

RNTPC Paper No. A/YL-KTN/647B
For Consideration by
the Rural and New Town
Planning Committee
on 15.11.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/647

- Applicant** : Ease Gold Development Limited represented by Llewelyn-Davies Hong Kong Ltd.
- Site** : Lots 215 S.C, 242 S.B RP, 264 S.B RP, 266 S.A, 266 RP, 267, 268, 269 S.B RP, 269 S.B ss.2 RP, 270, 271, 272, 275, 277 (part), 295 (part) and 296 S.B RP (part) in D.D.103 and adjoining Government Land (GL), Ha Ko Po Tsuen, Kam Tin, Yuen Long
- Site Area** : About 16,245 m² (including Government land of about 2,387m² (about 14.7%))
- 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)” (“R(E)”) [maximum plot ratio of 1.2 and maximum building height of 13 storeys (excluding basement floor(s))]
- Application** : Proposed Residential Development (Flats)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed residential development (flats) at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Flat’ is a Column 2 use in the “R(E)” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, partly vacant and partly occupied by some vacant temporary structures. Majority of the Site is the subject of a planning application (No. A/YL-KTN/501) for the same applied use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 28.4.2017.

1.2 According to the applicant, the proposed development includes four blocks of residential towers with plot ratio (PR) of 1.2 and building height of 13 storeys (above one storey of basement carpark). The Site is accessible to Kam Tin Road on the southwest. The proposed development is tentatively scheduled for completion in 2021. The major difference from the previous approved scheme under Application No. A/YL-KTN/501 (the approved scheme) is that the site area of the current application has been expanded to include the strip of Government land within the same “R(E)” zone in the southwest abutting Kam Tin Road. While the site area has been expanded, the layout of the 4 residential blocks remain generally the same, with building height and footprint of the towers increased to accommodate the additional gross floor area and relocation of clubhouse underneath tower 2 instead of standalone block in the approved scheme. A comparison of the major development parameters of the current application and the approved scheme are summarized in the table below and a comparison of the master layout plan (MLP) of the two schemes is at **Drawing A-1**:

	Approved Application No. A/YL-KTN/501 (a)	Current Application (b)	Difference (b)-(a)
Proposed Use	Flats	Flats	--
Site Area (m ²)	14,312 (including GL of about 534)	16,245 (including GL of about 2,387)	+1,933 (+13.5%)
Maximum Domestic PR	1.2	1.2	--
Maximum Domestic Gross Floor Area (GFA) (m ²)	17,174.4*	19,494*	+2,319.6 (+13.5%)
Site Coverage (%)	Not exceeding 39%	Not exceeding 39%	--
Number of Blocks	4	4	--
Number of Units	372	411	+39 (+10.5%)
Maximum number of Storeys / Building Height	Towers 1 and 2: 13 above one-storey basement car park (50.15mPD) Towers 3 and 5: 11 above one-storey basement car park (43.85mPD)	Towers 1 and 2: 13 above one-storey basement car park (52.45mPD) Towers 3 and 5: 13 above one-storey basement car park (52.45mPD)	-- +2.3m (+4.6%) +2 storeys (+18.2%) +8.6m (+19.6%)
Average Flat Size (m ²)	46.17	47.43	+1.26 (+2.7%)
Estimated Population	729	806	+77 (+10.6%)

	Approved Application No. A/YL-KTN/501 (a)	Current Application (b)	Difference (b)-(a)
Number of Parking Spaces			
- Private Cars (Residents)	48	55	+7 (+14.6%)
- Private Cars (Visitors)	20	22	+2 (+10%)
- Motorcycles	4	5	+1 (+25%)
- Bicycles	25	28	+3 (+12%)
Loading / Unloading Spaces	4	4	--
Private open space/ garden (m ²)	Not less than 729	Not less than 806	+77 (+10.6%)

*Excluding GFA of the clubhouse.

- 1.3 The MLP, basement and ground floor plans, section plan, Landscape Master Plan, a plan showing the proposed bus lay-by, environmental mitigation measures plans, air ventilation mitigation measures plan, drainage plan, sewerage plan and land status plan are in **Drawings A-2 to A-12** respectively. Technical assessments including Landscape Design and Tree Preservation Proposal, Traffic Impact Assessment (TIA), Air Ventilation Assessment (AVA), Environmental Assessment (EA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), and Water Supply Assessment (WSA) are submitted by the applicant to support the application.

Traffic

- 1.4 The applicant proposed to utilize an existing vehicular access to the Site along Kam Tin Road for the proposed development. A new possible right-of-way (ROW) for a private lot encircled by the Site and Highways Department's maintenance of existing noise barriers (**Drawing A-7**) is also proposed. At the request of the Transport Department (TD), a bus lay-by outside the Site along Kam Tin Road is proposed (**Drawing A-7**). According to the TIA, the traffic impact imposed on the adjacent road network would be minimal and the proposed development is feasible from traffic engineering point of view.

Environment

- 1.5 According to the EA, with the adoption of noise mitigation measures including blank wall, fixed glazing, architectural fins and acoustic balcony (**Drawings A-8a and 8b**), traffic noise standards can be fully met and the future residents would not be subject to significant traffic noise impact. Also, the proposed development will not be subject to unacceptable vehicular/industrial emission and adverse railway/industrial noise impact.

- 1.6 On air quality aspect, there is no industrial chimney found within 500m from the Site. Relevant buffer distances under the Hong Kong Planning Standards and Guidelines (HKPSG) will be complied to ensure that the proposed development would not be subject to unacceptable air quality impact.

Drainage and Sewerage

- 1.7 According to the DIA, the proposed development will not cause significant impact on existing drainage systems as there is no additional paved area. New drains will be constructed to convey the runoff at the Site to the proposed and existing drains along Ying Ho Road connecting to Kam Tin River (**Drawing A-10**). According to the SIA, the sewage generated from the proposed development will be discharged to the Kam Tin Sewage Pumping Station through the proposed and existing sewers along Ying Ho Road and Ko Po Road (**Drawing A-11**). The proposed development is considered feasible in both drainage and sewerage terms.

Landscape, Visual and Air Ventilation

- 1.8 According to the Landscape Design and Tree Preservation Proposal, 62 existing trees within the Site are proposed to be felled, while a minimum of 134 compensatory trees will be planted (**Drawing A-6**).
- 1.9 According to the AVA, a major building separation (32m) between towers 2 and 3 (**Drawing A-9**) will be provided to align with the building gap of the adjoining existing residential development to its north (i.e. the Riva) to facilitate visual and air permeability. The AVA concludes that the proposed development will perform similarly and maintain comparable wind performance at pedestrian level of the area around the Site when compared to the approved scheme.

Hazard

- 1.10 According to the Explanatory Statement of the OZP, the “R(E)” 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 in March 2019. According to the HA, as the Site is remote from ATWTW, the proposed development is considered acceptable in risk aspect.
- 1.11 In support of the application, the applicant has submitted the following documents:
- (a) Application form with plans received on 28.2.2019 (**Appendix I**)
 - (b) Supplementary Planning Statement (**Appendix Ia**)

- (c) Further Information 1 (FI 1) received on 3.5.2019 providing responses to departmental comments **(Appendix Ib)**
[not exempted from publication]
- (d) FI 2 received on 12.6.2019 providing responses to departmental comments **(Appendix Ic)**
[exempted from publication]
- (e) FI 3 received on 19.7.2019 providing responses to departmental comments **(Appendix Id)**
[not exempted from publication]
- (f) FI 4 received on 26.9.2019 providing responses to departmental comments **(Appendix Ie)**
[exempted from publication]
- (g) FI 5 received on 31.10.2019 providing responses to departmental comments **(Appendix If)**
[exempted from publication]
- (h) FI 6 received on 7.11.2019 providing responses to departmental comments **(Appendix Ig)**
[exempted from publication]

1.12 At the request of the applicant, the Committee agreed to defer consideration of the application on 12.4.2019, 21.6.2019 and 6.9.2019 to allow time for the applicant to prepare FI to address the departmental comments. After the deferral request, the applicant had submitted FI in response to departments' comments. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

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

- (a) After the approval of Application No. A/YL-KTN/501 in April 2017 by the Committee, the applicant proceeded to land exchange, during which LandsD has requested the applicant to include a strip of GL along Kam Tin Road into the site boundary to achieve better land utilization. The current application only involves minor amendments to the approved scheme to reflect the increase in site area due to the inclusion of the GL, and corresponding increase in GFA. The proposed scheme complies with the maximum PR and building height stipulated in the OZP.
- (b) The proposed inclusion of additional land into the site boundary could avoid fragmented and unattended GL and ensure better utilization and management of

land resources within the proposed development. Nevertheless, only minor amendments to the layout of the approved scheme have been made. The proposed development has largely retained the merits of the approved scheme with refinement for more planning and design merits. For example, major building separation between towers 2 and 3 will be provided taking into account the building gap of the adjoining residential development (i.e. the Riva), and relocation of the proposed clubhouse from a standalone building to the G/F of tower 2 to enhance permeability. Also, the additional GFA due to the increase in site area is accommodated by slightly increasing the footprint of towers 1 and 2 and the building height of the towers.

- (c) The proposed development would contribute to the flat supply in the market and help alleviate the problem of housing shortage in Hong Kong, which is in line with the Government's policy of increasing housing supply. Since the applicant has secured all private lots within the Site, comprehensive and timely implementation of the proposed development could be warranted to cope with the housing needs.
- (d) The proposed private residential development, with incorporation of proper environmental mitigation measures to provide a quality living environment, will materialize the planning intention of the "R(E)" zone. The proposed mid-rise residential development is compatible and will blend in well with the existing and proposed residential developments in the vicinity under the "Residential (Group B)" ("R(B)"), "Residential (Group D)", "R(E)1" and "Comprehensive Development Area (1)" zones, including the Riva located to the immediate north of the Site with a maximum building height of 23 storeys.
- (e) The proposed development will facilitate phasing out incompatible uses and upgrade the existing vacant and degraded condition of the Site. Proper environmental enhancement measures and landscaping at the Site will also act as a desirable precedent for other potential developments in the area to gradually phase out the incompatible temporary uses.
- (f) Sensible design approach has been adopted in the proposed development to create a quality living environment for future residents by offering quality accommodations with ample open space and landscape provision, and maximum greening in compliance with the Sustainable Building Design guidelines. Technical assessments have been conducted and concluded that the development proposal is sustainable in all major aspects, including traffic, environment, air ventilation, drainage, sewerage and water supply.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner". The development involves 85.3% of private land which is solely owned by the applicant and 14.7% of Government land (GL). Detailed information would be deposited at the meeting for Members' inspection. For the GL portion of the Site, the Town Planning Board Guidelines on Satisfying the "Owner's

Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable.

4. **Background**

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

5. **Previous Applications**

- 5.1 The Site was involved in eight previous applications (No. A/YL-KTN/58, 64, 67, 72, 158, 234, 401 and 501). Details of the applications are summarised in **Appendix II** and the location of the sites are shown on **Plan A-1b**.
- 5.2 The former seven applications were for various temporary open storage/storage, public vehicle park or addition of structures to existing open storage which were all approved with conditions by the Committee from 1998 to 2013. These applications covered parts of the Site and their nature and scale are different from the proposed residential development in the current application.
- 5.3 The last application No. A/YL-KTN/501 for proposed residential development (flats) submitted by the same applicant of the current application was approved with conditions by the Committee on 28.4.2017 mainly for the reasons that the proposed development was in line with the planning intention of the “R(E)” zone and complied with the development restriction of the zone; not incompatible with the surrounding area and would help phase out existing temporary structures and workshops at the site; and relevant departments had no adverse comments on the application.

6. **Similar Applications**

- 6.1 There is no similar application within the same “R(E)” zone. There are two similar applications (No. A/YL-KTN/488 and 567) at a same site in the “R(E)1” zone about 500m to the east of the Site. Details of the applications are summarized in **Appendix III** and the location of the application site is shown on **Plan A-1a**.
- 6.2 Applications No. A/YL-KTN/488 for proposed houses and A/YL-KTN/567 for proposed flats were approved with conditions by the Committee on 27.5.2016 and 4.5.2018 respectively for similar reasons that the proposed developments were in line with the planning intention of the “R(E)1” zone; not incompatible with the surrounding areas; the proposed developments would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts; and concerned departments had no adverse comments on the applications. For the last approved application No. A/YL-KTN/567, the proposed development with a PR of 0.8

involves 7 residential blocks of 4 storeys (above one-storey basement carpark), providing about 200 units¹.

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

7.1 The Site is:

- (a) currently paved, partly vacant and partly occupied by vacant temporary structures at its northern part;
- (b) accessible to Kam Tin Road on its southwest; and
- (c) a small site of about 453.7m² (Lot 265 S.B. RP on **Plan A-2**) is encircled by the Site and is currently vacant.

7.2 The surrounding areas are predominated by residential dwellings/developments with scattered storage yards/site office, vehicle repair workshops and vacant/unused land. All the workshops and storage yards are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its immediate north under “R(B)” zone is the Riva, a residential development comprising 25 residential towers and 48 houses with a total PR of 1.013 and building height of not more than 23 storeys (over a basement carpark) providing 780 units (approved under Application No. A/YL-KTN/319-2 on 7.1.2011) (**Plan A-2**);
- (b) to the northwest is Ha Ko Po Tsuen with residential dwellings/structures, workshops, site offices and vacant land. Further northwest is a site zoned “R(B)1” for a residential development under construction with a PR of 1.2 and building height not exceeding 13 storeys (over a basement carpark) (**Plan A-1a**);
- (c) to the east across Ying Ho Road is Ko Po Tsuen, mainly occupied by residential dwellings/structures and shops (**Plan A-1a**);
- (d) to the south are Kam Tin Road and Tsing Long Highway. Across the roads is Ko Po San Tsuen, mainly occupied by residential dwellings/structures and open storage yards (**Plan A-1a**); and
- (e) the West Rail Kam Sheung Road Station is located about 1.1 km to the southeast of the Site. Au Tau Water Treatment Works is located about 500 m to the south of the Site. The Site largely falls within the 1 km consultation zone of the Au Tau Water Treatment Works (**Plan A-1a**).

¹ The concerned “R(E)1” zone is subject to a maximum PR of 0.8 and maximum building height of 7 storeys (excluding basement floors).

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.
- 8.2 According to the Explanatory Statement of the Kam Tin North OZP, the Site and adjoining area is zoned “R(E)” to improve and upgrade the current site condition with temporary structures for future residential developments. Given this “R(E)” zone has a long frontage, sufficient building separations within the zone would be required to facilitate wind penetration. A quantitative AVA should be conducted and appropriate mitigation measures such as setback, building gaps, non-building area etc. would be required for the proposed development within the zone. Since the “R(E)” zone falls within the Consultation Zone of the Au Tau Water Treatment Works (**Plan A-1a**), the developer(s) should prepare and submit an Hazard Assessment to the CCPHI prior to the submission of s.16 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 private lots which, by the terms of the lease under which they are held, are demised as agricultural ground and adjoining GL, particularly Short Term Tenancy No. 1640, all in D.D. 103. Lot Nos. 266 S.A, 267 and 270 all in D.D. 103 are subject to a Modification of Tenancy for maintenance of some structures on site. Short Term Tenancy No. 1640 is restricted to be used for open storage of car bodies and vehicle parts purposes.
- (b) Based on the application site boundary in the submitted planning statement, the Site has an area of about 16,245m² (including about 2,387m² GL) quoted by the applicant which should be subject to further verification and survey. In case of any discrepancy in the areas found, the respective proposed development parameters will have to be revised accordingly.

- (c) The proposed site access from/to Kam Tin Road falls partly within the area shown coloured brown hatched black on the Tenancy Plan for Short Term Tenancy No. 1640 maintained by the Tenant.
- (d) The Site is subject to Shek Kong Airfield Height Restriction.
- (e) As advised in the planning statement, additional GL that sandwiched the subject lots and adjoining Kam Tin Road has been included in the Site. That strip of GL which falls within the area zoned "R(E)" is incapable for reasonable alienation for development. The inclusion of that additional strip of GL for residential development conforms with the planning intention and provides better utilization and management of land resources.
- (f) According to the SIA, there is a proposed sewer to be constructed under the Brown Area of the adjacent private Lot No. 2099 in D.D. 109 (i.e. "Riva"). The proposed run-in/out for the proposed ROW also located on the Brown Area of Riva. According to the Conditions of Exchange which the Lot No. 2099 in D.D. 109 is held, a non-exclusive ROW upon the Brown Area has been granted to Riva. The feasibility of the proposed sewer under and run-in/out on the Brown Area of the adjacent Lot No. 2099 in D.D. 109 would be considered upon formal land exchange application.
- (g) As advised by the applicant, they would be willing to take up the management and maintenance of the proposed ROW for D.D. 103 Lot 265 BRP. It is considered that the management and maintenance responsibilities of the concerned ROW and run-in/out would be considered upon formal land exchange application. The application has also stated that the land status of Ying Ho Road may be subject to changes after hand over of Brown Area from owner of Riva to the Government. The possession of the said Brown Area would not be redelivered to the Government unless and until Transport Department and Highways Department agreed to take up the future management and maintenance.
- (h) The applicant has to apply for a land exchange/lease modification to implement the planning scheme if approved by the Board. However, there is no guarantee that the land exchange/lease modification proposal including the grant of the additional GL will be acceded to. Such application will be dealt with by his department acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions

including amongst others, the payment of premium and administrative fee as may be imposed by his department.

- (i) The proposed tree felling/transplanting/tree compensatory as stated in the applicant's submission should be subject to separate application to be submitted for formal approval upon implementation of the development proposal.

Traffic

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

- (a) He has no adverse comment from traffic engineering perspective.
- (b) Should the planning application be approved, the following approval conditions should be imposed to the satisfaction of the Commissioner for Transport or of the Board:
 - (i) the submission of a consolidated Traffic Impact Assessment;
 - (ii) the design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development; and
 - (iii) the design and provision of public transport facilities.

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

- (a) If the proposed run-in/outs are agreed by the Transport Department (TD), the applicant should construct a run in/out at each of the access points at Kam Tin Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (b) If any traffic improvement works on Kam Tin Road are required due to the proposed development (e.g. signalization/widening of pedestrian crossing, construction of lay-by), they should be implemented by the applicant at his own expenses to the satisfaction of TD and HyD.
- (c) The proposed ROW and proposed run-in/out in the applicant's submission are not and will not be maintained by his office.
- (d) The adjacent noise barrier No. NB57 shall not be affected. Should there be any modification of the existing planters and

provision of Type II railings, the design should be submitted for his comment.

- (e) Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.

9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

He noted that there will be an additional population of 77 under the proposed development when compared with the approved scheme under application No. A/YL-KTN/501. Provided that the additional population would not cause adverse impact to the existing West Rail Line as advised in the applicant's submission, he has no further comment on the application.

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

The Site does not fall within RDS 2014 Area of Influence and RDS 2014 Administrative Route Protection Boundary. Subject to RDO, HyD's no adverse comment on the application, he has no comment on the application.

Environment

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

- (a) He has no adverse comment on the application subject to the imposition of the following approval conditions to the satisfaction of DEP or the Board
 - (i) the submission of an updated Sewerage Impact Assessment for connections to the public sewers and implementation of the sewerage improvement measures identified therein; and
 - (ii) the submission of an updated Noise Impact Assessment (NIA) and the implementation of mitigation measures identified therein shall be imposed.
- (b) The Site falls within the Consultation Zone of the Au Tau Water Treatment Works which is a Potentially Hazardous Installation. The applicant has submitted the HA to the CCPHI for the subject proposal taking into accounts the updated development parameters. He has no objection to the application from chlorine risk perspective.

Drainage

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

DIA

- (a) He has no comment on the DIA.
- (b) The applicant is reminded that the drainage facilities shall be properly maintained and the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas.
- (c) The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the works.
- (d) Should the application be approved, approval condition on implementation of the accepted drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.

SIA

He has no comment on the SIA. The SIA needs to meet the full satisfaction of the Environmental Protection Department, the planning authority of the sewerage infrastructure.

Urban Design and Landscape

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

Urban design and Visual

The Site is located to the south of Kam Tin River on a flat plain which is bounded by Kam Tin Road and Tsing Long Highway. The “R(B)” zone to the immediate north of the Site currently has a building height ranging from 3 to 23 storeys. The proposed development has a PR of 1.2 and maximum building height of 13 storeys (excluding one level of basement), which are within the respective statutory restrictions under the OZP. It is not considered visually incompatible with the surrounding context and not expected to have significant visual impact.

Air Ventilation

- (a) She has no comment on the AVA.
- (b) An AVA Initial Study (IS) using computational fluid dynamic modelling has been carried out to support the application. Two scenarios, i.e. the Approved Scheme and the Proposed Scheme, have been studied. As set out in the AVA IS report, mitigation measures including (i) building separations; and (ii) setbacks, have been incorporated in the Proposed Scheme with the aim to address the potential adverse air ventilation impact induced by the proposal on the surrounding areas.
- (c) According to the simulation results, the overall performances of the Approved and Proposed Schemes on pedestrian wind environment are comparable under both annual and summer conditions.
- (d) It is not anticipated that the proposal with mitigation measures described above would generate significant adverse air ventilation impact on the overall pedestrian wind environment as compared with the Approved Scheme.

Landscape

- (a) She has no objection to the application from the landscape planning perspective.
- (b) The Site is located at Ha Ko Po Tsuen along Kam Tin Road. The last application (No. A/YL-KTN/501) for the same use submitted by the same applicant, to which she had no objection to, was approved by the Committee in April 2017. In the current application, building blocks with building height of 13 storeys (above one level of basement) are proposed.
- (c) With reference to the aerial photo of 2018, half of the Site is vacant land, and the surrounding area is composed of a medium-rise residential development, village houses, temporary structures, and scattered tree groups. The proposed medium-rise residential development is considered not incompatible with the existing landscape setting in proximity.
- (d) According to the submission, 62 nos. of existing trees are found within the Site. For the proposed tree to be felled, those trees are common species and mitigation measures such as planting of new trees (i.e. compensatory ratio of 1:1 in term quality to meet the requirement of LAO PN 7/2007) and shrubs are proposed.

Moreover, provisions of open spaces and greening coverage have been properly addressed.

- (e) Should the application be approved, approval condition on submission and implementation of landscape proposal should be included.
- (f) The applicant is reminded to obtain approval from the relevant authority on the proposed tree felling prior to commencement of works.

Nature Conservation

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

Noting that the Site is currently paved and is adjacent to another residential development of similar scale, he has no comment on the application from the nature conservation point of view.

Building Matters

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

- (a) Having considered that the Site abuts Kam Tin Road which is not less than 4.5m wide, it could be considered as a Class A site under Regulation 18(A) of the Building (Planning) Regulation (B(P)R). However, he has reservation on the proposed development parameters that the maximum site coverage of not more than 39% would exceed the permissible site coverage allowed under Regulation 20 and the First Schedule of the B(P)R if the height of the proposed domestic building is about 44.95m as indicated in the layout plan (**Drawing A-5**) in the applicant's submission. The permissible site coverage and PR of a development with building height over 43m but not exceeding 49m is 37% and 5.9 for a Class A site respectively.
- (b) Noting that a ROW will be granted for the Lot 265 S.B RP in D.D. 103 for direct access to Kam Tin Road, that piece of land should be excluded from the site area calculation under B(P)R 23 (2)(a).
- (c) The Site as well as the Lot 265 S.B RP in D.D. 103 shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided for all the buildings to be erected on the site in accordance with the requirements under the B(P)R 41D.

- (d) The number of accessible parking spaces designated for the use of persons with a disability should be provided in accordance with the requirements as stipulated in the division 3 of chapter 4 in Barrier Free Access 2008.
- (e) Disregarding carparking spaces from GFA calculation under the Buildings Ordinance (BO) will be considered on the basis of the criteria set out in PNAP APP-2 during building plan submission stage.
- (f) For features to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirements laid down in the relevant JPNs and PNAPs including APP-151 as appropriate. If the applicant applies for the GFA concession, Building Set Back, Building Separation and Site Coverage of Greenery as required under PNAP APP-152 also apply.
- (g) Detailed checking will be carried out during building plan submission stage.

Civil Aviation

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

He has no comment on the application from airport height restriction perspective. He was given to understand that the proposed development of below +60mPD (with consideration of all roof-top structures) will not exceed the restricted height (more commonly known as the Airport Height Restriction (AHR) prescribed under the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301).

Security Aspect

9.1.12 Comments of the Secretary for Security (S for Security):

He has no objection to the application. The applicant should take into consideration the noise and safety of aircraft flying to the proposed development which is in proximity to Shek Kong Airfield.

Fire Safety

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

- (a) He has no in-principle objection to the proposal subject to water supplies for firefighting 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 Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the BD.

Water Supply

9.1.14 Comments of Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains will be affected (**Plan A-2**). The cost of any necessary diversion shall be borne by the developer. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centreline of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all time for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (c) No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water mains shown on **Plan A-2**.
- (d) 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.

Electricity

9.1.15 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) However, 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 Electricity Supply Lines (Protection) Regulation (the Regulation) and 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

9.1.16 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any locals’ comment on the application and he has no comment on the application from departmental point of view.

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

- (a) Chief Architect/CMD(2), Architectural Services Department;
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (c) Project Manager (West), Civil Engineering and Development Department; and
- (d) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 8.3.2019, the application was published for public inspection for three weeks. FI(1) and FI(3) submitted subsequently were also published for three weeks respectively. A total of 61 public comments were received from a Yuen Long District Council member, residents of Yuen Long and New Territories, and members of the public (**Appendices IV-1 to IV-61**).
- 10.2 Amongst the comments received, 5 comments from a Yuen Long District Council member and individuals (**Appendices IV-1 to IV-4 and IV-61**) object to the application mainly on the grounds that the proposed development will destroy rural area; generate adverse traffic, sewerage, environmental, hygiene, air ventilation and visual impacts; and insufficient infrastructure and recreational facilities.
- 10.3 55 comments (**Appendices IV-5 to IV-59**) from residents in Yuen Long and New Territories and general public support the application mainly on the grounds of increasing housing supply which helps to meet housing demand; the proposed medium density development is compatible with the surrounding area and the flat size is suitable for young families; the Site is readily available for development which is much preferred to utilising land designated for country parks or reclamation for housing; the proposed development will not cause adverse air, visual, ventilation and environmental impacts but enable better utilisation of

vacant land; improve local environment and hygiene; and provide job opportunities supporting the local economy. One commenter (**Appendix IV-59**) also expressed that there is insufficient car parking spaces, shopping arcade and public transport in the area.

- 10.4 One commenter (**Appendix IV-60**) suggested that the proposed development should increase car parking spaces, shops, eating places, educational facilities and bus/mini-bus lay-by to serve the nearby residents.

11. Planning Considerations and Assessments

Planning Intention

- 11.1 The application is for proposed flats at the Site zoned “R(E)”. The planning intention of the “R(E)” zone is 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 1.2 and a maximum building height of 13 storeys (excluding basement floor(s)). The proposed residential development comprises 4 blocks of residential towers at a PR of 1.2, GFA of about 19,494m² and building height of 13 storeys (over one-storey basement carpark). According to the EA submitted by the applicant, environmental mitigations to alleviate traffic noise impact are also proposed (paragraph 1.5 above). The proposed development would help phase out the existing vacant temporary structures at the Site, which are not compatible with the nearby residential developments. In view of the above, the proposed development is considered in line with the planning intention of the “R(E)” zone and complies with the development restrictions for this zone.

Land Use Compatibility

- 11.2 The proposed development with a building height of 13 storeys (over one-storey basement carpark) and a PR of 1.2 is considered compatible with the surrounding area in terms of land use and development intensity. The land use in the vicinity is mainly residential in nature, including the Riva in the north, Ha Ko Po Tsuen and Ko Po Tsuen in the east and west, and a residential development under construction zoned “R(B)1” in the further northwest. In terms of development intensity, the Riva, comprises 25 residential towers and 48 houses with a total PR of 1.013 and building height of not more than 23 storeys (over one-storey basement carpark) providing 780 units. The residential development under construction zoned “R(B)1” is also subject to a PR of 1.2 and building height not exceeding 13 storeys (excluding basement floor(s)). This area is transforming into a residential area supported by major transport infrastructures including West Rail, Tsing Long Highway and the planned Northern Link. The proposed medium-rise development at the Site is also considered not incompatible with the village houses at Ha Ko Po Tsuen and Ko Po Tsuen.

Technical Feasibility

- 11.3 The applicant has submitted relevant technical assessments, including TIA, AVA, EA, DIA, SIA, Water Supply Assessment and landscape design and tree preservation proposal in support of the application. Relevant government departments have no objection to/adverse comments on the application.

Environmental

- 11.4 The Site is located close to Kam Tin Road and Tsing Long Highway. The EA demonstrated that with the proposed environmental mitigation measures, including blank wall, fixed glazing, acoustic balcony and vertical architectural fins (**Drawings A-8a** and **A-8b**), there would be no unacceptable traffic noise impact. DEP has no adverse comment on the application. Approval condition requiring the submission and implementation of NIA is recommended in paragraph 12.2 below. Whilst the Site falls within 1km Consultation Zone of the Au Tau Water Treatment Works, the applicant has submitted a Hazard Assessment to CCPHI for approval and DEP has no objection to the application from chlorine risk perspective.

Traffic

- 11.5 According to the TIA, the proposed development would not generate adverse traffic impact. The applicant proposed an off-site bus lay-by along Kam Tin Road upon C for T's request (**Drawing A-7**). A new possible ROW will also be provided for a private lot encircled by the Site. C for T has no adverse comment on the application and relevant approval conditions on traffic aspect are recommended in paragraph 12.2 below.

Sewerage and Drainage

- 11.6 The DIA and SIA demonstrate that the proposed development would not cause adverse drainage and sewerage impacts. New drainage and sewerage facilities will be provided to discharge the runoff and sewage from the Site to the existing drains and sewers along Ying Ho Road/Ko Po Road. (**Drawings A-10 and A-11**). CE/MN of DSD and DEP have no adverse comment on the application from drainage and sewerage aspects. Approval conditions on the submission and implementation of the SIA and implementation of the accepted drainage proposal are recommended in paragraph 12.2 below.

Urban Design, Air Ventilation and Landscape

- 11.7 CTP/UD&L, PlanD considers that the proposed development is not visually incompatible with the surrounding context and is not expected to have significant visual impact. She also has no objection to the application from landscape planning point of view. According to the applicant, the layout of the proposed development has incorporated a major building separation (32m) between towers 2 and 3 (**Drawing A-9**) with respect to the air path provided in the adjoining

residential development (i.e. the Riva) to facilitate visual and air penetration. The AVA results demonstrated that the proposed development will perform similarly to the approved scheme on pedestrian wind environment. Approval condition on the submission and implementation of landscape proposal is recommended in paragraph 12.2 below.

- 11.8 CBS/NTW, BD has reservation to the development parameters as the Site is considered as a Class A site and the maximum site coverage of not more than 39% would exceed the permissible site coverage allowed under Regulation 20 and the First Schedule of the B(P)R. Also, the proposed ROW should be excluded from site area calculation. It is considered that his comment under the BO could be dealt with at the building plan submission stage.

Previous and Similar Applications

- 11.9 A major part of the Site is subject to a previously approved application No. A/YL-KTN/501 for the same applied use and submitted by the same applicant of the current application. As compared with the previous approved scheme (No. A/YL-KTN/501), the proposed development under application has the same PR, number of blocks and similar site layout, except for slight expansion of site area (+1,933m²) to include the residual GL in the “R(E)” zone abutting Kam Tin Road and corresponding increase in building height of Towers 1 and 2 (+2.3m) and building height of Towers 3 and 5 from (+ 2 storeys / +8.6m) to accommodate the additional GFA (+2,319.6m²). DLO/YL, LandsD considers that this strip of GL which falls within the “R(E)” zone is incapable of reasonable alienation for development, and the inclusion of this GL for residential development conforms with the planning intention and provides better utilization and management of land resources. Notwithstanding the above changes, the development parameters of the current proposal still comply with the development restrictions of the “R(E)” zone. In view that there is no major change in the planning circumstances, approval of the current application is in line with the Committee’s decision on the previous application.
- 11.10 There are two similar applications No. A/YL-KTN/488 and 567 for proposed houses and flats respectively at the same site zoned “R(E)1” about 500m to the east of the Site (**Plan A-1a**), which were both approved with conditions by the Committee on 27.5.2016 and 4.5.2018. These applications were approved for similar reasons that the proposed developments were generally in line with the planning intention of the “R(E)1” zone; not incompatible with the surrounding land uses; no significant adverse environmental, traffic, landscape or drainage impacts; and concerned departments had no adverse comments. These considerations are also applicable to the current application.

Public Comments

- 11.11 Among the 61 public comments received during the statutory publication periods as detailed in paragraph 10 above, 55 indicates support, 5 indicates object and 1 provides suggestions. With respect to the objecting comments, technical

assessments on traffic, environmental, sewerage and air ventilation aspects have been conducted, and concerned departments have no adverse comment on the application. The departmental comments as well as 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 15.11.2023, 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 submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of a consolidated Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) 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;
- (d) the design and provision of public transport facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) 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;
- (f) the submission of an updated Sewerage Impact Assessment for the 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;
- (g) the implementation of the accepted drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

- (h) 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 V**.

- 12.3 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 impacts on the surrounding area.

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 conditions and advisory clauses, 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 with plans received on 28.2.2019
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 3.5.2019
Appendix Ic	FI received on 12.6.2019
Appendix Id	FI received on 19.7.2019
Appendix Ie	FI received on 26.9.2019
Appendix If	FI received on 31.10.2019
Appendix Ig	FI received on 7.11.2019
Appendix II	Previous applications for the Site

Appendix III	Similar applications in the “R(E)” zone on the Kam Tin North OZP
Appendices IV-1 to IV-61	Public comments received during the statutory publication period
Appendix V	Advisory Clauses
Drawing A-1	Comparison of Layout of previous approved application and current application
Drawing A-2	Master Layout Plan
Drawing A-3	Ground Floor Plan
Drawing A-4	Basement Plan
Drawing A-5	Section Plan
Drawing A-6	Landscape Master Plan
Drawing A-7	Traffic Impact Assessment Proposal
Drawings A-8a and A-8b	Proposed Noise Mitigation Measures
Drawing A-9	Proposed Air Ventilation Mitigation Measures
Drawing A-10	Proposed Drainage Works
Drawing A-11	Proposed Sewerage Works
Drawing A-12	Land Holding Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos