

RNTPC Paper No. A/YL-KTS/693D
For Consideration by
the Rural and New Town
Planning Committee
on 27.10.2017

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/693

- Applicant** : Noble Phoenix Investments Limited represented by Albert So Surveyors Limited
- Site** : Lots 547 RP (Part), 550 RP and 551 in D.D. 106 and adjoining Government land, Kam Tin, Yuen Long
- Site Area** : About 10,647 m² (including about 5,713 m² of Government land (about 53.7% of the site area))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/13 [Draft Kam Tin South OZP No. S/YL-KTS/12 at the time of submission of the application]
- Zoning** : "Other Specified Uses" annotated "Rural Use" ("OU(RU)")
[Maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]

[Same zoning and development restrictions on the draft Kam Tin South OZP No. S/YL-KTS/12 and the approved Kam Tin South OZP No. S/YL-KTS/13]
- Application** : Proposed Flat and House Development

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed flat and house development on the application site (the Site) (Plan A-1). According to the Notes of the OZP, 'Flat' and 'House (other than rebuilding of New Territories Exempted House (NTEH) or replacement of existing domestic building by NTEH permitted under the covering Notes of the OZP)' are Column 2 uses which require permission

from the Town Planning Board (the Board) within the "OU(RU)" zone. The Site is mainly occupied by an existing plastic factory compound, with cultivated land on the southeastern portion of the Site (Plans A-2 to A-4b).

- 1.2 According to the applicant's submission, the proposed development comprises two 3-storey apartment blocks and eight 3-storey houses/semi-detached (all 9 m) for provision of 28 residential units. The proposed scheme has a total domestic gross floor area (GFA) of about 4,259 m² at a domestic plot ratio (PR) of 0.4. The Site is accessible to Tung Wiu Road via a proposed egress/ingress at the northwest of the Site. The proposed development is scheduled for completion in 2021.

- 1.3 The major development parameters of the proposed development are summarized in the table below:

Major Development Parameters	Current Scheme (A/YL-KTS/693)
Site area (about) (m ²)	10,647 (including about 5,713 m ² of Government land (about 53.7% of the site area))
Domestic PR (about)	0.4
Total Domestic GFA (about) (m ²)	4,259
Site Coverage (about)	14.28%
Number of Blocks	
– Apartment	2
– House	4
– Semi-detached	4
Number of Units	
– Apartment	12
– House	4
– Semi-detached	12
Flat Size (about) (m ²)	
– Apartment	114.7
– House	293.4
– Semi-detached	142.4
Building Height	9m/ 3 storeys
Estimated population	112
Parking Provision	
– Private car	29 (including 2 parking spaces for visitors)
– Motorcycle	2
Loading/unloading Bay	1

- 1.4 Technical assessments, including tree preservation and landscape proposal, traffic impact assessment (TIA), sewerage treatment review report (STR) and environmental assessment (EA) are submitted by the applicant to support the development proposal. The Master Layout Plan (MLP), floor plans, section plans, landscape master plan (LMP) and photomontages of the proposed development are at **Drawings A-1 to A-19**.
- 1.5 According to the tree preservation and landscape proposal, among the 100 existing trees, 59 trees are proposed to be retained, 6 to be transplanted, and 35 to be felled. Also, 174 compensatory trees are proposed to be planted.
- 1.6 According to the TIA, all key junctions would perform satisfactorily with the proposed development, and adverse traffic impact is not anticipated. According to the EA, with sufficient buffer distance from major roads adjoining the Site, the proposed development would not be subject to adverse impact from vehicular emission. Also, with the provision of noise mitigation measures, including 2m high boundary wall along the southwestern boundary, and the adoption of architectural fin, acoustic balcony and acoustic window for a number of houses (**Drawings A-20 to A-22**), the proposed development would comply with the relevant traffic noise criteria. There is also no potentially land contaminated areas identified within the Site. Nevertheless, a land contamination assessment will be carried out before the commencement of construction work of the proposed development. An on-site underground sewage treatment plant with tertiary treatment is proposed at the southwestern corner of the Site (**Drawing A-1**) to treat the effluent from the proposed development. The applicant also stated that a drainage impact assessment will be prepared upon obtaining planning permission from the Board.
- 1.7 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with letters and supplementary information received on 13.1.2016 and 27.1.2016 (Appendix I)
 - (b) Supplementary Planning Statement (Appendix Ia)
 - (c) FI received on 29.1.2016 (FI1) clarifying the GFA (Appendix Ib)
 - (d) FI received on 31.3.2016 (FI2) providing responses to departmental comments together with section plans (Appendix Ic)
 - (e) FI received on 11.7.2016 (FI3) providing responses to departmental comments together with a new tree (Appendix Id)

preservation and landscape proposal

- (f) FI received on 8.8.2016 (FI4) providing responses to departmental comments together with new TIA and STR (Appendix Ie)
- (g) FI received on 28.11.2016 (FI5) providing responses to departmental comments together with a revised MLP, revised landscape proposal, STR and TIA (Appendix If)
- (h) FI received on 28.12.2016 (FI6) providing responses to departmental comments together with a new EA and photomontages (Appendix Ig)
- (i) FI received on 16.1.2017 (FI7) including modelling data for the EA submitted (Appendix Ih)
- (j) FI received on 26.1.2017 (FI8) providing responses to departmental comments and updating the number of parking spaces together with a revised MLP, revised landscape proposal and TIA (Appendix Ii)
- (k) FI received on 21.2.2017 (FI9) providing responses to departmental comments and a revised STR (Appendix Ij)
- (l) FI received on 23.3.2017 (FI10) providing responses to departmental comments, a revised MLP, and revised EA and TIA (Appendix Ik)
- (m) FI received on 10.7.2017 (FI11) providing responses to departmental comments and revised EA and STR (Appendix Il)
- (n) FI received on 29.8.2017 (FI12) providing responses to departmental comments, revised LMP, revised EA and STR (Appendix Im)

1.7 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) on 4.3.2016. Upon the request of the applicant, the Committee agreed to defer making a decision on the application on 4.3.2016, 13.5.2016, 30.9.2016 and 12.5.2017 respectively to allow time for the applicant to address the departmental comments. After the respective deferral request, the applicant had submitted revised technical assessments and drawings in response to departments' comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement and FIs at Appendices Ia to Im. They can be summarized as follows:

- (a) Government intends to develop the land near the West Rail (WR) Kam Sheung Road Station (KSRS) and Pat Heung Maintenance Centre (PHMC). Given the KSRS and PHMC sites were rezoned for residential and commercial development, the proposed development at the Site is compatible with the surrounding land uses in future.
- (b) The proposed residential development is in line with the planning intention of the "OU(RU)" zone. The PR and building height of the proposed development are in compliance with the development restrictions of "OU(RU)" zone. Two similar planning applications for proposed house use in the vicinity of the Site were approved by the Committee in 2011 and 2014. The approval of the current application would not set an undesirable precedent.
- (c) The landscaping of the proposed development would improve the amenity of the surroundings and upgrade the environmental quality of the area.
- (d) The Site is in the vicinity of KSRS, residential development should be feasible with the convenient public transport.
- (e) The applicant noted the Site falls within one of the public housing sites identified in the Land Use Review for Kam Tin South and Pat Heung. He reserved the development right of his private land and the legal right to take further action against the proposed public housing development.

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

- 3.1 The applicant is the sole "current land owner" of private land portion of the Site (i.e. Lots 547 RP (Part), 550 RP and 551 in D.D. 106). Detailed information would be deposited at the meeting for Members' inspection.
- 3.2 The "owner's consent/notification" requirement 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) is not applicable on the portion of the Government land within the Site.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 38 for Designation of "OU(RU)" zone and Application for Development within "OU(RU)" zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 38) is relevant to the application. The relevant assessment criteria are summarized as follows:

Development in "OU(RU)" zone is restricted to a maximum PR of 0.4 and a maximum building height of 3 storeys (or 9 m where appropriate) including car park. Application for development within "OU(RU)" zone would need to demonstrate that the proposed development is in line with the planning intention of the zone and will not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings and will not overstrain the capacity of existing and planned infrastructure such as transport, drainage, sewerage and water supply in the area. Each development proposal will be assessed on its individual merits, with particular reference to its sustainability in ecological, environmental and infrastructural terms.

5. Background

5.1 The Site was zoned "Undetermined" ("U") on the first draft Kam Tin South OZP No. S/YL-KTS/1 gazetted on 17.6.1994. Based on the land use review undertaken by the Planning Department (PlanD) in 2006, in view of the predominantly rural character of the area, the Site and the surrounding area was rezoned from "U" to "OU(RU)" with maximum PR of 0.4 and maximum building height of 3 storeys (9 m) on the draft Kam Tin South OZP No. S/YL-KTS/10 which was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance) on 22.9.2006.

5.2 In March 2014, PlanD completed a comprehensive Land Use Review for Kam Tin South and Pat Heung (LUR), with an aim to identify the potential for public and private housing developments in Kam Tin South and Pat Heung. A total of 14 potential housing sites have been identified for public and private housing developments under the LUR (Plan A-5). The findings and recommendations of the LUR were presented to and noted by the Board on 11.4.2014. In view of the infrastructure constraints, the 14 potential housing sites identified under the LUR would be implemented by phases. Among the proposed public housing sites, Sites 1, 4a and 6 located to the immediate south of the West Rail KSRS will be implemented first taking into account the advantage of the close proximity to the KSRS and the future residential/ commercial development thereat, as well as the infrastructural capacity in the area. Technical assessments for the public housing developments at Sites 1, 4a and 6 have been completed by relevant departments. Local consultation with the Rural Committees and District Council for the

proposed amendments to the OZP to facilitate the proposed three public housing and GIC developments have been conducted in July, August and September 2017.

- 5.3 On 13.10.2017, the proposed amendments to the Kam Tin South OZP to rezone, among others, Sites 1, 4a and 6 to "Residential (Group A)" ("R(A)") to take forward the public housing developments were considered and agreed by the Committee. The Site under the current application falls within one of the public housing sites, i.e. Site 4a (Plans A-5 and A-6) which will be rezoned to "R(A)". According to Housing Department (HD)'s conceptual layout, with a total PR of 3, it is estimated that a total of 9,000 flats (including 3,750 flats for Site 4a) could be provided in the public housing developments at Sites 1, 4a and 6.

- 5.4 The Site is currently not a subject of any active enforcement case.

6. Previous Application

There is no previous application within the Site.

7. Similar Applications

- 7.1 There are four similar applications (Nos. A/YL-KTS/438, 455, 499 and 639) on one site to the east of the Site for proposed house with/without minor relaxation of PR/building height restriction within the same "OU(RU)" zone on the OZP. Details of the applications are summarized in Appendix II and the location of the site is shown on Plan A-1.
- 7.2 Applications No. A/YL-KTS/438 and 455 were rejected by the Committee on 5.9.2008 and 19.3.2010 respectively mainly on the grounds that the proposed development did not comply with the TPB PG-No. 38 in that there was insufficient information in the submission to address the concerns on the environment, drainage, visual and/or landscape aspects; the proposed minor relaxation of PR was not considered minor and no design merit or strong justification had been given in the submission to merit a relaxation of the PR restriction; and the approval of the application would set an undesirable precedent and the accumulative effect of approving such applications would generate adverse impact on the environment.
- 7.2 Applications No. A/YL-KTS/499 and 639 for proposed house development of 8-10 blocks at a PR of 0.4 were approved with conditions by the Committee on 17.6.2011 and 12.12.2014 respectively on the considerations that the proposed development was in line with the planning intention of the "OU(RU)" zone and was compatible with the surrounding areas; the approval of the proposed development would serve as a catalyst to phase out the non-conforming and

undesirable rural industrial-related uses in the vicinity of the site and help achieve an early implementation of the planning intention of the "OU(RU)" zone so as to upgrade the environmental quality of the area; the proposed development would not generate adverse traffic, environmental, sewerage and drainage impacts; and concerned departments had no objection/adverse comment on the application.

8. The Site and Its Surrounding Areas (Plans A-2 to A-4b)

8.1 The Site:

- (a) comprises private land (i.e. Lots 547 RP (Part), 550 RP and 551 in D.D. 106) and Government land;
- (b) is located at south of Tung ^{Wui} Road with direct access from the road (Plan A-2); and
- (c) is occupied by an existing plastic factory compound, with cultivated land on the southeastern portion (Plans A-2 to A-4b).

8.2 The surrounding areas are mixed with residential dwellings/structures, open storage yards, a warehouse, agricultural land, a plant nursery, and vacant/unused land. The open storage yards and warehouse are suspected unauthorized development subject to enforcement action by the Planning Authority (Plans A-2):

- (a) to its immediate north and west across Tung Wui Road is an area zoned "Comprehensive Development Area" ("CDA") currently occupied by open storage yards and unused land. Further north are Kam Tin River and some residential dwellings/structures. The West Rail KSRS is located on the further west across Tung Wui Road (Plan A-1);
- (b) to its immediate east are residential structures/dwellings, a plant nursery, cultivated agricultural land and vacant land. To the northeast are an open storage yard, a warehouse and vacant land;
- (c) to its immediate south is a temporary public vehicle park for private cars under an approved application No. A/YL-KTS/722. Further south are residential structures/dwellings and fallow agricultural land. A nullah and an area zoned "Agriculture" ("AGR") are located to its southwest across Kam Po Road (Plan A-1).

9. Planning Intention

- 9.1. The planning intention of the "OU(RU)" zone is for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities.
- 9.2. On 13.10.2017, the Committee agreed the proposed amendments to the Kam Tin South OZP to rezone, among others, the Site and its adjoining area (i.e. Site 4a) (Plan A-5) from "OU(RU)" to "R(A)" which is intended for medium-density public housing developments.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises Lot Nos. 547 RP (Part), 550 RP and 551 which, by the terms of the lease under which they are held, are demised as agricultural ground and adjoining Government land, particularly Short Term Tenancy (STT) No. 2261, all in D.D. 106. STT No. 2261 is restricted to be used for manufacture and storage of plastic products with ancillary office. Besides, Lot No. 550RP (portion) in D.D. 106 is subject to a Short Term Waiver No. 2859 for manufacture and storage of plastic products purposes. Lot Nos. 551 and 550 RP in D.D. 106 are subject to permissions for erection and maintenance of temporary structures. The area and status of the lots under application have to be verified at the land exchange stage if any land exchange is applied for by the applicant to LandsD.
- (b) The Site is subject to Shek Kōng Airfield Height Restriction.
- (c) Should the application be approved, the applicant has to apply to LandsD for a land exchange to effect the proposed development. Such application will be considered by LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange for the proposed development, including the grant of any additional Government land, will be

approved. In the event that the land exchange application is approved, it would be subject to such terms and conditions, including, among other things, the payment of premium and administrative fee, as may be imposed by LandsD at its sole discretion.

- (d) From land administrative point of view, in general, application for a land exchange which involves additional Government land would not be considered if the land concerned has foreseeable public use. It is noted that the Site includes Government land and the proposed access of the Site also falls within Government land.

Traffic

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

He has no objection in principle to the application from traffic engineering perspective. The following approval conditions are suggested to be incorporated:

- (i) The submission of a revised Traffic Impact Assessment to his satisfaction or of the Board.
- (ii) The design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development to his satisfaction or of the Board.

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

He has the following comments from highways point of view:

- (i) A 2m unrestricted access shall be provided at the rear side of the existing noise barrier NB85 (**Plan A-2**). The access shall be hard paved and should not be obstructed by vegetation.
- (ii) The project proponent shall demonstrate to his office that the proposed works has no adverse effect on the structure integrity of the existing noise barrier NB85.
- (iii) If the proposed access is agreed by the Transport Department (TD), the applicant should construct the run in/out in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set

is appropriate to match with the existing adjacent pavement and cycle track at the applicant's own cost.

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

Environment

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

EA and STR

- (a) He has no in-principle objection to the application from environmental planning perspective, subject to the following approval conditions being imposed to address his technical comments:
 - (i) Submission of an environmental assessment and the implementation of mitigation measures identified therein to his satisfaction or of the Board.
 - (ii) Submission of a sewage treatment review report and the provision of sewage treatment facilities to his satisfaction or of the Board.
- (b) With respect to the potential land contamination, the applicant committed to conduct the land contamination assessment and, if necessary, remediation works before the commencement of construction works. It is suggested to impose an approval condition on the submission of a Land Contamination Assessment and implementation of the land contamination remediation measures proposed therein prior to the commencement of construction works.
- (c) His detailed technical comments on the EA and the STR are at Appendix III.

Urban Design and Landscape

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

Urban design

- (a) The Site is located in close proximity to West Rail Line bounded by Kam Tin River in the south and Tung Wui Road to the west. The proposed development comprises 10 building blocks with a PR of 0.4 and a maximum building height of 3 storeys (9m), which are within the respective statutory restrictions under the OZP. The proposal is considered not incompatible with the surroundings and unlikely to have significant adverse visual impact to the area.

Landscape

- (b) He has no objection to the application from landscape planning perspective.
- (c) The surrounding area is of rural landscape character, occupied by temporary structures, open storages, village houses and scattered tree groups. A low-rise residential development (Application No. A/YL-KTS/639) is found to the east of the Site. In general, the proposed development is not incompatible with the existing landscape character.
- (d) Based on the aerial photo taken in 2015 and site photos taken in January and February 2016, the majority of the Site is occupied by temporary structures for storage use. An active agricultural land is found at the south east corner of the Site. Existing trees are also found within the Site.
- (e) The submitted landscape proposal is in general acceptable from landscape planning perspective. Should the application be approved, approval condition requiring the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Board should be included in the planning permission.

Drainage

- 10.1.6 Comments of the Chief Engineer/Mainland North and Chief Engineer/Land Drainage, Drainage Services Department (CE/MN and CE/LD, DSD):

DIA

- (a) He has no objection in principle to the proposed development from public drainage point of view.

- (b) Should the application be approved, approval conditions requiring (i) the submission of a Drainage Impact Assessment and drainage proposal and (ii) the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.
- (c) The applicant is reminded to maintain all the drainage facilities on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drain, ditches and the adjacent areas, etc.

STR

- (d) He has no further comment on the STR.

Nature Conservation

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

- (a) The Site is currently occupied by a plastic factory. It is also falls within one of the potential housing sites identified in the LUR. He has no adverse comments on the application.
- (b) Nevertheless, there are some trees within Government land along the northwest boundary of the Site. The Kam Tin River and abandoned meander 97 CD-2 left behind after the construction of main drainage channels of Ngau Tam Mei, Yuen Long and Kam Tin are also in the vicinity of the Site. Should the application be approved, the applicant should be reminded to preserve the existing trees along the northwest boundary, and adopt appropriate measures to avoid disturbing or polluting these two watercourses.

Fire Safety

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

- (a) He has no objection in principle to the application 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) 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) Regulations (B(P)R) 41D which is administered by BD.

Project Interface

10.1.9 Comments of the Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD):

General Comments

- (a) The Site falls within one of the potential housing sites identified in the LUR. The proposed development is not in line with the recommended use for public housing.

STR

- (b) He has no further comment on the STR.

Building Matters

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

He has the following comments on the application under the Buildings Ordinance (BO):

- (i) It is not clear from the information provided if the Site is abutting a specified street having a width of not less than 4.5m wide. The applicant's attention is drawn to Regulations 5 and 41D of the B(P)R.
- (ii) If the Site does not abut a specified street having a width of not less than 4.5m wide, the development intensity of the Site shall be determined by the Building Authority under Regulation 19(3) of B((P)R.
- (iii) In view of the size of the Site, internal private streets may be required under s.16(1)(p) of the BO and may have to be deducted from site area for the purpose of site coverage and PR

calculations.

- (iv) The applicant's attention is drawn to Regulation 41D of B(P)R and Section 6 of Code of Practice for Fire Safety in Buildings 2011 in respect of provision of emergency vehicular access (EVA). Non-provision of sub-standard EVA was noted from the MLP.
- (v) Formal submission under the BO is required for any proposed new works. Detailed checking will be carried out in building plan submission stage.

Electricity

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

He has no particular comment on the application from the electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with the 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 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.

Others

10.1.12 Comments of the Director of Housing (D of Housing):

- (a) He strongly objects to the application.
- (b) The Site takes up a large portion of Site 4a at Kam Tin South which is identified for public housing under the LUR (Plans A-5 and A-6). The Government has completed the required technical studies and ascertained the feasibility of the public housing development at Site 4a and is actively pursuing the necessary rezoning. Public consultation with Kam Tin Rural Committee, Pat Heung Rural Committee and Yuen Long District Council

have been made on 26.7.2017, 2.8.2017 and 5.9.2017 respectively.

- (c) No encroachment of the private development upon the land area of Site 4a should be allowed as it will reduce the site area and flat production of the public housing development. The LUR has not taken the proposed private development at the Site into account. If the application is approved, it will affect the housing design and delay the overall development programme of public housing development at Kam Tin South.

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

- (a) His office has no comment on the application.
- (b) The Site falls within the Shek Kong Airfield Height Restriction Area and are in proximity to Shek Kong Barracks. The applicant is reminded that the proposed premises will be subject to noise caused by flying activities.

District Officer's Comments

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

- (a) He has no particular comments on the application.
- (b) His office received three comments from a Yuen Long District Council (DC) member, who received objection from the villager representative and villagers of Ng Ka Tsuen mainly on the grounds that the proposed development would cause adverse traffic impact as Tung Wui Road is already very busy, potential accidents at the cycle track along Tung Wui Road, and the construction works would cause noise, air pollution and flooding. Also, traffic network of the area should be improved before residential developments are implemented in the area. The same comments were also received by the Board (Appendices IV-14, 16, 27).

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD);

- (c) Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD);
- (d) Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/CM2, ArchSD);
- (e) Antiquities and Monuments Office of Leisure and Cultural Services (AMO of LCSD);
- (f) Director-General of Civil Aviation (DG of CA); and
- (g) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Period

11.1 The application and subsequent FI submitted by the applicant were published nine times on 19.7.2016, 19.8.2016, 9.12.2016, 6.1.2017, 3.2.2017, 7.3.2017, 7.4.2017, 1.8.2017 and 8.9.2017 each for three weeks. A total of 29 public comments were received (Appendices IV-1 to IV-29). A summary of the public comments received are as follows:

11.2 Among the 29 public comments received, 6 comments are from a Yuen Long DC member (Appendices IV-3, 7, 14, 16, 19, 27), 6 comments are from Kam Tin RC (Appendices IV-5, 9, 11, 15, 21, 28), 6 comments from the village representative of Ng Ka Tsuen (Appendices IV-2, 6, 13, 18, 20, 26), 8 comments from an individual (Appendices IV-1, 4, 8, 10, 12, 17, 22, 29), and 3 comments from 3 individuals (Appendices IV-23 to 25). All public comments object to the application mainly on the grounds that the Board should ensure the land use is in line with the OZP; the proposed development would cause adverse traffic impact including at Tung Wui Road as it is already very busy; potential accidents at the cycle track along Tung Wui Road; the proposed development and its construction works would cause adverse environmental impacts and noise, air pollution and flooding; affecting the living environment including lighting and air ventilation of villagers; the proposed layout is visually undesirable and lacks green elements, open space and recreational facilities, and car parking spaces should be located underground. Also, the population density in Yuen Long district is already excessive and the proposed development would aggravate the traffic condition and insufficient provision of recreational, educational and medical facilities in the area due to increase in population in recent years. Traffic network of the area should be improved before residential developments are implemented in the area.

12. Planning Considerations and Assessments

Planning Intention

12.1 The Site falls within the "OU(RU)" zone under the current Kam Tin South OZP. The planning intention of the "OU(RU)" is to preserve the character of the rural area. Uses or developments compatible with the rural landscape, such as passive

recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. Low-rise recreational and residential development compatible with the rural landscape may be permitted on application to the Board subject to the demonstration of sustainability in ecological, environmental, traffic and infrastructural terms.

- 12.2 On 13.10.2017, the proposed amendments to the Kam Tin South OZP to take forward the public housing and GIC developments at Sites 1, 4a and 6 were agreed by the Committee. The Site and its adjoining area (i.e. Site 4a) (Plan A-5) will be rezoned from "OU(RU)" to "R(A)" for medium-density public housing development. The proposed private residential development under the current application is not in line with the latest planning intention of the "R(A)" zone as agreed by the Committee.

Compatibility with Existing Surrounding Uses

- 12.3 The proposed development comprising 8 houses/semi-detached houses and 2 blocks of apartments at a domestic PR 0.4 and building height of 3 storeys (9 m) does not exceed the development restrictions of both the "OU(RU)" zone and the latest "R(A)" zone. Also, the proposed residential development can help phasing out the existing factory at the Site. The proposed development is considered not incompatible with the surrounding areas which are mixed with residential dwellings/structures, open storage yards, warehouse, agricultural land, a plant nursery and vacant/unused land.

Technical Feasibility

- 12.4 The applicant has submitted tree preservation and landscape proposal, TIA, STR and EA to support the development proposal. According to the technical assessments submitted, with the implementation of mitigation measures where appropriate, no adverse traffic, environmental and sewerage impacts are anticipated. Concerned department consulted, including C for T, CTP/UD&L of PlanD, DEP, DAFC, CE/MN and CE/LD of DSD and D of FS have no adverse comment on the application.

Jeopardize the Planned Public Housing Development

- 12.5 Notwithstanding the above, the Site falls within one of the public housing sites, i.e. Site 4a (Plans A-5 and A-6), identified under the LUR. The proposed private residential development under the current application would jeopardize the implementation of the public housing developments which is to meet the pressing needs of public housing supply in Hong Kong. In particular, the public housing development at Site 4a subject to a PR of 3 could provide about 3,750 flats. The

technical assessments conducted by concerned departments for the public housing developments have not taken into account the proposed private residential development under the current application. In this regard, D of Housing objects to the application as it would reduce the site area and flat production of the public housing development, and approval of the application would affect the public housing design and delay the overall development programme of public housing development at Kam Tin South. The public housing developments will bring about planning gain in terms of new supply of public housing and shortening the queuing time for public housing in the long-run. In addition, the comprehensive development of the public housing at Sites 1, 4a and 6 could generate synergy effect for better integration and provision of GIC facilities.

- 12.6 About 53.7% of the Site is Government land, and majority of them is fronting Tung Wui Road (including the proposed access for the proposed development) (Plan A-2). There is no strong justification provided in the submission to include Government land in the proposed private residential development. The planned public housing developments seek to optimize the development potential of the area through comprehensive development with higher development intensity. The proposed development under the current application may not represent an optimal utilization of land resources. Provision of public housing on the Site is in the public interest and should override private interest. Approval of the application for private residential development would frustrate the proposed public housing development and is against the public interest.

Public Comments

- 12.7 A total of 29 objecting public comments were received during the statutory publication period mainly on the grounds that the Board should ensure the land use is in line with the OZP and the proposed development will generate adverse traffic, air, noise, environmental, visual and drainage impacts, etc. as set out in paragraph 11.2 above. In this regard, the relevant government departments' comments and planning considerations and assessments as stated above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments in paragraphs 10.1.14 and 11 above, the Planning Department does not support the application for the following reason:

the Site is located within an area of a comprehensive planned public housing development. Approval of the application would jeopardise the implementation of the public housing development and affect the supply of public housing flats.

- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 27.10.2021, 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 tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of a revised 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 submission and implementation of a Drainage Impact Assessment and drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) the design and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (f) the submission of an environmental assessment and the implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (g) the submission of a sewage treatment review report and the provision of sewage treatment facilities to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (h) the submission of a Land Contamination Assessment and implementation of the land contamination remediation measures proposed therein prior to the commencement of construction works to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

Advisory Clauses

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

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with letters and supplementary information received on 13.1.2016 and 27.1.2016
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 29.1.2016 (FI1) clarifying the GFA
Appendix Ic	FI received on 31.3.2016 (FI2) providing responses to departmental comments together with section plans
Appendix Id	FI received on 11.7.2016 (FI3) providing responses to departmental comments together with a new tree preservation and landscape proposal
Appendix Ie	FI received on 8.8.2016 (FI4) providing responses to departmental comments together with new TIA and STR
Appendix If	FI received on 28.11.2016 (FI5) providing responses to departmental comments together with a revised MLP, revised landscape proposal, STR, and TIA
Appendix Ig	FI received on 28.12.2016 (FI6) providing responses to departmental comments together with a new EA and photomontages
Appendix Ih	FI received on 16.1.2017 (FI7) including modelling data for the EA submitted
Appendix Ii	FI received on 26.1.2017 (FI8) providing responses to departmental comments and updating the number of

	parking spaces together with a revised MLP, revised landscape proposal and TIA
Appendix Ij	FI received on 21.2.2017 (FI9) providing responses to departmental comments and a revised STR
Appendix Ik	FI received on 23.3.2017 (FI10) providing responses to departmental comments, a revised MLP, and revised EA and TIA
Appendix Il	FI received on 10.7.2017 (FI11) providing responses to departmental comments, revised LMP, and revised EA and STR
Appendix Im	FI received on 29.8.2017 (FI12) providing responses to departmental comments and revised EA and STR
Appendix II	Similar applications within the same "OU(RU)" zone on the OZP
Appendix III	Detailed comments of DEP
Appendices IV-1 to IV-29	Public comments received during the statutory publication period
Appendix V	Advisory Clauses
Drawing A-1	Master Layout Plan
Drawings A-2 to A-16	Floor plans and section plans
Drawings A-17	Landscape Master Plan
Drawings A-18 to A-19	Photomontages
Drawing A-20 to A22	Proposed noise mitigation measures
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and A-4b	Site Photos
Plan A-5	14 potential housing sites under the LUR
Plan A-6	Conceptual Layout Plan of the proposed public housing developments at Sites 1, 4a and 6

PLANNING DEPARTMENT
OCTOBER 2017

Similar Applications within the same "OU(RU)"-Zone

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval conditions</u>
1	A/YL-KTS/499	Proposed Houses	17.6.2011	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-KTS/639	Proposed Houses, Minor Relaxation of Building Height Restriction and Excavation of Land	12.12.2014	(2), (7), (8), (9)

Approval Conditions:

- (1) Construction of the proposed development should not commence prior to cessation of the industrial-related uses to the immediate south of the Site
- (2) The submission and implementation of landscaping and tree preservation proposals
- (3) The design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development
- (4) The setting back of the site boundary along Kam Sheung Road for road widening
- (5) The submission of a revised Drainage Impact Assessment and provision of drainage facilities identified
- (6) The submission of a detailed Archaeological Investigation to assess the archaeological impact of the proposed works at the site before any construction works commenced at the site and implementation of appropriate mitigation measures if the site was proved to be of archaeological significance
- (7) The design and provision of water supplies for fire fighting and fire service installations
- (8) The submission a noise impact assessment taking into account the two industrial-related uses to the immediate south of the site and the implementation of mitigation measures identified
- (9) The submission and implementation of a detailed Drainage Impact Assessment

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-KTS/438	Proposed Houses with Minor Relaxation of Plot Ratio Restriction to about 0.59	5.9.2008	(1), (2), (3)
2	A/YL-KTS/455	Proposed Houses	19.3.2010	(4)

Rejection Reasons

- (1) The proposed minor relaxation of plot ratio from 0.4 to 0.592 under the "Other Specified Uses" annotated "Rural Use" ("OU(RU)") zone which represented a 48% increase was not considered minor. No design merit or strong justification had been given in the submission to merit a relaxation of the plot ratio restriction of the "OU(RU)" zone.
- (2) The proposed development did not comply with the TPB PG-No. 38 in that there was insufficient information in the submission to address the concerns on the environment, landscape and drainage aspects.
- (3) The approval of the application would set an undesirable precedent for other similar applications in the "OU(RU)" zone. The accumulative effect of approving such application would generate adverse impact on the environment.
- (4) The proposed development did not comply with the 'TPB Guidelines for Designation of "Other Specified Uses" annotated "Rural Use" ("OU(RU)") Zone and Application for Development within "OU(RU)" Zone under Section 16 of The Town Planning Ordinance' (TPB PG-No. 38) in that the applicant failed to address in the submission the departmental concerns on the environment, visual and drainage aspects. The environmental assessment conducted by the applicant did not capture the worst-case scenario on the noise aspect, and therefore the applicant could not demonstrate that the future residents of the proposed development would not be susceptible to adverse environmental impact. The proposed 12.5m and 5.1m high noise barriers would generate adverse visual impact on the surrounding areas. The submitted drainage proposal was considered not acceptable by the relevant department.

Appendix III of
RNTPC Paper No. /YL-KTS/693D

Detailed comments of Director of Environmental Protection:

Environmental Assessment Report (Ref. R5335 v.3.2 dated August 2017)

Noise

1. RtoC Item 3 and Annex 3.1: It is noticed in Annex 3.1 that TD has no objection in principle to the proposed methodology of traffic forecast. Apart from the methodology, TD's endorsement on traffic data should be provided.
2. RtoC Item 11: Given that FEP-24/004/1998/J allows for the operation of 9-car train with a frequency of 40 trains per hour during 0600 to 0700, the assessment should take such operation into account.
3. Please review and clarify the reference "West Rail report" in Table 5.3.
4. RtoC Item 26 and section 4.2: It is mentioned that the Site is located in a low density and diverse development area. However, the Site is considered to be located in Type (i) "Rural area, including country parks or village type developments" in accordance with the TM. Please review and clarify.
5. Section 3.7: It is mentioned in section 3.7 that the noise attenuation effect at the proposed acoustic windows (top-hung type) for the proposed development will be verified by laboratory test or mockups at detail design stage and on-site verification test will also be conducted upon the completion of the proposed development. Please note that such test is not required by EPD provided that the noise reduction figures of the proposed acoustic windows could be justifiable making reference to previous studies.
6. Irregularities are spotted for the road traffic noise assessment. The applicant should check and rectify. Examples of irregularities are as follows:
 - (i) The assessment results for NSRs N24-04 and N24-05 are missing in Annexes 3.3, 3.5 and 3.6;
 - (ii) Annex 5.2 mentioned in section 5.6 is missing;
 - (iii) The mPD of the 2m high solid boundary wall in the road traffic noise model should be "9.9m to 10.9m";
 - (iv) The indication of 300m assessment area for the fixed noise source impact assessment should be supplemented for clarity;
 - (v) "Industrial noise" should be revised as "fixed noise" in the figures and annexes for consistency; and
 - (vi) "Annex 3.6a" in the paragraph about acoustic balcony should be revised as "Annex 3.7" for consistency.

Water Quality

7. Section 7.5: Please clarify whether the collected surface run-off is pre-treated (e.g. by silt traps, petro interceptors, only first-flush pollutant to STP, etc.) before discharge or be fully re-directed to the STP for further treatment. For the latter, please review various figures (e.g. sewage generation, pollution loading, etc.) in Annex 7.1 incorporating surface run-off.

Sewage Treatment Review Report (Ref. 30656-R02-05 dated August 2017)

8. Section 2.4: If the applicant intended to show that there would be no net increase in pollution load from the Site with the adoption of MBR technology for the on-site STP (as shown in the calculation in Appendix B), the recommended discharge standard shall follow the MBR effluent quality proposed in Appendix B.

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises Lot Nos. 547 RP (Part), 550 RP and 551 which, by the terms of the lease under which they are held, are demised as agricultural ground and adjoining Government land, particularly Short Term Tenancy (STT) No. 2261, all in D.D. 106. STT No. 2261 is restricted to be used for manufacture and storage of plastic products with ancillary office. Besides, Lot No. 550RP (portion) in D.D. 106 is subject to a Short Term Waiver No. 2859 for manufacture and storage of plastic products purposes. Lot Nos. 551 and 550 RP in D.D. 106 are subject to permissions for erection and maintenance of temporary structures. The area and status of the lots under application have to be verified at the land exchange stage if any land exchange is applied for by the applicant to LandsD. The Site is subject to Shek Kong Airfield Height Restriction. The applicant has to apply to LandsD for a land exchange to effect the proposed development. Such application will be considered by LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange for the proposed development, including the grant of any additional Government land, will be approved. In the event that the land exchange application is approved, it would be subject to such terms and conditions, including, among other things, the payment of premium and administrative fee, as may be imposed by LandsD at its sole discretion;
- (b) note CHE/NTW, HyD's comments that a 2m unrestricted access shall be provided at the rear side of the existing noise barrier NB85. The access shall be hard paved and should not be obstructed by vegetation. The project proponent shall demonstrate to his office that the proposed works has no adverse effect on the structure integrity of the existing noise barrier NB85. If the proposed access is agreed by TD, the applicant should construct the run in/out in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement and cycle track at the applicant's own cost. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) note DEP's comments on the submitted STR and EA reports at Appendix III of the RNTPC paper;
- (d) note CE/MN and CE/LD, DSD's comments that the applicant is reminded to maintain all the drainage facilities on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drain, ditches and the adjacent areas, etc.;
- (e) note DAFC's comment that there are some trees within Government land along the northwest boundary of the Site. The Kam Tin River and abandoned meander 97 CD-2 left behind after the construction of main drainage channels of Ngau Tam Mei, Yuen Long and Kam Tin are also in the vicinity of the Site. The applicant should be reminded to preserve the existing trees along the northwest boundary, and adopt appropriate measures to avoid disturbing or polluting these two watercourses;

- (f) note D of FS's comments that 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) Regulations (B(P)R) 41D which is administered by BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (g) note CBS/NTW, BD's comments that it is not clear from the information provided if the Site is abutting a specified street having a width of not less than 4.5 m wide. The applicant's attention is drawn to Regulations 5 and 41D of the B(P)R. If the Site does not abut a specified street having a width of not less than 4.5m wide, the development intensity of the Site shall be determined by the Building Authority under Regulation 19(3) of B(P)R. In view of the size of the Site, internal private streets may be required under s.16(1)(p) of the BO and may have to be deducted from site area for the purpose of site coverage and PR calculations. The applicant's attention is drawn to Regulation 41D of B(P)R and Section 6 of Code of Practice for Fire Safety in Building 2011 in respect of provision of emergency vehicular access (EVA). Non-provision of/ sub-standard EVA was noted from the MLP. Formal submission under the BO is required for any proposed new works. Detailed checking will be carried out in building plan submission stage;
- (h) note S for S's comments that the Site falls within the Shek Kong Airfield Height Restriction Area and are in proximity to Shek Kong Barracks, the applicant is reminded that the proposed premises will be subject to noise caused by flying activities; and
- (i) note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with the 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 and "Code of Practice on Working near Electricity Supply Lines" established under Regulation when carrying out works in the vicinity of the electricity supply lines.

TOWN PLANNING BOARD

Minutes of 590th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 27.10.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Professor K.C. Chau

Ms Janice W.M. Lai

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Patrick K.H. Ho

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr C.F. Wong

Assistant Director/Regional 3,
Lands Department
Mr Edwin W.K. Chan

Deputy Director of Planning/District
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr H.W. Cheung

Mr Ivan C.S. Fu

Ms Christina M. Lee

Mr H.F. Leung

Vice-chairman

In Attendance

Assistant Director of Planning/Board
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Mr Kepler S.Y. Yuen

Town Planner/Town Planning Board
Mr Harris K.C. Liu

- ~~“(a) the provision of septic tank, as proposed by the applicants, at a location to the satisfaction of the Director of Lands or of the TPB; and~~
- ~~(b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”~~

114. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VII of the Paper.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/693 Proposed Flat and House Development in “Other Specified Uses” annotated “Rural Use” Zone, Lots 547 RP (Part), 550 RP and 551 in D.D. 106 and Adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/693D)

115. The Secretary reported that the site was located in Kam Tin South and Landes Limited (Landes), Ramboll Environ Hong Kong Limited (Environ) and Driltech Ground Engineering Limited (DGE) were three of the consultants of the applicant. The following Members had declared interests on the item:

Mr Ivan C.S. Fu - having current business dealings with Landes and Environ;

Ms Janice W.M. Lai - having current business dealings with Landes and Environ, and her family member owning a property in Kam Tin South area; and

Mr Alex T.H. Lai - his firm having current business dealings with DGE.

116. The Committee noted that Mr Ivan C.S. Fu had tendered apology for being unable to attend the meeting, and Ms Janice W.M. Lai and Mr Alex T.H. Lai had already left the meeting.

Presentation and Question Sessions

117. With the aid of a PowerPoint Presentation, Ms Ivy C.W. Wong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed flat and house development;
- (c) departmental comments — departmental comments were set out in paragraph 10 of the Paper. The Director of Housing (D of Housing) strongly objected to the application as the application site took up a large portion of Site 4a at Kam Tin South which was identified for public housing development. Encroachment of the private development upon the land area of Site 4a should not be allowed as it would reduce the site area and flat production of the public housing development and delay the overall development programme. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 29 public comments were received from a Yuen Long District Council member, Kam Tin Rural Committee, village representative of Ng Ka Tsuen and 3 individuals raising objections to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views — PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. On 13.10.2017, the Committee agreed to rezone Site 4a, including the site, to "Residential (Group A)" ("R(A)") for medium-density public housing development. The proposed private residential development under

application was not in line with the latest planning intention of "R(A)" zone. Though the proposed development was not incompatible with the surrounding areas and concerned departments had no adverse comment on the submitted technical assessments, it would jeopardize the implementation of the planned public housing developments with about 3,750 flats. In this regard, D of Housing objected to the application as the approval of the application would reduce the site area and flat production, and it would affect the housing design and overall development programme of the planned public housing developments. Besides, about 53.7% of the application site was on government land and there was no strong justification provided in the submission to include government land in the proposed development. Approval of the current application would frustrate the proposed public housing development and was against public interest. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to reject the application. The reason was :

"the Site is located within an area of a comprehensive planned public housing development. Approval of the application would jeopardise the implementation of the public housing development and affect the supply of public housing flats."

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳真 Fax: 2877 0245 / 2522 8426

電話 Tel: 2231 4810

By Registered Post & Fax

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-KTS/693

10 November 2017

Albert So Surveyors Ltd.
Unit H2, 17/F, MG Tower
133 Hoi Bun Road
Kwun Tong, Kowloon
(Attn.: Albert So)

Dear Sir/Madam,

Proposed Flat and House Development in "Other Specified Uses"
annotated "Rural Use" Zone, Lots 547 RP (Part), 550 RP and
551 in D.D. 106 and Adjoining Government Land, Kam Tin, Yuen Long

I refer to my letter to you dated 7.9.2017.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reason is:

the application site is located within an area of a comprehensive planned public housing development. Approval of the application would jeopardise the implementation of the public housing development and affect the supply of public housing flats.

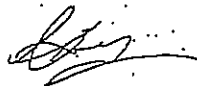
A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 27.10.2017 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 1.12.2017). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Ivy Wong of Fanling, Sheung Shui & Yuen Long East District Planning Office at 2158 6297.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises Lot Nos. 547 RP (Part), 550 RP and 551 which, by the terms of the lease under which they are held, are demised as agricultural ground and adjoining Government land, particularly Short Term Tenancy (STT) No. 2261, all in D.D. 106. STT No. 2261 is restricted to be used for manufacture and storage of plastic products with ancillary office. Besides, Lot No. 550RP (portion) in D.D. 106 is subject to a Short Term Waiver No. 2859 for manufacture and storage of plastic products purposes. Lot Nos. 551 and 550 RP in D.D. 106 are subject to permissions for erection and maintenance of temporary structures. The area and status of the lots under application have to be verified at the land exchange stage if any land exchange is applied for by the applicant to LandsD. The Site is subject to Shek Kong Airfield Height Restriction. The applicant has to apply to LandsD for a land exchange to effect the proposed development. Such application will be considered by LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange for the proposed development, including the grant of any additional Government land, will be approved. In the event that the land exchange application is approved, it would be subject to such terms and conditions, including, among other things, the payment of premium and administrative fee, as may be imposed by LandsD at its sole discretion;
- (b) note CHE/NTW, HyD's comments that a 2m unrestricted access shall be provided at the rear side of the existing noise barrier NB85. The access shall be hard paved and should not be obstructed by vegetation. The project proponent shall demonstrate to his office that the proposed works has no adverse effect on the structure integrity of the existing noise barrier NB85. If the proposed access is agreed by TD, the applicant should construct the run in/out in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement and cycle track at the applicant's own cost. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) note DEP's comments on the submitted STR and EA reports at **Appendix III** of the RNTPC paper;
- (d) note CE/MN and CE/LD, DSD's comments that the applicant is reminded to maintain all the drainage facilities on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drain, ditches and the adjacent areas, etc.;
- (e) note DAFC's comment that there are some trees within Government land along the northwest boundary of the Site. The Kam Tin River and abandoned meander 97 CD-2 left behind after the construction of main drainage channels of Ngau Tam Mei, Yuen Long and Kam Tin are also in the vicinity of the Site. The applicant should be reminded to preserve the existing trees along the northwest boundary, and adopt appropriate measures to avoid disturbing or polluting these two watercourses;

- (f) note D of FS's comments that 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) Regulations (B(P)R) 41D which is administered by BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (g) note CBS/NTW, BD's comments that it is not clear from the information provided if the Site is abutting a specified street having a width of not less than 4.5 m wide. The applicant's attention is drawn to Regulations 5 and 41D of the B(P)R. If the Site does not abut a specified street having a width of not less than 4.5m wide, the development intensity of the Site shall be determined by the Building Authority under Regulation 19(3) of B(P)R. In view of the size of the Site, internal private streets may be required under s.16(1)(p) of the BO and may have to be deducted from site area for the purpose of site coverage and PR calculations. The applicant's attention is drawn to Regulation 41D of B(P)R and Section 6 of Code of Practice for Fire Safety in Building 2011 in respect of provision of emergency vehicular access (EVA). Non-provision of sub-standard EVA was noted from the MLP. Formal submission under the BO is required for any proposed new works. Detailed checking will be carried out in building plan submission stage;
- (h) note S for S's comments that the Site falls within the Shek Kong Airfield Height Restriction Area and are in proximity to Shek Kong Barracks, the applicant is reminded that the proposed premises will be subject to noise caused by flying activities; and
- (i) note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with the 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 and "Code of Practice on Working near Electricity Supply Lines" established under Regulation when carrying out works in the vicinity of the electricity supply lines.