

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/231

- Applicant** : Sincere Gold Properties Limited represented by KJL Limited
- Plan** : Approved Yuen Long OZP No. S/YL/23
- Site** : No. 21 Wang Yip Street West, Yuen Long, New Territories (Yuen Long Town Lot (YLTL) No. 461)
- Site Area** : 3,180m² (about)
- Lease** : YLTL 461
(a) Restricted for industrial/godown or office purposes, or a combination of such uses
(b) Maximum GFA of 8,000m²
- Zoning** : “Residential (Group E)1” (“R(E)1”)
[restricted to a maximum plot ratio of 5, a maximum site coverage of 60% for the lowest two floors (excluding basement(s)) and 30% for the floors above and a maximum building height of 85mPD. Non-building area(s) with a minimum width of 1.5m from the lot boundaries abutting Wang Yip Street West and Tak Yip Street shall be provided. Minor relaxation of the plot ratio, building height and site coverage restrictions may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance]
- Application** : Proposed Flat, Shop and Services, Eating Place and Minor Relaxation of Plot Ratio Restriction

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed residential development with provision of ‘Shop and Services’ and ‘Eating Place’ at 21 Wang Yip Street West, Tung Tau, Yuen Long (YLTL 461) (the Site). According to the Schedule I (for open-air development or for building other than industrial or industrial-office building) of the Notes of the OZP for the “R(E)1” zone, ‘Flat’, ‘Shop and Services’ and ‘Eating Place’ are Column 2 uses requiring planning permission from the Town Planning Board (the Board). Planning permission is also sought for proposed minor relaxation of plot ratio (PR) restriction from 5 to 5.5 (+10%). The location of the Site is shown in **Plans A-1** and **A-2**.

- 1.2 According to the applicant, the proposed development comprises a 24-storey residential tower over one storey basement car park, providing 450 flats and one stand-alone 2-storey composite non-domestic block for club house and shop and services/eating place use. The proposed development involves a PR of 5.5, i.e. domestic gross floor area (GFA)/PR of about 17,080m²/5.37, non-domestic GFA/PR of about 410m²/0.13, site coverage (SC) of 59% for the lowest two floors and 29.5% for the floors above, and a maximum BH of 85mPD. The proposed development will adopt a podium-free design which contributes to the local wind environment. Car parking will be provided at the basement and loading/unloading (L/UL) bays at ground level.
- 1.3 A 1.5m building set-back has been designated from Wang Yip Street West to comply with OZP requirement. Besides, 3m building set-back abutting Leung Yip Street and Kwong Yip Street is also proposed. All the set-back areas are dedicated for public passage to be maintained by the applicant. The sections of Kwong Yip Street and Leung Yip Street fronting the Site are also proposed to be widened to a standard 7.3m wide carriageway with 2m wide footpath, and the remaining section of Kwong Yip Street is to be retained as a single lane access road, all to be designed and implemented by the applicant (**Drawing A-12**).
- 1.4 To minimise potential industrial/residential (I/R) interface problems, appropriate building design and layout to ensure an adequate separation from the nearest industrial operations along Wang Yip Street West is proposed. The proposed 2-storey club house and commercial floor space will be located on the eastern side of the Site to shield the noise generated from road traffic and from operation of the industrial activities at Wang Yip Street West.
- 1.5 The applicant has submitted technical assessments with respect to traffic, geotechnical, environmental and landscape aspects to demonstrate that the proposed scheme will not have adverse impacts on the concerned aspects.
- 1.6 The proposed residential development is anticipated to be completed in 2021.
- 1.7 The proposed floor plans, section plans, typical flat floor plan, landscape plans and photomontage submitted by the applicant are at **Drawings A-1 to A-10** and **A-13 to A-19**.
- 1.8 The Site is the subject of a previous Application No. A/YL/191 for proposed flat development which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 21.12.2012. A comparison of the major development parameters of the approved scheme and the current scheme is summarised below :

Development Parameters	Approved Scheme (No. A/YL/191) (a)	Current Scheme (No. A/YL/231) (b)	Changes (b) – (a)
Proposal	Proposed Flat Development	Proposed Flat Development with 'Shop and Services' and	'Shop and Services' and 'Eating Place'

Development Parameters	Approved Scheme (No. A/YL/191) (a)	Current Scheme (No. A/YL/231) (b)	Changes (b) – (a)
		‘Eating Place’ and minor relaxation of PR restriction	added and minor relaxation of PR restriction
Site Area (m ² , about)	3,180	3,180	No change
Plot Ratio	5	5.5	+0.5 (+10%)
Maximum Domestic GFA (m ²)	15,900	17,080	+1,180 (+7.42%)
Maximum Non-domestic GFA (m ²)	-	410	+410
Maximum Site Coverage (%)			
Lowest 2 floors (excluding basement)	60	59	-1 (-1.67%)
Upper floors	30	29.5	-0.5 (-1.67%)
No. of Blocks			
Domestic	2	1	-1 (-50%)
Non-domestic	1 (Club house)	1 (Club house, shop and services/eating place)	No change
No. of Flats	276	450	+174 (+63 %)
Average Flat Size (m ² , about)	57.6	37.9	-19.7 (-34.2%)
Estimated No. of Residents	690	1,260	+570 (+82.6%)
No. of Storeys			
Domestic	24	24 (including M/F)	No change
Non-domestic	2	2	No change
Maximum BH (main roof) (mPD)			
Domestic	85	85	No change
Non-domestic	13	15	+2 (+15.4%)
Car Parking Provision			
- Residential	44 (including 2 visitor parking and 2 disabled parking)	49 (including 5 visitor parking and 1 disabled parking)	+5 (+11.36%)
- Motor Cycle	5	5	No change
- Loading/Unloading Bay	2	1	-1 (-50%)
- Commercial (including 1 disabled parking)	-	3	+3
- Motor Cycle	-	1	+1
- Loading/Unloading Bay	-	1	+1
Resident Club House (m ² , about)	795	854	+59 (+7.42%)
Private Open Space (m ² , about)	1,176.74	1,289	+112.26(+9.54%)

Development Parameters	Approved Scheme (No. A/YL/191) (a)	Current Scheme (No. A/YL/231) (b)	Changes (b) – (a)
Total Greenery Area (m ² , about)	1,876	696.8	-1,179.2(-62.86%)

1.9 The major changes in the current scheme include (**Drawings A-1 to A-19**) :

- (a) increase in domestic GFA/PR of about 1,180m²/0.37 and addition of non-domestic GFA/PR of 410m²/0.13;
- (b) reduction in number of domestic blocks from two to one single block;
- (c) increase in number of flats from 276 to 450 (+174, +63%) and reduction in average flat size;
- (d) change in form and disposition of building blocks; and
- (e) increase in private open space from 1,176.74 to 1,289m² (+9.54%) and reduction in greenery area from 1,876m² to 696.8m² (-62.86%).

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

- (a) Application form received on 12.7.2017 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**
- (c) Letter received on 23.8.2017 requesting the Board to defer making a decision for one month **(Appendix Ib)**
- (d) Letter received on 29.9.2017 requesting the Board to defer making a decision for one month **(Appendix Ic)**
- (e) Letter received on 16.1.2018 requesting the Board to defer making a decision for two month **(Appendix Id)**
- (f) Further information (FI) received on 9.11.2017 responding to departmental comments and submitting revised environmental assessment (EA), supplementary traffic review, proposed traffic scheme, revised landscape plan and floor layout, and other technical clarifications (*accepted but not exempted from publication and recounting requirements*) **(Appendix Ie)**
- (g) FI received on 8.12.2017 responding to departmental comments and submitting pedestrian connectivity assessment; proposed traffic scheme details; and other technical clarifications including urban design and environmental hygiene aspects (*accepted but not exempted from publication and recounting requirements*) **(Appendix If)**
- (h) FI received on 13.12.2017 responding to departmental comments and technical clarifications on landscape and sewerage aspects (*accepted and exempted from publication and recounting requirements*) **(Appendix Ig)**
- (i) FI received on 10.1.2018 responding to departmental comments with clarification on the assessment on the impact on railway networks and **(Appendix Ih)**

proposed road improvement scheme (*accepted and exempted from publication and recounting requirements*)

- (j) FI received on 26.3.2018 and 28.3.2018 responding to departmental comments with further clarification on the assessment on the impact on railway networks and consolidation of the design merits of the development proposal (*accepted and exempted from publication and recounting requirements*) **(Appendix Ii)**
- (k) FI received on 3.5.2018, 4.5.2018 and 7.5.2018 responding to departmental comments with further clarification mainly on the implementation of the proposed road improvement scheme, EA and proposed minor relaxation of PR restriction (*accepted and exempted from publication and recounting requirements*) **(Appendix Ij)**
- (l) FI received on 10.5.2018 responding to departmental comments on the proposed set-back areas (*accepted and exempted from publication and recounting requirements*) **(Appendix Ik)**

1.11 The application was originally scheduled for consideration of the Committee on 8.9.2017. On 8.9.2017, 13.10.2017 and 26.1.2018, the Committee agreed to defer making decisions on the application for 1 month each for the former two and 2 months for the latest one as requested by the applicant so as to allow time for the applicant to prepare further information in addressing departmental comments. Subsequently, the applicant submitted FI on 9.11.2017, 8.12.2017, 13.12.2017, 10.1.2018, 26.3.2018, 28.3.2018, 3.5.2018, 4.5.2018, 7.5.2018 and 10.5.2018 (**Appendices Ie to Ik**) and the application is scheduled to be considered at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendices Ia, Ie to Ik**. They can be summarized as follows:

- (a) The proposed development provides an additional 450 units to add to the housing stock of the area to meet the housing demand. The proposed development provides a higher flat production than the previously approved scheme (No. A/YL/191) and also offers a different variety of flat mix to meet different demand in the housing market.
- (b) The proposed development adds as a catalyst to the further transformation and re-gentrification of the Tung Tau Industrial Area. The proposed development together with the approved CDA development area outside Long Ping MTR Station and the Home Ownership Scheme project will stimulate the transformation and regeneration of the area upon the implementation of the proposed modern standard residential development scheme.
- (c) The proposed development is compatible with the surrounding developments in

progress and the minor relaxation of PR does not lead to any substantial increase in building mass that visually affects the surrounding area.

- (d) The proposed PR relaxation would allow additional floor area for the proposed ground floor 'Shop and Services' and 'Eating Place' which will create a more interesting streetscape and add vibrancy to the street life in the area.
- (e) The proposed peripheral set-back of the development will further improve the streetscape and surrounding environment with suitable landscaping. A 1.5m building set-back has been designated from Wang Yip Street West to comply with OZP requirement. Besides, 3m building set-back abutting Leung Yip Street and Kwong Yip Street is also proposed (**Drawing A-12**). All the set-back areas are to be built and maintained by the applicant and dedicated for public passage which would create a pleasant pedestrian environment, contribute to the streetscape improvement, cater for future pedestrian needs in the neighbourhood and address the gradual transition in this local area.
- (f) The Site is subject to a number of constraints which have to be taken into account in the design of the proposed development which is attributable to the claim of the additional PR (**Drawing A-11**), i.e. (i) the presence of marble with cavities has posed constraints to the building/structural design and disposition. The geotechnical planning review report has confirmed its technical feasibility; (ii) the presence of marble with cavities and the potential I/R interface further reduce the flexibility for the residential tower arrangement in terms of its disposition, height and massing; (iii) potential vehicular traffic on the surrounding road network has posed the need of self-protective design and additional building set-back against the traffic noise; (iv) the existing mature tree which is of high landscape value will be preserved in-situ thereby the building edge has been set-backed and the footprint to be oriented away from the tree roots; and (v) the current layout minimizes the air ventilation impact to the local areas through maintaining the SC for the upper and lower floors at 60% and 30% as well as a 6m building gap between the tower and the adjoining Yuen Long Hi-Tech Centre to ensure that there would be no further adverse impact on air ventilation and permeability.
- (g) Based on the findings of the traffic impact assessment (TIA) that the traffic generated by the proposed development will not cause any significant traffic impacts. It can be concluded that the current scheme is considered acceptable in traffic term.
- (h) The industrial noise based on identified noise source has been predicted and found to be acceptable. There is no unacceptable environmental noise impact, air quality impact, drainage and sewerage impact anticipated on the proposed development on the Site.
- (i) The existing mature tree will be retained, preserved and maintained both in construction phase and operation phase and there is no adverse effect or disturbance to it.
- (j) Based on the above reasons, the Board is earnestly requested to give consideration and grant approval to this application.

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**

Tung Tau Industrial Area was originally zoned “Industrial” (“I”) and rezoned to “Other Specified Uses” annotated “Business” (“OU(B)”) on the OZP in 2001. According to the Area Assessments 2009 of Industrial Land in the Territory (the Area Assessments 2009) considered by the Board on 17.9.2010 (TPB Paper No. 8630), a strip of land along the nullah on the north-western edge of Tung Tau Industrial Area and close to a proposed comprehensive residential development at the West Rail Long Ping Station is recommended for residential use. Accordingly, the concerned area was first rezoned from “OU(B)” or “OU(B)1” to “R(E)1” on the OZP No. S/YL/21 in 2011. There is no change to the zoning since then (**Plan A-1**). The current application for residential development within the “R(E)1” zone will help achieve gradual transformation of the Tung Tau Industrial Area to residential use.

5. **Previous Application**

There is a previous application (No. A/YL/191) for flat development with PR of 5 and BH of 85mPD on the same site (**Plan A-1**). The application was approved with conditions by the Committee on 21.12.2012 and its details are summarized in **Appendix II**.

6. **Similar Applications**

There are two similar applications (No. A/YL/194 and A/YL/201) for proposed flat development in the same “R(E)” zone. The former was submitted by the Hong Kong Housing Authority under the New Home Ownership Scheme with PR of about 3 and BH of 40mPD (12 storeys) while the later was for private residential development with PR of about 5 and BH of 85mPD (25 storeys) in the “R(E)1” zone on the OZP (**Plan A-1**). The applications were approved with conditions by the Committee on 11.1.2013 and 23.5.2014 respectively and their details are summarized in **Appendix III**.

7. **The Site and Its Surrounding Areas** (**Plans A-1 and A-2 and photos on Plans A-3 and A-4a to 4b**)

7.1 The Site is :

- (a) located on the western periphery of the Tung Tau Industrial Area adjacent to an open nullah in Yuen Long Town;
- (b) accessible from Wang Yip Street West; and

- (c) currently occupied by a single-storey warehouse building.

7.2 The surrounding areas have the following characteristics:

- (a) the Site is situated in an area generally occupied by industrial or warehouse buildings;
- (b) to its immediate northeast is a Home Ownership Scheme named Wang Fu Court approved under application No. A/YL/194 and to its further northeast at Tak Yip Street is a private residential development recently completed and was approved under application No. A/YL/201;
- (c) to its immediate southwest is a 19-storey industrial/office building mainly for warehouse and office uses;
- (d) to its further southwest across Fo Yip Street is a site zoned “CDA” for comprehensive residential development (Application No. A/YL/182-1) approved by the Director of Planning under the delegated authority of the Board on 16.5.2013;
- (e) to its east across Wang Yip Street West are mainly occupied by industrial buildings; and
- (f) to its further west across the open nullah and Wang Lok Street are village settlements.

8. Planning Intention

- 8.1 The planning intention of the “R(E)” zone is primarily intended for the phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of I/R interface problem.
- 8.2 The “R(E)1” zone is subject to a maximum PR of 5, a maximum SC of 60% for the lowest two floors (excluding basement(s)) and 30% for the floors above and a maximum BH of 85mPD. Non-building area(s) with a minimum width of 1.5m from the lot boundaries abutting Wang Yip Street West and Tak Yip Street shall be provided. The Notes also specify that where the permitted PR as defined in Building (Planning) Regulations is permitted to be exceeded in circumstances as set out in Regulation 22(1) or (2) of the said Regulations, the PR for the building may be increased by the additional PR by which the permitted PR is permitted to be exceeded under and in accordance with the said Regulation 22(1) or (2), notwithstanding that the maximum PR of 5 may thereby be exceeded.
- 8.3 According to the Explanatory Statement (ES) of the OZP, the “R(E)1” sites in Tung Tau are subject to environmental impacts including adverse traffic noise impacts, noise from the pumping station to its north and I/R interface problems

from nearby industrial operations. The building design of new developments/redevelopments within “R(E)1” should incorporate environmental mitigation measures, including self-protecting building layout design with no direct line of sight to the noise sources, noise barriers and adequate separation, where appropriate, to meet all relevant criteria under the Hong Kong Planning Standards and Guidelines (HKPSG).

- 8.4 According to the consultancy study of Expert Evaluation on Air Ventilation Assessment of Yuen Long Town conducted in 2008, developers in developing these sites should adopt a podium-free building design, or if podium cannot be avoided, to provide a stepped podium or allow greater permeability of podium to minimize air ventilation impact on the local area. Slab-type building facing north-east which would block prevailing wind of north-easterlies should be avoided. Non-building area(s) with a minimum width of 1.5m is designated from the lot boundaries abutting Wang Yip Street West and Tak Yip Street to create a pleasant pedestrian environment. No structures other than minor landscape structures and street furniture should be provided on the non-building area(s). Ancillary car parking should be accommodated in the basement. Strong justifications are required for providing ancillary carpark above ground level.
- 8.5 According to the ES of the OZP, to provide flexibility for innovative design, minor relaxation of the PR, BH and SC restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits with reference to the following criteria :
- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus plot ratio granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as public passage/street widening;
 - (c) providing better streetscape/good quality street level public space;
 - (d) providing separation between buildings to enhance air ventilation and visual permeability; and
 - (e) other factors, such as site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape, visual and air ventilation impacts, as appropriate, would be resulted from the innovative building design.

9. Comments from Relevant Government Departments

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

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site is governed by New Grant No. 4359 as modified by a Modification Letter dated 27.11.2004 (the New Grant). Special Conditions (7)(a) (S.C.(7)(a)) of the New Grant restricts that the subject lot shall not be used for any purpose other than for (i) industrial or godown or both; (ii) offices; or (iii) a combination of any of the users stated in sub-clauses (i) and (ii), excluding any offensive trades under the Public Health and Municipal Services Ordinance. Also, S.C.(12)(c) of the New Grant provides that the total GFA of any building or buildings erected or to be erected on the lot shall not be less than 4,800m² and shall not exceed 8,000m².
- (b) Should the Board approve the application, the owner of the subject lot is required to apply to LandsD for a modification of the lease of the lot for the proposed use. However, there is no guarantee that such application, including the granting of any government land (if any), will be approved. Such application will be dealt with by LandsD acting in the capacity as the landlord at his sole discretion, and if it is approved will be subject to such terms and conditions including among others, the payment of such appropriate fees as may be imposed by LandsD.
- (c) Regarding the proposed dedication of an area about 384.2m² for public passage as shown in **Drawing A-12** at **Appendix II**, it is noted that in addition to the 1.5m set-back area at Wang Yip Street West as required under the OZP, there are two additional set-back areas, each of 3m wide along Kwong Yip Street and Leung Yip Street, designated as 'Greenery/Communal Open Space'. Such area, being Public Open Space is situated within private development ('POSPD'). It is appropriate for the applicant to clarify if the POSPD is intended for public use and to be operated by the private owners (i.e. public facilities within private lot) or it is intended to be government facilities, whereby relevant departments such as Leisure and Cultural Services Department's agreement and comments should be sought.
- (d) Regarding the provision of the POSPD on private land, attention should be drawn to the Legislative Council Development Panel Paper (No. CB(1)930/09-10(03)) which sets out the specific conditions for provision of POSPD for acceptance by the Board and relevant departments. One of the conditions, in particular, specifies that unless under the special circumstances which justify the provision of POS as part of a private development project, such provision should not be required in private developments in order to prevent the recurrence of the

implementation and management problems. For the subject case, consideration should be given to the appropriateness of passing the recurrent responsibilities of management and maintenance of POSPD onto future flat owners as it is highly likely that the residential portion will fall into multiple ownerships.

Environment

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

- (a) The Site is bounded by Wang Yip Street West to southeast, Leung Yip Street to its northeast and Kwong Yip Street to its northwest, and is proposed for the development of 24-storey residential building above a basement car parking floor and a 2-storey building for shop and services. The Yuen Long High Tech Centre building, Tung Tau Industrial Area and fixed noise sources such as garages/car maintenance workshops are located in the vicinity of the Site. Noise impacts from the road traffic, nearby fixed noise sources and railway are anticipated.
- (b) He noticed that the environmental assessment from the previous application (No. A/YL/191) has been referenced in the current submission. He understands that the previous application at the same site for similar residential use in July 2012 did not proceed further and the current application should be treated as a new application. It is necessary for the noise impact assessment for the proposed development to be self-explanatory and demonstrate its compliance with the HKPSG noise standards.
- (c) On sewerage infrastructural aspect, he noticed that the applicant's consultant concluded that the project proponent will upgrade some segments of public sewer and the proposed development will not cause adverse impact on the public sewerage system. He has no comments on the Sewerage Impact Assessment (SIA) of the EA report provided that the figures quoted, assumptions and calculation made are correct. The project proponent is reminded to seek agreement from Drainage Services Department (DSD) about the proposed sewer works with respect to the upgrading of some segments of public sewer, actual alignment and connection point, maintenance of new sewer to be built by project proponent.
- (d) For the proposed development of a 24-storey residential building above a basement car parking floor and a 2-storey building with resident's clubhouse, shops and services, the revised EA Report (**Appendix Ie**) identifies and assesses the noise impacts from road traffic, nearby fixed noise sources and railway. With the provision of noise mitigation measures of building set-back, noise tolerant buildings, acoustic windows (baffle type) and fixed

glazing, the EA report indicates that there would be no adverse road traffic noise impacts.

- (e) He has no objection to the application provided that the developer of the lot is required to submit Noise Impact Assessment (NIA) report and provision of noise mitigation measures to meet HKPSG requirements to the satisfaction of DEP/Board. His further comments on the revised EA report are at **Appendix IV**. The applicant should fully address his comments at the future NIA report submission stage.
- (f) He has no comment on the applicant's proposal of disclosure of environmental mitigation measures to the future owners.

Building Matters

9.1.3 Comments of the Chief Building Surveyor/NT West, Buildings Department (CBS/NTW, BD):

- (a) If the proposed PR is based on the assumption that GFA concession will be granted, the pre-requisites in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 and PNAP APP-152 should be complied with.
- (b) The storey height of B/F (4.1m), entrance lobby of residential tower (about 7.3m), clubhouse on 1/F (4.5m) and floors at non-domestic portion (4.5m - 5.85m) should be justified during the building plan submission stage.
- (c) Disregarding private car parking 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.
- (d) The proposed eating place is subject to the issue of a license, the applicant is reminded that the proposed structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.
- (e) Detailed checking of plans will be carried out during building plan submission stage.
- (f) Regarding the dedication with set-back area for public passage in exchange for the additional PR proposed by the applicant, he reserves his comment on the application under Building (Planning) Regulation 22(1). Attention should be drawn to the criteria set out in PNAP APP-108 and set-back requirement under PNAP APP-152 if the applicant applies for GFA

concession.

- (g) The application for bonus PR arising from the proposed dedication should be considered in consultation with other relevant government departments during building plan submission stage.
- (h) The Board may consider other feasible options such as surrender of the areas concerned and permit the relaxation of PR and SC restrictions based on individual merits of the development according to the objectives of the OZP.

Traffic

9.1.4 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

From traffic engineering aspect, he has the following comments on TIA in **Appendix Ia** and the FI in **Appendices Ie, If, Ih** and **Ii**:

- (a) The applicant has proposed in the application to provide a standard 7.3m wide carriageway with 2m wide footpath around the Site by improving Kwong Yip Street and Leung Yip Street, and he has no objection to this road improvement scheme. The applicant has further enhanced the road improvement scheme to include the road section of Kwong Yip Street along Yuen Long Hi-Tech Centre in his FI at **Appendix Ih** to address his earlier comments (**Drawing A-12**).
- (b) He has no objection to the proposed 2m wide footpath at Leung Yip Street and Kwong Yip Street noting that although they are not the main pedestrian route, they are well connected to the public street network in the Tung Tau Industrial Area (**Drawing A-12**).
- (c) Having noted the applicant's response to his comments on the TIA, he has no further comment on the application from the traffic engineering perspective and suggest incorporating the following approval conditions should planning approval be granted :
 - (i) the submission of a consolidated TIA and the design and implementation of the road improvement measures, including the set-back areas, as proposed in the TIA to the satisfaction of the Commissioner for Transport (C for T) or of the Board;
 - (ii) the design and implementation of road widening proposal at Kwong Yip Street and Leung Yip Street, as proposed by the applicant at his own cost, to the satisfaction of the C for

T or of the Board; and

(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.

(d) He notes that the applicant has clarified that the modal share for other public transport modes such as taxi, GMB and franchised bus services should be 48.5% instead of 38.5%. Since the modal share for railway is unchanged, the submitted Railway Impact Assessment (RIA) would still be valid (**Appendix Ii**). Having considered the above, he has no adverse comment on the RIA from the railway monitoring viewpoint.

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

He has the following comments on the planning application from highways maintenance point of view:

(a) The proposed access arrangement of the Site from Wang Yip Street West and the proposed traffic scheme for Kwong Yip Street and Leung Yip Street should be commented by the Transport Department (TD).

(b) If the proposed run-in is agreed by TD, the applicant should provide a run in/out at the access point at the Wang Yip Street West 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.

(c) If the proposed traffic scheme is agreed by TD, it should be carried out by the applicant in compliance with prevailing TD and HyD standards to TD/HyD's satisfaction at the applicant's own cost.

(d) The junction improvement work as proposed by the applicant as mentioned in the TIA shall be carried out by the applicant to TD/HyD's satisfaction at the applicant's own cost.

(e) The applicant should be reminded that no work shall start until the proposal is accepted by both TD and HyD and an excavation permit for any excavation work on carriageway/footpath under HyD's maintenance shall be obtained from his Regional Office.

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

9.1.6 Comments of the Chief Engineer/Rail Development, Highways Department (CE/RD, HyD):

Provided that TD is satisfied with the railway impact assessment on the operation of existing railway, he has no further comments from the railway development viewpoint (**Appendix Ii**).

Urban Design, Air Ventilation and Landscaping

9.1.7 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

Having reviewed of the applicant responses at **Appendix Ie**, he has no comments on the application from architectural and visual point of view. Detailed comments on applicant's responses are at **Appendix IV**.

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

Urban Design

- (a) The applicant seeks planning permission for development of a 24-storey residential building (85mPD) above a basement carpark floor and a 2-storey block accommodating floor-space for use as 'Shop and Services', 'Eating Place' and residents' clubhouse in an area zoned "R(E)1" in Yuen Long OZP. The proposed development involves a total domestic GFA/PR of about 17,080m²/5.37, non-domestic GFA/PR of about 410m²/0.13, site coverage (SC) of 59% for the lowest two floors and 29.5% for the floors above, and a maximum BH of 85mPD. The SC and BH are within the restriction of the "R(E)1" zone while a PR of 5.5 (+0.5 relaxation of the maximum PR) is proposed.
- (b) Having reviewed the applicants's FI at **Appendices If, Ih, Ii and Ij** including the 'response-to-comments' submitted by the applicant, she has the following comments/observations from the urban design/visual impact perspectives:
 - (i) The Site is within an "R(E)1" zone on the western fringe of the Tung Tau Industrial Area experiencing a transformation in character from predominantly industrial to business and residential nature. In this regard, the proposed development is not incompatible with the context.
 - (ii) The proposed PR of 5.5 constitutes a 10% increase to the PR restriction stipulated on the OZP. It is noted from paragraph 9.1.8 of the ES of the approved Yuen Long OZP No. S/YL/23 that there are relevant criteria for

consideration of relaxation of the development restrictions. Having reviewed the FI, it is noted that the applicant has demonstrated some site constraints and design merits, such as extra setback for pleasant green areas and gathering spaces, 'Shop and Service' and 'Eating Place' uses at the ground floor to improve the streetscape, etc. However, the applicant is still unable to substantiate the need of additional 10% of PR to achieve the provisions. Also, the applicant fails to demonstrate that these proposals cannot be realized without the proposed minor PR relaxation.

- (iii) According to the Expert Evaluation on AVA of Yuen Long Town on 28.4.2008, the Site is not located within the major breezeway (i.e. the nullah) and not within major air path (i.e. Po Yip Street). Given the proposed layout and the small site (about 0.318ha), the development is not expected to create a significant adverse air ventilation impact.
- (iv) Regarding the preservation of the existing mature tree at Kwong Yip Street, the applicant has stated the success of visual corridor would be further fine-tuned at the building plan submission stage. She has no further comment on this matter (**Drawing A-19**).

Landscaping

- (c) Having reviewed the submitted FI at **Appendix Ii**, she has no in-principle objection to the application and has the following comments from the landscape planning perspective:
 - (i) She opines that tree planting and soft landscaping opportunity has not been maximised and her comments in paras. (ii) and (iii) below are not adequately addressed. The overall greening effect at G/F, 1/F and 2/F to properly create a pleasant pedestrian environment, in particular along Wang Yip Street West (WYSW) should be further explored at submission stage.
 - (ii) She notes that the planting proposal criteria submitted by the applicant is to screen the residential building and reduce the visual impact to the nearby residents. Despite the various set-backs from the site boundary, the overall effectiveness of the small edge planters on G/F, 1/F and 2/F with shrubs and/or creeping plants to properly create a pleasant pedestrian environment, in particular along WYSW, is in doubt. From the urban design point of view, the feasibility of shopfronts creating a more "interesting" and "vibrant" streetscape is not fully justified by the applicant.

- (iii) The applicant may make reference to HKPSG Chapter 4 Para. 2.5.1 (h) and 2.7.1 (c) to further explore opportunities for soft landscaping, in particular tree planting at grade for promoting thermal comfort at the pedestrian level.
 - (iv) As such, the overall greening effect at G/F, 1/F and 2/F to properly create a pleasant pedestrian environment, in particular along WYSW should be further explored at submission stage.
 - (v) With respect to applicant's proposal of provision of 'public passage' at WYSW boundary (Figure 6 of **Appendix Ii**) under APP-108 published by BD, the main purpose of which is for circulation would be in conflict with the proposed tall shrubs and planting area. The applicant should clarify if additional set-back is proposed at WYSW boundary to cater for both the proposed planting and new proposed public passage (**Drawings A-12 and A-13**).
 - (vi) The preservation of the existing mature tree which is of a potential OVT could be considered as a planning and design merit under the current scheme (the same as in previous application No. A/YL/191).
 - (vii) Other detailed comments on the landscape proposals at **Appendix IV**.
- (d) Should the application be approved, in view of the above, she would recommend the approval condition requiring the submission and implementation of a revised Landscape Master Plan and tree preservation proposal to her satisfaction.
- (e) The applicant is reminded that approval of the landscape proposal does not imply the approval of tree works such as felling/transplanting or pruning under lease. Tree works applications should be submitted direct to concerned District Lands Office of LandsD for approval.

Drainage

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

He has no further comments on the sewerage aspect subject to the satisfaction of DEP, the planning authority of sewerage infrastructure. Should the Board consider that the application be acceptable from the planning point of view, condition should be stipulated requiring the

applicant to implement the proposed measures for the development to the satisfaction of the Direction of Drainage Services or of the Board.

Fire Safety

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

- (a) He has no in-principle objection to the proposed redevelopment of the Site for a residential and commercial development subject to fire service installations and water supplies for firefighting being provided to his department.
- (b) Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Geotechnical

9.1.11 Comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) He has no in-principle objection to the application.
- (b) The applicant is reminded that the Site is located within the Scheduled Area No.2 and may be underlain by cavernous marble. For any new development at the proposed area, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of works required to be carried out on the Site.

Other

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

He has no specific comments on the application from electricity supply safety aspect. 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 subject application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where appropriate) 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 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.

9.1.13 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) He has no adverse comments on the application. Detailed comments on the application are at **Appendix IV**.
- (b) With regard to the public comments on the application, his comments on the application at **Appendix IV** remain valid. In addition, all extraction fans installed on the premises must be discharged into the open air at a height of at least 2.5m above the ground or street level and in such a manner as not to be a nuisance.

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

- (a) Commissioner of Police (C of P);
- (b) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD); and
- (e) Director of Leisure and Cultural Services (DLCS).

10. Public Comments Received During Statutory Publication Period

On 21.7.2017, 24.11.2017 and 29.12.2017, the application was published for public inspection. During the first three-week public inspection period, which ended on 11.8.2017, 15.12.2017 and 19.1.2018, a total of ten public comments from the nearby residents and members of public were received (**Appendices VI-1 to VI-10**). The ten public comments include 2 supporting, 5 objecting to and 3 expressing views/concerns on the application. The commenters object to the application mainly on the ground that the proposed development would generate adverse traffic, environmental, landscape and visual impacts on the surrounding areas. In particular, the proposed development would further overload the local bus and West Rail services. Some commenters expressed views that local traffic and air pollution problems should not be worsened by the proposed development which should also not bring about environmental nuisances including LED advertisement glare, fumes and noise. They also request for more parking spaces, open space, banking facilities, etc. to be provided in the proposed development. The supporters of the application were mainly of view that there is good transport network for residential development at the site. The proposed development would help speed up the transformation process in Tung Tau since the industrial activities have already been shifted to the Mainland. Besides, it would improve the living environment in the area and increase the flat supply which in turn would lower the property price.

11. Planning Considerations and Assessments

11.1 There is a previously approved scheme under application No. A/YL/191 solely for residential development on the Site. In comparison, the current application involves major changes including the provision of 'Shop and Services' and

'Eating Place' uses on G/F; minor relaxation of PR from 5 to 5.5 (+10%), i.e. domestic GFA/PR of about 17,080m²/5.37, non-domestic GFA/PR of about 410m²/0.13; increase in no. of flats with reduced average flat size; reduction in one domestic block; and changes in the design and the disposition of the blocks.

- 11.2 The planning intention of "R(E)" zone is for the phasing out of existing industrial uses through redevelopment for residential use whilst the designation of sites for "R(E)1" is to facilitate planning control on the development/redevelopment on site with appropriate mitigation measures to address the environmental impacts and I/R interface problems. The building design of new developments/redevelopments within "R(E)1" should incorporate environmental mitigation measures, where appropriate, to meet all relevant criteria under the HKPSG. In this regard, DEP has no in-principle objection to the application. The proposed residential development is generally in line with the planning intention of the "R(E)" zone.
- 11.3 Except the proposed PR of 5.5, the proposed SC, BH and non-building area of the proposed development also comply with the OZP restriction. Developments in "R(E)1" zone are restricted to a maximum PR of 5. According to the ES of the OZP, to provide flexibility for innovative design, minor relaxation of the PR restriction may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits with reference to the criteria as set out in paragraph 8.5 above.
- 11.4 According to the applicant, the proposed minor relaxation of the PR would not lead to any substantial increase in building mass that visually affects the surrounding areas. The justifications for the relaxation of PR include providing additional GFA for ground floor for commercial uses to create a more interesting streetscape and add vibrancy to the street life; adding the housing stock and variety of the flat mix; extra set-backs for green areas to create a pleasant pedestrian environment; widening section of Kwong Yip Street and Leung Yip Street; and various site constraints including underlain marble with cavities, environmental constraints to building disposition, set-back for tree protection and building separation (see paragraph 2(f) above).
- 11.5 However, CTP/UD&L, PlanD points out that the applicant has demonstrated some site constraints and design merits, such as extra setback for pleasant green areas and gathering spaces, 'Shop and Service' and 'Eating Place' uses at the ground floor to improve the streetscape, etc. However, the applicant is unable to substantiate the need of additional 10% of PR to achieve the provisions. In this regard, the proposed increase in PR would lead to an additional GFA of 1,590m². However, majority (1,180m² or 74%) will be domestic while only about 410m² (about 26%) for non-domestic. As such, the applicant fails to demonstrate why the additional PR is really needed for the provision of ground floor commercial use for better streetscape. Enhancing housing stock and flat mix is not a design merit. Building set-backs, road widening and the site constraints as quoted by the applicant are also not directly related to the need for more domestic GFA. Having regard to the criteria set out in paragraph 8.5 above, it is considered that the proposed minor relaxation of PR is not for any innovative design or to overcome site constraints. The applicant has not submitted any strong planning

justification for the proposed minor relaxation of PR. Furthermore, as pointed out by BD, there is provision under BO for granting bonus PR in return for dedication of land for public passage. The applicant could apply to BD for bonus PR for the proposed set-back areas for pedestrian purpose. According to the Notes, such bonus PR permitted under BO is also permitted under the OZP (see paragraph 8.2 above).

- 11.6 On landscape aspect, CTP/UD&L, PlanD considers that planting and soft landscaping opportunity has not been maximised within the development and the overall greening effect to properly create a pleasant pedestrian environment, in particular along Wang Yip Street West would need to be further explored.
- 11.7 Other concerned government departments including DLO/YL of LandsD, CA/CMD2 of ArchSD, H(GEO) of CEDD, D of FS, DEMS, TD, DFEH and DO(YL) have no objection to or adverse comment on the application.
- 11.8 Regarding the public comments, in particular the concerns on traffic, environmental, landscape and visual aspects, the planning considerations and assessments in paragraphs 11.1 to 11.7 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 does not support the application for the following reason :

there is no strong planning justification in the submission for minor relaxation of the plot ratio restriction. The approval of such a relaxation would set an undesirable precedent.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until **18.5.2022**, 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 submission of a consolidated Traffic Impact Assessment (TIA) and the design and implementation of the road improvement measures, including the set-back areas, as proposed in the TIA to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the design and implementation of road widening proposal at Kwong Yip Street and Leung Yip Street, as proposed by the applicant at his own cost, 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 Commissioner for Transport or of the Town Planning Board;
- (d) the submission of a revised Environment Assessment (EA) and implementation of the environmental mitigation measures identified in the revised EA to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the submission of a revised sewerage impact assessment (SIA) and the implementation of the sewerage proposal identified in the revised SIA to the Director of Drainage Services or of the Town Planning Board;
- (f) the submission and implementation of water supplies for firefighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (g) the submission and implementation of a revised landscape master plan and tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

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) 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 12.7.2017
- Appendix Ia** Planning Statement
- Appendix Ib** Letter received on 23.8.2017 requesting the Board to defer making a decision for one month
- Appendix Ic** Letter received on 29.9.2017 requesting the Board to defer

	making a decision for one month
Appendix Id	Letter received on 16.1.2018 requesting the Board to defer making a decision for two months
Appendix Ie	FI received on 9.11.2017 responding to departmental comments and submitting revised environmental assessment, supplementary traffic review, proposed traffic scheme, revised landscape plan and floor layout, and other technical clarifications
Appendix If	FI received on 8.12.2017 responding to departmental comments and submitting pedestrian connectivity assessment; proposed traffic scheme details; and other technical clarifications including urban design and environmental hygiene aspects
Appendix Ig	FI received on 13.12.2017 responding to departmental comments and technical clarifications on landscape and sewerage aspects
Appendix Ih	FI received on 10.1.2018 responding to departmental comments with clarification on the assessment on the impact on railway networks and proposed road improvement scheme
Appendix Ii	FI received on 26.3.2018 and 28.3.2018 responding to departmental comments with further clarification on the assessment on the impact on railway networks and consolidation of the design merits of the development proposal
Appendix Ij	FI received on 3.5.2018, 4.5.2018 and 7.5.2018 responding to departmental comments with further clarification mainly on the implementation of the proposed road improvement scheme, EA and proposed minor relaxation of PR restriction
Appendix Ik	FI received on 10.5.2018 responding to departmental comments on the proposed set-back areas
Appendix II	Previous application
Appendix III	Similar applications within “R(E)1” zone on the OZP
Appendix IV	Detailed departmental comments
Appendix V	Advisory Clauses
Appendices VI-1 to VI-10	Public comments on the application received during statutory publication periods
Drawings A-1 to A-19	Proposed floor plans, section plans, typical flat floor plan, landscape plans and photomontage extracted from applicant’s submission dated 12.7.2017, 9.11.2017, 13.12.2017, 10.1.2018 and 26.3.2018

Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to 4b	Site photos

**PLANNING DEPARTMENT
MAY 2018**