

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/791

<u>Applicant</u>	: Delight World Limited represented by KTA Planning Limited
<u>Site</u>	: Lot 2206 in D.D. 109, Kam Tai Road, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 15,978m ²
<u>Lease</u>	: New Grant No. 22919 for private residential purpose only
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<u>Zoning</u>	: “Residential (Group E)1” (“R(E)1”) [maximum plot ratio of 0.8 and maximum building height of 7 storeys (excluding basement floor(s))]
<u>Application</u>	: Proposed Residential Development (‘Flat’ and ‘House’ Uses)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed residential development (‘flat’ and ‘house’ uses) at the application site (the Site) which is zoned “Residential (Group E)1” (“R(E)1”) on the Kam Tin North OZP. According to the Notes of the OZP, ‘Flat’ and ‘House’ are Column 2 uses within “R(E)1” zone which require planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered by vegetation (**Plans A-2 to A-4**).
- 1.2 The Site is the subject of three previous applications (No. A/DPA/YL-KTN/43 and A/YL-KTN/488 and 567) submitted by the same applicant as the current application, all of which are for proposed residential development. The last application No. A/YL-KTN/567 for proposed flat development was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 4.5.2018.

- 1.3 According to the applicant, the proposed residential development with a plot ratio (PR) of 0.8 includes 2 blocks of residential towers with building height (BH) of 7 storeys, and 87 houses with BH of 2 to 3 storeys (both over 1 storey of basement carpark and clubhouse). The Site is accessible from Kam Tai Road to the north. A comparison of the major development parameters of the current application and the previous approved application No. A/YL-KTN/567 are summarized in the table below and at **Drawing A-1**:

	Previous Approved Application No. A/YL-KTN/567 (a)	Current Application (b)	Difference (b) - (a)
Proposed Use	Flats	Flats and Houses	--
Site Area (m ²)	16,400 (including GL of about 1,456)	15,978	-422 (-2.6%)
Domestic Gross Floor Area (GFA) (m ²)	13,120*	12,782*	-337.6 (-2.6%)
Domestic PR	0.8	0.8	--
Site Coverage (%)	Not exceeding 40%	Not exceeding 40%	--
Number of Blocks	7	2	-5 (-71.4%)
Number of Houses	Nil	87	+87
Number of Units	200	330	+130 (+65%)
Building Height			
- Flats	4 storeys (over 1 storey basement carpark cum clubhouse)	7 storeys (over 1 storey basement carpark cum clubhouse)	+3 (+75%)
	Not exceeding 20.5mPD	Not exceeding 26.3mPD	+5.8 (+28.3%)
- Houses	Nil	2 to 3 storeys (over 1 storey basement carpark cum clubhouse)	NA
	Nil	Not exceeding 14.625mPD	NA
Average House/Flat Size (m ²)	65.6	38.73	-26.87 (-41.0%)
Estimated Population	600	924	+324 (+54%)
Anticipated Completion	2021	2027	--
Parking Spaces :			
- Private Cars	62	113	+49 (+79%)
- Visitors Parking	8	10	+2 (+25%)
- Motorcycle Parking	2	3	+1 (+50%)

- Bicycle Parking	0	17	+17
Loading / Unloading	8	2	-6 (-75%)
Private Open Space / Garden (m ²)	Not less than 600	Not less than 924	+324 (+54%)

*excluding floor area for car park, loading/unloading bay, plant room, clubhouse, recreational facilities, office accommodation/quarters for watchmen and caretakers and owners' corporation/owners' committee office and covered walkways.

- 1.4 The master layout plan, basement plan, section plan and landscape plan are in **Drawings A-1 to A-4** respectively. The applicant has submitted Tree Survey and Landscape Proposal, revised Traffic Impact Assessment (TIA), Environmental Noise Impact Assessment (ENIA), Environmental Air Quality Impact Assessment (EAQIA), revised Drainage Impact Assessment (DIA) and revised Sewerage Impact Assessment (SIA) in support of the application (**Appendices Ia to Ic**).
- 1.5 As the Site adjoins the "Conservation Area (1)" ("CA(1)") zone (**Plan A-1a**) which is occupied by the reconstructed wetland under the Tuen Ma Line project, the applicant proposes to provide a 50m setback (**Drawing A-1**) along the western boundary and buffer planting to visually screen the proposed development from the wetland. For the proposed vehicular ramp leading to the basement at this landscape area, vertical greening is proposed to screen off potential disturbance to the "CA(1)" zone and mitigate railway noise. Out of the 106 existing trees within the Site, 14 will be retained and 92 will be felled, while 150 compensatory planting will be provided (**Appendix 2 to Appendix Ia and Drawing A-4**).
- 1.6 In terms of road traffic noise and rail traffic noise, a separation distance of 50m between the Tuen Ma Line viaduct, the adoption of single aspect building design, special design on orientation, blank walls and solid fence wall, are proposed to address the traffic and rail noise.
- 1.7 In terms of ecological aspect, the applicant states that the Site does not fall within any ecologically sensitive area. To the west of the Site is reconstructed wetland underneath the Tuen Ma Line viaduct and to the southeast is a narrow strip of reconstructed wetland as ecological mitigation measures for Tuen Ma Line and Kam Tin Bypass respectively. Two taller towers will be sited along the northeastern boundary (**Drawing A-1**) to maximize separation from the wetland while the house development of lower elevation will be relatively nearer to the wetland. Mitigation measures including landscape area, screen planting and solid fence are proposed to ameliorate the direct and indirect ecological impact is envisaged (**Appendix Ia**).
- 1.8 The Site is served by existing drains and sewers within and adjacent to the Site, which can accommodate the runoff and discharge from the proposed development.
- 1.9 According to the Explanatory Statement of the OZP, the "R(E)1" zone falls within the Consultation Zone (CZ) of the Au Tau Water Treatment Works

(ATWTW) (**Plan A-1a**) and the applicant should prepare and submit a Hazard Assessment (HA) to the Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations (CCPHI) prior to the submission of the s.16 application. The applicant has, in this regard, submitted a draft HA to the CCPHI and Environmental Protection Department (EPD) on 22.10.2021. ***An updated HA will need to be submitted further in response to the comments received.***

1.10 In support of the application, the applicant has submitted the following documents:

- (a) Application form and supplementary information received on 17.9.2021 and 20.9.2021 respectively (**Appendix I**)
- (b) Supplementary Planning Statement (**Appendix Ia**)
- (c) Further Information (FI) received on 26.11.2021 including response to departmental comments, replacement pages of technical assessment and revised technical assessment reports (**Appendix Ib**)
(accepted but not exempted from publication and recounting requirements)
- (d) FI received on 6.1.2022 and 10.1.2022 including response to departmental comments (**Appendix Ic**)
(accepted and exempted from publication and recounting requirements)

1.11 The application was originally scheduled for consideration by the Committee on 12.11.2021. At the request of the applicant, the Committee agreed to defer making a decision on the application for two months to allow time for the preparation of FI to address the departmental comments. After the deferral, the applicant submitted FI in November 2021 and January 2022 in response to the departmental comments. 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 application form, Supplementary Planning Statement and FI at **Appendices I, Ia, Ib and Ic** respectively. They can be summarized as follows:

- (a) The proposed development is in line with the planning intention of the “R(E)1” zone and complies with the development restrictions for this zone. The proposed 7-storey blocks and 2 to 3-storey houses with a PR of 0.8 comply with the development restriction of the “R(E)1” zone and will be visually compatible with the nearby 3-storey village type developments and the recreated wetland in the “CA” zone and the semi-rural setting in the neighbourhood.

- (b) The Site is currently abandoned agricultural land with no significant development constraints. It has an advantage for early implementation to meet the demand for housing and for implementation of the “R(E)1” zone. The applicant has already applied for land exchange which is under processing.
- (c) Existing trees on-site will be preserved as far as possible to minimise impact on the landscape character and amenity of the Site. The concept of landscape design is to provide high quality living environment whilst preserving and enhancing the existing landscape amenity. The proposed development will not create adverse visual impact and visual incompatibility with the surroundings. Existing trees along Kam Tin River and Kam Tin Low Flow Pumping Station would screen the view towards the Site when viewing from Ko Po Road and Chi Ho Road.
- (d) With relevant mitigation measures as proposed in the TIA (**Appendix V to Appendix Ib** and **Appendix I to Appendix Ic**), DIA and SIA (**Appendices II and III to Appendix Ib**) and ENIA (**Appendix V to Appendix Ib**), no insurmountable traffic, noise, air quality, drainage, sewerage, hazard and ecological impacts will be resulted from the proposed residential development based on the various impact assessments. In particular, setback from the Tuen Ma Line viaduct, single aspect building design for houses near the southern corner and some special design on orientation, blank walls and solid fence wall would help meet the noise criterion.

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. **Background**

The Site is not subject to planning enforcement action.

5. **Previous Applications**

- 5.1 The Site is involved in three previous applications (No. A/DPA/YL-KTN/43 and A/YL-KTN/488 and 567) submitted by the same applicant as the current application. Details of these applications are summarized in **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Application No. A/DPA/YL-KTN/43 was submitted when the Site was zoned “Unspecified Use” on the approved Kam Tin North Development Permission Area Plan No. DPA/YL-KTN/2 (the DPA Plan). The application involved a proposed residential development covering a larger site with domestic PR of 0.8 and site coverage of 24.5%, which was rejected by the Board on review on

25.11.1994 mainly on the grounds that the proposed development was premature at that stage in view of the number of transportation network and drainage works being planned in the area and it might pre-empt a review of the land use in the general area; the proposed development was not in line with the planning intention of the area as reflected in the DPA Plan which was to encourage agricultural and recreational uses compatible with the rural environment and unlikely to adversely affect local communities; the proposed development intensity of PR of 0.8 was excessive in the rural area; and the proposed development would be adversely affected by the proposed Kam Tin Bypass. The applicant applied for an appeal to the decision of the Board under section 17B of the Town Planning Ordinance which was dismissed by the Town Planning Appeal Board (TPAB) on 18.10.1995. The appellant subsequently applied for judicial review (JR) against the decision of the TPAB. The JR was also dismissed on 13.8.1997.

- 5.3 Applications No. A/YL-KTN/488 and 567 were submitted under the “R(E)1” zone covering a slightly smaller area. The former application involved development of 107 houses with PR 0.8 and BH of 3 storeys (on top of 1 storey of basement) and the later application involved development of 7 blocks of residential towers (200 flats) with PR 0.8 and BH of 4 storeys (on top of 1 storey of basement). Both applications were approved with conditions by the Committee in 2016 and 2018 mainly on the considerations that they were in line with the planning intention and development restrictions of the “R(E)1” zone; the proposed developments were not incompatible with the rural setting; measures to minimize the potential disturbance to the adjacent wetlands including landscape area, planting of trees and low BH profile were provided; mitigation measures including boundary wall and architectural fins were proposed to address the noise impact; and concerned departments had no adverse comments on the application or their concerns could be addressed by approval conditions.

6. Similar Applications

There are three similar applications (No. A/YL-KTN/501, 647 and 698) involving one site for flat development within the “R(E)” zone in the vicinity of the Site on the OZP. All the applications were approved with conditions by the Committee between April 2017 and September 2020 mainly on the reasons that the proposed developments were generally in line with the planning intention and development restrictions of the “R(E)” zone; the proposed uses were compatible with the surrounding area; relevant technical assessments had been submitted and concerned departments had no objection to / no adverse comment on the various aspects of the developments. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1a**.

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

- 7.1 The Site is:

- (a) currently vacant and covered by vegetation; and
 - (b) accessible via Kam Tai Road in the north branching off from Kam Tin Road.
- 7.2 The surrounding areas are predominantly rural in character with residential dwellings / village houses, some with retail shops on the ground floor, parking of vehicles, wetland, vacant land and vegetated land:
- (a) to its immediate east is a piece of vacant land in the remaining part of the “R(E)1” zone. To the further east are residential dwellings / structures, parking of vehicles and vegetated land within an area zoned “Village Type Development” (“V”);
 - (b) to its north is Kam Tai Road and Kam Tin River. Further north across the Kam Tin River is the “V” zone of Kam Hing Wai which is mainly occupied by village houses, residential dwellings / structures and the “Agriculture” (“AGR”) zone which is mainly occupied by vegetated land and a section of nullah;
 - (c) to its immediate west are the reconstructed wetland zoned “CA(1)” under the Tuen Ma Line viaduct. Further west and southwest are residential structures / dwellings and vacant / vegetated land zoned “AGR”; and
 - (d) to its immediate southeast is a strip of land zoned “CA(1)”. To the further south and southeast across Kam Tin Bypass are a roundabout, vegetated land zoned “CA”, “Open Space” and the “V” zone of Kam Tin Shi.

8. Planning Intention

- 8.1 The planning intention of the “R(E)1” zone is for residential development with the provision of environmental mitigation measures. The zoning is to facilitate appropriate planning control over the scale, design and layout of development, taking account of various environmental constraints.
- 8.2 According to the Explanatory Statement of the OZP, the development restrictions of the “R(E)1” zone, i.e. PR of 0.8 and maximum BH of 7 storeys, is to contain the bulk of the development as the site concerned is located close to the Tuen Ma Line viaduct. Since the area under “R(E)1” zone falls within the CZ of ATWTW, the developer(s) should prepare and submit a HA to the CCPHI prior to the submission of the planning application.

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 is located within Lot 2206 in D.D. 109 governed by New Grant No. 22919 for private residential purpose only recently executed on 5.8.2021 (“the New Grant”).
- (b) Should the planning application be approved by the Board, the applicant should be reminded that a lease modification would be required to implement the proposal. Upon receipt of the lease modification application, LandsD will consider the application in its private capacity as landlord and there is no guarantee that a lease modification will be approved. The lease modification, if approved, will be subject to such terms and conditions, including payment of premium and other applicable fees, to be imposed by LandsD at its sole discretion.
- (c) Details of the proposal in the planning application have not been checked at this stage; and there is no implication that such proposal is acceptable under the lease even if the planning application is approved by the Board. Details of the proposal will be considered at building plan stage.

Traffic

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

- (a) He has no in-principle objection to the application from traffic engineering perspective.
- (b) Should the application be approved, the following conditions should be included:
 - (i) The submission of a consolidated Traffic Impact Assessment to the satisfaction of the C for T or of the Board.
 - ~~(ii) The design and implementation of road junction improvement works, as proposed by the applicant, to the satisfaction of the C for T or of the Board.~~

- (iii) (ii) The design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development to the satisfaction of the C for T or of the Board.

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

- (a) His Department shall not be responsible for the maintenance of any access connecting the Site and Kam Tai Road.
- (b) If the proposed run-in is agreed by the Transport Department (TD), the applicant should provide the run in/out at Kam Tai Road to the satisfaction of TD and HyD and in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) If the proposed access point at Kam Tai Road is approved by TD, the applicant should submit the details of road medication works, including modification of street furniture, public lighting and road drainage, at Kam Tai Road for TD's and HyD's review. No modification works should be implemented unless approval on the modification proposal was obtained from TD and HyD.
- (d) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD(2-2), RDO, HyD):

- (a) The Site falls within the Administrative Route Protection (ARP) boundary and area of influence (AOI) of the proposed Northern Link (NOL). The detailed planning and design of the NOL are still under development. The scheme (including railway alignment, railway structures and the corresponding route protection area, and potential tunnel design and corresponding construction methods, etc.) is subject to further changes.
- (b) The area within the ARP may be required to be vacated at the time for the construction, operation and maintenance of the NOL, while the area within AOI would be subject to nuisance, such as noise and vibration of the NOL. The applicant should have taken the impacts from the NOL, such as vacating the area and the nuisance from the future construction, operation and maintenance of NOL, into consideration.
- (c) For proper route protection of NOL, it is suggested to incorporate relevant railway reserve, railway protection, access and

environmental clauses in the future Land Grant Lease conditions of the Site.

(d) His detailed comments on the application are at **Appendix V**.

9.1.5 Chief Estate Surveyor / Railway Development, Lands Department (CES/RD, LandsD):

The Site falls within the West Rail Protection Boundary. He has no comment on the application provided that RDO of HyD has no adverse comment on the application and the proposed development would not pose obstacles on the implementation of the NOL project.

Urban Design and Landscape

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

- (a) The proposed residential development mainly comprises 2 blocks with BH of 7-storey and 87 houses with BH of 2 to 3 storeys. Since the adjacent “R(E)1” areas with BH restriction of 7 storeys are permitted on the OZP, he has no comment from architectural and visual impact points of view.
- (b) Some of the blocks’ façade area for T1 and T2 are facing west, solar control devices should be considered to reduce solar heat gain and avoid glare as far as practical.

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

Urban Design

- (a) The Site is situated in an area with village type development of 1 to 3 storeys to its north, east and further west. It is located in close proximity to viaducts / railway tracks of the Tuen Ma Line and is bounded by Kam Tin River to its north and Kam Tin Bypass to its south. The Site is subject to a previous application (No. A/YL-KTN/567) for proposed flat with seven residential towers of 4 storeys (excluding one level of basement) approved on 4.5.2018.
- (b) The current application seeks planning permission for proposed residential development comprises two 7-storey blocks (up to 26.3mPD) and 87 houses of 2 to 3 storeys over one level of basement (up to 14.625mPD), with a PR of not more than 0.8. The proposed PR and BH do not exceed the development restrictions stipulated on the OZP. As such, it is considered that no significant visual impact on the surrounding areas is envisaged.

Landscape

- (a) The Site falls within “R(E)1” zone, which is a non-landscape sensitive zoning. According to their site record taken in October 2021, the Site is covered by wild grass. Some trees of common species are observed within the Site, however, significant landscape impact arising from the proposed development is not anticipated.
- (b) Should the application be approved, approval condition requiring the submission and implementation of a landscape proposal is recommended.
- (c) The applicant is advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval.

Nature Conservation

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

- (a) He has no strong view on the application from nature conservation perspective. It is noted that in the previously approved scheme (Application No. A/YL-KTN/567), the development comprises 8 blocks with a maximum of 4 storeys over one storey basement carpark while the current scheme comprises two 7-storey blocks and 87 two to three-storey houses, over one storey basement carpark. The applicant has explained in the supplementary planning statement (**Appendix Ia**) that the increase in BH would not cause adverse ecological impacts as the two towers will be located to the northeast side of the proposed development in order to maximise buffer separation from the mitigation wetland of the West Rail Line (now known as “Tuen Ma Line”). Additionally, the applicant proposes a 9.8m high solid barrier (not transparent) be erected along the southwest side of the houses in the current scheme to further mitigate the potential ecological impacts to the mitigation wetland.
- (b) Nevertheless, should the application be approved by the Board, approval conditions on “the provision of buffer area from the “CA(1)” zone to the west of the Site to the satisfaction of DAFC or of the Board” and “the submission of a proposal to prevent or mitigate off-site impacts to the “CA(1)” zone to the west of the Site and implementation of preventive / mitigation measures”, same as the previous planning application No. A/YL-KTN/567,

shall be included.

Environment

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

- (a) He has no adverse comment on the application.
- (b) Should the application be approved, the following conditions should be imposed:
 - (i) the submission of an updated SIA for connections to the public sewers and implementation of the sewerage improvement measures identified therein to his and Director of Drainage Services's satisfaction; and
 - (ii) the submission of an updated Noise Impact Assessment and the implementation of mitigation measures identified therein to his satisfaction.
- (c) The Site falls within the Consultation Zone of the ATWTW which is a Potentially Hazardous Installation (**Plan A-1a**). The applicant is advised to submit an updated HA to CCPHI and EPD to address his detailed comments at **Appendix V**.

Civil Aviation

9.1.10 Comments of the Director-General of Civil Aviation (DG of CA):

- (a) On the understanding that the maximum level of the proposed development of not exceeding 26.3mPD will not exceed the restricted height (usually referred as Airport Height Restriction (AHR)) as prescribed under the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) which safeguards the operation of the Hong Kong International Airport (HKIA), he has no comment on the BH of the proposed development from the perspective of safeguarding the operations of HKIA.
- (b) The Site is in the vicinity of the Shek Kong Airfield. Although the aircraft/helicopter operations at the Shek Kong Airfield may not demonstrate a regular pattern, due to the quiet ambience of the Site and relatively lower flying altitude of those aircraft/helicopter operations, aircraft/helicopter noise may be experienced and have an impact on nearby residential areas. That said, it is noted that from the FI submitted (**Response-to-Comments Table in Appendix Ib**) that the applicant has carried out site measurements and will alert future residents of the potential aircraft/helicopter operations at the

Shek Kong Airfield. In this regard, he has no further comment on the application.

Drainage

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

- (a) He has no objection in-principle to the proposed development from the public drainage point of view.
- (b) Should the application be approved, the following conditions should be imposed:
 - (i) the submission of an updated DIA and implementation of the drainage proposal to his satisfaction; and
 - (ii) the submission of an updated SIA for connection to the public sewers and implementation of the sewerage improvement measures identified therein to DEP's and his satisfaction.
- (c) His detailed comments on the application are at **Appendix V**.

Fire Safety

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

- (a) He has no in-principle objection to the application subject to water supplies for fire-fighting 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 applicant is advised to observe the requirements of emergency vehicular access (EVA) as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the Buildings Department. If the aforementioned requirements cannot be complied with, enhanced fire safety provisions shall be required.

Building Matters

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

- (a) Before any new building works (including containers/open sheds

as temporary buildings, demolition and land filling, etc.) are to be carried out on Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance.

- (b) His detailed comments on UBW, provision of access, temporary structures are at **Appendix V**.
- (c) Detailed checking under the BO will be carried out at building plan submission stage.

District Officer's Comments

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

His office has not received any comment from the locals on the application and he has no comment on the application.

9.2 The following government departments have no objection to or no comment on the application:

- (a) Chief Engineer / Construction, Water Supplies Department;
- (b) Project Manage (West), Civil Engineering and Development Department;
- (c) Director of Electrical and Mechanical Services; and
- (d) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

10.1 The application and subsequently received FI were published on 24.9.2021 and 10.12.2021 for public inspection. During the statutory public inspection periods, seven public comments were received from the Kam Tin Rural Committee (KTRC), MTR Corporation Ltd (MTRCL), the Conservancy Association and individuals (**Appendices IV-1 to IV-7**).

10.2 Six of the comments from the KTRC, the Conservancy Association and individuals object to the application mainly on the grounds that the proposed development would increase the population in the area which would induce adverse traffic and environmental impacts; the proposed development would affect the nearby wetland ecosystem reconstructed under the Tuen Ma Line project; the proposed development would increase the fire hazard risk, thus affecting the safety and living standard of the villagers; the potential cumulative adverse environmental impact brought about by the proposed development and the future NOL nearby should be properly addressed; there would be inadequate

infrastructure and transport facilities to cope with the future developments in the area; and the average flat size under the current application has reduced substantially as compared to the previous application.

- 10.3 The other comment from the MTRCL raises concern on the application in that the ENIA submitted may not be adequate to evaluate and mitigate the possible noise impacts of the railway projects on the proposed development, and the proposed development may induce adverse impacts on the nearby MTRCL-managed wetland. MTRCL urges the Committee to impose relevant approval conditions to address the above-mentioned issues should the application be approved.

11. Planning Considerations and Assessments

Planning intention and compatibility with surrounding area

- 11.1 The application is for proposed flats and houses within an area zoned “R(E)1” which is intended for residential development with the provision of environmental mitigation measures and to facilitate appropriate planning control over the scale, design and layout of development, taking account of various environmental constraints. Any development within this zone should be restricted to a maximum PR of 0.8 and a maximum BH of 7 storeys (excluding basement(s)). According to the layout plan submitted by the applicant, the proposed development with PR 0.8 which comprises 2 residential blocks with BH of 7 storeys over one storey of basement and 87 houses with BH of 2 to 3 storeys over one storey of basement. The proposed residential development is considered in line with the planning intention of the “R(E)1” zone for residential development and in compliance with the development restrictions for this zone.
- 11.2 The proposed residential development at the Site is considered not incompatible with the rural setting of the surrounding area, which mainly comprises low-rise residential dwellings / structures, village houses, parking of vehicles and vacant land and vegetated land.

Technical aspects

- 11.3 The applicant has submitted relevant technical assessments, including TIA, ENIA, EAQIA, DIA, SIA and tree preservation and landscape proposal in support of the application (**Appendices Ia, Ib and Ic**).
- 11.4 In terms of road traffic and railway noise, the applicant proposes a number of mitigation measures including the adoption of separation distance of 50m (**Drawing A-1**) between the Tuen Ma Line viaducts, single aspect building design, blank wall and solid fence. The TIA, DIA, SIA and tree preservation and landscape proposal included in the planning application (**Appendices Ia, Ib and Ic**) demonstrate that the proposed development would not generate adverse traffic, drainage, sewerage and landscape impacts on the surrounding areas. Relevant departments consulted, including C for T, CE/MN of DSD, DEP and

CTP/UD&L of PlanD, have no objection to or no adverse comment on the application. Their technical concerns could be addressed by appropriate approval conditions in paragraph 12.2 below.

- 11.5 With respect to the wetland adjoining the Site, the applicant proposes that a strip of landscape area (**Drawing A-1**) with tree planting along the western boundary of the Site adjoining the wetland be provided and measures be adopted at the construction stage to minimize impact on the wetland. In this regard, DAFC has no adverse comment on the application. Regarding the urban design and landscape aspects, CTP/UD&L of PlanD considers that no significant visual impact on the surrounding areas is envisaged and has no objection to the application. CA/ASC of ArchSD holds similar view from architectural and visual impact perspectives.
- 11.6 In addition, the Site under “R(E)1” zone falls within the CZ of the ATWTW (**Plan A-1a**). DEP advises that an updated HA should be submitted to CCPHI and EPD to address his detailed comments in **Appendix V**.

Previous applications

- 11.7 The Site is the subject of three previous applications No. A/DPA/YL-KTN/43, A/YL-KTN/488 and 567 submitted by the same applicant as the current application for proposed residential development as detailed in paragraphs 5.2 and 5.3 above. Compared with the last approved application No. A/YL-KTN/567 which is for development of 7 residential blocks for 200 units, the current application proposes a development of 2 residential blocks and 87 houses. The current application mainly involves changes to the layout, combination of housing units (from ‘flat’ to ‘flat’ and ‘house’ uses), maximum BH (from 5 storeys to 7 storeys) and number of housing units (from 200 units to 330 units including 87 houses). Apart from the above, the development proposals applied under the two applications do not exceed the OZP restrictions of PR 0.8 and BH of 7 storeys (excluding basement(s)), and the site coverage of not exceeding 40% remains the same. Approving the application is in line with the previous decision of the Committee.

Public comments

- 11.8 There are seven public comments on the application received during the statutory public inspection periods. Regarding those objecting views concerning the technical aspects of the application, technical assessments on relevant aspects as traffic, drainage, sewerage and environment, have been submitted by the applicant and the concerned departments raise no objection to the application. Referring MTRCL concerns about the adequacy of the ENIA and potential adverse impact on the nearby wetland under their management, relevant approval conditions are recommended in paragraph 12.2 as per the suggestions of departments concerned. Besides, the above departmental comments as well as planning considerations and assessments 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 above, 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 14.1.2026, 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 conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the provision of buffer area from the "CA(1)" zone to the west of the Site to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (b) the submission of a proposal to prevent or mitigate off-site impacts to the "CA(1)" zone to the west of the Site and implementation of the preventive / mitigation measures to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (c) the submission of a consolidated Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- ~~(d) the design and implementation of road junction improvement works as proposed by the applicant to the satisfaction of the Commissioner for Transport or of the Town Planning Board;~~
- ~~(e)~~(d) the design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- ~~(f)~~(e) the submission and implementation of a run-in / out proposal to/from Kam Tai Road to the satisfaction of the Commissioner for Transport and Director of Highways or of the Town Planning Board;
- ~~(g)~~(f) the submission of an updated noise impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- ~~(h)~~(g) the submission of an updated sewerage impact assessment for connection to the public sewers and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of

Environmental Protection and the Director of Drainage Services or of the Town Planning Board;

- (i)(h) the submission of a revised **updated** drainage impact assessment and implementation of the drainage proposal identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (i)(i) the submission and implementation of a landscape proposal for the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (i)(j) the design and provision of water supply for fire-fighting 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 VI**.

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

the applicant fails to demonstrate that the proposed development would not be susceptible to or cause adverse environmental impacts on the surrounding area.

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 17.9.2021
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 26.11.2021

Appendix Ic	FI submitted on 6.1.2022 and 10.1.2022
Appendix II	Previous Applications
Appendix III	Similar Applications within the “R(E)1” zone in the vicinity of the Site on the Kam Tin North OZP
Appendices IV-1 to IV-7	Public Comments received during the Statutory Publication Period
Appendix V	Advisory Clauses
Drawing A-1	Master Layout Plan
Drawing A-2	Basement Plan
Drawing A-3	Section Plan
Drawing A-4	Landscape Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2022**