

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KTN/97

<u>Applicant</u>	Team Glory Development Limited
<u>Site</u>	Fanling Sheung Shui Town Lot (FSSTL) 263, Kwu Tung North New Development Area (KTN NDA), New Territories
<u>Site Area</u>	About 5,250 m ²
<u>Lease</u>	FSSTL 263 (a) For private residential purposes (b) Total gross floor area (GFA) of 31,500 m ² including maximum private residential GFA of 26,250 m ² (c) Maximum building height (BH) of 120mPD
<u>Plan</u>	Draft Kwu Tung North (KTN) Outline Zoning Plan (OZP) No. S/KTN/3
<u>Zonings</u>	“Residential (Group A)1” (“R(A)1”) (50.5%) “Other Specified Uses” annotated “Commercial/Residential Development with Public Transport Interchange” (“OU(CRDPTI)”) (49.5%) <i>[Both zones restricted to maximum plot ratio (PR) of 6 (of which the domestic PR should not exceed 5) and maximum BH of 120mPD]</i>
<u>Application</u>	Proposed Minor Relaxation of PR and BH Restrictions for Permitted Residential Development

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of domestic PR restriction from 5 to 5.5 (+10%) such that the total PR is proposed to be relaxed from 6 to 6.5 (+8.3%). The BH restriction is proposed to be relaxed from 120mPD to 125mPD (+4.2%) for permitted residential development at the application site (the Site) which falls within an area zoned “R(A)1” and “OU(CRDPTI)” on the draft KTN OZP No. S/KTN/3 (**Plan A-1**). The Site also falls within the First Phase of the KTN NDA development project (**Plan A-1**) that the infrastructural works is being carried out by Civil Engineering and Development Department (CEDD). According to the Notes of the OZP for “R(A)1” and “OU(CRDPTI)” zones, based on the individual merits of a development proposal, minor relaxation of the PR and BH restrictions may be

considered by the Town Planning Board (the Board). The Site is under site formation works.

- 1.2 The proposed development comprises 2 residential blocks (**Drawing A-1**) of 33 storeys including basement floors to provide a total of 924 flats. Retail uses will be provided on the G/F and 1/F (**Drawings A-2 and A-3**). The Site is accessible from the planned Road L1 (**Plan A-1 and Drawing A-1**). The proposed development is scheduled for completion in December 2027. The comparison of major development parameters between the provision under OZP and the proposed scheme are summarised as follows:

Major Development Parameters	Under OZP [A]	Current Proposal [B]	Difference [B] – [A]
Site Area	5,250 m ²	5,250 m ²	N/A (<i>no change</i>)
PR	6 - domestic 5 - non-domestic 1	6.5 - domestic 5.5 - non-domestic 1	+ 0.5 (+8.3%) + 0.5 (+10%) N/A (<i>no change</i>)
Total GFA	31,500 m ²	34,125 m ²	+ 2,625 m ² (+8.3%)
BH Restriction	120mPD	125mPD	+ 5m (+4.2%)

- 1.3 The development parameters and facilities of the proposed scheme are detailed as follows:

Development Parameter	Proposed Scheme
Site Area	5,250 m ²
Total PR	6.5
- Domestic PR	5.5
- Non-domestic PR	1
Total GFA	34,125 m ² (about)
- Domestic GFA	28,875 m ² (about)
- Non-domestic GFA	5,250 m ² (about)
Maximum BH	125mPD (Blocks 1 & 2)
No. of Blocks	2
No. of Storeys	<u>33 storeys including:</u> - 28 residential storeys - 1 storey lobby/clubhouse - 2 storeys retail uses - 2 storeys of basement carpark
No. of Flats	924
Design Population	2,587 (about)
Local Open Space	2,587 m ²
Parking Facilities	
- private cars	119
- motorcycles	13
- bicycle	62
Loading/Unloading Space (Light goods vehicles)	9

- 1.4 According to the application, with the increase in domestic PR from 5 to 5.5 (+10%), 66 additional flats will be provided for about 185 additional population.

- 1.5 To demonstrate technical feasibility of the development, the applicant has reviewed the impact of sewerage, drainage, noise, air quality, water supply, traffic, visual, air ventilation, and open space aspects (**Appendices Ia and Ib**).
- 1.6 The master layout plan, section plans, typical floor plan¹ and G/F open space plan of the proposed development, landscape concept plan and photomontages are at **Drawings A-1 to A-8**.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 4.1.2023 (Appendix I)
 - (b) Supporting Planning Statement (Appendix Ia)
 - (c) Further Information (FI) dated 7.2.2023[#]
 - (d) FI dated 28.2.2023 enclosing consolidated responses to departmental comments^{#2} (Appendix Ib)
- [#] exempted from publication and recounting*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices Ia to Ib**. They are summarised as follows:

In line with Government Housing Supply Policy

- (a) Within the Northern Metropolis, domestic PR 5.5 is relatively low, as the 2022 Policy Address promulgated a higher intensity up to domestic PR 6.5. The recent ‘intensification’ in the KTN and Fanling North (FLN) NDA allowed a total 20% and 30% increase in PR for nearly all private and public development sites respectively, in which the subject site was not included. It is just-in-time to accommodate the additional domestic PR 0.5 (+2,625 m² or +66 flats).

In-line with Transit-Oriented Development (TOD) for Sustainability Principle

- (b) The planning benefits of applying the TOD in this application is obvious. Also, it is a good planning in terms of liveability and walkability in particular carbon emission reduction.

Compatible Step Height Profile

- (c) The Site is located within a cluster of planned residential developments with various BH from 110mPD to 180mPD. The proposed relaxation in BH from 120mPD to 125mPD is not noticeable from all directional sensitive receivers which has been proved in the recent application No. A/KTN/93.

No Significant Adverse Impact

- (d) The impact of additional 66 flats for around 185 population in the Town Centre with the support of MTR station is insignificant. Review of technical aspects has shown that the proposed relaxation will have no insurmountable impacts on traffic and transport, sewerage, drainage, water supply and visual as well as air ventilation.

¹ The floor layout (currently shown as Typical Floor Layout (**Drawing A-4**)) is subject to change in detailed design stage.

² The consolidated FI received on 28.2.2023 at **Appendix Ib** has incorporated the previous FI. The applicant has confirmed that the previous FI could be superseded by the consolidated FI. Hence, the previous FI is not attached.

Planning and Design Merits

- (e) It is a good opportunity to increase housing supply by optimising scarce land resources while maintaining the established planning and design framework. Design merits have been incorporated, including energy saving sky windows, voluntary set back, T-shaped building blocks to avoid wall effect, etc. Private open space will be provided and restricted for the use of residents; landscaping features, such as sky garden, urban farm terrace, green walls, will be provided on the podium floor (**Drawing A-6**).

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

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

4. Previous Application

There is no previous application on the Site.

5. Similar Applications

- 5.1 There are no similar applications in the same “R(A)1” and “OU(CRDPTI)” zones, while four similar applications (No. A/KTN/54, 83, 84 and 93) for minor relaxation of PR and/or BH restrictions in “R(A)” zone were approved between 2018 and 2022. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/KTN/54 was approved by the Committee in 2018 for minor relaxation of PR and/or BH restrictions for 8 public housing sites in KTN and FLN NDA, of which 6 sites are located in KTN NDA (**Plan A-1**) involving relaxation of PR restriction from 5 to 5.1-6 (+2% to 20%) and BH restriction from 110mPD-135mPD to 120mPD-145mPD (+4% to 9%). The application was approved mainly on the grounds that the proposed minor relaxation has made optimal use of the planned infrastructure to address pressing demand for public housing in the territory, and the application would not result in any change to the established land use planning and development framework, planning themes, objectives and concepts of the NDA embedded in the OZPs; the established PR and BH profile could be maintained, various technical assessments conducted had demonstrated that the minor relaxation was technically feasible; and government departments consulted had no adverse comment on the application.
- 5.3 Application No. A/KTN/83 was approved by the Committee on 18.2.2022 for minor relaxation of PR restriction from 5 to 5.5 for a dedicated rehousing estate in KTN Area 24 by the Hong Kong Housing Society. Application No. A/KTN/84 was approved by the Committee on 22.4.2022 for minor relaxation of PR restriction from 5 to 6.25 and BH restriction from 130mPD/135mPD to 146mPD/151mPD for a public housing development in KTN Area 19. Application No. A/KTN/93 was approved by the Committee on 23.9.2022 for minor relaxation of PR and/or BH restrictions for 17 public and private housing sites in KTN NDA, of which the PR and BH restrictions for the public housing sites were relaxed from 5 or 6 to 6.5-7.8, and from 110mPD-

135mPD to 135mPD-180mPD respectively. For the private housing sites, PR restriction was relaxed from 3.5 or 6 to 4.2-7.2, and BH restriction was relaxed from 75mPD-115mPD to 85mPD-130mPD. These three applications were approved on similar grounds as that of application No. A/KTN/54 as mentioned above.

6. The Site and its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plan A-4)

- 6.1 The Site is at the south-western part of the KTN NDA and is currently under site formation. The Site is within 100m to the planned MTR Kwu Tung Station in the Town Plaza. It will be accessible via the planned Road L1.
- 6.2 The surrounding areas of the Site are within CEDD's KTN NDA First Phase project (**Plan A-1**), site clearance/infrastructure works are being carried out for the area under the First Phase:
 - (a) to the immediate east is another private residential development with a public transport interchange (PTI) in FSSTL 279, within the same "OU(CRDPTI)" zone as the Site;
 - (b) to the immediate south across planned Road L1 is a "Government, Institution or Community" ("G/IC") zone, providing GIC facilities including schools, community hall and government offices, and a multi-welfare social service complex is under construction;
 - (c) to the immediate west is another private residential development in FSSTL 278, within the same "R(A)1" zone as the Site, and a strip of planned open space forming part of the Town Plaza;
 - (d) to the north of the Site, across the neighbouring private residential developments of FSSTL 278 and 279 is the proposed Town Plaza, which is zoned "Open Space (1)" ("O(1)"). About 100m to the northeast of the Site is the planned MTR Kwu Tung Station;
 - (e) to the further northeast of the Site across the Town Plaza is a planned public housing site in Area 20 zoned "R(A)1", where the PR and BH restrictions have been relaxed under the approved planning application No. A/KTN/93 as mentioned in paragraph 5; and
 - (f) to the further west and northwest of the Site across the Town Plaza are planned public housing sites in Areas 24 and 19 zoned "R(A)2", where the PR and BH restrictions have been relaxed under the approved planning applications No. A/KTN/83 and 84 respectively as mentioned above.

7. Planning Intentions

- 7.1 The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.
- 7.2 The “OU(CRDPTI)” zone is intended primarily for the provision of commercial and residential uses with PTI. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys. The PTI is to be provided in the remaining part of the “OU(CRDPTI)” zone, i.e. FSSTL 279, to the immediate east of the Site.

8. Comments from Relevant Government Departments

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

Land Administration

- 8.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site falls within FSSTL 263 which is held under Agreement and Conditions of Exchange dated 19.12.2017 and registered in the Land Registry as New Grant No. 22574. According to the existing lease, development on the lot, inter alia, is restricted to (i) maximum GFA of 31,500 m² of which maximum 26,250 m² for private residential purposes; and (ii) maximum BH of 120mPD; and
- (b) according to the planning submission, the proposed development involves two blocks comprising a total GFA of 34,125 m² including domestic GFA of 28,875 m² and BH of 125mPD. Since there is a relaxation in development parameters such as GFA and BH, should the subject application be approved, the lot owner should apply to his department for a lease modification for implementation of the proposed development scheme. Such application will be considered by his department acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subjected to such terms and conditions, including but not limited to the payment of an administrative fee and premium as the government sees fit.

Urban Design and Landscape

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

Visual and Urban Design Aspect

- (a) the Site is located in the centre of the planned KTN NDA. To its immediate north is the Town Plaza of KTN with the future MTR Kwu Tung Station, it will be surrounded by high-rise and high-density commercial and residential developments with BH up to 151mPD, as well as GIC facilities to its south with BH up to 130mPD. The proposed minor relaxation of domestic PR restriction (+0.5) and BH restriction (+5m) is considered not incompatible with the surrounding planned context and generally in line with the stepped BH concept with the overall development intensity and BH profile stepping down from the Town Centre towards the periphery and riverside;

Landscape Aspect

- (b) she has no in-principle objection to the application from landscape planning perspective. According to the aerial photo, the Site is situated in an area of rural fringe landscape character comprising village houses, low-rise developments, vacant lands and scattered tree groups. According to the OZP, the Site is located within and in close vicinity to the planned high-rise residential developments. The proposed development is not incompatible with the planned surrounding landscape character;
- (c) about 2,587 m² private open space is proposed for the estimated population of 2,587. With reference to **Drawing A-5**, 185 m² local open space at G/F with the provision of bench seating and planter is proposed. No significant adverse landscape impact within the Site arising from the development is anticipated; and
- (d) her advisory comments are at **Appendix III**.

Traffic

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

- (a) as shown in the R-to-C table from the applicant (**Appendix Ib**), it is noted that the concerned junctions near the Site would still within capacity after the minor relaxation upon the further checking and no comment from CEDD. We have no adverse comment on the application which is at the KTN NDA under CEDD; and
- (b) this is to reiterate that the assessment from the applicant is based on the assumption that the proposed traffic improvement measures such as the new roads and junctions of KTN NDA by the others. The applicant should note that these traffic improvement measures are uncertain at this moment and subject to changes during the course of the project development. In case those traffic improvement measures would not be carried out by the relevant government department(s) and/or party(ies), the applicant is required to implement those proposed traffic improvement works (i.e. to take up to construct the concerned new roads

and junctions, etc.) to the satisfaction of the C for T. All traffic improvement measures required for alleviating the traffic impact of the development shall be implemented prior to the population intake.

Fire Safety

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

- (a) he has no specific comment on the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction; and
- (b) his advisory comments are at **Appendix III**.

Local Views

8.1.5 Comments of the District Officer/North, Home Affairs Department (DO/N, HAD):

he has consulted the locals from 18.1.2023 to 1.2.2023. All consultees, including the Chairman of Sheung Shui District Rural Committee, the incumbent North District Councilor of N11 Constituency, the Resident Representative (RR) of Kwu Tung (South) and the RR of Kwu Tung (North) have no comment on the application.

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

- (a) Secretary for Development (SDevB);
- (b) Project Manager/North, CEDD (PM/N, CEDD);
- (c) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (d) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (e) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (f) Director of Environmental Protection (DEP);
- (g) Director of Social Welfare (DSW);
- (h) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (i) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD); and
- (j) Commissioner of Police (C of P).

9. Public Comment Received During Statutory Publication Period

On 13.1.2023, the application was published for public inspection. During the three weeks statutory public inspection period, one comment from an individual was received (**Appendix IV**). The individual objects to the application on the grounds that the residents may not have exclusive use of the private open space and small flats will be constructed.

10. Planning Considerations and Assessments

- 10.1 The applicant seeks planning permission for minor relaxation of domestic PR restriction from 5 to 5.5 (+10%), equivalent to a relaxation of total PR from 6 to 6.5 (+8.3%), and BH restriction from 120mPD to 125mPD (+4.2%) for the permitted residential development in the Site which is zoned “R(A)1” and “OU(CRDPTI)” on the OZP (**Plan A-1**). The application involves a total of 2 residential towers (each of 33 storeys), providing 924 flats, and private open space of about 2,587 m² for their residents (**Drawings A-1 to A-6**). According to the application, an additional of 66 flats will be provided for about 185 persons if the minor relaxation is approved.

Policy Aspect

- 10.2 KTN NDA project is an important source of Hong Kong’s land and housing supply in the medium and long term. With the proposed minor relaxation, there would be an increase of additional 66 flats. The current application dovetails with the government’s overall policy of increasing housing supply. It has planning merit to meet the imminent needs of the community for housing.

Planning Intention, Development Framework and Urban Design

- 10.3 The current application involves minor increase in domestic PR by 10% and BH restriction by 4.2%. The proposed development would not result in major change to the land use zonings and established land use planning and development framework of the NDA. The established PR and BH profile of the KTN NDA could be maintained after incorporation of this proposal. Upon approval of the application, the higher development intensity sites are still located around the Town Centre of the NDA. In KTN NDA, housing sites of higher BH are concentrated at the northern and western part of the Town Centre, with BH gradually decreasing towards the medium-density residential areas and village settlements near Sheung Yue River (**Plan A-2**). The proposed increase of BH of the Site generally respects the overall established BH profile stepping down from the Town Centre towards the periphery and riverside (**Plan A-2**) in order to enhance variety in height and massing, and to ensure a better integration with the adjacent rural setting. Moreover, the proposed development has incorporated with design and landscaping features, such as voluntary set back, green roofs, etc. (**Drawing A-6**). CTP/UD&L, PlanD considers that the proposed minor relaxation is considered not incompatible with the surrounding planned context and generally in line with the stepped BH concept of the NDA. The overall townscape and neighbourhood environment of the NDA could be maintained.

Technical Considerations

- 10.4 The applicant has submitted reviews of the impacts from sewerage, drainage, noise, air quality, water supply, traffic, visual, air ventilation and open space aspects (**Appendices Ia and Ib**) in that no significant impacts could be identified and the proposed minor relaxation is found acceptable from technical point of view. C for T, DEP, CE/MN of DSD, CE/C of WSD and CTP/UD&L of PlanD have no adverse comment or no objection to the application.

Previous and Similar Applications

- 10.5 There is no previous application covering the Site. As stated in paragraph 5 above, there are four similar applications for minor relaxation of PR and/or BH restrictions for public and private housing developments in KTN NDA approved by the Committee

between 2018 and 2022. Approving the current application is generally in line with the Committee's previous decisions.

Public Comment

- 10.6 There is one public comment as stated in paragraph 9, which objects to the application. Relevant government departments' comments and planning considerations above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and taken into account the public comment mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 3.3.2027 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 condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

the 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.

Advisory Clauses

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

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

the applicant fails to demonstrate sufficient planning and design merits to justify the proposed minor relaxation of PR and BH restrictions within the "R(A)1" and "OU(CRDPTI)" zones.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application form received on 4.1.2023
Appendix Ia	Supporting Planning Statement
Appendix Ib	FI dated 28.2.2023
Appendix II	Similar Applications
Appendix III	Advisory Clauses
Appendix IV	Public Comment
Drawing A-1	Master Layout Plan
Drawings A-2 and A-3	Section Plans
Drawing A-4	Typical Floor Plan
Drawing A-5	G/F Open Space Plan
Drawing A-6	Landscape Concept Plan
Drawings A-7 and A-8	Photomontages
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2023**