

RNTPC Paper No. A/YL-KTN/567B
For Consideration by
the Rural and New Town
Planning Committee
on 4.5.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/567

- Applicant** : Delight World Limited represented by Kenneth To & Associates Ltd.
- Site** : Lots 111 RP, 112 RP, 114 RP, 115 RP, 116 RP, 120 RP, 261 RP (Part), 264 S.(A-D) RP and 264 S.(E-H) RP in D.D. 109 and adjoining Government Land (GL), Kam Tin, Yuen Long
- Site Area** : About 16,400m² (including GL of about 1,456m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Residential (Group E)1” (“R(E)1”)
[maximum plot ratio of 0.8 and maximum building height of 7 storeys (excluding basement floors)]
- Application** : Proposed Flat

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) (**Plan A-1**) for proposed flat. The Site falls within “Residential (Group E)1” (“R(E)1”) zone. According to the Notes of the OZP, ‘Flat’ is a Column 2 use within “R(E)” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered by vegetation.
- 1.2 The Site was the subject of two previous applications (No. A/DPA/YL-KTN/43 and A/YL-KTN/488) submitted by the same applicant as the current application both for proposed residential development. The last application No. A/YL-KTN/488 for houses development was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 27.5.2016.

1.3 According to the applicant, the proposed development includes 7 blocks of residential towers with plot ratio (PR) of 0.8 and maximum building height of 5 storeys (including 1 storey of basement carpark cum clubhouse). The Site is accessible to Kam Tai Road on the north. A comparison of the major development parameters of the current application and the previous approved application No. A/YL-KTN/488 are summarized in the table below and at **Drawing A-1**:

	Previous approved Application No. A/YL-KTN/488 (a)	Current Application (b)	Difference (b)-(a)
Proposed Use	Houses	Flats	--
Site Area (m ²)	16,205 (including GL of about 1,260.5)	16,400 (including GL of about 1,456)	+195 (+1.2%)
Total Domestic Gross Floor Area (GFA) (m ²)	12,964	13,120*	+156 (+1.2%)
Domestic PR	0.8	0.8	--
Site coverage (%)	Not exceeding 40%	Not exceeding 40%	--
Number of blocks	107	7	-100 (-93.5%)
Number of units	107	200	+93 (+86.9%)
Building height	4 storeys (including 1 storey basement carpark cum clubhouse)	5 storeys (including 1 storey basement carpark cum clubhouse)	+1 storey (+25%)
	Not exceeding 16.1mPD	Not exceeding 20.5mPD	+4.4mPD (+27.3%)
Average House Size (m ²)	121.16	65.6	-55.56 (-45.9%)
Estimated Population	321	600	+279 (+86.9%)
Anticipated Completion	Year 2020	Year 2021	--
Parking spaces :			
- Private Cars	107-162	62	-100
- Visitors Parking	3	8	+5
- Motorcycle parking	1-2	2	--
Loading/unloading	1	8	+7
Private open space/ garden (m ²)	Not less than 321	Not less than 600	+279 (+86.9%)

*excluding floor area for car park, loading/unloading bay, plant room, clubhouse, recreational facilities, office accommodation/quarters for watchmen and caretakers and owners' corporation/owners' committee office, covered walkways

1.4 The Layout Plan, basement plan, section plans, typical floor plan, Landscape Proposal, Drainage Plan, Sewerage Plan and Environmental Mitigation Measures Plan are in **Drawings A-2 to A-8** respectively. The applicant submitted Tree

Survey and Landscape Proposal, Traffic Impact Assessment (TIA), Noise Impact Assessment (NIA), Air Quality Impact Assessment (AQIA), Drainage Impact Assessment (DIA) and Sewerage Impact Assessment (SIA) in support of the application.

- 1.5 As the Site adjoins the “Conservation Area (1)” (“CA(1)”) zone (**Plan A-1**) which is occupied by the reconstructed wetland under the West Rail (WR) project, the applicant proposes to provide a strip of landscape area with tree planting along the western boundary to provide buffer and to visually screen the proposed development from the wetland (**Drawing A-2**). For the proposed vehicular ramp leading to the basement at this landscape area, it will be covered with vertical greening/ climbing plants and green roof to allow continuous greening. Measures are also proposed to be adopted at construction stage to minimise impact on the wetland. Also, out of the total 76 existing trees, 16 will be retained and 60 will be felled, while 90 compensatory planting will be provided.
- 1.6 In terms of road traffic and rail traffic noise, the NIA concluded that with a separation distance of 50m between the WR viaducts and the nearest Block 1 (i.e. including the landscape area and internal road within the Site and the land under the “CA(1)” zone) (**Drawing A-1**), and the adoption of single aspect building design and architectural fins, the proposed development will not be subject to adverse noise impact (**Drawing A-8**). In particular, the applicant stated that the continuous and elongated Block 1 with single-aspect design on the western facade would be required to shield the railway noise from West Rail for Blocks 2 to 5. According to the TIA, the proposed development will not induce significant traffic impact on the adjacent road network and is acceptable in traffic terms. According to the DIA and SIA, the Site is served by existing drains and sewers within and adjacent to the Site, which can accommodate the runoff and discharge from the proposed development.
- 1.7 According to the Explanatory Statement of the OZP, the “R(E)1” zone falls within the Consultation Zone (CZ) of the Au Tau Water Treatment Works (ATWTW) (**Plan A-1a**) and the applicant should prepare and submit a Hazard Assessment (HA) to the Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations (CCPHI) prior to the submission of the s.16 application. The applicant has submitted a draft HA to the CCPHI and concerned departments on 24.4.2018 .
- 1.8 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 16.6.2017 (**Appendix I**)
 - (b) Supplementary Planning Statement (**Appendix Ia**)

- (c) Further Information 1 (FI1) received on 8.9.2017 including response to departmental comments, revised/supplementary calculation for TIA, SIA and DIA
(accepted but not exempted from publication and recounting requirements) **(Appendix Ib)**
- (d) FI2 received on 23.10.2017 including response to departmental comments and revised layout plan and LMP
(accepted but not exempted from publication and recounting requirements) **(Appendix Ic)**
- (e) FI3 received on 10.11.2017 including response to departmental comments, revised calculation for DIA
(accepted but not exempted from publication and recounting requirements) **(Appendix Id)**
- (e) FI4 received on 21.11.2017 including response to departmental comments and tree figures
(accepted and exempted from publication and recounting requirements) **(Appendix Ie)**
- (f) FI5 received on 19.1.2018 including response to departmental comments, clarification on NIA and SIA
(accepted and exempted from publication and recounting requirements) **(Appendix If)**
- (g) FI6 received on 6.3.2018 including response to departmental comments and clarification on NIA
(accepted but not exempted from publication and recounting requirements) **(Appendix Ig)**

1.9 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) on 11.8.2017. Upon the request of the applicant, the Committee agreed to defer making a decision on the application on 11.8.2017 and 22.12.2017 respectively to allow time for the applicant to address the departmental comments. After the respective deferral requests, the applicant had submitted revised technical assessments and drawings in response to departments' comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The proposed development is in line with the planning intention of the “R(E)1” zone and complies with the development restrictions for this zone. The proposed building height of 5-storey (including one storey of basement) is lower than the building height restriction of the “R(E)1” zone and will be visually compatible with the nearby 3-storey village type developments and the recreated wetland in the “CA” zone in the neighbourhood, sustaining the sub-urban living.
- (b) The Site is currently abandoned agricultural land with no significant site constraints. The Site is readily available for early implementation to meet the demand for housing and for implementation of the “R(E)1” zone. The proposed development will transform the Site, which has remained idle for a long time, to a high quality sub-urban residential neighbourhood.
- (c) Existing trees on-site are preserved as far as possible to minimise impact on the landscape character and amenity of the Site. Landscape design intended to respond to the semi-rural context. The proposed development will not create adverse visual impact as the building height is lower than the building height restriction of the “R(E)1” zone and the WR viaduct. It will also be screened by trees and the Kam Tin Low Flow Pumping Station when view from the Ko Po Road and Chi Ho Road.
- (d) With relevant mitigation measures, no insurmountable traffic, noise, air quality, drainage, sewerage, hazard and ecological impacts will be resulted from the proposed residential development based on the various impact assessments. In particular, Block 1 with single-aspect design on the western façade is proposed to shield the railway noise from the WR for Blocks 2 to 5. Breaking down into shorter lengths will compromise the noise shielding function. Besides, Block 1 will be screened by the proposed buffer planting to its west, the overall visual impact will be minimal.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The site is not the subject of any active enforcement action.

5. Previous Applications

- 5.1 The Site was involved in two previous applications No. A/DPA/YL-KTN/43 and A/YL-KTN/488 submitted by the same applicant as the current application (**Plan A-1b and Appendix II**).
- 5.2 Application No. A/DPA/YL-KTN/43 was submitted when the Site was zoned “Unspecified Use” on the Approved Kam Tin North Development Permission Area Plan No. DPA/YL-KTN/2 (the DPA Plan). The application involved a proposed residential development covering a larger site with domestic PR of 0.8 and site coverage of 24.5%, which was rejected by the Board on review on 25.11.1994 mainly on the grounds that the proposed development was premature at that stage in view of the number of transportation network and drainage works being planned in the area and it might pre-empt a review of the land use in the general area; the proposed development was not in line with the planning intention of the area as reflected in the DPA Plan which was to encourage agricultural and recreational uses compatible with the rural environment and unlikely to adversely affect local communities; the proposed development intensity of PR of 0.8 was excessive in the rural area; and the proposed development would be adversely affected by the proposed Kam Tin Bypass. The applicant has applied for an appeal to the decision of the Board under section 17B of the Town Planning Ordinance on 11.3.1995. The appeal was dismissed by the Town Planning Appeal Board (TPAB) on 18.10.1995. The appellant subsequently applied for judicial review (JR) against the decision of the TPAB. The JR was also dismissed on 13.8.1997.
- 5.3 Application No. A/YL-KTN/488 submitted under the “R(E)1” zone covering a slightly smaller area for proposed 107 houses with PR 0.8 and building height of 4 storeys (including 1 storey of basement) was approved with conditions by the Committee mainly on the considerations that it was in line with the planning intention and development restrictions of the “R(E)1” zone; the proposed development was compatible with the rural setting; measures to minimize the potential disturbance to the adjacent wetlands including landscape area, planting of trees and low building height profile were provided; mitigation measures including boundary wall and architectural fins were proposed to address the noise impact; concerned departments had no adverse comments on the application; and the concerns of the Director of Agricultural, Fisheries and Conservation and Chief Town Planner/Urban Design and Landscape of Planning Department could be addressed by approval conditions.
- 5.4 Compared with the last approved application No. A/ YL-KTN/488 and the current application, both applications applied for proposed residential development which do not exceed the OZP restrictions of PR 0.8 and building height of 7 storeys (excluding basement(s)), and the site coverage of not exceeding 40% remains the same. Major differences in the current application mainly involves change of layout, the proposed use from houses (107 houses) to flats (200 flats in 7 blocks), and building height from 4 storeys (including 1 storey of basement) to 5 storeys (including 1 storey of basement).

6. Similar Application

There is a similar application (No. A/YL-KTN/501) within the “R(E)” zone on the OZP. Details of the application are summarized in **Appendix III** and the location of the application site is shown on **Plan A-1a**. Application No. A/YL-KTN/501 for proposed flats is located in the “R(E)” zone about 500m to the west of the Site (**Plan A-1a**). The application was approved by the Committee with conditions on 28.4.2017 mainly on the reasons that the proposed development was generally in line with the planning intention and development restrictions of the “R(E)” zone; the proposed use was compatible with the surrounding area; relevant technical assessments had been submitted and concerned departments had no objection to/ adverse comments on environmental, hazard, traffic, drainage, sewerage, air ventilation, urban design and landscape aspects.

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

7.1 The Site is:

- (a) currently vacant and covered by vegetation; and
- (b) accessible via Kam Tai Road in the north branching off Kam Tin Road.

7.2 The surrounding areas are predominantly rural in character with residential dwellings / village houses, some with shops on the ground floor, parking of vehicles, wetland, vacant and unused land:

- (a) to its immediate east is a piece of vacant land in the remaining part of the “R(E)1” zone. To the further east are residential dwellings/structures, parking of vehicles and vacant land within area zoned “Village Type Development” (“V”);
- (b) to its north is Kam Tai Road and Kam Tin River. Further north across the Kam Tin River is the “V” zone of Kam Hing Wai which is mainly occupied by residential dwellings/ structures and village houses, and the “Agriculture” (“AGR”) zone which is mainly occupied by unused land;
- (c) to its immediate west are the reconstructed wetlands zoned “CA(1)” under the WR viaduct. Further west and southwest are a residential structure and vacant / unused land zoned “AGR”; and
- (d) to its immediate south is a strip of land zoned “CA(1)”. To the further south across Kam Tin Bypass are a roundabout, unused land zoned “CA” and the “V” zone of Kam Tin Shi.

8. Planning Intention

- 8.1 The planning intention of the “R(E)” zone is for residential development with the provision of environmental mitigation measures. The zoning is to facilitate appropriate planning control over the scale, design and layout of development, taking account of various environmental constraints. According to the Notes of the OZP for “R(E)1” zone, development should be restricted to a maximum PR of 0.8 and a maximum building height of 7 storeys (excluding basement(s)).
- 8.2 According to the Explanatory Statement of the OZP, the development restrictions of the “R(E)1” zone, i.e. PR of 0.8 and maximum BH of 7 storeys, is to contain the bulk of the development as the site is located close to the WR viaduct. Since the site under “R(E)1” zone falls within the Consultation Zone (CZ) of the Au Tau Water Treatment Works (ATWTW), the developer(s) should prepare and submit a HA to the CCPHI prior to the submission of the planning application.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) The Site 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.
 - (b) The southeastern portion of the Site encroaches onto the Village Environs (‘VE’) for Kam Tin Shi.
 - (c) 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.
 - (d) 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.

Traffic

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

- (a) He has no in-principle objection to the application from traffic engineering perspective.
- (b) Should the application be approved, the following conditions should be included:
 - (i) The submission of a consolidated Traffic Impact Assessment to the satisfaction of the C for T or of the Board.
 - (ii) The design and implementation of road junction improvement works as proposed by the applicant to the satisfaction of the C for T or of the Board.
 - (iii) The design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development to the satisfaction of the C for T or of the Board.

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

- (a) Any traffic improvement measures suggested in the TIA, if required, shall be implemented by the applicant at their own cost.
- (b) HyD shall not be responsible for the maintenance of any internal vehicular / pedestrian access within the Site.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

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

Northern Link (NOL)

- (a) The Site falls within the area of influence of the proposed NOL which is a recommended railway scheme under the Railway Development Strategy 2014 (RDS-2014). He has no further comment related to the NOL project provided that the proposed residential development would be developed prior to the implementation of the NOL.

West Rail Line (WRL)

- (b) The Site falls within the railway protection boundary of the WRL. The operation of the existing railway system is not under the jurisdiction of his office. 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.

- 9.1.5 Chief Estate Surveyor / Railway Development, Lands Department (CES/RD, LandsD):

- (a) The Site falls within “RDS 2014 Northern Link and Kwu Tung Station Limit of Area of Influence”. He has no strong view against the application provided that RDO, HyD has no objection against the application and the proposed development would not pose obstacles to the acquisition of land for the implementation of the Northern Link project. Moreover, the Site falls within the “West Rail Protection Boundary”.

Urban Design and Landscape

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

Urban Design

- (a) The Site is located in close proximity to WR Line bounded by Kam Tin River in the north and Kam Tin Bypass to the south. The proposed development has a PR of 0.8 and maximum building height of 5 storeys (including one level of basement), which are within the respective statutory restrictions under the OZP.
- (b) As shown in the layout plan, 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.

- (c) 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.

Landscape

- (d) She has reservation to the application from landscape planning perspective.
- (e) The Site is located to the east of WR Line bounded by Kam Tin River and Kam Tin Bypass. Two reconstructed wetland zoned “CA(1)”, to restore and enhance the ecological value of the areas affected by the railway and road project, are in the immediate south and west of the Site (**Plans A-1a** and **A-2**). The Site was the subject of two previous applications (No. A/DPA/YL-KTN/43 and A/YL-KTN/488) for proposed residential development use and he had some reservation on the last application from landscape planning perspective.
- (f) The applicant proposes to build 7 blocks with building height of 5 storeys (including one storey of basement). Referring to the aerial photo taken in 2015, the surrounding area is predominately of rural landscape character comprising of active agricultural land and village houses. Similar low-rise residential development can be found at the Kam Tin River Basin. In general, the proposed use is considered not incompatible with the existing rural setting from landscape planning perspective.
- (g) However, in view of the proposed development is next to the “CA(1)” zone, it is essential to maintain adequate buffer along the boundary. However, under the current scheme, the strip of landscape area is interrupt by the car ramp (**Drawing A-2**). A continuous tree buffer along the interface with “CA” zone as proposed under the previous approved application No. A/YL-KTN/488 is preferred (**Drawing A-2**).
- (h) The provision of open space, be it local or private, should be demonstrated in the submission that the Hong Kong Planning Standards and Guidelines (HKPSG) open space requirements can be fully met.

- (i) Should the application be approved, condition requiring the submission and implementation of tree preservation and landscape proposal is recommended.

Nature Conservation

9.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (b) According to the layout plan submitted by the applicant, it is noted 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.
- (c) It is noted that the applicant provided some details on the construction of carpark in the submission. However, the applicant also mentioned that the need for additional measures could only be assessed in the later stages. Provided that the measures are acceptable by relevant authorities and the applicant will implement practicable measures as committed, he has no further comment on this aspect.
- (d) Should the application be approved the following conditions should be included:
 - (i) Provision of buffer area from the “CA(1)” zone to the west of the Site.
 - (ii) Submission of a proposal to prevent or mitigate off-site impacts to the “CA(1)” zone to the west of the Site and implementation of preventive/mitigation measures.
- (e) 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.

Environment

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

Hazard Assessment

The Site falls within the Consultation Zone of the ATWTW which is a Potentially Hazardous Installation (**Plan A-1a**). According to the applicant, the HA for the previous approved application No. A/YL-KTN/488 was endorsed by the CCPHI on 18.10.2017. As the population is more in the current application (600 people) than in Application No. A/YL-KTN/488 (321 people), an HA for the current application is required. A draft HA was submitted to the CCPHI Secretary and EPD on 24.4.2018. While the HA is still under review, he has no adverse comment from chlorine risk point of view if an approval condition on the submission of an HA and the implementation of the risk mitigation measures identified therein to the satisfaction of the CCPHI or of the Board will be imposed.

NIA

- (a) The applicant should confirm with the rail operator the train speed profiles of the WR Line between Kam Sheung Road Station and Yuen Long Station in the railway noise impact assessment. The applicant should also obtain and provide Transport Department's endorsement on traffic forecast data adopted in the road traffic noise impact assessment. Should the application be approved, approval condition for submission of an updated NIA and implementation of mitigation measures identified therein to the satisfaction of the DEP or of the TPB should be imposed to address his detailed comments on the NIA at **Appendix IV**.

Sewage

- (b) Should the application be approved, approval condition on the submission of an updated Sewerage Impact Assessment for connections to the public sewers and implementation of the sewerage improvement measures identified therein to the satisfaction of the DEP or of the TPB should be included.

Civil Aviation

9.1.8 Comments of the Director-General of Civil Aviation (DG of CA):

- (a) He recommended including the following in the NIA:

“Although the Site falls outside Noise Exposure Forecast (NEF) contours and therefore complies with the HKPSG for residential

development, the potential impact of aircraft noise on the proposed development has to be taken into account and adequately addressed. Given the Site will be under the departure flight path of the planned third runway of the HKIA which is a very busy airport operating on a 24-hour basis, provision of mitigation measures, e.g. through design of buildings, to alleviate the aircraft noise impact on the future residents should be taken into consideration.

Although the aircraft/ helicopter operations at the nearby Shek Kong aerodrome are not frequent, due to the quiet ambience of the proposed residential area, aircraft/helicopter noise will still be audible. Therefore, it is suggested that the future residents should be alerted of the aircraft/ helicopter operations at the nearby Shek Kong aerodrome. ”

Drainage

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

DIA

- (a) He has no further comment on the DIA. Should the application be approved, approval condition on submission and implementation of a drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.

SIA

- (b) He has no comment on the SIA.

Fire Safety

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

- (a) He has no in-principle objection to the application subject to water supplies for fire-fighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) 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.

Building Matters

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

- (a) 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.
- (b) 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.
- (c) 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.
- (d) The proposed clubhouse, ancillary recreational facilities and car parking areas in basement, unless exempted, should be included in GFA calculation under the BO.
- (e) Quarters for watchmen and caretakers should be accountable to domestic GFA calculation under the BO.
- (f) 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.
- (g) Formal submission under the BO is required for any proposed new works. Detailed checking will be carried out in building plan submission stage.

9.1.12 Comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD):

- (a) A development scheme under Application No. A/YL-KTN/488 was approved by the Committee on 27.5.2016. He noted that major change is from 107 houses to 7 building blocks with 200 flats in the current submission.
- (b) In order to enable his office to comment on the visual impact of the proposed development, it would be useful to have some

information on the building height of the surrounding building and some perspectives images/ photomontages of the proposed development in its surrounding context from different vantage points.

Electricity

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

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) 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.

District Officer’s Comments

9.1.14 Comments of the District Officer (Yuen Long) (DO(YL)):

His office has not received any comment from the locals on the application.

9.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager/NT West, Civil Engineering and Development Department (PM/NTW, CEDD);
- (c) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD); and
- (d) Commissioner of Police (C of P).

10. Public Comments Received During Statutory Publication Period

- 10.1 The application and subsequent FIs submitted by the applicant were published on 23.6.2017, 19.9.2017, 27.10.2017, 21.11.2017 and 16.3.2018 respectively. During the first three weeks of the statutory public inspection period, which ended on 17.7.2017, 10.10.2017, 17.11.2017, 12.12.2017 and 6.4.2018 respectively, 15 public comments were received from the Kam Tin Rural Committee (KTRC) (submitted 5 comments), the Indigenous Villagers Representative (VR) of Shui Tau Tsuen (submitted 5 comments), MTRCL, and two individuals (one submitted 3 comments) (**Appendices V-1 to V-15**).
- 10.2 One individual (**Appendix V-1**) supports the application as it is a good utilisation of land resource.
- 10.3 The KTRC (**Appendices V-5, 7, 9, 11 and 13**) and the VR of Shui Tau Tsuen (**Appendices V-2, 6, 8, 12 and 14**) object to the application and raise concerns on the adverse impact on the fung shui in the area; adverse impact on traffic due to increase in population in the area in recent years; and insufficient information on the traffic and ingress/egress arrangement, potential impacts on the livelihood of the nearby villagers and on drainage, visual and safety aspects.
- 10.4 The MTRCL (**Appendix V-3**) raises concerns on rail noise and adverse impacts on the adjoining MTRCL managed wetland, underestimation of train frequencies and speed assumptions of the WR, insufficient buffer distance between the proposed development and the wetland managed by the MTRCL, no evaluation on the potential impact on the wetland and any mitigation measures during construction and operational phases; and urges the Committee to impose approval conditions on submission/ implementation noise mitigation measures and ecological assessment covering impact of the proposed development on the wetland.
- 10.5 One individual (**Appendices V-4, 10 and 15**) provides comment that the proposed development should provide more outdoor communal recreation facilities for the elderly or other form of recreational facilities other than swimming pool; and bicycle parking should be provided.

11. Planning Considerations and Assessments

Planning intention and compatibility with surrounding area

- 11.1 The proposed development falls within an area zoned “R(E)1” which is intended for residential development with the provision of environmental mitigation measures and to facilitate appropriate planning control over the scale, design and layout of development, taking account of various environmental constraints. Any development within this zone should be restricted to a maximum PR of 0.8 and a maximum BH of 7 storeys (excluding basement(s)). According to the layout plan submitted by the applicant, the proposed development comprises 7 residential

blocks with a PR of 0.8 and BH of 5 storeys (including one storey of basement). Therefore, the proposed flat development is considered in line with the planning intention of the “R(E)1” zone for residential development and also in compliance with the development restrictions for this zone.

- 11.2 The proposed residential development at the Site with a building height of 5-storey (including one level of basement) is also considered not incompatible with the rural setting of the surrounding area, which mainly comprises low-rise residential dwellings/ structures, village houses, parking of vehicles and vacant/ unused land.

Technical assessments

- 11.3 The applicant has submitted relevant technical assessments, including TIA, NIA, AQIA, DIA, SIA, and tree and landscape proposal in support of the application.
- 11.4 In terms of road traffic and railway noise, the applicant proposed a number of mitigation measures including the adoption of separation distance of 50m between the WR viaducts and the nearest residential block (i.e. Block 1) (**Drawing A-1**), single aspect building design and architectural fins. The TIA, DIA and SIA also demonstrated that the proposed development would not generate adverse traffic, drainage and sewerage impacts. C for T, CE/MN of DSD and DEP have no in-principle objection to or adverse comment on the application. Their technical concerns could be addressed by appropriate approval conditions (c) to (g) and (j) in paragraph 12.2 below.
- 11.5 With respect to the wetland adjoining the Site, the applicant proposed that a strip of landscape area with tree planting along the western boundary adjoining wetland and measures at construction stage to minimize impact on the wetland will be provided. DAFC has no adverse comment on the application and his technical concern could be addressed by approval conditions (a) and (b) in paragraph 12.2 below.
- 11.6 Regarding urban design aspect, CTP/UD&L of PlanD considers that Block 1 will create a long wall along the western side of the Site (**Drawing A-1**), and the applicant should explore breaking down the length and scale of the block to enhance the overall visual and air permeability of the area. Also, the disposition and design of the blocks would result in awkward building design and the applicant should endeavour to improve the proposed design and disposition of buildings to provide better amenity for future residents. In terms of landscape, CTP/UD&L of PlanD has reservation on the application as the proposed development is next to the “CA(1)” zone, it is essential to maintain a continuous buffer along the boundary. However, the strip of landscape area under the current scheme is interrupted by the car ramp (**Drawing A-2**) and a continuous tree buffer along the interface with “CA(1)” zone is preferred. According to the applicant, the elongated Block 1 with single-aspect design on the western façade is proposed to shield the railway noise from the West Rail, and it will be screened by the proposed buffer planting to its west from the “CA(1)” zone. For the disposition

and design of the building blocks, the applicant could explore improving the layout in the implementation stage. The applicant also proposed green roof and vertical greening/ climbing plants to allow continuous greening at the western boundary adjoining the “CA(1)” zone. CTP/UD&L of PlanD’s concern could be addressed by imposing approval condition on the submission and implementation of tree preservation and landscape proposal as recommended in paragraph 12.2 (i) below.

- 11.7 In addition, the Site under “R(E)1” zone falls within the CZ of the ATWTW (**Plan A-1a**). DEP advised that as the proposed population in the current application (600 persons) is greater than that in the previously approved Application No. A/YL-KTN/488 (321 persons), an HA for the current application is required. In this regard, a draft HA has been submitted to CCPHI and EPD on 24.4.2018. DEP has no adverse comment from chlorine risk point of view provided that an approval condition on the submission of a revised HA and implementation of the risk mitigation measures identified therein is imposed, which is included in paragraph 12.2(h) below.

Previous applications

- 11.8 The Site is subject to two previous applications No. A/DPA/YL-KTN/43 and A/YL-KTN/488 submitted by the same applicant as the current application. The first application for a proposed residential development covering a larger site under the then “U” zone was rejected by the Board on review on 25.11.1994. The last application No. A/YL-KTN/488 for proposed 107 houses was approved with conditions by the Committee on 27.5.2016 mainly for the reasons as stated in paragraph 5.3 above. Compared with the last approved application No. A/YL-KTN/488 and the current application, the major differences in the current application mainly involves change of layout, the proposed use from houses (107 houses) to flats (200 flats in 7 blocks), and building height from 4 storeys (including 1 storey of basement) to 5 storeys (including 1 storey of basement). On the other hand, both applications applied for proposed residential development which do not exceed the OZP restrictions of PR 0.8 and building height of 7 storeys (excluding basement(s)), and the site coverage of not exceeding 40% remains the same.

Public comments

- 11.9 There are 15 public comments on the application received during the statutory public inspection period. One individual supports the application as it is a good utilisation of land resource. Another individual provides comments that more communal recreation facilities for the elderly and bicycle parking should be provided. The KTRC and the VR of Shui Tau Tsuen object to the application and mainly raised concerns on adverse impacts on traffic, drainage, visual and safety aspects, the fung shui in the area, and the livelihood of the nearby villagers. The MTRCL mainly raises concerns on rail noise and adverse impacts on the adjoining MTRCL managed wetland. In this regard, technical assessments on traffic, environmental, drainage and sewerage have been conducted, and the

discussion at paragraphs 11.3 to 11.7 above is relevant. Concerned departments consulted including C for T, DEP, CE/MN of DSD and DAFC have no objection to/ no adverse comment on the application. The planning considerations and assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 4.5.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the provision of buffer area from the "CA(1)" zone to the west of the Site to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (b) the submission of a proposal to prevent or mitigate off-site impacts to the "CA(1)" zone to the west of the Site and implementation of preventive/mitigation measures to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (c) the submission of a consolidated Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the design and implementation of road junction improvement works as proposed by the applicant to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) the submission of an updated noise impact assessment and the implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

- (g) the submission of an updated sewerage impact assessment for connections to the public sewers and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (h) the submission of an Hazard Assessment and the implementation of the risk mitigation measures identified therein to the satisfaction of the CCPHI or of the Town Planning Board;
- (i) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (j) the submission and implementation of a drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (k) the design and provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

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

the applicant fails to demonstrate that the proposed development would not be susceptible to or cause adverse environmental, ecological or landscape impacts on the surrounding area, and that the proposed measures are adequate to mitigate the chlorine risk and noise impacts from the nearby uses.

13. Decision Sought

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

14. Attachments

Appendix I	Application Form received on 16.6.2017
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 8.9.2017
Appendix Ic	FI received on 23.10.2017
Appendix Id	FI received on 10.11.2017
Appendix Ie	FI received on 21.11.2017
Appendix If	FI received on 19.1.2018
Appendix Ig	FI received on 6.3.2018
Appendix II	Previous applications at the Site
Appendix III	Similar application within the “R(E)” zone on the Kam Tin North OZP
Appendix IV	Detailed departmental comments
Appendices V-1 to V-15	Public comments received during the statutory publication period
Appendix VI	Advisory Clauses
Drawing A-1	Comparison of layout of previous approved application and current application
Drawing A-2	Comparison of landscape proposal of previous approved application and current application
Drawing A-3	Basement Plan
Drawing A-4	Typical floor plan
Drawings A-5a to A-5b	Section Plans
Drawing A-6	Drainage Plan
Drawing A-7	Sewerage Plan
Drawing A-8	Environmental Mitigation Measures Plan

Plan A-1a	Location Plan with Similar Application
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
MAY 2018**