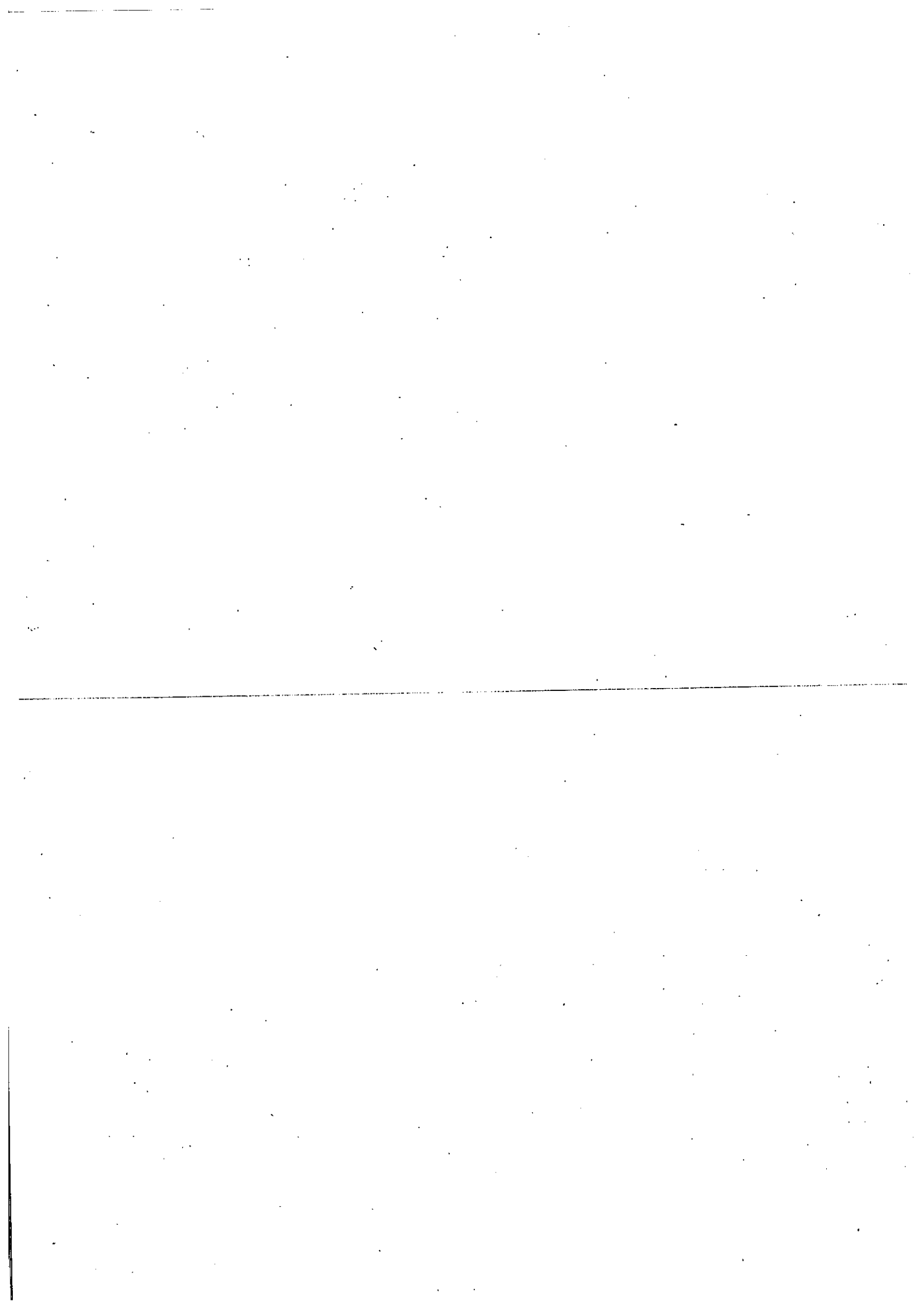
Similar Application in the "R(E)" Zone  
on Kam Tin North Outline Zoning Plan

Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-KTN/501	Proposed Residential Development (Flats)	28.4.2017	1, 2, 3, 4, 5, 6, 7, 8

Approval Conditions:

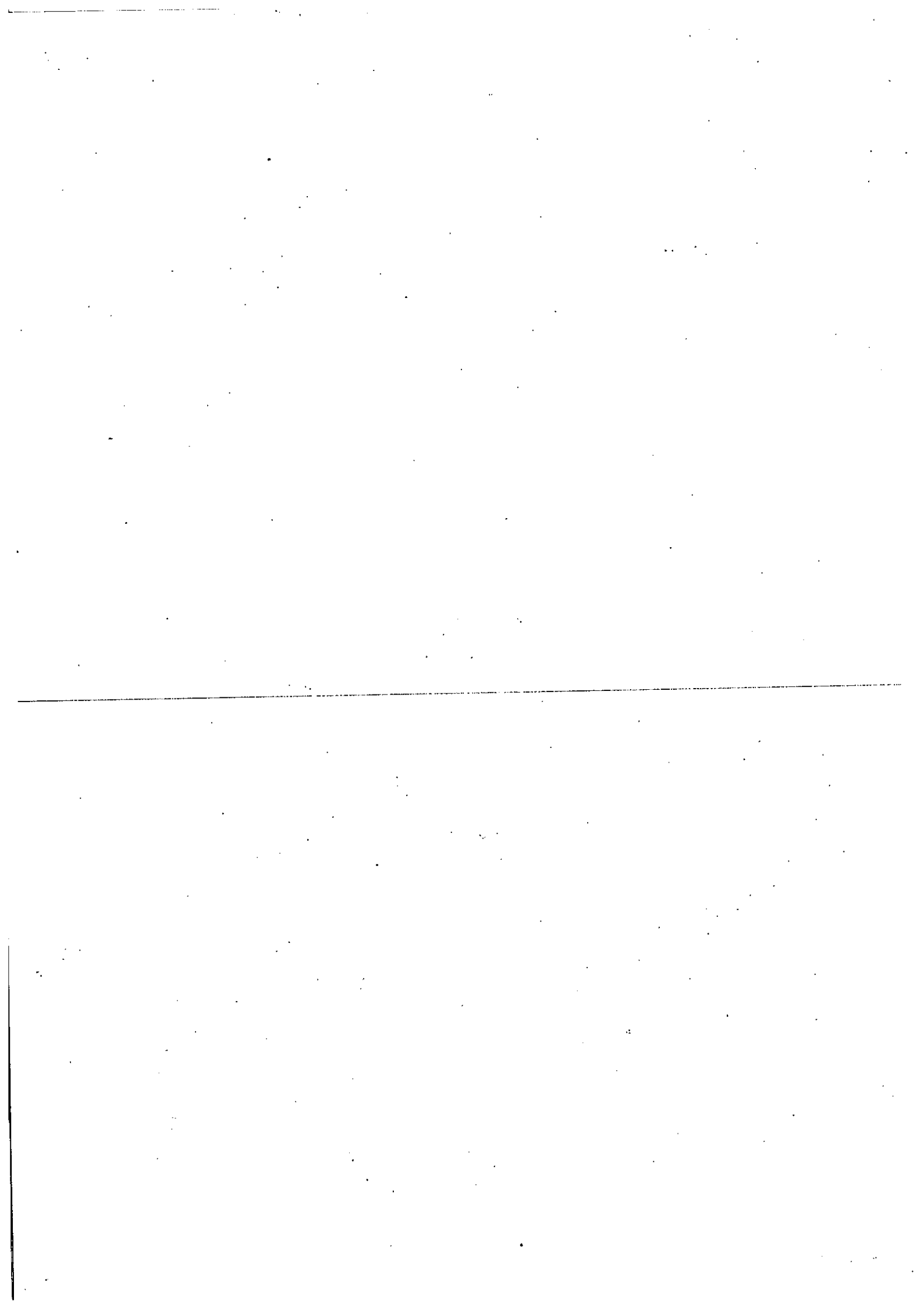
1. the submission and implementation of a landscape master plan and tree preservation proposals
2. the submission of a revised Traffic Impact Assessment (TIA) and the design and implementation of the road improvement measures as proposed in the revised TIA
3. the design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development
4. the submission of an updated Sewerage Impact Assessment for connections to the public sewers and implementation of the sewerage improvement measures identified therein
5. the submission of an updated Noise Impact Assessment and the implementation of mitigation measures identified therein
6. the submission of a revised Hazard Assessment and the implementation of mitigation measures identified therein
7. the implementation of the accepted drainage proposal
8. the design and provision of water supply for fire fighting and fire service installations



Comments of the Director of Environmental Protection (DEP):

NIA

- (i) Section 5.3: It is mentioned in the RtoC that the traffic consultant is seeking endorsement on traffic flow data from the Transports Department (TD). His previous comment remains valid in which the applicant should obtain and provide TD's endorsement on the traffic forecast data adopted in the road traffic noise impact assessment.
- (ii) Appendix 6: It is noticed that MTRCL has provided the maximum train speed of 120km/h between Kam Sheung Road Station and Yuen Long Station without any speed profile via letter of 28.9.2017. In this respect, the applicant should update the railway noise impact assessment taking into account the speed information provided by MTRCL (i.e. 120 km/h maximum speed).



Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises various lots which, by the terms of the lease under which they are held, are demised as agricultural, and adjoining Government land all in D.D. 109. The area of the lots under application has to be verified at the land exchange stage if any land exchange is applied for by the applicant to LandsD. The southeastern portion of the Site encroaches onto the village Environs ('VE') for Kam Tin Shi. The Site falls within an area affected by the Shek Kong Airfield Height Restriction. No building or structure (including addition or fittings) shall exceed the height limit stipulated under the relevant plan. Land exchange application to implement the approved scheme under Application No. A/YL-KTN/488 for private residential purposes is under processing. The development parameters, such as site area, maximum GFA, maximum number of storey and maximum building height, as set out in the current application are different from those being processed under the proposed land exchange. If planning permission is given, the applicant has to apply to LandsD for a land exchange to effect the proposed development. Such application will be considered by the LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange, including the grant of any additional Government land or inclusion of any land within the 'VE', for the proposed development will be approved. In the event that the land exchange application is approved, it would be subject to such terms and conditions, including among other things, the payment of premium and administrative fee, as may be imposed by the LandsD at its sole discretion;
- (b) note CHE/NTW, HyD's comments that any traffic improvement measures suggested in the TIA, if required, shall be implemented by the applicant at their own cost. HyD shall not be responsible for the maintenance of any internal vehicular / pedestrian access within the Site. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) note CE/RD(2-2), RDO, HyD's comments that the Site falls within the railway protection boundary of the WRL. The applicant shall consult MTRCL with respect to operation, maintenance, safety and future construction of the WRL, as well as the existing railway system for assessment of noise impact induced by the existing railway network;
- (d) note CTP/UD&L, PlanD's comments that Block 1 however has a continuous length of about 118m creating a long wall along the western side of the Site. The applicant should explore breaking down the length and scale of the block to enhance the overall visual and air permeability of the area. The disposition and design of the blocks, which are somewhat elongated, would result in awkward building design. The applicant should endeavour to improve the proposed design and disposition of buildings to provide better amenity for future residents;
- (e) note DAFC's comments that the lowest ground level of the basement carpark at +1.2mPD would be lower than that of the reconstructed wetland (about +2.9mPD according to the submission). As this may affect the underground water table and hence may have impact to the hydrology of the reconstructed wetland, the applicant should investigate and recommend practical preventive/ mitigation measures to avoid / mitigate these impacts during the construction and operational phase. Furthermore, the car ramp down to basement carpark would be extremely close (appeared to be less than 2m according to the submitted plans) to the wetland. Any disturbance (e.g. noise from construction activities) and site runoff may likely

cause impacts to the wetlands, in particular during the construction phase. The applicant should implement effective control/ mitigation measures to minimize/ mitigate these impacts. The applicant should be reminded that any disturbances and site runoff to the nearby wetland should be avoided. Effective control/ mitigation measures to minimize/ mitigate these impacts should be explored and implemented;

- (f) note D of FS's comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The emergency vehicular access (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 Building 2011 under the Building (Planning) Regulations (B(P)R) 41D which is administered by the Buildings Department;
- (g) note CBS/NTW, BD's comments that if Kam Tai Road is less than 4.5m wide, the development intensity of the Site shall be determined by the Building Authority (BA) under Regulation 19(3) of the B(P)R. In view of the size of the Site, internal private streets may be required under s.16(1)(p) of the Buildings Ordinance (BO) and may have to be deducted from the site area for the purpose of site coverage and plot ratio calculations. The applicant's attention is drawn to the B(P)R 41D and Section 6 of Code of Practice for Fire Safety in Buildings 2011 in respect of provision of EVA. Some of the proposed houses (particularly those at the centre of the site) cannot be served by EVA. The proposed clubhouse, ancillary recreational facilities and car parking areas in basement, unless exempted, should be included in gross floor area (GFA) calculation under the BO. Quarters for watchmen and caretakers should be accountable to domestic GFA calculation under the BO. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements on building separation, building set back and site coverage of greenery should be included, where possible, in the conditions in the planning approval. Formal submission under the BO is required for any proposed new works. Detailed checking will be carried out in building plan submission stage; and
- (h) note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.