

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/474**

- Applicant** : Anna Limited represented by Arup Hong Kong Limited
- Site** : Lots 361 S.A (Part), 362 (Part) and 422 (Part) in D.D. 127 and Adjoining Government Land (GL), Kiu Tau Wai, Yuen Long, New Territories
- Site Area** : About 15,394m<sup>2</sup> (including about 924m<sup>2</sup> of GL) (about 6%)
- Land Status** : New Grant Nos. 777 and 778 subject to Modification Letters; and  
*[restrict that the lots shall be used mainly for industrial purposes excluding any offensive, noxious, noisome or unhealthy trade, business or manufacture]*  
  
New Grant No. 20926  
*[restricts that the lot shall not be used for purpose other than for (i) industrial or godown or both; (ii) offices; or (iii) a combination of any of the users stated in sub-clauses (i) and (ii), excluding any offensive trades under the Public Health and Municipal Services Ordinance]*
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK & HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”)  
*[Restricted to a maximum plot ratio (PR) of 7 (of which the domestic PR should not exceed 4.5) and a maximum building height (BH) of 160mPD]*
- Application** : Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Residential and Commercial Development

**1. The Proposal**

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from a maximum domestic PR of 4.5 to 5.625 (i.e. +1.125 or 25%) with the overall PR of 7 and maximum BH of 160mPD remain unchanged for permitted residential and commercial development at the application site (the Site) (**Plan A-1**). According to Schedule I of the Notes of the OZP for “OU(MU)” zone, ‘eating place’ and ‘shop and services’ uses are permitted in a non-residential building or the non-residential portion of a building. According to Schedule II of the Notes of the OZP for “OU(MU)” zone, ‘flat’ is permitted in a residential building or the residential portion of a building. The Notes also stipulate that the maximum PR of the “OU(MU)” zone is 7 (of which the domestic PR should not exceed 4.5). Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR restriction may be considered by the Town Planning Board (the Board) on application

under section 16 of the Town Planning Ordinance. The Site is accessible via Kiu Wong Street and Kiu Shing Street and currently occupied by a warehouse with open storage, a logistics centre and a cement factory (**Plan A-2**).

- 1.2 According to the applicant, the proposed development comprises five residential blocks (BH of 45 storeys, not more than 160mPD) above a 2-storey podium (for retail and clubhouse uses) and a standalone 7-storey retail block (BH of not more than 45mPD), both over two levels of basement carpark. The proposed domestic and non-domestic PR are 5.625 and 1.375 respectively. The proposed development will provide about 1,850 flats and is tentatively scheduled for completion by 2030. The major development parameters are summarised below:

Major Development Parameters		Proposed Development
Site Area		About 15,394m <sup>2</sup>
PR	Total	7 <sup>(^)</sup>
	Domestic	5.625 (+1.125 or +25% when compared to OZP restriction)
	Non-domestic	1.375 (-1.125 or -45% when compared to OZP restriction)
Gross Floor Area (GFA) <sup>(#)</sup>	Total	About 107,758m <sup>2</sup>
	Domestic	About 86,591.25m <sup>2</sup>
	Non-domestic <sup>(*)</sup>	About 21,166.75m <sup>2</sup>
Site Coverage (SC)	Above 15m	Not more than 40%
	Below 15m	Not more than 65%
No. of Blocks	Domestic	5
	Non-domestic	1
BH	Residential Portion	Not more than 160mPD
	Retail Portion	45mPD
No. of Storeys	Residential Portion	47 (including 1 storey of refuge floor and 2 storeys of podium; excluding 2 levels of basement)
	Retail Portion	7 (excluding 2 levels of basement)
No. of Flats		About 1,850
Anticipated Population		About 4,810
Private Open Space		4,810m <sup>2</sup>
Internal Transport Facilities	Car Parking Spaces	Private Car: 551 (incl. 6 accessible car parking spaces) Motorcycle: 43 Bicycle: 355
	Loading/Unloading Bays	Heavy Goods Vehicle: 14 Light Goods Vehicle: 19

<sup>(^)</sup> The ratio of domestic to non-domestic PR under the proposed development is 80:20 (i.e. 5.625:1.375), while the ratio of domestic to non-domestic PR under OZP restrictions is 64:36 (i.e. 4.5:2.5).

<sup>(#)</sup> The applicant assumed that the GFA of the proposed clubhouse is not more than 5% of the total domestic GFA and could be exempted from GFA calculation, which is subject to the approval of BA.

<sup>(\*)</sup> Non-domestic uses include eating place and shop and services uses.

- 1.3 According to the applicant, sensitive building design and disposition has been adopted in the proposed development (**Drawing A-8**). A 6m-wide setback is designated along the southern boundary of the Site in accordance with the requirement as stipulated in the Explanatory Statement (ES) of the OZP to enhance

the buffer between the Site and the main cluster of village houses in the “Village Type Development” (“V”) zone of Kiu Tau Wai in the south. In addition, minimum separation of 5-15m between the residential blocks will be provided. A stepped terraced design for the retail block on both its eastern and western sides is also proposed. Besides, an overall greenery coverage of not less than 20% and private open space of 4,810m<sup>2</sup> will be provided (**Drawings A-9 and A-10**). The multi-level flat roofs at the retail block will be accessible by the general public.

- 1.4 The applicant has submitted relevant technical assessments in support of the application (**Appendix Ia**). The Traffic Impact Assessment (TIA) demonstrates that there will be no insurmountable traffic and pedestrian impact induced by the proposed minor relaxation of PR restriction. The Environmental Assessment (EA) demonstrates that with mitigation measures such as buffer, acoustic balcony and acoustic window provided, no adverse air quality or traffic/railway/existing fixed noise impact is anticipated. As demonstrated in the Air Ventilation Assessment Initial Study (AVA IS), the overall ventilation performance of the Proposed Scheme (i.e. the proposed development) is better than that of the Baseline Scheme (i.e. the approved scheme). Visual Appraisal (VA) and photomontages prepared by the applicant also demonstrate that the proposed development is acceptable in terms of visual impact.
- 1.5 The master layout plan, floor plans, section plan, sensitive building design plan, landscape plans and photomontages of the proposed development submitted by the applicant are at **Drawings A-1 to A-18** respectively.
- 1.6 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with received on 26.6.2023 (**Appendix I**)
  - (b) Consolidated Report received on 22.1.2024 (**Appendix Ia**)

*(Supporting Planning Statement received on 26.6.2023 and Further Information (FI) received on 11.8.2023\*, 11.9.2023\*, 30.10.2023\*, 28.11.2023\* and 12.1.2024<sup>#</sup> were superseded and not attached)*

*[\* Not exempted from publication and recounting requirements]*  
*[<sup>#</sup> Exempted from publication and recounting requirements]*

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Consolidated Report at **Appendix Ia**. They can be summarised as follows:

### **In line with Government’s policy on increasing housing supply**

- (a) The proposed development is in line with the Government’s policy to meet the pressing housing demand by increasing the housing provision at the Site from 1,352<sup>1</sup> to 1,850 (+498 units or +36%). This increase involves an increase in domestic PR from 4.5 to 5.625 while keeping the permitted maximum PR of 7 and the permitted maximum BH of 160mPD under the “OU(MU)” zone unchanged. A recently approved planning application no. A/HSK/452 for minor relaxation of PR and/or BH

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<sup>1</sup> Based on the General Building Plans (GBP) approved by the Building Authority (BA) on 19.8.2022.

restrictions<sup>2</sup> in the Second Phase development of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) also demonstrated the Government's commitment to address the insufficient housing supply.

- (b) The applicant is the sole landowner of the Site and there is matured infrastructure in the area. The proposed development can be implemented in a short timeframe.

In line with Government's policy on creating a focal point at HSK/HT NDA without affecting the function of the 'District Commercial Node'

- (c) The Policy Address 2022 (PA 2022) emphasised that HSK/HT NDA, where the Site is situated, is intended to become the 'Modern Service Hub' of the Northern Metropolis as stated in the Northern Metropolis Development Strategy (NMDS). The Site is also situated within the 'District Commercial Node' of HSK/HT NDA with planned residential and commercial developments within the area, in which residential use is planned as an integral part to provide necessary domestic spaces to support the expanding workforce in the area. The proposed development has been formulated with the intention of providing sufficient residential units to support the growing economic activities by proposing a modest increase to the domestic PR from 4.5 to 5.625.
- (d) Despite the slight reduction in the non-domestic PR from 2.5 to 1.375 (-15,736m<sup>2</sup> non-domestic GFA), the function of the 'District Commercial Node' will not be affected as the commercial developments are also supported by the surrounding diverse commercial uses that are planned around the Tuen Ma Line (TML) Tin Shui Wai (TSW) Station with about 635,000m<sup>2</sup> of non-domestic GFA<sup>3</sup>.

In line with the Planning Intention of the "OU(MU)" Zone

- (e) The proposed development seeks to establish a mixed-use destination which respects the planning intention of the "OU(MU)" zone with the overall PR of 7 and maximum BH of 160mPD remain unchanged.

Expediting the phasing out of industrial uses

- (f) The proposed development is anticipated to be completed by 2030, which is earlier than the rest of the development sites under the Remaining Phase Development of HSK/HT NDA by 2037/38. Approval of this planning application would act as a catalyst to transform the surrounding sites from rural industrial activities into a residential and commercial neighbourhood.

Setting a desirable precedence for optimising development opportunities

- (g) The approval of this planning application will set a desirable precedent for similar developments with alternative proposals for optimising the provision of residential flats in mixed residential and commercial developments.

Compatible with and no adverse impacts to the surrounding environment

- (h) The proposed development has a sensitive design that is compatible with the existing

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<sup>2</sup> The application is for minor relaxation of the PR and/or BH restrictions for 11 housing sites (nine sites for public housing developments and two sites for private housing developments).

<sup>3</sup> According to the HSK NDA – Information Digest, there are about 635,000m<sup>2</sup> non-domestic GFA for the commercial developments at Tin Shui Wai District Commercial Node.

low-to-medium village settlements and also the future high-density residential and commercial neighbourhood. Also, with the incorporation of these design elements to the retail component, the proposed development will bring vibrancy to the area.

- (i) Technical assessments (**Appendix Ia**) including TIA, EA, Landscape Master Plan and Tree Survey, Sewerage Impact Assessment, Drainage Impact Assessment, VA and AVA IS have been conducted for the proposed development. No adverse traffic, environmental, landscape, drainage, sewerage, visual and air ventilation impacts are anticipated with appropriate mitigation measures and improvement works.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines on Designation of “OU(MU)” Zone and Application For Development Within “OU(MU)” Zone under Section 16 of The Town Planning Ordinance (TPB PG-No. 42) promulgated in November 2011 is relevant in the following aspects:

- (a) an application for development within “OU(MU)” zone should demonstrate that the proposed development is in line with the planning intention of the zone. The applicant should demonstrate that the proposed development is not incompatible with the surrounding land uses/other uses within the same building, would not adversely affect the character and environment of the neighbourhood, and would not overstrain the capacity of existing and planned infrastructure in the area including transport, drainage, sewerage and water supply. The applicant should also demonstrate through proper assessment that no environmental pollution or nuisance would be created by the proposed mixed-use development;
- (b) notwithstanding (a) above, any proposed development that will bring variety of uses and enhance the character, vitality and vibrancy to the area will be given favourable consideration;
- (c) for any application involving a new development, the applicant should demonstrate that physical segregation has been provided to separate residential uses from non-residential uses within the same building to ensure that the proposed use in either the residential portion or non-residential portion of the building would not create interface problems with uses within the other portion of the building. The building designs for physical segregation include the provision of separate access/entrance/lift lobbies/staircases and any other appropriate means;
- (d) adequate parking and loading/unloading spaces should be provided in accordance with the relevant standards in the Hong Kong Planning Standards and Guidelines (HKPSG) for the various uses proposed within the development; and
- (e) all other statutory and non-statutory requirements of relevant government departments including fire safety and building safety requirements must also be met.

## **5. Background**

- 5.1 The HSK/HT NDA Planning and Engineering Study was completed in 2017. A comprehensive planning and urban design framework (including rail-based planning, stepped BH profile, major breezeways, view corridors, regional plaza, district commercial node, etc.) was established for the HSK/HT NDA and subsequently incorporated onto the HSK/HT OZP. Hence, the Site which was previously zoned “Industrial” under the previous Ping Shan OZP has been rezoned to “OU(MU)” on the HSK & HT OZP since 26.5.2017.
- 5.2 According to the ES of the OZP, detailed urban design studies would be conducted for the ‘Regional Economic and Civic Hub’ and the ‘District Commercial Node’ of the HSK/HT NDA with the aims to achieve a holistic design and to create distinct sense of place. An urban design study has been conducted for these two areas (including the Site at the ‘District Commercial Node’ around the existing TML TSW Station). Urban design measures (UDMs), which aim to develop distinctive nodes to foster vibrancy, form a blue-green network, create good accessibility and walkability, and provide integrative design with adjoining areas, etc., have been formulated to complement the overall urban design concepts for the two respective areas. Recommended UDMs applicable to the Site include the provision of setback facing Kiu Tau Wai, elevated pedestrian link with covered walkway connecting the development site in Planning Area 17C, and terraced retail podium for green terrace shopping street facing Kiu Wong Street etc. (**Plan A-5**).
- 5.3 The Site is currently not subject to any active planning enforcement action.

## **6. Previous Application**

The Site does not involve any previous application.

## **7. Similar Application**

There is no similar application within the same “OU(MU)” zone on the OZP.

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

- 8.1 The Site is:
- (a) bounded by Kiu Shing Street to its west, Kiu Wong Street to its north, Kiu Hung Road to its east and Kiu Tau Wai village to its south; and
  - (b) currently occupied by a warehouse (4S City), a logistics centre (Lai Tak Group Building) and a cement factory.
- 8.2 The Site is bounded by warehouses, open storage yards and a factory in the north and west. To the further north of the Site, there are a residential development, namely Ping Yan Court and the TML TSW Station.
- 8.3 Village clusters of Kiu Tau Wai and Hung Uk Tsuen are located at the south of the Site. There is also a stormwater pond with pumping station located to the immediate south of the Site. Across Ping Ha Road to the west of the Site are the village clusters of Tong Fong Tsuen and Hang Mei Tsuen.

## **9. Planning Intention**

The planning intention of the “OU(MU)” zone is primarily for high-density residential development and commercial development in close proximity to the railway stations. Flexibility for the development/redevelopment/conversion of residential or other uses, or a combination of various types of compatible uses including commercial, residential, educational, cultural, recreational and entertainment uses, either vertically within a building or horizontally over a spatial area, is allowed to meet changing market needs. Physical segregation has to be provided between the non-residential and residential portions within a new/converted building to prevent non-residential uses from causing nuisance to the residents. Minor relaxation of the PR and/or BH restrictions may be considered by the Board through the planning permission system and each proposal will be considered on its individual merits.

## **10. Comments from Relevant Government Bureau and Departments**

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

### **Land Administration**

10.1.1 Comments of the Chief Estate Surveyor/New Development Area, LandsD (CES/NDA, LandsD):

- (a) The Site includes portions of 3 private lots (i.e. Lots 361 S.A, 362 and 422 all in D.D. 127) and adjoining GL. Lot 361 S.A in D.D. 127 is governed by New Grant No. 777 as modified by Modification Letters dated 12.12.1966 and 26.5.1969. Lot 362 in D.D. 127 is governed by New Grant No. 778 as modified by Modification Letters dated 12.12.1966 and 29.5.1969. S.C.(4)(a) of both New Grant Nos. 777 and 778 restrict that the lots shall be used mainly for industrial purposes excluding any offensive, noxious, noisome or unhealthy trade, business or manufacture. Besides, Lot 422 in D.D. 127 is governed by New Grant No. 20926. S.C.(6)(a) of New Grant No. 20926 restricts the lot shall not be used for any purpose other than for (i) industrial or godown or both; (ii) offices; or (iii) a combination of any of the users stated in sub-clauses (i) and (ii), excluding any offensive trades under the Public Health and Municipal Services Ordinance.
- (b) Should the application be approved, the owner is required to apply to LandsD for a lease modification/land exchange for the implementation of the Proposed Scheme. LandsD would process such application in the capacity of a landlord and there is no guarantee that such application, including the granting of any GL (if any), will be approved. If the application is approved, it would be subject to such terms and conditions including payment of fee and premium as LandsD considered appropriate.

### **Traffic**

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

She has no adverse comment on the application from traffic engineering

point of view.

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

He has no adverse comment on the application from the highways maintenance viewpoint. His detailed advisory comments are at **Appendix II**.

**Environment**

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

He has no objection to the application subject to the following approval conditions:

- (a) submission of an environmental assessment (including air quality and noise aspects) and the implementation of mitigation measures identified therein to the satisfaction of the DEP or of the Board;
- (b) submission of a sewerage impact assessment for connections to public sewers to the satisfaction of the DEP or of the Board; and
- (c) submission of a contamination assessment plan and remediation action plan (if necessary) and the implementation of the remedial actions prior to commencement of construction for the contaminated areas (if necessary) to the satisfaction of the DEP or of the Board.

**Urban Design, Visual, Air Ventilation and Landscape**

10.1.5 Comments of the Chief Architect/ Advisory & Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD):

Based on the information provided, it is noted that the proposed development mainly consists of five blocks of residential buildings with BH of about 160mPD and one block of commercial building with BH of about 45mPD, which are within the BH restriction of 160mPD permitted in the OZP. She has no particular comment on the application from architectural point of view and her detailed advisory comments are at **Appendix II**.

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

**Urban Design and Visual**

- (a) The proposed minor relaxation of PR does not involve exceedance of the total PR restriction and the BH restriction as stipulated in the OZP. Being located at the 'District Commercial Node' of the HSK/HT NDA near the existing TML TSW Station, the proposed development is considered not incompatible with the planned surrounding context for high-density and high-rise commercial/residential developments with BH restrictions ranging from 120mPD to 160mPD in the OZP. Besides, a 6m wide setback is designated along the southern side of the Site to enhance the existing buffer from the main cluster of village houses in Kiu Tau Wai for meeting the requirement as stipulated in the ES of the



OZP.

- (b) According to the revised VA submitted, as compared to the approved scheme (i.e. the latest set of General Building Plan (GBP) approved on 19.8.2022) taking into account the surrounding planned developments of the HSK/HT NDA, the proposed development would have negligible or slight impacts to all the selected viewpoints (VPs). Various design measures are incorporated into the proposed development, including the proposed 7-storey retail block with terraced design from 3/F and above on both its eastern and western sides with respect to the nearby villages, disposition of buildings with separations of 5m to 15m, planting along Kiu Shing Road, Kiu Hung Road and interface with Kiu Tau Wai, etc. to minimise any potential visual impact and improve the existing streetscape.

Air Ventilation

- (c) An AVA IS using computational fluid dynamic modelling has been carried out to support the application. Two scenarios, i.e. the Baseline Scheme (the GBP approved on 19.8.2022) taking into account the surrounding planned developments of the HSK/HT NDA and the Proposed Scheme, have been studied. As set out in the AVA IS report, mitigation measures including (i) 15m-wide full building separation aligning with the air path at the HSK/HT NDA Area 19A; (ii) various tower separations with width ranged from 6.1m to 14.2m as shown on Figure 5.2 of the AVA IS; and (iii) building setbacks of 6.2m, 1m and 7.3m from the eastern, the northern and the western site boundary, have been incorporated in the Proposed Scheme to address the potential adverse air ventilation impact induced by the proposal on the surrounding areas.
- (d) According to the simulation results, the Proposed Scheme would have similar Site Velocity Ratio and Local Velocity Ratio when compared with the Baseline Scheme. The pedestrian wind performances of the Baseline Scheme and the Proposed Scheme at the immediate vicinity of the Site and the overall surrounding area are comparable under both annual and summer conditions.
- (e) Considering the above, it is not anticipated that the Proposed Scheme with mitigation measures described above would generate significant adverse air ventilation impact on the overall pedestrian wind environment as compared with the Baseline Scheme.

Landscape

- (f) The Site is situated in an area of miscellaneous urban fringe landscape character predominated by industrial buildings, village houses and scattered tree groups as observed from the aerial photo of 2022. As the Site is located and planned within the 'District Commercial Node' of the HSK/HT NDA, the proposed mixed-use development of five residential towers and a retail block is considered not incompatible with both the existing and planned surrounding context.
- (g) According to the submitted Supporting Planning Statement and

appendix 'Landscape Master Plan and Tree Survey', the Site is currently occupied by three operating industrial buildings. However, 14 existing trees along the eastern boundary are proposed to be felled, while 44 heavy standard trees are proposed to be newly planted. No Old and Valuable Trees or protected species were identified. Planting areas and total 4,810m<sup>2</sup> of open spaces including children play area, sitting gardens, terrace gardens and etc. will be provided at grade and on the podium to facilitate the estimated population of 4,810. Significant landscape impact arising from the Proposed Scheme is not anticipated. Her detailed advisory comments on the application are at **Appendix II**.

### **Building Matters**

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

- (a) The maximum PR and SC of a site depend on the proposed building height and the site classification under Building (Planning) Regulations (B(P)R). The Site abuts on Kiu Wong Street and Kiu Shing Street which are specified streets of not less than 4.5m wide. It was approved as a Class B site as per the latest approved record dated 19 August 2022. According to the First Schedule of B(P)R and information provided, he has no objection to the proposed PR (5.625) given that the total PR remained unchanged.
- (b) Yet, he noted that the proposed site area was larger than the one approved in building plans while the proposed SC above 15m exceeded the limit of the First Schedule of B(P)R which shall only be 37.5% for domestic buildings.
- (c) Detailed checking of plans will be carried out during building plan submission stage, he reserves his comments in the following aspects:
  - i. Disregarding car parking spaces from GFA calculation under the B(P)R will be considered on the basis of the criteria set out in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2.
  - ii. The number of parking spaces for vehicles of disabled persons should be provided according to the requirement set out in Division 3 of Chapter 4 in Design Manual: Barrier Free Access 2008.
  - iii. Building separation, building setback and SC of greenery as well as GFA concession for the proposed buildings should comply with the Sustainable Building Design (SBD) according to PNAP APP-151 & APP-152.
- (d) His detailed advisory comments are at **Appendix II**.

### **Fire Safety**

#### **10.1.8 Comments of the Director of Fire Services:**

He has no objection to the application subject to water supplies for

firefighting and fire service installations being provided to his satisfaction. Detailed fire safety requirements will be formulated upon receipt of formal submission of GBPs. His detailed advisory comments are at **Appendix II**.

### **Heritage Aspect**

- 10.1.9 Comments of the Executive Secretary (Antiquities and Monuments) of Antiquities and Monuments Office, Development Bureau (ES(AM) of AMO, DEVB):

She has no comment from the archaeological and built heritage perspectives as there are no declared monuments, no sites of archaeological interest, no graded buildings or new items pending for grading assessment located within or in close proximity to the Site, and the archaeological potential areas identified in the approved EIA Report on 'Hung Shui Kiu New Development Area Planning and Engineering Study – Investigation' fall outside of the Site.

### **Implementation Aspect**

- 10.1.10 Comments of the Project Manager/West, Civil Engineering and Development (PM/W, CEDD):

- (a) The Site falls within the boundary of HSK/HT NDA. To ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lots concerned fall within the sites under Remaining Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Second Phase development will commence in 2030.
- (b) He has no objection to the application. The applicant is required to pay attention to the development programme mentioned above and ensure their proposed development would not affect or impose constraints on the proposed works under HSK/HT NDA.

### **Local Views**

- 10.1.11 Comments of the District Officer/Yuen Long, HAD (DO/YL, HAD):

- (a) He has no comment from departmental point of view; and
- (b) There are four replies received from the Village Representatives (VRs) of Kiu Tau Wai and Hung Uk Tsuen during the statutory public inspection periods, which are identical with the public comments received during statutory publication period. The comments are summarised at paragraph 11 below.

- 10.2 The following government departments have no objection to/no adverse comment on the application. Their advisory comments, if any, are at **Appendix II**.

- (a) Chief Engineer/Mainland North, Drainage Services Department;

- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Commissioner of Police;
- (d) Director-General of Trade and Industry;
- (e) Director of Food and Environmental Hygiene; and
- (f) Head of Geotechnical Engineering Office, CEDD.

## **11. Public Comments Received During Statutory Publication Period**

The application and relevant FIs were published for public inspection on 4.7.2023, 18.8.2023, 19.9.2023, 3.11.2023 and 5.12.2023. During the statutory public inspection periods, a total of 30 public comments objecting to the application were received from Ping Shan Heung Rural Committee (**Appendix III-1**), Rural Representatives of Hung Uk Tsuen (**Appendix III-2**) and Kiu Tau Wai (**Appendix III-3**) and individuals (samples<sup>4</sup> at **Appendices III-4 to 8**). A full set of the public comments is deposited at the Secretariat for Members' inspections. Their grounds of objections are summarised as follows:

- (a) the population increase from the proposed development would cause adverse traffic impacts on Hung Shui Kiu due to the already saturated road capacity. Overloaded traffic network would lead to serious traffic congestion in the area;
- (b) the proposed development would lead to a wall-effect, adversely affecting the air ventilation and natural light penetration for nearby residents;
- (c) the proposed development would cause construction impact as previous experiences with demolition work on the same site have resulted in land subsidence which poses potential dangers to villagers. The applicant should provide a geotechnical report to demonstrate the feasibility of the proposed development and a demolition programme to illustrate that no danger is caused in the construction process;
- (d) there are insufficient community facilities to accommodate the rapid increase in population in the area;
- (e) the positioning and massing of the residential blocks would cause noise, air, sewage and light pollution, negatively impacting the well-being and property of the villagers in the surrounding area;
- (f) the proposed development would obstruct private views and have adverse visual impacts on nearby heritage sites, tourism spots and public open spaces;
- (g) the daily needs of the area could be supported by existing commercial facilities, public market under construction and planned commercial developments nearby. There is no need for new shopping facility; and
- (h) the PR and BH of the proposed development are considered too high and incompatible to surrounding low-rise and rural environment.

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<sup>4</sup> The views of the other public commenters have either been covered or are similar to those in **Appendices III-4 to 8**.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for minor relaxation of PR restriction from a maximum domestic PR of 4.5 to 5.625 (i.e. +1.125 or 25%) for permitted residential and commercial development at the Site zoned “OU(MU)” on the OZP with the overall PR of 7 and maximum BH of 160mPD not exceeding the OZP restrictions for the Site. The proposed non-domestic PR will be 1.375. The proposed development comprises five residential blocks providing about 1,850 flats above a 2-storey podium for retail and clubhouse uses and one standalone 7-storey non-domestic block for retail use, both over two levels of basement carpark.
- 12.2 Compared with the GBP for a proposed residential and commercial development which complies with the zoning restrictions (i.e. PR and BH restrictions) approved in 2022, the proposed development in the current application involves an increase in domestic PR (from 4.5 to 5.625) and a decrease in non-domestic PR (2.5 to 1.375) (i.e. change in ratio of domestic to non-domestic PR from 64:36 to 80:20), an addition of one residential tower (from 4 to 5 blocks) and a reduction of three storeys at the non-domestic block (from 10 storeys to 7 storeys). The proposed development would provide an additional 498 flats but a reduction of commercial GFA of about 15,700m<sup>2</sup>.

### **Planning Intention**

- 12.3 The proposed development would not involve changes in the planned land uses. A combination of uses including flats, shop and services and eating place is proposed, with physical segregation between the residential and retail portions of the Site (i.e. 15m separation) to reduce nuisance to the future residents. The proposed development is in line with the planning intention of the “OU(MU)” zone for high-density residential development and commercial development in close proximity to the TML TSW station and the TPB PG-No. 42 while allowing flexibility for the development of a combination of various types of compatible uses to meet changing market needs.

### **Land Use Compatibility, Development Intensity and Urban Design**

- 12.4 The proposed relaxation of domestic PR restriction from 4.5 to 5.625 could provide additional residential units<sup>5</sup> to meet the housing demand arising from the growing economic activities in the Northern Metropolis. Despite the slight reduction of non-domestic GFA provision in the proposed development, there are other sites in the ‘District Commercial Node’, including seven sites zoned as “Commercial” to the west of the Site, providing over 600,000m<sup>2</sup> commercial GFA. In this regard, it is considered that the proposed development would not have significant impact on the overall function of the ‘District Commercial Node’ of HSK/HT NDA. In addition, as the proposed minor relaxation of domestic PR does not involve exceedance of the total PR restriction and the BH restriction as stipulated in the OZP, CTP/UD&L, PlanD advises that the proposed development is considered not incompatible with the surrounding planning context. She also advises that the proposed development when compared with the approved scheme in the GBP would only result in negligible to slight visual impacts. In this regard, CA/ASC, ArchSD, CBS/NTW, BD and CTP/UD&L, PlanD have no adverse comment on the application from architectural, building regulation and urban design perspectives.

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<sup>5</sup> Compared with the approved GBP, the proposed development could provide an additional 498 flats.

- 12.5 It is noted that only one of the recommended UDMs under the urban design study mentioned in paragraph 5.2 above has been incorporated into the proposed development (i.e. a 6m setback facing Kiu Tau Wai). Other recommended UDMs, including the elevated pedestrian link with covered walkway across Kiu Shing Street and the terraced retail podium for green terrace shopping street facing Kiu Wong Street, have not been incorporated. In view of the above, it is considered appropriate that the proposed development should be refined with reference to the recommended UDMs with a view to providing a comprehensive and interconnected pedestrian walkway network in a green and pleasant setting with the adjoining sites; creating a welcoming gateway at Kiu Wong Street and providing a clear urban vista for better ventilation. In this regard, an approval condition requiring the submission of a revised layout plan taking into account the relevant UDMs is recommended should the Committee approve the application.

#### Planning and Design Merits

- 12.6 Various design measures have been adopted in the proposed development, including a 6m wide setback designated along the southern boundary of the Site, separations of 5 to 15m between the buildings and a stepped terraced design of the retail block on both its eastern and western sides (**Drawing A-8**). In this regard, CTP/UD&L, PlanD considers that the proposed measures would give respect to the nearby villages, minimise any potential visual impact and improve the existing streetscape.

#### Other Technical Aspects

- 12.7 The applicant has conducted various technical assessments including traffic, environment, sewerage, drainage, air ventilation and visual aspects and submitted a landscape master plan and tree survey to demonstrate that the proposed development would not generate significant adverse impacts to the surrounding areas. Concerned government departments consulted including C for T, CHE/NTW, HyD, DEP, CE/MN, DSD, and CTP/UD&L, PlanD have no objection to or no adverse comment on the application. The technical concerns of relevant departments could also be addressed by imposition of approval conditions recommended in paragraph 13.2 below.

#### Local Views and Public Comments

- 12.8 There are 30 public comments received during the statutory publication periods and four comments conveyed by DO/YL, HAD objecting to the application mainly on grounds of compatibility, capacity loading, visual, air ventilation, traffic, geotechnical and noise impacts. The applicant has also provided responses to all the public comments on which concerned departments have no further comment (**Appendix Ia**). It is also noted that a 6m wide setback along the southern side of the Site has been incorporated in the proposed development to enhance the existing buffer from the main cluster of village houses in Kiu Tau Wai. The planning considerations and assessments in paragraphs 12.1 to 12.7 above are also relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraphs 10.1.11 and 11, the Planning Department has no objection to the application.

- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 26.1.2028, 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 the implementation of a revised layout plan taking into account urban design measures including the provision of setback facing Kiu Tau Wai, provisions for the elevated pedestrian link with covered walkway across Kiu Shing Street and terraced retail podium design facing Kiu Wong Street, and conditions (b) to (e) below, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of a revised landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission of an environmental assessment (including air quality and noise aspects) and the implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of a sewerage impact assessment for connections to public sewers to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (e) the submission of a contamination assessment plan and remediation action plan (if necessary) and the implementation of the remedial actions prior to commencement of construction for the contaminated areas (if necessary) 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 II**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that there are sufficient justifications for the proposed minor relaxation of domestic plot ratio restriction.

#### **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 period of which the permission should be valid on a temporary basis.
- 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**

<b>Appendix I</b>	Application Form received on 26.6.2023
<b>Appendix Ia</b>	Consolidated Report received on 22.1.2024
<b>Appendix II</b>	Recommended Advisory Clauses
<b>Appendix III-1 to III-8</b>	Public Comments
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawings A-2 to A-6</b>	Floor Plans
<b>Drawing A-7</b>	Section Plan
<b>Drawing A-8</b>	Sensitive Building Design
<b>Drawings A-9 to A-11</b>	Landscape Plans
<b>Drawings A-12 to A-18</b>	Photomontages
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4c</b>	Site Photos
<b>Plan A-5</b>	Urban Design Concepts and Requirements at the Application Site

**PLANNING DEPARTMENT  
JANUARY 2024**