

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/506

- Applicant** : Base One Limited represented by Llewelyn-Davies Hong Kong Ltd.
- Site** : Lot 2579 in D.D. 92, Kwu Tung South, Sheung Shui, New Territories
- Site Area** : 37,560m² (about)
- Lease** : New Grant Lot (restricted to private residential purposes)
- Plan** : Draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/17 at the time of submission of the application
- Approved Kwu Tung South OZP No. S/NE-KTS/18 currently in force [the zoning and development restrictions of the application site remain unchanged]
- Zonings** : “Comprehensive Development Area (1)” (“CDA(1)”) (about 99.7%) [restricted to a maximum plot ratio (PR) of 3 and a maximum building height (BH) of 75mPD. In determining the maximum PR, any floor space that is constructed or intended for use solely as Government, institution or community (GIC) facilities, as required by the Government, may be disregarded]
“Government, Institution or Community” (“G/IC”) (about 0.1%)
Area shown as ‘Road’ (about 0.2%)
- Application** : Proposed Comprehensive Residential Development with Commercial and Social Welfare Facilities and Minor Relaxation of PR and BH Restrictions

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed comprehensive residential development with commercial and social welfare facilities (including

a centre for home care services (HCS) for frail elderly persons¹ (2-team size kitchen-based) and a 40-place day care centre for the elderly (40-p DE) as required by Social Welfare Department (SWD) at the application site (the Site) (**Plan A-1**). The applicant also seeks planning permission to relax the PR and BH restrictions from maximum PR of 3 to PR of 3.059 (+0.059 or +1.97%), and from maximum BH of 75mPD to BH of 81.5mPD (+6.5m or +8.67%). The Site is mainly zoned “CDA(1)” (99.7%) with minor portion within the “G/IC” zone and area shown as ‘Road’ at the north eastern corner (**Plan A-1**). According to the Notes of the OZP for the zones, the proposed development requires planning permission from the Town Planning Board (the Board). Pursuant to the Notes of the “CDA” zone, a Master Layout Plan (MLP) should be submitted for the approval of the Board.

- 1.2 As compared with indicative scheme approved under the previous s.12A application (No. Y/NE-KTS/12), the applicant proposed to relax the PR from 3.0 to 3.059 for accommodating shopping facilities and a covered private transport layby to serve future residents and nearby villagers. Besides, the applicant also proposed to relax the BH from 75mPD to 81.5mPD. With a reduced average flat size from 71.6m² to 43.5m², the number of unit is increased from 1,573 to 2,589. The proposed additional BH is due to slight increase in floor-to-floor height from 3.15m to 3.25m for domestic floors so as to accommodate air conditioner hoods above windows of smaller units with limited frontage (**Drawing A-7**) and to allow design merits in terms of minimising site coverage as well as enhancing visual interests /air ventilation.
- 1.3 The proposed development under the current scheme consists of 14 blocks (T1 to T14) of 20 to 21 storeys (**Drawing A-1**) above a common basement carpark (**Drawing A-2**). Residents’ clubhouse are distributed across the podium of T1, ground floors of T7-T11 (**Drawing A-3**), and a 2-storey standalone block (**Drawings A-4** and **A-5**). Commercial facilities (a local shopping centre) and social welfare facilities are located at the 2-storey podium near the entrance (**Drawing A-6**). A covered private transport layby is also proposed within the 2-storey podium under T2 to serve future residents and nearby villagers. The Site is accessible via Kam Hang Road in the south connecting Kwu Tung Road (**Drawing A-1** and **Plan A-2**). The anticipated completion year of the proposed development is 2027. The MLP, Landscape Master Plan (LMP), floor/section/open space/setback/mitigation measures plans, visual renderings and photomontages submitted by the applicant are at **Drawings A-1 to A-21**. The proposed development parameters are as follows:

¹ HCS are home-based community care services providing a range of care and support services to frail elderly persons aged 60 or above living in the community. The proposed centre under the current application is a 2-team size kitchen-based centre for preparing meals.

	Proposed Scheme	Remarks
Site area (m ²)	37,560	
Maximum PR	3.059	+0.059 (+1.97%) compared with PR of 3 under OZP
• domestic	3	
• non-domestic	0.059	
Total GFA (m ²)	114,880	
Total domestic GFA	112,680	
Total non-domestic GFA	2,200	
• commercial (m ²) ⁽¹⁾	1,000	
• transport Layby (m ²)	1,200	
Social welfare facilities (GFA) <i>(exempted from GFA calculation under the Notes of the “CDA” zone)</i>		
• HCS for frail elderly persons (2-team size kitchen based) (m ²)	352 ⁽²⁾	
• 40-p DE (m ²)	588 ⁽³⁾	
Maximum BH (mPD)	81.5 (20 to 21 storeys above ground) (one basement level)	+6.5 (+8.67%) compared with 75mPD under OZP
Maximum site coverage (SC)	29.3%	
Greenery coverage	Not less than 30%	
Number of residential blocks	14	
Number of Flats	2,589	
Average Flat Size (about)(m ²)	43.5	
Anticipated Population (about)	6,991	
Car Parking Provision		
- Private Car	389	
- Motorcycle	26	
- Car Park for retail	4	
- Loading/unloading Bays	17	
Private Open Space	Not less than 6,991m ² (for estimated population of 6,991)	

⁽¹⁾ Commercial facilities may include ‘Eating Place’ and ‘Shop and Services’, ‘School’ (kindergarten, nursery, language, computer, commercial and tutorial schools, art school, ballet and other types of schools providing interest/hobby related courses), ‘Place of Entertainment’ and ‘Place of Recreation, Sports or Culture’.

⁽²⁾ Equivalent to a Net Operating Floor Area (NOFA) of about 160m² as required by SWD

⁽³⁾ Equivalent to a NOFA of about 267m² as required by SWD

Landscape and Visual

1.4 According to the submitted LMP, a communal private open space integrating with the existing trees, landscape gardens in the central and western parts of the Site, trees/shrubs/groundcover and lawn planting along internal roads and site peripheries, and a green roof system are proposed (**Drawings A-8 and A-9**).

- 1.5 According to the Tree Preservation Proposal (TPP), there are 212 trees within the Site. Amongst them, 170 trees would be felled, 41 trees would be retained and 1 tree would be transplanted. The 41 preserved trees include the mature fruit trees within the orchard which are required to be preserved as stated in the Explanatory Statement (ES) of the OZP (paragraph 8.1 below). A total of 639 trees would be planted for compensation. Some mature fruit trees at the north-western part of the Site and several trees at eastern and western corners as well as in the central part of the Site would be preserved.

- 1.6 According to the submitted VIA, the visual change due to the proposed development would be negligible. The proposed scheme with BH of 81.5mPD can achieve design merits of the hypothetical scheme of 75mPD under previous approved s.12A application (No. Y/NE-KTS/12), including three 15m-wide building separations, landscape setbacks from the site boundary, building setbacks from Fanling Highway and Kam Hang Road, and no noise barrier design. It can further bring forth additional planning gains and design merits which could not be achieved under 75mPD BH restriction, including smaller and more compact tower footprint, minimise site coverage and more void areas at ground/lower floors (**Drawings A-10 to A-13**). Photomontages are at **Drawings A-14 to A-18**.

Traffic

- 1.7 According to the submitted Traffic Impact Assessment (TIA), in addition to the private transport layby within the Site, the applicant proposes to implement some transport improvement measures (**Drawing A-19**) including (i) provision of a public transport layby (for GMB and buses) with 60m long at Kam Hang Road (to the east of the Site), (ii) modification of the junction of Kam Hang Road/Kam Tsin Road (J8) near Kam Tsin Village into a roundabout; (iii) proposed junction improvements to Kwun Tung Road/Kam Hang Road (J2) and Kam Hang Road/Hang Tau Road (J8); and (iv) widening the section Kam Hang Road between Kwun Tung Road and Kam Tsin Road to 7.3m carriageway with minor modifications to junctions at this section. All the above measures will be implemented at his own cost and handed over to the Government for future management and maintenance.

Environment

- 1.8 The applicant has submitted Environmental Assessment (EA) assessing the impacts brought about by the construction and operation of the proposed development and the proposed road improvement works. According to the submission, with sufficient buffer distance from the Fanling Highway and Kam Hang Road, the proposed development would not be subject to adverse impact of vehicular emission. Also, noise mitigation measures, including the orientation and setback of residential blocks (**Drawing A-20**), solid fence wall, acoustic window/fin/balcony and fixed glazing within the Site as well as low noise road surfacing at Kam Hang Road will be adopted to minimize road traffic noise impact.

Drainage, Sewerage and Water Supply

- 1.9 According to the submitted Drainage Impact Assessment (DIA), surface channels will be provided along the western, southern and eastern boundaries of the proposed development. The flow will be discharged to River Beas through a proposed 1800 mm diameter drain along Kam Hang Road.
- 1.10 According to the submitted Sewerage Impact Assessment (SIA), the sewage will be discharged to the existing 500mm diameter sewer at the north of the Site for disposal at Shek Wu Hui Sewerage Treatment Works (SWHSTW) via Tsung Pak Long Sewage Pumping Station (TPLSPS). Sewer pipe upgrading works by the project proponent have been proposed for some segments of existing sewers.
- 1.11 According to the submitted Water Supply Impact Assessment (WSIA), the applicant proposes to provide a new 300mm diameter watermain for fresh water supply and a new 100mm diameter Temporary Mains Water for Flushing for flushing water. Both new provisions are branched off from the existing 600mm diameter watermain along Kam Hang Road. With the water supply review and ongoing improvement work being conducted by CEDD/WSD and the potential interim mitigation measures to be implemented if then required, the proposed development would be technically feasible from water supply point of view.

Air Ventilation

- 1.12 According to the submitted Air Ventilation Assessment (AVA), in addition to mitigation measures proposed under the hypothetical scheme of the approved s.12A (Y/NE-KTS/12) (i.e. three 15m wide building separations and 3m setback from the site boundaries), the building gaps in the current scheme will be further increased from a range of 21m - 57m to 34m - 70m (**Drawing A-10**). Other mitigation measures including permeable ground floor with more void areas at ground/lower floors, smaller and more compact tower footprint, and greenery coverage of not less than 30% would be adopted to improve the air permeability and hence the environmental quality at pedestrian level (**Drawings A-10, A-12 to A-13, A20 to A-21**). The overall ventilation performance of the proposed development is considered acceptable.

Other

- 1.13 According to the submitted Quantitative Risk Assessment (QRA), no mitigation measures are required to deal with the risks posed by the existing high pressure town gas pipeline along Kam Hang Road adjacent to the Site.
- 1.14 In support of the application, the applicant has submitted the following documents:
- (i) Application Form received on 30.12.2021 (**Appendix I**)
 - (ii) Further Information (FI) dated 17.8.2022 (**Appendix Ia**) providing a Consolidated Planning Report *

- (iii) FI dated 19.8.2022* (Appendix Ib)
**Exempted from publication and recounting requirements*

[Supporting Planning Statement as well as replacement pages dated 3.12.2021 and 23.12.2021 respectively and FIs dated 28.1.2022, 4.3.2022, 4.4.2022, 14.4.2022, 22.4.2022, 10.6.2022, 28.6.2022, 4.7.2022, 19.7.2022, 4.8.2022 and 12.8.2022 were superseded and not attached.]

1.15 The application was originally scheduled for consideration by the Committee on 18.2.2022. The applicant then submitted FIs on 28.1.2022, 4.3.2022, 4.4.2022, 14.4.2022, 22.4.2022 to address departmental comments. Upon requested by the applicant, the Committee agreed on 24.6.2022 to defer making a decision on the application for two months respectively in order to allow time for the applicant to prepare FI to address departmental comments received. With the FIs submitted on 10.6.2022, 28.6.2022, 4.7.2022, 19.7.2022, 4.8.2022, 12.8.2022 and 19.8.2022, the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Planning Statement at **Appendix Ia**. They are summarized as follows:

- (a) The proposed development is in line with the Government's policy by contributing to quality housing supply in Kwu Tung area. The Proposed Development fully realizes the planning intention for comprehensive development for residential use with supporting commercial, social welfare facility and transport improvement works to benefit both the future residents and nearby villagers.
- (b) The proposed development is compatible with its surroundings which are undergoing transformation in view of the changing circumstances that brought forth by the Kwu Tung North NDA.
- (c) During the deliberation session of previous s.12A application No. Y/NE-KTS/12, the Board was of the view that the proposed flat size of 70m² was too large which might not meet the market demand. In response to the Board's concern, the proposed scheme under the current application adopts a smaller flat size (average flat size of 43.5m²) with additional units.
- (d) The proposed scheme with BH of 81.5mPD could bring forth additional planning gains and design merits which could not be achieved under 75mPD BH restriction (**Drawing A-10**).
- (e) For the smaller size units under the current scheme, each unit has limited frontage

and air conditioners need to be placed in the air conditioner hood above windows (**Drawing A-7**). A minimum 3.25m floor-to-floor height would be needed. As such, there needs to relax BH restriction from 75mPD to 81.5mPD.

- (f) The proposed relaxation of PR restriction from 3.0 to 3.059 is mainly for accommodating shopping facilities and a covered private transport layby to serve future residents and nearby villagers.
- (g) The proposed development will bring forth planning gain and design merits such as contribution to the housing supply, provision of building separations and additional breezeways, provision of a central landscape area and peripheral landscape buffer areas, enlarged central landscaped area with improved direct access, better segregation of vehicular traffic and pedestrian, provision of commercial/social welfare facilities and a covered private transport layby and road improvement works along Kam Hang Road.
- (h) The proposed development is sustainable in landscape, visual, environment, air ventilation and infrastructural terms.

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

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

4. Background

- 4.1 The Site is currently not a subject of any active enforcement case.
- 4.2 The Site has been mainly zoned “CDA” with a maximum PR of 0.4, SC of 20% and BH of 3 storeys since 1997. On 20.9.2019, the Committee agreed to a s.12A application No. Y/NE-KTS/12 for rezoning the “CDA” portion of the Site from “CDA” to “CDA(1)” to increase the PR from 0.4 to 3 and BH from 3 storeys to 75mPD. The amended OZP to take forward the agreed s.12A application was exhibited for public inspection under the Town Planning Ordinance. After consideration of the representations and comments, the Board decided not to amend the OZP to meet the representations. The draft OZP incorporated the “CDA(1)” zoning was approved by the CE in C and was renumbered as S/NE-KTS/18 gazetted on 14.1.2022.

5. Previous Applications

- 5.1 Since the Site was rezoned to “CDA” in 1997, it involves 3 previous s.16 applications (No. A/NE-KTS/75, 220 and 267) and 2 previous s.12A applications (No. Y/NE-KTS/6 and 12). The three s.16 applications were approved with

conditions while one of the s.12A applications (No. Y/NE-KTS/6) was rejected. Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

- 5.2 The latest s.12A Application No. Y/NE-KTS/12 for rezoning the “CDA” site to “CDA(1)” for increasing PR from 0.4 to 3 and BH from 3 storeys to 75mPD (19 storeys) to facilitate a proposed residential development (1,573 flats) was agreed by the Committee in 2019 mainly on the considerations that the planning and infrastructure development for the Kwu Tung area had further proceeded since the rejection of the previous s.12A application in 2016, in that the site formation and infrastructure works (including road improvement works) for First Phase of the Kwu Tung North New Development Area (KTN NDA) had obtained funding approval in May 2019 and the Government was actively considering the development scheme of Northern Link. The proposed residential use was compatible with the surrounding land uses; the proposed development intensity was not entirely incompatible with the developments in KTN NDA; and the proposed rezoning was considered acceptable due to changes in the planning context.

6. Similar Applications

There are three similar s.16 applications involving two “CDA” sites. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

A “CDA” site to the southwest of the Site

Application No. A/NE-KTS/364 for proposed house development (33 three-storey houses) with a PR of 0.4 and BH of 3 storey was approved with conditions by the Committee in 2015 mainly on the grounds that the development was in line with the planning intention of the “CDA” zone and adverse environmental, ecological, sewerage, drainage, landscape and visual impacts on the surrounding areas were not anticipated. Subsequently, the validity of the permission was extended to 2023. In the course of processing the land exchange in relation to the approved development, parcels of Government land of about 3,580m² was proposed to be included in the development for better utilisation of land resources and rationalisation of boundary. Hence, the same applicant submitted a s.16 application No. A/NE-KTS/484 for amending the approved scheme with the same PR and BH and corresponding increase in GFA due to larger development site area. The application was agreed by the Committee on 5.2.2021 for similar grounds.

A “CDA” site to the further southwest of the Site at Hang Tau Tai Po

Application No. A/NE-KTS/465 for the proposed house development (39 three-storey houses), and minor relaxation of PR (from 0.4 to 0.48, +20%) and SC restriction (from 20% to 22%, +10%) was approved with conditions by the Committee in 2019 mainly on

the grounds that the development was in line with the planning intention of the “CDA” zone and adverse environmental, ecological, sewerage, drainage, landscape and visual impacts on the surrounding areas were not anticipated. Nevertheless, the applicant subsequently submitted a s.12A Application No. Y/NE-KTS/13 proposing to increase the PR and BH from 0.4 to 1.23 and 1.41, and from 3 storeys to 6-8 storeys respectively. The application was approved by the Committee on 10.12.2021.

7. The Site and Its Surrounding Areas (Plan A-1 to Plan A-4)

7.1 The Site is:

- (a) fenced, generally flat and currently a construction site; and
- (b) accessible via Kam Hang Road leading to Kwu Tung Road and Fanling Highway or leading to Kam Tsing Road and Castle Peak Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the east are De La Salle Secondary School, St. Paul’s House of Prayer, domestic structures, car park and car repairing yard;
- (b) to the south-east across Kam Hang Road are an open space, residential developments, village cluster of Kam Tsing village and a piece of grassland and woodland;
- (c) to the west is a “CDA(2)” site (subject to maximum PR of 3 and BH of 75mPD) mainly occupied by plant nurseries, and to the southwest are mainly domestic structures;
- (d) to the southwest are some residential dwellings and across Kam Hang Road are plant nursery, domestic structures and open storage of construction material; and
- (e) to the north across Fanling Highway is the KTN NDA. The BH restrictions of the sites in KTN NDA in the vicinity of the Site range from 40mPD to 75mPD (**Plan A-1**).

8. Planning Intention

8.1 This zone is intended for comprehensive development of the area for 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. It is stated in the ES of the OZP that the “CDA(1)” zone is to encourage comprehensive residential development at this site

with the preservation of the existing orchard at the north-eastern part of the site and provision of social welfare facility. The orchard is with mature fruit trees of high amenity and landscape value. It is considered that the orchard should be preserved and any development at the site should not adversely affect the amenity and landscape value of the orchard.

- 8.2 To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the PR, SC and/or BH restriction(s) may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site falls within Lot No. 2579 in D.D. 92 (“the lot”) which is held under Agreement and Conditions of Exchange dated 24.10.2018 and registered in the Land Registry as New Grant No. 22675 (“the existing lease”) to implement a residential development of PR of 0.4 approved by the Committee in 2008. According to the existing lease, development on the lot is restricted to (i) private residential purposes; (ii) maximum GFA of 15,024m²; (iii) maximum number of 3 storeys; and (iv) maximum SC of 20%.
- (b) The proposed development involves domestic GFA of 112,680m² (PR of 3) and non-domestic GFA of 2,200 m² (PR of 0.059) with maximum 21 storeys and BH of 81.5mPD. There is a relaxation in development parameters such as user, PR/GFA, number of storeys, BH and SC etc. Should this planning application be approved, the lot owner should apply to LandsD for a lease modification for implementation of the proposed development scheme.
- (c) Bus/GMB layby and road improvement works are proposed outside both the lot boundary and Green Area designated under the existing lease. Noting that they are proposed outside the lot boundary and on public road being managed and maintained by Transport Department (TD) and Highways Department (HyD), such requirements will not be incorporated into the lease in due course. Notwithstanding this, as the necessity of such traffic and related provisions are outside the purview of his office, he has no particular comment on it if it is to be provided at the applicant’s initiatives and not under the lease purview.

- (d) His advisory comments are at **Appendix V**.

Traffic

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

- (a) He has no objection to the application.
- (b) Should the application be approved, the following approval condition is recommended to be incorporated:

the design and implementation of road improvement works and public transport facilities along Kam Hang Road between its junction with Kwu Tung Road and Kam Tsin Road before the occupation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

9.1.3 Comments of Project Manager/North, Civil Engineering Development Department (PM/N, CEDD):

The planned interchange at Fanling Highway near the Site is proposed to be revised from a roundabout to slip roads. The small portion of the Site which falls within "G/IC" zone and an area shown as 'Road' is basically not required for road use but the details are still subject to detailed design.

Environment

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

- (a) He has no objection to the application from environmental perspective.
- (b) Should the application be approved, the following approval conditions are recommended to be incorporated:
- the submission of a revised Noise Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Board; and
 - the submission of a revised Sewerage Impact Assessment and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

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

- (a) He has no objection to the application from highways maintenance point of view.

- (b) The applicant is reminded that the road layout and noise mitigation measures applied in the assessment should be agreed with Civil Engineering Development Department (CEDD). As the planned noise mitigation measures along Fanling Highway will not be in place in 2024, the applicant is required to demonstrate that the scheme could comply with the relevant noise level requirement to the satisfaction of Government.
- (c) His office is not prepared to maintain any Low Noise Road Surface proposal on local roads proposed by private developers. The applicant is required to consider other noise mitigation and negotiate with the affected lot owners on the provision of mitigation measures at the said lots directly. The proposed mitigation measures should be submitted to his department for approval through discharge of an approval condition.

Urban Design

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

- (a) The Site is located in the northern portion of the KTS area and low-rise low-density village settlements and residential developments are located to its east, southeast, southwest and west. An area to its immediate west is zoned “CDA(2)”. The Site is separated by the Fanling Highway from the planned KTN NDA in the north. With reference to the approved Kwu Tung North OZP No. S/KTN/2, a BH profile stepping down from the town centre towards the periphery and riverside is recommended so as to enhance variety in height and massing of new developments and to ensure a better integration with the adjacent rural setting.
- (b) As stated in the submission, the proposed minor relaxation could bring forth design merits that could not be achieved under the current BH restriction of 75mPD for providing more flats of smaller average flat size, namely, reduced massing by minimizing site coverage, better visual performance due to smaller tower footprint and better air ventilation due to having more voids at ground/lower floors as compared with the approved s.12A scheme (No. Y/NE-KTS/12) (**Drawing A-9**) and the hypothetical 75mPD scheme.
- (c) Given such design merits, a number of development concepts are proposed by the applicant, including three 15m-wide building separations and permeable ground/lower floors to allow visual and air permeability, building setback from the northern site boundary and 3m-wide landscape buffer along the site boundary to create visual relief.
- (d) Judging from the photomontages (**Drawings A-13 to A-17**), the proposed development would reduce the visual openness to a

certain extent and result in slightly adverse visual impacts when viewed from VP2 (**Drawing A-13**), VP3 (**Drawing A-14**) and VP6 (**Drawing A-17**) as rated by the applicant. Nevertheless, taking account of its close proximity to the KTN NDA and the site zoned "CDA(2)" subject to a maximum PR of 3 and BH of 75mPD to its immediate west, the proposed development with PR relaxed from 3 to 3.059 (+0.059) and BH relaxed from 75mPD to 81.5mPD (+6.5m) would unlikely induce significant adverse visual impact on the surrounding areas.

Landscape

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

- (a) According to the aerial photo of 2021, the Site is situated in an area of rural fringe landscape character comprising of village houses, temporary structures, open storage, vacant land, scatter tree groups and planned CDA sites. There is no significant change for the landscape character since the last s.12A approved application No. Y/NE-KTS/12. The proposed development is not incompatible with the surrounding landscape character.
- (b) When compared with LMP and TPP of the s.12A application, the TPP generally follows the approved scheme. The proposed 6,991m² local open space would be provided for the estimated population (i.e. 6,991 residents). Besides, the current landscape proposal also generally incorporates the landscape considerations and provisions committed in the approved scheme, e.g. preservation of existing valuable tree clusters, central open space, landscape garden, private garden, children playground, sitting area, outdoor swimming pool and sitting courtyard etc.
- (c) In view that significant adverse landscape impact caused by the proposed development is not anticipated and adequate landscape provisions are proposed to mitigate the landscape impact and improve the landscape quality of the development, she has no objection to the application from landscape planning perspective.
- (d) Should the application be approved, the following approval condition is recommended to be incorporated:

the submission and implementation of a LMP to the satisfaction of the Director of Planning or of the Town Planning Board.

Air Ventilation

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

With the proposed mitigation measures, significant adverse air ventilation impact on the overall pedestrian wind environment is not anticipated.

Drainage

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

- (a) He has no objection to the application.
- (b) Should the application be approved, the following approval conditions are recommended to be incorporated:
 - the submission of a revised Drainage Impact Assessment and the implementation of the drainage proposal and drainage connection works identified therein to the satisfaction of the Drainage Services Department or of the Town Planning Board; and
 - the design and provision of the sewerage connections from the proposed development to the public sewerage system to be satisfaction of the Director of Drainage Services or of the Town Planning Board.

Water Supply

9.1.10 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) A detailed Water Supply Impact Assessment (WSIA) should be conducted by the applicant and submitted at the discharge of approval condition stage for his department's agreement prior to population intake of the proposed development.
- (c) Should the application be approved, the following approval condition is recommended to be incorporated:

the submission of a revised Water Supply Impact Assessment and implementation of the water supply improvement measures identified therein to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

Fire Safety

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

He has no objection to the application. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. His advisory comments are in **Appendix V**.

Social Welfare

9.1.12 Comments of the Director of Social Welfare (DSW):

- (a) He has no objection to the application.
- (b) Should the application be approved, the following approval condition is recommended to be incorporated:

the provision of a one team of home care services for frail elderly persons (2-team size kitchen-based) and a 40-place day care centre for the elderly to the satisfaction of Director of Social Welfare or of the Town Planning Board.

District Officer's Comment

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

He has consulted the locals regarding the application. The Chairman of Sheung Shui District Rural Committee, one Indigenous Inhabitant Representatives (IIR) of Kam Tsun Tsuen and the Chairman of Fung Shui Area Committee had no comment. The incumbent North District Councilor of subject Constituency and one Resident Representative (RR) of Kam Tsun object to the application mainly on the following grounds:

- (i) The proposed development would cause adverse environmental, traffic, drainage, sewerage, noise, visual and fungshui impact.
- (ii) Given the inadequacy of existing transportation facilities, the approval of the application would further deteriorate the traffic congestion.
- (iii) The construction of the proposed development will adversely affect the structure of the surrounding village houses.

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

- (a) Chief Building Surveyor/New Territories West, Buildings Department
- (b) Chief Architect/CMD2, Architectural Services Department (CA/CMD2, ArchSD)
- (c) Commissioner of Police
- (d) Director of Electrical and Mechanical Services (DEMS)
- (e) Director of Agriculture, Fisheries and Conservation (DAFC)

10. Public Comments Received During Statutory Publication Period

10.1 The application and FIs were published for public inspection. During statutory publication periods, a total of 115 comments were received, including 102

supporting comments all from individuals, 6 objecting comments from 3 individuals (3 of them submitted by the same person), 1 comment from the Hong Kong and China Gas Company Limited providing views on the proposal, 3 from the same individual offering no comment and 3 individuals not providing any comments.

- 10.2 The major grounds of the 102 supporting comments are summarized as follows (sample at **Appendices IV-1 to IV-5**):
- (a) The proposed development can increase the housing supply, which is in line with the government initiative and planning intention of the Site.
 - (b) The proposed development is in close proximity to the Fanling Highway and the planned Northern Link. A covered transport layby is also provided.
 - (c) Restaurants, retail, recreational and institutional facilities are provided within the proposed development to meet the demand of future residents.
 - (d) The living environment would be enhanced as temporary structures and industrial activities could be faded out by the proposed development.
 - (e) Job opportunities are provided in the proposed development.
- 10.3 Six objecting comments (**Appendices IV-6 to IV-11**) mainly concern on the proposed development intensity and scale which would cause adverse impact on local traffic. The decrease in flat size would pose impact on public health and mental well-being. Under the proposed scheme, the orchard has been disappeared.
- 10.4 The Hong Kong and China Gas Company Limited (**Appendix IV-12**) advises the applicant to consult and closely coordinate with his company at design and construction stages respectively and provide protective measures to nearby high pressure town gas pipeline.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed comprehensive residential development with commercial, and social welfare facilities required by SWD (a HCS for frail elderly persons (2-team size kitchen-based) and a 40-p DE) and a minor relaxation of PR and BH restrictions (from PR of 3 to PR of 3.059, and from BH of 75mPD to BH of 81.5mPD) at the Site. The Site falls mainly within “CDA(1)” zone (99.7%), which is intended for comprehensive development for residential uses with the provision of open space and other supporting facilities, as well as social welfare facilities required by the Government. The proposed use is generally in line with the planning intention of the “CDA(1)” zone.

Minor Relaxation of PR Restriction

- 11.2 The Site is located at the northern part of KTS area with KTN NDA across

Fanling Highway to the north. The two “CDA” sites in this part, including the Site, were rezoned for higher development intensity with PR of 3 and BH of 75mPD on 5.3.2022 for residential developments to take forward approved s.12A application. The “CDA” zone to the immediate west of the Site has also been rezoned with PR of 3 and BH of 75mPD. To the south of the “CDA” are predominantly low-rise and low-density residential developments, village houses, G/IC facilities, plant nursery, car park and fallow agricultural land (**Plan A-2**). The proposed relaxation of PR by +0.059 (+1.97%) (from PR of 3 to 3.059) is for provision of commercial facilities and a covered private transport layby to serve future residents and villagers nearby. The proposed increase in PR is minor and acceptable in term of technical aspects as elaborated below.

Planning and Design Merits for Minor Relaxation of BH Restriction

- 11.3 The planned stepped BH profile is generally descending from the KTN NDA town centre (over 100mPD) towards the rural setting in the KTS area. The height profile could still be maintained after the proposed minor relaxation in BH. CTP/UD&L, PlanD considers that the proposed relaxation of BH by 6.5m is minor in nature and the potential visual impact of the proposed development at a BH of 81.5mPD is considered not substantial in the wider context.
- 11.4 According to the submission, the applicant states that more residential units would be provided after reduction in average flat size. Without increasing the block massing, the frontage of each unit would be limited. As a result, a minimum floor-to-floor height of 3.25m is required for domestic floors in order to accommodate the air-conditioner hood above the windows.
- 11.5 As compared with the hypothetical scheme of 75mPD under the approved s.12A (No. Y/NE-KTS/12) (**Drawing A-10**), the proposed development would maintain the design merits, including provision of 3m-wide landscape buffer along the site boundary, building setbacks from Fanling Highway and Kam Hang Road, and three 15m-wide building separations. The proposed minor relaxation of BH could bring forth additional design merits (i.e. reduced massing by minimizing site coverage (from about 33.33% of the hypothetical scheme to 29.3% of the current scheme), better visual performance with smaller tower footprint and wider building gaps, better air ventilation allowing more voids at ground/lower floors and larger central landscape garden). Such design merits could not be achieved under the current BH restriction of 75mPD for providing more flats of smaller average flat size. All the aforementioned design merits could enhance visual/air permeability and create visual relief. CA/CMD2, ArchSD has no comment on the proposed relaxation.

Landscape and Tree Preservation

- 11.6 According to the LMP (**Drawing A-7**) and TPP, 41 out of 212 trees within the Site will be retained and 639 new trees are proposed to be planted. As stated in the ES of the OZP, the existing orchard at the north-eastern part of the Site should be preserved and any development at the site should not adversely

affect the amenity and landscape value of the orchard. Under the proposed scheme, some mature fruit trees at the north-western part of the Site and several trees at eastern/western corners and in the middle of the Site would be preserved. A communal private open space, landscape gardens, trees/shrubs/groundcover and lawn planting along internal roads and site peripheries and a green roof system are proposed (**Drawings A-7 and A-8**). CTP/UD&L, PlanD considers that the current landscape proposal also generally incorporates the landscape considerations and provisions committed in the s.12A approved application No. Y/NE-KTS/12, e.g. preservation of existing valuable tree clusters, central open space and landscape garden, etc. In view that significant adverse landscape impact caused by the development is not anticipated and adequate landscape provisions are proposed to mitigate the landscape impact and improve the landscape quality of the development, she has no objection to the application from landscape planning perspective.

Social Welfare Facilities

- 11.7 In response to SWD's suggestion, a HCS for frail elderly persons (2-team size kitchen-based) and a 40-p DE will be provided in the proposed development, which can meet the community need.

Air Ventilation, Traffic, Environment and Other Technical Aspects

- 11.8 To support the application, the applicant has submitted technical assessments, including AVA, TIA, EA, SIA, DIA, WSIA and QRA to demonstrate that the proposed PR and BH relaxation will not create adverse air ventilation, traffic and environmental impacts as well as infrastructure provision to the surrounding area with the proposed mitigation measures. For air ventilation, with incorporation of three 15m wide building separation and various design measures (**Drawings A-10 to A-12, and A-19**), CTP/UD&L considers that significant adverse air ventilation impact on the overall pedestrian wind environment is not anticipated. C for T, DEP, CE/MN, DSD, CE/C, WSD, DAFC, DEMS and D of FS have no objection to/no comment on the proposed scheme. Their suggested approval conditions, where necessary, are in paragraph 12.2 below.

Previous Applications

- 11.9 The Site involves several s.16 applications and s.12A applications as stated in paragraph 5. The latest s.12A application No. Y/NE-KTS/12 for comprehensive residential development with relaxation of PR (from 0.4 to 3) and BH (from 3 storeys to 75mPD) as detailed in paragraph 5 is relevant to the subject application. There are 3 similar s.16 applications involving two "CDA" sites approved in 2015, 2019 and 2021 as stated in paragraph 6.

Public Comments

- 11.10 Six out of the 115 public comments object to the application as stated in paragraph 10 above. Relevant Government departments' comments and planning considerations set out above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 26.8.2026, 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 approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of a revised Master Layout Plan to incorporate the approval conditions as stated in paragraphs (b) to (i) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the design and implementation of road improvement works and public transport facilities along Kam Hang Road between its junction with Kwu Tung Road and Kam Tsin Road identified in Traffic Impact Assessment before the occupation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the provision of a one team of home care services for frail elderly persons (2-team size kitchen-based) and a 40-place day care centre for the elderly to the satisfaction of Director of Social Welfare or of the Town Planning Board;
- (e) the submission of a revised Noise Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) the submission of a revised Sewerage Impact Assessment and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (g) the submission of a revised Drainage Impact Assessment and the implementation of the drainage proposal and drainage connection works

identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (h) the design and provision of the sewerage connections from the proposed development to the public sewerage system to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (i) the submission of a revised Water Supply Impact Assessment and implementation of the water supply improvement measures identified therein to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

Advisory clauses

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

- 12.3 Alternatively, should the Committee decide not to agree the subject application, the following reason is suggested for Members' reference:

There is no strong justification in the submission to justify the proposed relaxation for the "CDA(1)".

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 30.12.2021
Appendix Ia	FI dated 17.8.2022
Appendix Ib	FI dated 19.8.2022
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV-1 to IV-12	Public comments
Appendix V	Advisory clauses

Drawings A-1 to A-21	MLP, LMP, floor/section/open space/setback/ mitigation measures plans, visual renderings and photomontages
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
AUGUST 2022**