

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TSW/75

<u>Applicant</u>	: Architectural Services Department (ArchSD) represented by Kenneth To and Associates Limited
<u>Site</u>	: Government land at Tin Fuk Road adjoining Tin Shui Wai MTR Station, Tin Shui Wai, New Territories
<u>Site Area</u>	: About 9,033m ²
<u>Land Status</u>	: Government Land
<u>Plan</u>	: Draft Tin Shui Wai (TSW) Outline Zoning Plan (OZP) No. S/TSW/15 currently in force Approved TSW OZP No. S/TSW/14 at the time of submission
<u>Zoning</u>	: Area shown as 'Road' ¹ [No change to the zoning under the current OZP]
<u>Application</u>	: Proposed Public Market

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed public market. The Site falls within an area shown as 'Road' on the draft TSW OZP No. S/TSW/15 (**Plan A-1**). According to the covering Notes of the OZP, the proposed public market requires planning permission from the Town Planning Board (the Board) within the area shown as 'Road'.
- 1.2 The Site is currently occupied by a section of Tin Fuk Road eastbound and westbound carriageways and its central divider as well as other road facilities including footpath, lay-by and pick-up/drop-off area, planter area, cycle track, cycle parking spaces and the ramp of an existing footbridge. The Site adjoins the TSW West Rail Station and TSW Light Rail Stop at its immediate southeast (**Plan A-2**).

¹ About 9m² (0.1%) falls within the area shown as 'Road' on the draft Ping Shan (PS) OZP No. S/YL-PS/19, which could be subject to minor boundary adjustment.

- 1.3 The proposed public market is designed to be a structure with 4-storey high including 2 levels of market floors (1/F and 2/F) decking over the existing carriageways of Tin Fuk Road and 2 levels of supporting facilities at the road sides (i.e. loading/unloading, ancillary and utility facilities on G/F and M/F). It covers a total site area of about 9,033m² with a building footprint of about 8,039m² in a span of about 240m long and about 36m – 72m wide (**Drawing A-1**). There will be a total of 151 market stalls (including 140 market stalls and 10 cooked food stalls on 1/F and 2/F and 1 hydroponic farming market stall on the roof floor). Terrace gardens are located on 1/F and 2/F at the southern and western ends (**Drawings A-9 and A-10**). As shown on **Drawing A-15**, the proposed public market will be well connected with the nearby residential developments on the northwestern and southeastern sides by lifts and/or escalators at the street level. The 1/F will be connected to the concourse of the TSW West Rail Station on the same level via the existing footbridge at the southwestern corner. As shown on **Drawing A-6**, a headroom of about 10m over Tin Fuk Road is proposed for the traffic flow and the central divider at the road will be widened for constructing columns to support the double-deck market structure. The existing carriageways at Tin Fuk Road in both directions will be maintained as not less than 7.3m wide. The design capacity of Tin Fuk Road will not be affected. Tin Fuk Road is currently at a level of about 7.4mPD and the building height (BH) of the proposed public market structure will be at about 28.3mPD (roof level). Besides, the affected footpath, lay-by and pick-up/drop-off area, planter area, cycle track and cycle parking spaces will be maintained or reprovisioned (**Drawings A-16 and A-17**). The ramp of the existing footbridge at the southwestern boundary of the Site will be demolished yet a new lift will be provided instead.
- 1.4 The major development parameters of the proposed development are summarised as follows:

Development Parameters		Proposed Scheme
Total Site Area		About 9,033m ²
Area of Building Footprint/Site Coverage		About 8,039m ² /89%
Total GFA		About 16,400m ²
Total Plot Ratio		About 2.04
No. of Blocks		1
No. of Storeys		4 (including 2 levels of market floors on top of G/F & M/F)
Building Height		
- Roof Floor Level (Accessible)		+28.3mPD
- Upper Roof Floor Level (Inaccessible)		+33.3mPD
No. of Stalls		151
Public Open Space		4,550m ²
Loading/Unloading Bays		
- Heavy Goods Vehicle		6
- Refuse Collection Vehicle		1
Floor Use		
G/F	General L/UL area, escalators, lift lobby, staircase, refuse room, Back-of-house (“BOH”) ^[1] etc.	
M/F	BOH	

Proposed New Public Market Structure	1/F	Market stalls, cooked food stalls, two terrace gardens on the eastern and western ends, escalators, lift lobby, staircases, BOH, etc.
	2/F	Market stalls, two terrace gardens on the eastern and western ends, escalators, lift lobby, staircases, BOH, etc.
	R/F	Roof garden, landscape area, sitting out areas, planter, a hydroponic farming market stall, escalators, lift lobby, staircases, BOH, etc.
Anticipated Commencement Date		Around 2023
Anticipated Completion Date		Around 2027

Note:

[1] Back-of-house (BOH) supporting facilities include E&M, store and toilet, etc.

- 1.5 The operation hours of the proposed market stalls, the roof garden and the terrace gardens will be from 6 a.m. to 8 p.m. daily, while the operation hours of the proposed cooked food stalls will be from 6 a.m. to 2 a.m. the next day. The proposed public market will be managed by Food and Environmental Hygiene Department (FEHD) by means of service contract.
- 1.6 With a view to enhancing the proposed scheme, the applicant proposed to incorporate the following design measures into the proposed public market:
- (i) The noisy and busy part of the market activities will be concentrated in the middle portion. The two levels of market floor will be fully enclosed and equipped with air-conditioning to minimize nuisance to the nearby residents.
 - (ii) A permeable decking design will be provided on ground floor along with cascading storey design of the proposed structure to facilitate wind penetration and natural style façade will also be adopted.
 - (iii) Greenery will be provided at the terrace gardens and roof garden as an aesthetically pleasing landscape design for social gathering.
 - (iv) Interesting and permeable profile will be provided for the roof cover for better visual permeability.
 - (v) Some transparent materials will be adopted as appropriate at the detailed design to achieve a pleasing composition.
- 1.7 The site location plan, floor plans, section plans, landscape layout plans, photomontages, access plan and location plan of affected road facilities submitted by the applicant to support the application are shown in **Drawings A-1 to A-18** respectively. Besides, the applicant also submitted various technical assessment reports including Landscape Proposal, Tree Preservation and Removal Proposal, Visual Impact Assessment (VIA), Traffic Impact Assessment (TIA) and Preliminary Environmental Review (PER) to demonstrate the technical feasibility of the proposed development.
- 1.8 In support of the application, the applicant has submitted the following documents:
- (a) Application form and Supplementary Planning Statement received on 3.3.2021 **(Appendices I & Ia)**

- (b) Further Information (FI) received on 3.5.2021 enclosing (**Appendix Ib**) responses to departmental and public comments; updated Conceptual Landscape Proposal & Tree Preservation and Removal Proposal, updated VIA, replacement pages of PER, SIA and TIA
- (c) FI received on 25.5.2021 enclosing responses to (**Appendix Ic**) departmental comments, replacement pages of Conceptual Landscape Proposal, PER and SIA, Existing Public Transport Services and Pedestrian Linkage Plan, Existing and Proposed Public Transport Facilities and Public Access Plan

((b) and (c) exempted from publication requirements)

- 1.9 On 30.4.2021, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer decision on the application for 1 month, as requested by the applicant, to allow sufficient time for the preparation of FI(s) to address comments from various Government departments. The applicant submitted FIs as mentioned in paragraph 1.8 above. 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 the supplementary planning statement at **Appendix Ia**. They can be summarized as follows:

- (a) The proposed public market offers wider choices of fresh provisions to the local community in TSW, which is generally supported by the local communities and members of the Yuen Long District Council (YLDC).
- (b) The Site is the most suitable location for developing the new public market to meet the local community needs due to its sizable site area, good accessibility, high coverage of residential developments within the 200m catchment area and the zoning context.
- (c) The proposed public market would benefit the local communities by not just offering a place of public market, but also for public enjoyment with respect to compatibility with the surrounding context and its innovative design to maintain connectivity with the TSW West Rail Station, nearby residential developments and street-level air ventilation, as well as minimize nuisance to the nearby residents and Tin Fuk Road.
- (d) The proposed public market is in line with Government's policy initiative in multi-dimensional use of land to unleash potential of prime and accessible locations in existing built-up areas and unlock additional space to accommodate the community needs.

- (e) With the provision of 25 compensatory trees and 4,550m² public open space at different floors to soften the bulky structure, the proposed public market is considered acceptable from landscape point of view. With the recommended mitigation measures such as adopting natural style façade, greenery at the terrace gardens and the roof garden, and roof cover with interesting and permeable profile, the slight adverse visual impact is considered acceptable.
- (f) The form, deposition and orientation of the proposed public market are designed to be compatible with the adjacent developments, aligned in parallel to the annual prevailing wind direction and allow the annual and summer prevailing winds to penetrate. So there is no adverse air ventilation impact.
- (g) Various technical assessments conducted have demonstrated that the proposed public market with appropriate mitigation measures would not result in any adverse traffic, environmental, air quality, noise, water, waste, sewerage and land contamination impacts onto the surrounding environment.

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

As the Site only involves Government land, the ‘owner’s consent/notification’ requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable to the application.

4. Background

- 4.1 In order to offer wider choices of fresh produce to the local community in TSW New Town, the Chief Executive (CE) pledged in the 2017 Policy Address the proposal to build a new public market in TSW New Town and new approaches to the design, construction and operation of the new market will be explored. The Site Selection Feasibility Study was conducted in March 2018, in which the Site had been identified as the most suitable site for developing the proposed new public market taking into account the site area, accessibility, catchment area and zoning. The CE announced in the 2018 Policy Address that the Government planned to build a new public market at the Site.
- 4.2 The YLDC was consulted on the 2 design options (i.e. deck-over scheme and station market scheme) of the proposed public market on 30.10.2018. Food and Health Bureau (FHB), FEHD and ArchSD presented the preliminary design schemes with about 80 market stalls at the Site. Majority of the YLDC members indicated support for the deck-over scheme and asked for an increase in the number of stalls. The Government decided to take forward the deck-over scheme taking into account the views expressed by YLDC members.
- 4.3 A Technical Suitability Study was then conducted by ArchSD to further propose two options for the deck-over scheme i.e. the single-deck market option and the double-deck market option. After deliberation with various relevant departments, it was agreed that the double-deck market option was considered more viable with higher efficiency in operation and better design to accommodate the required

facilities while the engineering difficulties of a double-deck structure over a public road could be duly addressed.

- 4.4 At the YLDC meeting on 6.3.2020, FHB, FEHD and ArchSD presented a double-deck market scheme accommodating about 150 stalls (including 10 cooked food stalls). Majority of the YLDC members indicated support for the double-deck market structure over Tin Fuk Road and urged for the early implementation of the project.

5. Previous Application

The Site is not a subject of any previous application.

6. Similar Application

There is no similar application for market use within the area shown as ‘Road’ on the OZPs.

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

- 7.1 The Site is currently occupied by a section of Tin Fuk Road eastbound and westbound carriageways and its central divider as well as other road facilities including footpath, lay-by and pick-up/drop-off area, planter area, cycle track, cycle parking spaces and the ramp of an existing footbridge.

- 7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to its northwest are high-rise residential developments (Tin Yiu Estate and Tin Yau Court) in the “Residential (Group A)” zone of TSW OZP;
- (b) to its east across Tsui Sing Road on the PS OZP are TSW Light Rail Substation in the “Government, Institution or Community” zone, a declared monument (i.e. Tat Tak Communal Hall) in the “Other Specified Uses” annotated “Historical Building Preserved for Cultural and Community Uses” (“OU(HBPCCU)”) zone, temporary eating places and shop and services with valid planning permissions (Applications No. A/YL-PS/576 and 610) in the “V” zone, car park and open storage site which are suspected unauthorized developments (UD), grassland and vacant land; and
- (c) to its immediate south are the West Rail viaduct, the elevated TSW West Rail Station and the at-grade TSW Light Rail Stop in the areas shown as ‘Road’ on TSW and PS OZP. To its further south across Tsui Sing Road on the PS OZP are a declared monument (i.e. Tsui Sing Lau Pagoda) in the “OU(HBPCCU)”) zone, temporary public vehicle parks for private cars and light goods vehicles with valid planning permissions (Applications No. A/YL-PS/562, 594 and 625) in “V” and “OU” annotated “Heritage and Cultural Tourism Related Uses” zones.

8. Planning Intention

The Site falls within the area shown as 'Road' on the draft TSW OZP No. S/TSW/15 and forms part of the land area for road use.

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/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site falls on Government land. The proposed scheme would affect Tin Fuk Road and its footway and some existing Government facilities including a ramp leading to an elevated walkway, planters and cycle tracks which require comments from relevant Government departments, including Transport Department (TD), Highways Department (HyD) and Leisure and Cultural Services Department (LCSD) under their respective purview.
- (b) The Site falls within the West Rail Protection Boundary, the comments of MTRCL should be sought as appropriate.
- (c) If the planning permission is given to the proposed development, the project proponent will need to apply to LandsD for a government land allocation. FEHD has submitted an application for permanent government land allocation (PGLA) in 2020 to implement the proposed scheme. The PGLA application is being processed by LandsD. In the event any such application is approved, it would be subject to such terms and conditions as imposed.

Traffic

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

He has no adverse comment on the application from traffic engineering point of view.

Urban Design and Landscape Aspects

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

Urban Design

- (a) According to the submitted information, the proposed public market involves a new 2-level (at 28.3mPD) market floors above G/F and M/F for loading/unloading, ancillary facilities and utility supplies to provide 151 market stalls. Outdoor terrace gardens are provided on

the market floors whilst an enclosed area for local hydroponic/aquaponics farms, area of landscape garden, landscape area and sitting out areas with covered walkway and shelter provision are incorporated on the roof. Visitors can access to the proposed public market via Tin Fuk Road and TSW West Rail Station.

- (b) The applicant has proposed some design measures for enhancement of the proposed scheme according to the supplementary planning statement. Provision of a permeable decking design on ground floor along with cascading storey design of the proposed structure would facilitate wind penetration and use of natural style façade. Terrace gardens and landscape area on the market and roof floors as an aesthetically pleasing landscape design are also proposed for social gathering. In addition, a wide opening of the open roof is proposed to provide shading and rain cover for better visual permeability. Some transparent materials will be adopted as appropriate at the detailed design to achieve a pleasing composition.
- (c) Having examined the submitted VIA and the above design measures proposed by the applicant, the applicant has made his greatest efforts to minimise the possible visual impacts and also achieve a better air permeability of the proposed public market.
- (d) Having reviewed the further information submitted by the applicant, he has no comment on the application.

Landscape

- (e) With reference to the aerial photo of 2019, the Site is situated in an area mainly identified as miscellaneous urban fringe landscapes and residential urban landscapes. The Site covers the existing road, with TSW West Rail Station to the south, residential buildings to the west and village houses with open car parks to the east. There are around 64 trees within the Site. In view that there is a TSW West Rail Station of similar scale and height adjacent to the Site, the proposed development is considered not incompatible with the surrounding area.
- (f) According to the updated Conceptual Landscape Proposal and Tree Preservation and Removal Proposal, 53 trees would be affected by the proposed development, out of which 28 trees are proposed to be transplanted and 25 trees are proposed to be felled. At-grade tree planting, terrace gardens on 1/F & 2/F and green roof with bamboo, shrubs and groundcover are proposed to enhance the landscape quality of the environment. Significant landscape impact arising from the proposed development is not anticipated. Hence, she has no objection to the application from landscape planning perspective.
- (g) The applicant is reminded that approval of the application does not imply approval of tree works such as pruning, transplanting and felling on government land. It is noted that 25 compensatory trees, which will be managed by FEHD and LCSD are proposed outside

the application boundary. The applicant should seek comments and approval from the relevant authorities on the proposed tree works and new tree planting/compensatory proposal, where appropriate.

- (h) In view that the design and implementation of landscape works of the proposed development will be under the supervision and monitoring of ArchSD's in-house expertise, it is considered not necessary to impose a landscape condition should the application be approved by the Board.

Air Ventilation

- (i) Brief discussions have been provided in Section 4.7 and 5.8 of the supplementary Planning Statement in support of the planning application. According to the joint Housing, Planning and Lands Bureau and Environment, Transport and Works Bureau Technical Circular No. 1/06 on Air Ventilation Assessment (AVA), the proposed development does not fall within the criteria requiring AVA. Notwithstanding, it is noted that various design features such as permeable decking design on ground level are proposed for better air ventilation and it is not anticipated that the proposed development would generate significant adverse impact on the surrounding areas.

Drainage & Sewerage

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

- (a) He has no objection in principle to the application from drainage and sewerage point of view.
- (b) The sewerage impact assessment needs to meet the full satisfaction of Sewerage Infrastructure Group of Environmental Protection Department, the planning authority of the sewerage infrastructure.

Building Matters

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

He has no objection in principle to the planning application provided that the proposed new public market over a section of Tin Fuk Road, TSW should not affect the design parameters of the adjoining existing buildings falling under control of the Buildings Ordinance, such as site classification, prescribed window, building setback, etc.

Fire Safety

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

- (a) He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) The EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations 41D which is administered by the BD.
- (d) Should the Board consider to approve the application, the following approval condition should be incorporated:

the water supplies for firefighting and fire service installations being provided to the satisfaction of FSD.

Others

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

He has no objection in principle to the application. His comments on the application are detailed at **Appendix II**.

District Officer's Comments

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

His office has not received any comment from the locals on the application.

9.2 The following Government departments have no comments on/no objection to the application:

- (a) Antiquities and Monuments Office, Development Bureau (AMO, DEVB);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD);
- (d) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (e) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD);
- (f) Director of Environmental Protection (DEP);
- (g) Director of Electrical and Mechanical Services (DEMS);
- (h) Director of Food and Environmental Hygiene (DFEH);
- (i) Chief Highway Engineer/New Territories West, HyD (CHE/NTW, HyD);
- (j) Director of Leisure and Cultural Services (DLCS); and
- (k) Commissioner of Police (C of P).

10. **Public Comments Received During Statutory Publication Period**

- 10.1 On 12.3.2021, the application was published for public inspection. During the statutory public inspection period, a total of 183 public comments were received. Amongst the public comments received, 59 of them (including a District Council member and individuals) support the application, 23 (including members of the public coordinated by a District Council member and individuals) raise objection to the application and 101 (including members of the public coordinated by Public Market Alliance and individuals) raise concerns on/suggestions to the application. Samples of the comments, in which some are with standard forms/letters, are attached (**Appendices II-1 to II-66**). All the public comments received are deposited at the Secretariat for Members' inspection at the meeting.
- 10.2 For the 59 supporting comments (samples at **Appendices II-1 to II-19**), 46 are with standard form (**Appendices II-4 to II-18**) and one is a letter from a District Council member with 1579 citizens' signatures (**Appendix II-19**). Major reasons of supporting the application are as follows:
- (a) The proposed public market which is next to the TSW West Rail Station and TSW Light Rail Stop is convenient to the public, especially for the residents and elderly in west TSW.
 - (b) The proposed air-conditioned public market with terrace gardens can provide more and cheaper choices for homebuyers in a clean and comfortable environment.
 - (c) The local economy will be revitalized by building a new public market.
 - (d) The Government should expedite the development of the proposed public market.
- 10.3 For the 23 objections (samples at **Appendices II-20 to II-41**), 3 are with standard form (**Appendices II-37 to II-39**). For the 101 public comments raising concerns on/suggestions to the application (samples at **Appendices II-42 to II-66**), 84 are with standard letter (**Appendices II-55 to II-66**). Major reasons of objection to/raising concerns on the application are as follows:

Traffic

- (a) The proposed public market would create additional traffic flow to west TSW and Hang Tau Tsuen and likely to overload the existing transport network and affect the pedestrian safety.
- (b) Tin Fuk Road is the major road between TSW and the urban area. As there may be possible traffic, loading/unloading and illegal parking problems arising from the proposed public market, the smooth operation of Tin Fuk Road especially during peak hours should be ensured. The traffic impact arising from the proposed public market should be minimized.
- (c) The access to the proposed public market should be widened due to the

foreseeable crowded situation.

Environmental & Hygiene

- (d) The proposed public market would create environmental (air, noise and light pollution), hygiene, rodent infestation, air ventilation and landscape problems as well as wall effect, which should be minimized and addressed. Noise barrier/noise reduction material and restricted time zone should be used in loading/unloading area.
- (e) The possible visual impact in lower floors should be addressed and residents' privacy should be respected.
- (f) To avoid the possible hygiene, rodent infestation and drainage problems, more guidelines should be provided for the market operator/management to follow. Waste/food waste should be sorted, handled and recycled properly.

Market Location, Facilities and Management

- (g) Public consultation should be conducted for the proposed public market.
- (h) There are some existing markets near the Site i.e. Tin Shing Court and Ping Yan Court. So the Government should not waste huge resources to provide another market at the Site. Instead, other better locations should be considered for the public market, like north TSW (Tin Sau Bazaar), east TSW (Tin Tsz Estate/the temporary bus depot in TSW Area 14) or the nearby bicycle park.
- (i) There are many markets in TSW. The Site should be developed for a commercial centre to provide more shops and services and employment opportunities for the local residents.
- (j) The number of market stalls/cooked food stalls/dry food stalls should be increased with more variety. The proposed public market should be managed by FEHD.
- (k) There is no public market in TSW. All markets are monopolized by the Link and the food is expensive. The proposed market should not be taken up by chain store to avoid monopoly. Electronic payment should be encouraged in the proposed public market.
- (l) The market facilities should be properly designed for people from all walks of life especially the elderly, babysitter and handicapped (with handrail, sitting area, lavatory, non-slip floor tile, barrier-free facilities, etc).
- (m) The proposed public market should be implemented as soon as possible.
- (n) At-grade market is preferred to save the construction cost and provide convenience to the public.

11. Planning Considerations and Assessments

Planning Intention of the OZP

- 11.1 The application is for proposed public market at the Site. The Site falls within the area shown as 'Road' on the OZP which is intended for road use. Although the proposed public market falls within an area shown as 'Road', it is designed to be a structure decking over Tin Fuk Road without undermining the road function of Tin Fuk Road. The width of the central divider of Tin Fuk Road will be slightly increased for constructing columns to support the deck-over structure while the existing carriageways in both directions will be maintained as not less than 7.3m wide. The design capacity of Tin Fuk Road will not be affected and the traffic flow will be maintained. Besides, the affected footpath, lay-by and pick-up/drop-off area, planter area, cycle track and cycle parking spaces will be maintained or reprovioned. The ramp of the existing footbridge at the southwestern corner of the Site will be demolished yet a new lift will be provided instead. In this regard, C for T and CHE/NTW, HyD have no in-principle objection to/no comment on the application from traffic engineering and highway maintenance perspectives.

Land Use Compatibility

- 11.2 As shown on **Plans A-1 to A-3**, the Site is located at the fringe of TSW New Town. To the immediate south/southwest is the elevated TSW West Rail Station. To the further south/southwest is the rural setting of Ping Shan area mainly comprises 3-storey village houses of Sheung Cheung Wai. To the north/northeast is TSW New Town mainly comprising the high-rise public housing developments of Tin Yiu Estate, Tin Yau Court, Tin Tsz Estate and Tin Lai Court intermixed with some GIC facilities e.g. community centre and schools. The proposed public market use is compatible with the surrounding area which is residential in character intermixed with GIC uses and public transport facilities.

Development Intensity, Building Height, Building Mass and Visual Aspect

- 11.3 The proposed public market is designed to be a double-deck structure over a section of Tin Fuk Road (including 2 levels of supporting facilities at the road sides) with a PR of about 2.04 and a BH of about 28.3mPD. The West Rail viaduct and elevated TSW West Rail Station are at the levels from 17mPD to 30mPD, which is at a similar level of the proposed market structure at 28.3mPD. Besides, the Site is located in close proximity to the TSW New Town predominantly comprising high-rise public housing developments of PRs of about 5/6 intermixed with GIC facilities and the proposed PR of about 2.04 is compatible with the development intensity of the surrounding developments. Although the market structure covers a building footprint of about 8,039 m² with a span of about 240m long and about 36m - 72m wide, design measures such as cascading storey design, outdoor terrace gardens at both eastern and western ends, roof garden and adoption of building materials with natural colour, will help soften the building mass of the proposed structure.

- 11.4 The applicant has conducted Visual Appraisal for the proposed public market. As illustrated in the photomontages (**Drawings A-12 to A-14**), the proposed market structure, with incorporation of sensitive design measures as mentioned in paragraph 1.6 above, would not cause significant visual impact to the surrounding areas. CTP/UD&L, PlanD has no adverse comment on the application from the visual and urban design perspectives.

Other Technical Aspects

- 11.5 The applicant has also submitted reports on TIA, PER (including air quality, noise, water quality and sewerage aspects), Landscape Proposal as well as Tree Preservation and Removal Proposal. Concerned Government departments, including C for T, DEP, CE/MN, DSD and CTP/UD&L, PlanD, have been consulted and they have no adverse comment on the application and it is anticipated that the proposed public market would not cause any insurmountable problems on the traffic, environmental, sewerage, drainage and landscape aspects.
- 11.6 On the traffic aspect, as mentioned in paragraph 11.1 above, the road function of Tin Fuk Road will not be undermined and the affected road facilities will be maintained or reprovisioned as appropriate. During the market construction period, temporary traffic arrangement (TTA) will be implemented at Tin Fuk Road. TD and Hong Kong Police Force (HKPF) will examine the TTA with a view to minimizing traffic impact to Tin Fuk Road and the adjacent road network. Besides, the proposed public market will provide 6 loading/unloading bays for heavy goods vehicle and 1 loading/unloading bay for refuse collection vehicle. Since the proposed public market is in close proximity to TSW West Rail Station, TSW Light Rail Stop and bus stops, it is anticipated that most of the patronage will rely on the public transport system. Having said that, a piece of land at Tsui Sing Road is found possible to provide off-site metered parking spaces to serve the local district (subject to further investigation) (**Drawing A-18**). It is anticipated that the additional traffic arising from the proposed market is insignificant. For the patronage access, the first floor of the market floors will be connected to the concourse of the TSW West Rail Station on the same level via the existing footbridge at the southwestern corner of the Site (**Drawing A-15**). Other accesses at the ground floor by escalators and lifts are also proposed. C for T, CHE/NTW, HyD and C of P have no adverse comment on the above proposals.
- 11.7 On the environmental aspect, the nearest residential block (i.e. Yiu Yat House) is located at about 20m from the proposed market structure (**Plan A-2**). In order to minimize environmental impacts to the nearby residents, the market stalls will be concentrated in the middle portion of the structure which will be fully enclosed and equipped with air-conditioning. Besides, mitigation measures such as installation of silencer/ acoustic enclosure/ acoustic louver for the exhaust of ventilation system, erection of a barrier or partial enclosure between the water cooling towers and nearby residential buildings, etc. will be carried out. It is expected that the nuisance to the nearby residential use will be minimized.
- 11.8 On the landscape aspect, 88 trees are located within the Site and its immediate area. All the trees are common species. 35 trees will be retained and the

remaining 53 trees would be affected by the proposed development, out of which 28 are proposed to be transplanted and 25 are proposed to be felled. 25 compensatory trees are proposed outside the Site. Besides, as shown on **Drawings A-8 to A-11**, at-grade tree planning, terrace gardens on 1/F and 2/F and green roof with bamboo, shrubs and groundcover are proposed to enhance the landscape quality of the environment. Significant landscape impact arising from the proposed development is not anticipated. CTP/UD&L, PlanD has no objection to the application from the landscape planning perspective.

- 11.9 On the market management aspect, the proposed public market will be managed by FEHD by means of service contract. FEHD will make an effort to keep the market in a clean and hygiene environment.

Planning and Design Merits

- 11.10 The proposed public market is in line with the Government's policy to build a new public market in TSW New Town. YLDC has been consulted on the proposed public market since 2018. In the YLDC meeting on 6.3.2020, members were in support of the proposed double-deck market structure over Tin Fuk Road and urged for the early implementation of the project. ArchSD is planning and carrying forward the project according to the implementation programme in order to provide appropriate public market facility to the public.
- 11.11 With a view to enhancing the proposed scheme while in keeping with the character of the surrounding area, the applicant proposes to incorporate a range of design measures into the proposed public market structure. The major design elements include provision of a permeable decking design on ground floor along with cascading storey design; terrace gardens and landscape area on the market and roof floors as an aesthetically pleasing landscape design for social gathering; and other measures as detailed in paragraph 1.6 above. In this regard, CTP/UD&L, PlanD considers that the applicant has demonstrated efforts in contributing to design merits of the proposal.

Public Comments

- 11.12 A total of 183 comments were received, in which 59 supporting, 23 objecting and 101 raising concerns on/ suggestion to the application. Their grounds are summarized in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.11 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 28.5.2025, 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**.

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

there is no strong planning justification in the submission on the suitability of the Site for the proposed public market.

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

Appendices I & Ia	Application Form and Supplementary Planning Statement received on 3.3.2021
Appendix Ib	Further Information received on 3.5.2021
Appendix Ic	Further Information received on 25.5.2021
Appendices II-1 to II-66	Public comments
Appendix III	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Ground Floor Plan
Drawing A-3	First Floor Plan and Mezzanine Floor Plan
Drawing A-4	Second Floor Plan
Drawing A-5	Roof Plan
Drawings A-6 and A-7	Section Plans
Drawings A-8 to A-11	Proposed Landscape Layout Plans
Drawings A-12 to A-14	Photomontages
Drawing A-15	Pedestrian Access to the Proposed Public Market
Drawing A-16	Existing Public Transport Services and Pedestrian Linkage Plan

Drawing A-17	Proposed Public Transport Facilities and Public Access Plan
Drawing A-18	Possible Location of Public Car Park
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
MAY 2021**