

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TKO/119

<u>Applicant</u>	Hong Kong Housing Authority
<u>Site</u>	Government Land at Chiu Shun Road, Tseung Kwan O
<u>Site Area</u>	About 4,200m ²
<u>Land Status</u>	Government Land
<u>Plan</u>	Approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/26
<u>Zoning</u>	“Residential (Group A) 7” (“R(A)7”) - Restricted to a maximum plot ratio (PR) of 6.5 and a maximum building height (BH) of 130mPD with a minor relaxation clause
<u>Application</u>	Proposed Minor Relaxation of PR Restriction for Permitted Public Housing Development

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction for a permitted public housing development with social welfare facility at the application site (the Site) (**Plan A-1**). The Site zoned “R(A)7” on the OZP is subject to a maximum PR of 6.5. According to the Notes of the OZP for the “R(A)7” zone, ‘Flat’ and ‘Social Welfare Facility’ are always permitted. Based on the individual merits of a development proposal, minor relaxation of PR restriction may be considered by the Town Planning Board (the Board) on application under s.16 of the Town Planning Ordinance. The proposed minor relaxation of PR from 6.5 to 6.65 (or 2.3% increase) requires planning permission of the Board.
- 1.2 According to the applicant’s proposal, the proposed public housing development will comprise a 38-storey residential block atop a 3-storey podium for a Neighbourhood Elderly Centre (NEC) and other ancillary facilities. An existing large mature tree at the north-eastern corner of the Site will be preserved. In pursuit of the policy of “Enhancement of the Development Intensity of Public Housing Sites” (paragraph 4.2) for addressing shortage in public housing supply, the applicant proposes to increase flat production through utilising the PR of 6.5 permitted in the “R(A)7” zone for residential use and applies for additional PR of 0.15 to incorporate a NEC within the proposed development. The proposed

public housing development is scheduled for commencement in 2020 and completion by 2024 tentatively.

- 1.3 The proposed Master Layout Plan, section plan, block plans, floor plans and photomontages of the proposed public housing development are at **Drawings A-1 to A-13** while the major development parameters are summarised in the following table:

Site Area	About 4,200m ²
Gross Floor Area (GFA)	Total: Not more than 27,930m ² Domestic: Not more than 27,300m ² Non-domestic: Not more than 630m ²
PR	Total PR: Not more than 6.65 Domestic: Not more than 6.5 Non-domestic: Not more than 0.15
Site Coverage (SC)	Domestic: About 33% Non-domestic: About 56%
Number of Block	1
Number of Flats	About 594
Population	About 1,670
BH	Not more than 130mPD (123m)
No. of Storeys	41
Open Space	Not less than 1,670m ²
GIC Facilities	1 NEC (about 470m ²)
Parking Spaces	Private cars: 62 (including 5 for visitors) Motorcycles: 6
Loading/Unloading Space	Heavy goods vehicle : 1

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

- (a) Application form received on 2.1.2020 **(Appendix I)**
- (b) Supporting Planning Statement, Schematic Drawings, Visual Impact Assessment (VIA), Traffic Impact Assessment (TIA), Air Ventilation Assessment (AVA), Environmental Assessment Study (EAS), Sewerage Impact Assessment (SIA) and Landscape Assessment (LA) **(Appendix Ia)**
- (c) Further information (FI) dated 21.1.2020 submitting a supplementary drawing for the AVA **(Appendix Ib)**
(accepted and exempted from publication and recounting requirement)
- (d) FI dated 22.1.2020 submitting replacement pages of the Schematic Drawings **(Appendix Ic)**
(accepted and exempted from publication and recounting requirement)
- (e) FI dated 3.2.2020 providing responses to departmental and public comments **(Appendix Id)**
(accepted and exempted from publication and recounting requirement)

- requirement)*
- (f) FI dated 7.2.2020 providing responses to departmental comments and revised AVA (**Appendix Ie**)
(accepted and not exempted from publication and recounting requirement)
- (g) FI dated 27.2.2020, 28.2.2020 and 3.3.2020 providing responses to departmental comments, revised AVA and replacement page of EAS (**Appendix If**)
(accepted and not exempted from publication and recounting requirement)
- (h) FI dated 26.3.2020 providing responses to departmental comments and consolidated AVA report (**Appendix Ig**)
(accepted and exempted from publication and recounting requirement)
- (i) FI dated 1.4.2020 and 6.4.2020 providing responses to departmental and public comments and replacement pages of EAS (**Appendix Ih**)
(accepted and exempted from publication and recounting requirement)
- (j) FI dated 7.4.2020 providing responses to departmental comments and replacement pages of AVA (**Appendix Ii**)
(accepted and exempted from publication and recounting requirement)

2. **Justifications from the Applicant**

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

- (a) The proposed public housing development is to meet the acute demand for public housing. The proposed increase in domestic PR to 6.5 is in line with government's policy on enhancing development intensity of public housing sites.
- (b) The proposed minor relaxation of PR is mainly for the provision of a NEC to meet local demand for social welfare facilities. The NEC is accountable for non-domestic PR under the respective "R(A)7" zone and thus the current application is required.
- (c) The proposed PR and BH are compatible with the development intensity in the locality, where high-density residential developments such as Yuk Ming Court, La Cite Noble and East Point City, etc. are in vicinity to the Site.
- (d) A VIA has been conducted and the baseline scheme is based on CEDD's Engineering Feasibility Study (EFS) completed in 2017 which supported the rezoning of the Site to "R(A)7". The VIA concludes that with the adoption of the proposed mitigation measures, such as landscape treatment at ground and podium levels, roadside planting and appropriate fenestrations on the external wall facing Chiu Shun Road, the proposed scheme would not induce significant

adverse visual impacts to the surrounding area as compared to the baseline scheme and is considered acceptable in terms of visual impacts.

- (e) The disposition and layout of the proposed scheme has been designed in response to the various site constraints, such as the small site area (about 0.42 ha), set-back of 10m from Chiu Shun Road in accordance with HKPSG requirements on air quality, and preserving an existing large mature tree at the north-eastern corner of the Site, in order to maintain the maximum BH of 130mPD as stipulated in the OZP, optimize development potential, and minimize adverse visual and environmental impacts.
- (f) Various technical assessments, including TIA, AVA, EAS, SIA and LA, have been conducted to demonstrate that the proposed development would not induce adverse impacts on traffic, air ventilation, environmental, sewerage and landscape aspects.

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

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

4. Background

- 4.1 To optimise the use of public housing land, the 2014 Policy Address announced that the maximum domestic PR for housing sites in New Town would be raised by 20% (i.e. from 5 to 6). In the EFS conducted by the Civil Engineering and Development Department in 2017 to support the rezoning of the Site for residential development, domestic PR of 6 and non-domestic PR of 0.5 had been assumed. To allow design flexibility, a maximum total PR of 6.5 has been stipulated in the Notes of the subject “R(A)7” zone.
- 4.2 In December 2018, the Chief Executive in Council endorsed the policy to enhance the development intensity of public housing sites, that the domestic PR for public housing sites should be allowed to increase by up to 30% (i.e. from 5 to 6.5) where their technical feasibility permits. The policy also allows flexible deployment of non-domestic PR for domestic use such that any unused non-domestic PR could be utilised for public housing development to an extent that the resultant domestic PR would not exceed its maximum by up to 30%

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

There is a similar application (No. A/TKO/94) for residential development with minor relaxation of PR, SC and BH restrictions in “R(A)4” and “R(A)6” zones within the OZP. The overall maximum domestic PR for the “R(A)4” and “R(A)6” zones are proposed to be increased from 3 to 3.3 and from 2 to 2.4 respectively. Details of the similar application are summarised at **Appendix II** and location shown on **Plan A-1**. The application, submitted by District Lands Officer/Sai Kung, Lands Department for permitted residential development, was approved by the Board on 18.1.2013 on considerations that the proposal would increase housing supply; was not incompatible with the original urban design framework; and relevant government departments had no objection to or adverse comment on all technical aspects, including traffic, environment, visual and air ventilation.

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

7.1 The Site is:

- (a) located at the south-eastern fringe of Hang Hau area;
- (b) accessible from and situated at the south of Chiu Shun Road;
- (c) currently vacant with vegetated slope at the south-western portion and a large mature tree at the north-eastern corner; and
- (d) within 500m walking distance to Hang Hau MTR Station, shopping malls, hospital and open space.

7.2 The surrounding areas have the following characteristics:

- (a) adjoining the Site to the east is Fat Tau Chau Village and Tin Ha Wan Village to the further north-east;
- (b) to the adjoining south is Drainage Services Department’s water tank, and further south are vegetated slope areas descending towards Chiu Shun Road;
- (c) adjoining the Site to the west is the MTR Pak Shing Kok Ventilation Building; and
- (d) to the north and north-west across Chiu Shun Road are high-rise residential developments, including Yuk Ming Court (about 115mPD), Wo Ming Court (about 101mPD), La Cite Noble (about 146mPD), Maritime Bay (about 147mPD), East Point City (about 143mPD), Residence Oasis (about 175mPD) and Nan Fung Plaza (about 153mPD).

8. Planning Intention

- 8.1 The planning intention of the “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 8.2 According to the Explanatory Statement of the OZP, to provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of PR/SC/BH restrictions of the “R(A)” sub-areas may be considered by the Board through planning permission system. Each application would be considered on individual merits.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Sai Kung (DLO/SK, LandsD):
- (a) no comment from the land administrative point of view;
 - (b) it is noted that paragraph 3.1.3 Note 4 of the Supporting Planning Statement (**Appendix Ia**) mentions that there would be “full GFA exemption for all parking spaces”; and
 - (c) according to the prevailing standard clause to be incorporated to the lease of the captioned proposed development, the provision of car parking spaces and motor cycle parking spaces at or above ground level; and loading and unloading space above the ground level in the proposed 3-storey integrated car park should normally be 50% GFA accountable.

Urban Design

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

Visual and Air Ventilation

- (a) the Site is situated at the fringe of Tseung Kwan O town centre and falls within an area zoned “R(A)7” under the OZP. It is subject to a maximum PR of 6.5 and maximum building height of 130mPD. To the north across Chiu Shun Road are Man Kuk Lane Park and residential developments including La Cite Noble (BH: 44 to 47 storeys / 146.2 to 146.4mPD), Yuk Ming Court (BH: 39 storeys / 114 to 114.5mPD) and Ming Tak Estate (BH:

39 storeys / 113.2 to 114.3mPD). To the north-east are Tin Ha Wan Village and Tseung Kwan O Hospital. To the south are vegetated slopes. To the south-west are MTR Pak Shing Kok Ventilation Building and Wan Po Road;

- (b) the proposal is for minor relaxation of maximum PR from 6.5 to 6.65 to facilitate development of a 41-storey block (including a 3-storey podium) for public housing and a NEC. Noting that the application would not effect a change to the maximum BH of 130mPD, the increase in PR would translate into a minor increase in overall building bulk with additional podia levels to accommodate extra car parking and social welfare facilities. Judging from the photomontages of identified viewpoints, there is no substantial difference in the visual bulk of the domestic block between the OZP-compliant scheme and the proposed scheme. Thus, no significant change in the overall visual impact is anticipated;
- (c) an AVA Initial Study (IS) using computational fluid dynamic modelling has been carried out to support the application for the proposed development. Two scenarios, i.e. the Baseline Scheme (i.e. the OZP-compliant scheme with PR of 6.5 and maximum building height of 130mPD) and the proposed scheme (maximum PR of 6.65 and maximum building height of 130mPD), have been studied. As set out in the AVA IS report, mitigation measures including (i) building setbacks; (ii) empty bays at grade and podium level; and (iii) terraced and elevated podium design, have been incorporated in the proposed scheme with the aim to address the potential adverse air ventilation impact induced by the proposed development on the surroundings;
- (d) according to the simulation results, the overall performances of the OZP-compliant scheme on pedestrian wind environment are slightly better than that of the proposed scheme under both annual and summer conditions;
- (e) as confirmed by the project proponent that further enhancement measures, including building permeability, building setback, avoidance of long continuous facades, mitigation measures recommended under Hong Kong Planning Standards and Guidelines and terraced podium design, would be adopted as far as practical in detailed design stage; and
- (f) based on the above consideration, she has no comment on the AVA IS report. Nevertheless, it is expected that the proposed scheme would have slight impact on the pedestrian wind ventilation when compared with the OZP-compliant scheme.

9.1.3 Comments of the Chief Architect/CMD2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) the proposed development mainly consists of one tower block with a height of 130mPD which may not be incompatible with adjacent developments with height ranging from 114.3mPD to 146.2mPD; and
- (b) no comment on the application from architectural and visual point of view.

Landscape

9.1.4 Comments of the CTP/UD&L, PlanD:

- (a) no objection to the application from landscape planning perspective;
- (b) the Site is situated in an area of urban fringe landscape character dominated by high-rise residential buildings. With reference to the Supporting Planning Statement (**Appendix Ia**), approximately 69 nos. of existing trees of common and weedy species in poor to fair condition are identified within the Site. A 13m high existing mature *Ficus microcarpa*, with canopy of about 22m wide, is proposed to be preserved on site while the others are proposed to be removed due to conflicts with the proposed site formation works; and
- (c) according to the submitted landscape proposal, an open space of not less than 1,670m² comprising landscape areas of children playground, sitting areas, tree and shrub plantings are proposed on G/F and podium floor. In particular, it is noted that tree planting and vertical greening are proposed along the site boundary on G/F as screen planting facing Chiu Shun Road.

Drainage

9.1.5 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) no comment on the application from sewerage maintenance viewpoint;
- (b) the SIA needs to meet the full satisfaction of the Director of Environmental Protection; and
- (c) for works falling within the relevant Tunnel Protection Areas, the requirements in DSD Practice Note No. 2/2017 “Assessment on the Effects of Construction Activities on Drainage and Sewage Tunnels and their Associated Structures” should be complied with.

Fire Safety

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

- (a) no objection in principle subject to water supplies for firefighting and fire service installations provided to his satisfaction;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licencing authority; and
- (c) 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) Regulation 41D which is administered by the Buildings Department.

Others

9.1.7 Comments of the Project Team Leader/Housing, Civil Engineering and Development Department (PTL/H, CEDD):

- (a) no comment on the application; and
- (b) it should be noted that the road improvement works stated in the TIA report such as the signalization of junction of Ying Yip Road/Po Ning Road and pedestrian crossing across Chiu Shun Road under Consultancy Agreement No. CE11/2017(CE) are being gazetted under Cap. 370. Whether the above road improvement works could be completed before the population intake of the development at Chiu Shun Road would be subject to authorisation of the works by CE in C and approval of funding by the Finance Committee.

District Officer's Comments

9.1.8 Comments of the District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD):

The concerned housing development at Chiu Shun Road was met with strong local objection. While Sai Kung District Council (SKDC) members may not directly object to the proposed minor relaxation of PR, taking into consideration that the relaxation is proposed in order to accommodate the social welfare facility, the new term SKDC will maintain their position in opposition to the subject housing development despite TPB's planning approval. Relevant bureaux/departments are advised to take members' views into consideration.

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

- (a) Commissioner for Transport (C for T);

- (b) Chief Highway Engineer/ New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (CBS/NTE2&Rail, BD);
- (d) Project Manager (East), Civil Engineering and Development Department (PM(E), CEDD);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (f) Commissioner of Police (C of P);
- (g) Director of Social Welfare (DSW);
- (h) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (i) Director of Environmental Protection (DEP); and
- (j) Director of Electrical and Mechanical Services (DEMS).

10. Public Comments Received During Statutory Publication Periods

During the three statutory public inspection periods of the planning application and FIs which ended on 31.1.2020, 10.3.2020 and 3.4.2020 respectively, a total of 110 public comments were received from six SKDC members, the Hong Kong and China Gas Company Limited and 100 individuals (**Appendix III**). Most of them object to the application on the grounds that the proposed public housing development would induce adverse traffic, air ventilation and environmental impacts as well as insufficient provision of GIC facilities. One SKDC member raises concern on the operation model of the NEC. Three public comments indicate that the government should develop public housing in Area 137 of Tseung Kwan O or brownfield sites as alternatives. The comment from Hong Kong and China Gas Company Limited raises concern on the impact of the proposed development on their high pressure gas pipe situated along Chiu Shun Road and requests for conducting a Quantitative Risk Assessment (QRA) to determine the necessary mitigation measures if required.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR of the Site from 6.5 to 6.65 (+2.3%) to optimize flat production and allow provision of a NEC. The proposed scheme to utilise the permitted PR of 6.5 for domestic use (to allow the provision of 34 additional flats) is in line with the government's policy of enhancing the development intensity of public housing sites as mentioned in paragraph 4.2. The increase in PR by 0.15 would allow the provision of social welfare facility (a NEC) as requested by the SKDC. Thus, the application is in line with government's overall directives on housing supply and provision of social welfare facilities and is in public interests.
- 11.2 With the increase in PR, the BH of the proposed scheme will be maintained at 130mPD as permitted under the "R(A)7" zone. Only slight increase in the bulk of the podium would be required. Design and mitigation measures such as building setback, landscape treatment at ground and podium levels, roadside planting and appropriate fenestrations on the external wall would be implemented in detailed design stage. The applicant has conducted VIA which

has concluded that the proposed scheme would not induce significant change in overall visual impact to the surrounding areas as compared to the baseline scheme conforming to the PR and BH restrictions permitted under the “R(A)7” zone. The applicant has also conducted an AVA (IS). While it is expected that the proposed scheme would have slight impact on the pedestrian wind ventilation when compared with the OZP-compliant scheme, mitigation measures would be adopted to address potential air ventilation impact. In this regard, CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comments on the application from urban design, visual and air ventilation perspectives.

- 11.3 TIA, EAS, SIA and LA have been conducted for the proposed scheme and demonstrated that no adverse traffic, environmental, sewerage and landscape impacts will be caused by the proposed development to the surrounding areas. Relevant departments have no adverse comments on the respective aspects.
- 11.4 Regarding the public comments on traffic, air ventilation and environmental aspects, the above planning assessments and departmental comments in paragraph 9 are relevant. Regarding the provision of GIC facilities, based on the requirements in Hong Kong Planning Standards and Guidelines, the planned provision for GIC facilities in the area is generally adequate to meet the demand of the overall planned population (including the increase in population from the subject application). A NEC will be provided at the Site. The concern on the impact of the proposed development on the gas pipe situated along Chiu Shun Road has been addressed by the applicant with EMSD (**Appendix Id**).

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 above, 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 24.4.2024, 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 Condition

the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.

Advisory Clauses

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

- 12.3 There is no strong reason to recommend rejection of the application.

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 reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 2.1.2020
Appendix Ia	Supporting Planning Statement, Schematic Drawings, Visual Impact Assessment (VIA), Traffic Impact Assessment (TIA), Air Ventilation Assessment (AVA), Environmental Assessment Study (EAS), Sewerage Impact Assessment (SIA) and Landscape Assessment (LA)
Appendix Ib	Further information (FI) dated 21.1.2020 submitting a supplementary drawing for the AVA showing building heights of surrounding developments
Appendix Ic	FI dated 22.1.2020 submitting replacement pages of the Schematic Drawings
Appendix Id	FI dated 3.2.2020 providing responses to departmental and public comments
Appendix Ie	FI dated 7.2.2020 providing responses to departmental comments and revised AVA
Appendix If	FI dated 27.2.2020, 28.2.2020 and 3.3.2020 providing responses to departmental comments, revised AVA and replacement page of EAS
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Appendix Ii	FI dated 7.4.2020 providing responses to departmental comments and replacement pages of AVA
Appendix II	Similar application
Appendix III	Public comments received during statutory publication periods
Appendix IV	Advisory clauses
Drawing A-1	Master Layout Plan
Drawing A-2	Section Plan
Drawings A-3 to A-8	Block Plans and Floor Plans
Drawings A-9 to A-13	Photomontages

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

PLANNING DEPARTMENT
April 2020