

REVIEW OF APPLICATION NO. A/SK-SKT/21
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Proposed Comprehensive Residential Development at Various Lots and
Adjoining Government Land in D.D. 221, Sha Ha, Sai Kung, New Territories**

1. Background

- 1.1 On 7.11.2018, the applicants, Boxwin Limited, Jade Spirit Limited, New Hope Limited, Regentteam Investments Limited, Shingo Development Limited and Tenswin Limited represented by Ove Arup & Partners Hong Kong Limited, sought planning permission for proposed comprehensive residential development at the application site (the Site). Development/redevelopment proposal within the “CDA(1)” zone is subject to the approval of the Town Planning Board (the Board) by way of a planning application. A Master Layout Plan (MLP) should be submitted together with the relevant assessment reports for the approval by the Board.
- 1.2 On 13.12.2019, the Rural and New Town Planning Committee (RNTPC) of the Board decided to reject the application and the reasons were:
- (a) the proposed phasing of the residential development is not in line with Town Planning Board Guidelines No. 17A in that the applicants fail to demonstrate the comprehensiveness of the proposed development will not be adversely affected; the resultant development would be self-contained in terms of layout design and provision of open space; and the development potential of the unacquired lots would not be absorbed in the early phases of the development;
 - (b) the MLP for the proposed residential development encroaches onto the non-excavation area (NEA) specified in the Planning Brief, the applicants fail to demonstrate that the proposed house development on top of the NEA is implementable and would not have adverse impacts on the Sha Ha Archaeological Site of Interest (SHASI); and
 - (c) the applicants fail to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding area.
- 1.3 According to the submitted MLP (**Drawing A-3 of Annex A**), the proposed development consists of 14 residential towers (6-8 storeys) and 72 villas (3 storeys) providing a total of 771 units (average flat size 113m²). The total plot ratio (PR) and gross floor area (GFA) are 1.467 and not more than 86,921m² respectively. A 2-storey clubhouse with GFA of about 3,000m² is proposed at the northern part of the Site. The basement level of the northern portion of the proposed development is for carpark ancillary to the residential development, a public car park of 50 parking spaces and E&M facilities (**Drawing A-4 of Annex A**).

1.4 For Members' reference, the following documents are attached:

- (a) RNTPC Paper No. A/SK-SKT/21C (Annex A)
- (b) Extract of minutes of the RNTPC meeting held on 13.12.2019 (Annex B)
- (c) Secretary of the Board's letter dated 3.1.2020 (Annex C)

2. Application for Review

2.1 On 14.1.2020, the applicants applied, under section 17(1) of the Town Planning Ordinance (the Ordinance), for a review of the RNTPC's decision to reject the application (Annex D). The applicants have not submitted any document in support to the review application.

2.2 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 27.3.2020 for consideration of the review application has been rescheduled, and the Board has agreed to adjourn consideration of the application. The review application is now scheduled for consideration by the Board at this meeting.

3. The Section 16 Application

The Site and Its Surrounding Areas (Plans R-1 to R-4d)

3.1 The situation of the Site and its surrounding areas at the time of consideration of the s.16 application by the RNTPC is described in paragraph 6 of Annex A. There has been no material change in planning circumstances of the area since then.

(a) The Site is:

- (i) located at the northern fringe of Sai Kung Town;
- (ii) currently a piece of vacant land with part of the Site being used for storage of building materials;
- (iii) with some structures at the south-eastern corner of the Site;
- (iv) accessible via Mei Fuk Street and Mei Yuen Street; and
- (v) falls within the SHSAI.

(b) The surrounding areas have the following characteristics:

- (i) to its immediate southwest is the "CDA(2)" site, occupied by a comprehensive residential development named 'the Mediterranean' approved under planning application No. A/SK-SKT/8. The development comprises four residential blocks with PR of 1.5 and building height (BH) not exceeding 8 storeys;
- (ii) to its immediate north is area designated as 'Road' which is reserved for the proposed realignment of Tai Mong Tsai Road and an undesignated

“Government, Institution or Community” (“G/IC”) site;

- (iii) to its southeast across Mei Yuen Street is the “G/IC(4)” site currently occupied by a 5-storey school namely Hong Kong Academy. To its south is the proposed Sai Kung Complex and reprovisioning of Wai Man Road Playground project which is under planning by the Leisure and Cultural Service Department in the “Other Specified Uses” (“OU”) annotated “Town Square with Recreational, Community and Commercial Uses” and “Open Space” zones;
- (iv) to its east across Wai Man Road is the “OU” annotated “Commercial and Tourism Related Uses (Including Hotel) (1)” site. Construction is in progress at this site for three 6-storeys hotel blocks; and
- (v) to its further east and southeast is the waterfront promenade.

Planning Intention

- 3.2 The planning intention of the “CDA(1)” zone is for comprehensive development/redevelopment of the area for commercial and residential uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

Previous Application

- 3.3 There is one rejected previous planning application (No. A/SK-SKT/1) at the Site, which was submitted by the same applicants seeking approval for a MLP for comprehensive residential development at the Site (**Plans R-2a and R-2b**). The previous application was rejected by the RNTPC on 24.10.2008 on the grounds that the submitted MLP was not acceptable as it did not fully fulfil the requirements of the endorsed Planning Brief (PB) for the “CDA(1)” site in terms of the design and layout including stepped height design, provision of breezeway, view corridors, Green Buffer Zone (GBZ) and public pedestrian walkway and no podium structure, and there was insufficient information in the submission of assessments to demonstrate that the proposed development would not have adverse traffic, visual and landscape impacts on the surrounding areas. Another application (No. A/SK-SKT/9) for proposed comprehensive residential development with similar development parameters but different layout was submitted by same applicants on 21.10.2014 and subsequently withdrawn on 27.4.2017.

Similar Application

- 3.4 There is one similar application (No. A/SK-SKT/8) for comprehensive residential development at the “CDA(2)” zone to the southwest of the Site (**Plans R-1 and R-2a**). The similar application was approved with conditions by the RNTPC on 7.2.2014 as the MLP submitted generally followed the OZP and PB requirements and technical assessments had been submitted to demonstrate that the proposed development would not generate adverse impacts on the surrounding areas. The development has been completed. Details of the similar application are at **Appendix IV of Annex A**.

4. Comments from Relevant Government Departments

- 4.1 Comments on the s.16 application made by relevant government departments are stated in paragraph 10 of **Annex A**.
- 4.2 For the review application, relevant government departments have been further consulted and their comments are summarised as follows:

Traffic

- 4.2.1 Comments of the Project Manager/Major Works, Highways Department (PM/Major Works, HyD):

based on the latest programme, the Hiram's Highway Improvement Stage 2 (HH2) project was gazetted on 3.1.2020 and then HyD will seek authorization to execute the works in accordance with the statutory requirements. If the relevant statutory procedures can be completed smoothly by end 2020, he anticipates that the detailed design of the Project can commence in 2021. However, the completion date of the HH2 project is still uncertain at this moment and it is subject to the progress of Public Works Programme procedures.

- 4.3 The following government departments have no further comment on the review application and maintain their previous comments on the s.16 application as recapitulated below:

Land Administration

- 4.3.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) according to the planning application, the Site comprises 219 private lots and adjoining unleased government land. The applicants should make sure that the site data quoted in the submission is correct as no verification of such site data is made;
- (b) according to his file records, the concerned private lots, except Lot No. 1616 in D.D. 221, are old scheduled agricultural lots held under the Block Government Lease. No copy of land grant document of Lot No. 1616 in D.D. 221 can be traced in his office or available at the Land Registry. Small northern portions of the Site falls within the Sha Ha village environs ('VE') boundary;
- (c) the applicants should demonstrate that private lots within the Site which are not owned by the applicants would not be adversely affected by the MLP and adequate access would be allowed to all such private lots;
- (d) as the Site mainly falls within the SHSAI, comments from Antiques and Monument Office (AMO) should be sought;
- (e) the proposed extension of the 6m wide pedestrian walkway along western boundary of the Site to connect with the existing footpath at Tai

Mong Tsai Road involves government land. Transport Department should be consulted on the proposal; and

- (f) if the planning application is approved by the Board, the lot owners will need to apply to DLO/SK for a land exchange to effect the proposed comprehensive development. However, there is no guarantee that such land exchange application, with or without government land, would be approved by the Government. Such application, if eventually approved, would be subject to such terms and conditions including payment of a premium and an administrative fee, as the Government considers appropriate.

Archaeological and Heritage Aspects

4.3.2 Comments of the Executive Secretary (Antiquities and Monuments), AMO, Development Bureau (DEVB):

- (a) regarding the proposed development within the NEA, AMO would like to reiterate that preservation of the site in-situ is required, no building works including site formation and excavation in any form should be carried out except with the prior written consent from AMO as stipulated in Section 7.7 of the PB (**Appendix II of Annex A**). In this connection, the consultant's suggestion to impose an approval condition such as "the submission of Archaeological Impact Assessment Report prior to the commencement of any works and implementation of the mitigation measures identified therein to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board" for the proposed development in NEA is not in line with the PB and the preservation requirement for the NEA; and
- (b) AMO has no further comment on the proposed Archaeological Watching Brief in the area outside the NEA but within SHSAI.

Traffic

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

- (a) in the submitted Traffic Impact Assessment (TIA) report (**Appendix Ib of Annex A**), it is noted that the traffic impact arising from the development is minimal assuming that the HH2 project will be implemented and open before the population intake of the development by 2028. However, HyD has mentioned clearly that the implementation programme of the HH2 project is still uncertain at this stage. If the HH2 project is not taken forward, the fundamental infrastructure assumption of the current TIA Report would become invalid and the findings of the current TIA Report would be invalid as well. Therefore, if there is no HH2 project, C for T would not support the application as the submitted TIA report is made under an invalid assumption;
- (b) on the assumption that the HH2 project would be completed before the population intake, C for T would have no in-principle objection to the planning application. To eliminate the scenario that the development has been completed but the HH2 project is not taken forwarded, C for T

will have no in-principle objection to the application subject to the condition that “no population intake of the proposed development shall be taken place before the completion of the Hiram's Highway Improvement Stage 2 project”; and

- (c) the applicant should be advised that the construction of the proposed development should not commence unless the road scheme of the Hiram's Highway Improvement Stage 2 project has been authorized under Roads (Works, Use and Compensation) Ordinance (Cap 370).

Environment

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

- (a) it is noted that the proposed development would not be subject to adverse traffic noise impact exceeding the Hong Kong Planning Standards and Guidelines (HKPSG) criteria, with the implementation of noise mitigation measure recommended, including the provision of fixed glazing, utility platform with auto-closing mechanism, acoustic windows and acoustic balcony. An undertaking letter of implementation of the proposed noise mitigation measures has been provided by the applicants. In the light of this, he has no further comment on the application; and
- (b) having reviewed the Environmental Assessment (EA) report and the amended pages provided in the FI (**Appendix Id of Annex A**), it is noted that the potential land contamination areas were identified as per the EA report dated May 2019 (**Appendix Ic of Annex A**). He has no objection to applicant's suggestion on incorporating the approval condition below to the application:

“the submission of a land contamination assessment and the 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”.

Urban Design and Visual

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

- (a) the development at the Site is guided by a PB endorsed by the Board in December 2007. According to the PB and the Explanatory Statement (ES) of the OZP, the subject “CDA(1)” zone is primarily for residential use with the provision of open space and other supporting facilities to complement the role of Sai Kung as the Leisure Garden of Hong Kong. The key design concept is to develop the Sai Kung Town north as part of a rural town in keeping with the character of Sai Kung old town to the further south and the rural settlements to the west;
- (b) the proposed MLP has incorporated various design measures specified in the OZP and the PB including stepped height building profile with

building heights descending from 8 storeys at the north/west towards 3 storeys at the south/east, provision of a 15m-wide breezeway running in east to west direction, 15m GBZ along the Site boundary and disposition of buildings around open spaces;

- (c) having reviewed the submission including the Further Information (FI) (**Appendix Ic of Annex A**), it is noted that efforts have been made in the current scheme for compliance with the design guidelines stipulated in the adopted PB except for enhancing visual permeability to the town square that the two proposed “auxiliary visual corridors” (10 and 15m) could only provide penetrable views from Tai Mong Tsai Road to the proposed development as there are 3-storey villa houses within the visual corridors. In this regard, the applicant is advised to explore further measures in enhancing visual permeability to the town square and the waterfront should the application be approved;
- (d) considering the natural and rural characters of the site comprising low-rise residential developments with BHs ranging from 8.3mPD to 32.8mPD, the scale of the proposed development with BH ranging from 3 to 8 storeys/18.5mPD to 39mPD, as well as the proposed mitigation measures including roadside and buffer planting, stepped BH profile and provision of a 15m wide breezeway, the overall visual impact of the proposed development upon mitigation is considered slightly to moderately adverse;

Air Ventilation Assessment (AVA)

- (e) an AVA Initial Study (IS) using computational fluid dynamic modelling has been carried out to support the s.16 planning application of the captioned development. As set out in the AVA IS report, various wind and visual corridors (may consider as localised air paths) have been incorporated in the proposed scheme; and
- (f) based on the simulation results, she considers that the proposed development would not result in significant adverse impact on pedestrian wind environment under both annual and summer conditions.

Landscape

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

- (a) no objection to the application from the landscape planning perspective;
- (b) according to the tree survey submitted, there are 227 existing trees identified within the site, mainly clustering along the southwestern boundary, while 33 trees are proposed to be retained, including 4 nos. of *Ficus elastica* with diameter at breast height of 900-1500mm. To minimise visual impacts to the surroundings, 15m wide tree buffer planting of mostly native species is proposed along the Site boundary. Communal open space of about 2,074m² is proposed in the middle of the development. The proposed development is generally in-line with the PB;

- (c) should the Board approve the application, she would recommend the following landscape condition to be included in the planning approval:

the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board

Advisory comments to be addressed in the Landscape Master Plan:

- (d) the alignment of the proposed 6m wide pedestrian walkway connecting Tai Mong Tsai Road and Mei Fuk Street seems to have too many twists and turns, which is not pedestrian friendly and it also leads to unnecessary removal of trees due to excessive walkway provision. The abutting boundary treatment along this meandering pedestrian walkway should also be demonstrated;
- (e) the proposed communal open space is separated by a vehicular road, and the pedestrian connection among the fragmented open space should be indicated. Apparently a loading/unloading space blocking the connection between the open spaces should be reviewed;
- (f) only area where its primary function is for public enjoyment is accountable as open space. Circulation space between T4 and T1 should not be accountable as open space for active or passive recreation; and

Other Advisory Comments:

- (g) the applicants are reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works such as felling, transplanting or pruning under lease.

Sewerage

4.3.7 Comments of the DEP:

he has no comment on the Sewerage Impact Assessment (SIA).

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

he have no comments on the applicant's FI on the SIA as detailed in **Appendix Ic of Annex A.**

Drainage

4.3.9 Comments of the DEP:

- (a) there is no insurmountable drainage problem for the Site and the following approval condition is suggested:

the submission and implementation of a revised Drainage Impact Assessment (DIA) to the satisfaction of the Director of Drainage Services or of the Town Planning Board

- (b) his office has no comment on other assessment reports enclosed in **Appendix Ia of Annex A** from drainage maintenance viewpoint.

Nature Conservation

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

the Site has been partly paved and with trees of common native and exotic species. He has no comment on the application.

Fire Safety

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

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department. Emergency Vehicle Access (EVA) shall comply with Section 6, Part D of the 'Code of Practice for Fire Safety in Buildings 2011' administered by the Buildings Department; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Gas and Electrical Safety

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

he has no comment on the FI (**Appendix Ib of Annex A**) and agrees that the Quantitative Risk Assessment to be carried out by the applicant during the detailed design stage of the proposed development

District Officer's Comments

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

- (a) he has no comment on the application;
- (b) it is noted that ex-chairman of Sai Kung District Council, Chairman of Sai Kung Rural Committee and general locals of Sai Kung object to the application. Their main concern is that the proposed development will increase the population and add to the heavy traffic in Sai Kung Town. Large scale residential development will not be supported by the local community until the improvement works of Hiram's Highway are completed; and
- (c) the local views should be fully considered.

4.4 Other detailed comments from the following government departments are listed at **Appendix V of Annex A:**

- (a) Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department;
- (b) Chief Engineer/Construction(2), Water Supplies Department (CE/Construction(2), WSD); and
- (c) Director of Electrical and Mechanical Services (DEMS).

4.5 The following government departments maintain their previous views of having no comment on the application:

- (a) Chief Engineer (Works), Home Affairs Department (CE(Works), HAD);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (d) Project Manager/New Territories East, CEDD.

5. Public Comments Received During Statutory Publication Period

5.1 On 24.1.2020, the review application was published for public inspection. During the first three weeks of the statutory public inspection periods, which ended on 14.2.2020, 23 public comments were received on the review application from the Sai Kung Rural Committee, a member of the Sai Kung District Council, Village Representative of Sha Ha Village, Sai Kung Commons and individuals (**Annex E**). They object to/ raise concerns on the application on the reasons that Sai Kung is overpopulated and the infrastructures are saturated; the proposed development is not compatible with the local character of Sai Kung; the traffic capacity in the area is overloaded, in particular, the Hiram's Highway; there are insufficient community and transport facilities to support additional population; the proposed development would bring adverse visual and environmental impact to surrounding environment; and the proposed development would bring adverse archaeological impact to SHASI.

5.2 At the stage of s.16 application, 443 public comments to the application were received with three comments from the individuals support the application, one comment with no content, one comment not related to the application and, 438 comments object to/ raise concerns on the application. Details are in paragraph 11 of **Annex A**.

6. Planning Considerations and Assessments

6.1 The application is for a review of the RNTPC's decision on 13.12.2019 to reject the subject application and MLP submission for proposed comprehensive residential development at the Site which is zoned "CDA(1)". The rejection reasons are that (a) the proposed phasing of the residential development is not in line with Town Planning Board Guidelines No. 17A in that the applicants fail to demonstrate the comprehensiveness of the proposed development will not be adversely affected; the resultant development would be self-contained in terms of layout design and provision of open space; and the development potential of the unacquired lots would not be absorbed in the early phases of the development; (b) the MLP for the proposed residential development encroaches onto the NEA specified in the PB, the applicants

fail to demonstrate that the proposed house development on top of the NEA is implementable and would not have adverse impacts on the SHASI; and (c) the applicants fail to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding area. The applicants have not submitted any information to support the review application. Except for the gazettal of HH2 project on 3.1.2020, there has been no other material change in planning circumstances for the Site since the rejection of the application by the RNTPC. The planning considerations and assessments as set out in paragraph 12 of **Annex A** remain valid.

Planning Intention

- 6.2 The application is for comprehensive residential development within the Site which is zoned “CDA(1)” on the OZP. The planning intention of the “CDA(1)” zone is for comprehensive development/ redevelopment of the Site for commercial and residential uses with the provision of open space and other supporting facilities. It is subject to a maximum PR of 1.5 and a maximum BH of 8 storeys (excluding basements). The Site is sizable and prominently located at the northern gateway into Sai Kung Town. It is therefore necessary to control the development mix, scale, design and layout of development, with due regard to the various environmental, traffic, infrastructure and other constraints. The proposed comprehensive residential development at a PR of 1.467 and a BH of 8 storeys over 1 storey of basement generally conform to the development restrictions of the OZP. In response to TD’s request, a public car park of 50 spaces has been included in basement of the proposed development. Such provision will serve to meet the parking demand in the area.

Phased Development

- 6.3 The applicants propose to develop the Site in phases. According to the phasing plan (**Drawing A-3 of Annex A**), the proposed development will be implemented in Phase 1 and other phases (i.e. Sites A, B, C, D and E). Phase 1 of the development would cover slightly more than half of the Site which is mainly owned by the applicants with some government land. Sites A, B, C and D of the development would cover mainly the land parcels owned by others. In addition, Sites C and D wholly owned by others have been designated for provision of the proposed GBZ and view corridor on the MLP to meet the urban design and landscape requirement under the PB. Site E is only proposed at a late stage of the submission (**Appendix Ie of Annex A**) in response to comments from AMO which covers majority of the NEA (**Plan R-2a**). According to the MLP (**Drawing A-3 of Annex A**), the layout of development for Phase 1 and other phases are not self-contained in terms of provision of separate access to serve different phases. The open space /recreational facilities provisions are not clearly separable for different phases of the development. Furthermore, as indicated in the table in paragraph 1.10 at **Annex A**, the resultant PR of Phase 1, if calculated based on its own area, would be 2.182 which has exceeded the maximum PR permissible under the “CDA” zone, while that for Site E is only 0.592 and no GFA is proposed for Sites C and D at all. The PRs for different phases of the development are not allocated on a pro-rata basis, and Phase 1 has in effect taken up the development potential of other phases. The proposed phasing is considered not in line with TPB-PG No. 17A in that the applicants fail to demonstrate the comprehensiveness of the proposed development will not be adversely affected; the resultant development be self-contained in terms of layout design and provision of open space; and the development potential of the unacquired lots not be absorbed in the early phases of the development.

Compliance with PB

- 6.4 A PB (**Appendix II of Annex A**) has been prepared to guide the development of the Site and it was endorsed by the Committee on 14.12.2007. A comparison table of the requirements of the endorsed PB and current submission is at **Appendix IIa of Annex A**. The proposed layout with stepped building height, GBZ, breezeway, visual corridor and pedestrian walkway generally comply with requirements set out in the PB on these aspects.

Non-excavation Area

- 6.5 However, according to the PB, the NEA is designated in view of the existence of antiquities attributed to Neolithic Period and Bronze Period within the Site, which are worthy of in-situ preservation. AMO comments that no building works including site formation and excavation in any form should be carried out in the NEA and considers that the applicants' suggestion to impose an approval condition on Archaeological Impact Assessment Report for the proposed development in NEA is not in line with the PB and the preservation requirement for the subject NEA. In this connection, implementation of Site E is in doubt. The area of Site E is about 23,642m² (70 villa houses), which occupies almost half of the Site. There is also no interim proposal on the treatment of the NEA before Site E could be developed. The phasing plan as proposed by the applicants is impracticable and the applicants fail to demonstrate that the proposed development could be implemented in a comprehensive manner or means have been provided for a coordinated development. Also, it does not comply with the PB requirement related to preservation of archaeological heritage.

Traffic Impact

- 6.6 According to the application, the occupation of the residential development is assumed for TIA by the design year of 2028 to tie in with the target completion date of the HH2 project. During the consideration of the s.16 application, the HH2 project was not yet gazetted. The project was subsequently gazetted on 3.1.2020. However, PM/Major Works, HyD advises that the completion date of the HH2 project is still uncertain at this moment. C for T comments that if the HH2 project is not taken forward, the fundamental infrastructure assumption and the findings of the current TIA Report would become invalid, and they would not support the application. In this connection, the applicants fail to demonstrate that the proposed development would not generate adverse traffic impact to the area.

Visual Impact

- 6.7 The proposed medium-rise residential development is considered not incompatible with the surrounding areas which are mainly sites for residential development, hotel and GIC clusters. The proposed MLP has incorporated various design measures specified in the OZP and the PB including stepped height building profile, breezeway and GBZ. CTP/UD&L, PlanD considers that the overall visual impact of the proposed development upon mitigation is considered slightly to moderately adverse.

Air Ventilation

- 6.8 CTP/UD&L, PlanD has no comment on the submitted AVA (**Appendices Ib and Ic of Annex A**) and considers that the proposed scheme would not result in significant adverse air ventilation impact when compared with the baseline scheme.

Tree Preservation

- 6.9 According to the endorsed PB, the existing trees mainly clustering along the western boundary should be retained as far as practicable. CTP/UD&L considers that the landscape submission is largely in-line with the endorsed PB and has no objection to the application from the landscape planning perspective. DAFC also has no comment on the application. An approval condition on the submission and implementation of a Landscape Master Plan is recommended should the Committee decide to approve the application.

Environmental Impact

- 6.10 The applicants have submitted an EA to support the application. Taking into account the distance from Tai Mong Tsai Road, various noise mitigation measures such as building set back and orientation, fixed glazing windows and acoustic balcony etc. are proposed to address the potential road traffic noise impact. DEP considers that with these mitigation measures, the proposed development would not be subject to adverse traffic noise impact exceeding the HKPSG criteria.

Other Technical Aspects

- 6.11 The applicants have submitted SIA and DIA to support the application. DEP and CE/MS, DSD have no comment on the SIA. CE/MS, DSD comments that there is no insurmountable drainage problem for the Site.
- 6.12 There is a high pressure underground town gas transmission pipeline (running along Mei Yuen Street and Wai Man Road) in the vicinity of the Site. As it is anticipated that the Site will result in a significant increase in population in the vicinity of the above gas installation, DEMS advises that a Quantitative Risk Assessment would be required from the project proponent of the Site to assess the potential risks associated with the gas installation during the detailed design stage of the proposed development.

Public Comments

- 6.13 There are 23 public comments received on the review application, objecting/raising concerns mainly on possible overloading of the traffic capacity at Hiram's Highway, insufficient community and transport facilities to support additional population, adverse archaeological, visual and environmental impacts. The planning assessments as detailed in paragraphs 6.2 to 6.12 above are relevant.

7. Planning Department's Views

- 7.1 Based on the assessments made in paragraph 6 and given that there is no change in the planning circumstances, the Planning Department maintains its previous view of not supporting the review application for the following reasons:

- (a) the proposed phasing of the residential development is not in line with Town Planning Board Guidelines No. 17A in that the applicants fail to demonstrate the comprehensiveness of the proposed development will not be adversely affected; the resultant development would be self-contained in terms of layout design and provision of open space; and the development potential of the unacquired lots would not be absorbed in the early phases of the development;
- (b) the Master Layout Plan for the proposed residential development encroaches onto the non-excavation area (NEA) specified in the Planning Brief, the applicants fail to demonstrate that the proposed house development on top of the NEA is implementable and would not have adverse impacts on the Sha Ha Archaeological Site of Interest; and
- (c) the applicants fail to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding area.

7.2 Alternatively, should the Committee decide to approve the review application, it is suggested that the permission shall be valid until 27.3.19.6.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. Should the application be approved, the following approval conditions and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of a revised Master Layout Plan to take into account conditions (b) to (j) below, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) no population intake of the proposed development shall be taken place before the completion of the Hiram's Highway Improvement Stage 2 project;
- (c) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the implementation of traffic improvement measures proposed in the Traffic Impact Assessment at the cost of the applicants to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and provision of the vehicular access/internal driveway/pedestrian access to Tai Mong Tsai Road, public and ancillary car parking and loading/unloading facilities and public bus lay bys to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) the submission of a land contamination assessment and the 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;

- (g) the submission and implementation of a revised Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (h) the submission of a Quantitative Risk Assessment related to the high pressure town gas pipeline in the vicinity and implementation of the mitigation measures identified therein to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board;
- (i) the submission of an Archaeology Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Antiquities and Monuments Office of Development Bureau or of the Town Planning Board; and
- (j) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

7.3 The recommended advisory clauses at **Annex F** are suggested for Members' reference.

8. Decision Sought

- 8.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 8.2 Should the Board decide to reject the review application, Members are invited to advise what reasons for rejection should be given to the applicants.
- 8.3 Alternatively, should the Board decide to approve the review application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission.

9. Attachments

Plan R-1	Location Plan
Plans R-2a to 2b	Site Plan
Plan R-3	Aerial Photo
Plans R-4a to 4d	Site Photos
Annex A	RNTPC Paper No. A/SK-SKT/21C
Annex B	Extract of minutes of the RNTPC meeting held on 13.12.2019
Annex C	Secretary of the Board's letter dated 3.1.2020
Annex D	Applicant representative's letter dated 14.1.2020
Annex E	Public Comments
Annex F	Advisory Clauses