

**Previous Applications Covering the Application Site**

<b><u>Application No.</u></b>	<b><u>Zoning and PR restriction</u></b>	<b><u>Proposed Development</u></b>	<b><u>Date of Consideration and Decision</u></b>	<b><u>Main Reasons for Rejection/ Approval Conditions</u></b>
A/KC/97	"I" 9.5	Relaxation of the 9.5 PR control and permission to redevelop the lot to a PR of 15	Rejected/Not agreed (10.5.1991)	1
A/KC/127	"CDA" Nil	An industrial building	Approved with condition(s) (4.6.1993)	2, 12
A/KC/197	"CDA" Nil	Industrial Use	Approved with condition(s) (26.1.1996)	3, 4, 12
A/KC/241	"CDA" 6.36	Proposed Hotel & Service Apartment with Commercial/ Retail Facilities	Approved with condition(s) (17.3.2000)	5 to 12
A/KC/298	"CDA" 6.36	Minor Amendments to an Approved Development Proposal for Proposed Hotel and Service Apartment with Commercial/ Retail facilities	Approved with condition(s) (19.1.2005)	5 to 12

**Main Reasons for Rejection**

1. The relaxation sought is not minor vis-a-vis the restriction under the "I" zoning of the Plan.

**Approval Conditions**

2. The provisions of mitigation measures against the environmental problems as identified in the submitted Environmental Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
3. The implementation of the environmental mitigation measures identified in the environmental impact assessment submitted with previous application No. A/KC/127 to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
4. The submission of a programme of building development and implementation of the proposed development according to the programme of building development to the satisfaction of the Director of Planning or of the Town Planning Board;
5. The submission and implementation of a revised Master Layout Plan to incorporate the approval conditions as stipulated in conditions \_\_ to \_\_ below and to include the development programme for the

proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;

6. The design and provision of Road 27E and widening of the footpath around the site as proposed by the applicant at his own cost to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
7. The design and provision of vehicular access, car-parking, and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
8. The provision of emergency vehicular access and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
9. The implementation of the environmental mitigation measures identified in the submitted environmental impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
10. The submission of a sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
11. The submission and implementation of a Master Landscape Plan for the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and
12. The permission shall cease to have effect on \_\_\_\_\_ unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

**Similar Applications for Proposed Comprehensive Residential and  
Commercial Development within “CDA” Zone on  
Kwai Chung Outline Zoning Plan**

**Sites in Kau Wa Keng Area**

<b><u>Application No.</u></b>	<b><u>Proposed Development</u></b>	<b><u>Date of Consideration and Decision</u></b>	<b><u>Main Reasons for Rejection</u></b>
A/KC/117	Residential Development with Retail Shop on the G/F  To review the refusal decision of the application	20.11.1992 Rejected/ not agreed by the Metro Planning Committee (MPC) of the Town Planning Board (TPB)  11.6.1993 Rejected/ not agreed by the MPC of the TPB	1 to 6

1. The proposed development is piecemeal in nature and is therefore not in accordance with the intention of the "Comprehensive Development Area".
2. The proposed Master Layout Plan is not satisfactory since it does not include adequate information on the traffic, drainage and environmental impacts of the proposed development.
3. No landscape proposals are included in the submission.
4. No proposed programmes for phasing building development have been included in the application.
5. The proposed development is not satisfactory in traffic, drainage and environmental aspects.
6. The approval of the proposed development would set an undesirable precedent for future piecemeal development in "Comprehensive Development Area" zones.

**Sites near Lai King Hill Road and Ching Cheung Road**

<b><u>Application No.</u></b>	<b><u>Proposed Development</u></b>	<b><u>Date of Consideration and Decision</u></b>	<b><u>Main Reasons for Rejection/ Approval Conditions</u></b>
A/KC/99	Commercial/ Residential  To review the refusal decision of the application	7.6.1991  Rejected/ not agreed by the MPC of the TPB  29.11.1993  Rejected/ not agreed by the MPC of the TPB	1 to 2    3
A/KC/205	Comprehensive Residential Development to include shops, market, clinics, primary school, kindergarten and ancillary carpark	28.6.1996  Approved with conditions by the MPC of the TPB	5 to 7, 13 to 18
A/KC/217	Comprehensive residential development to include shops, market, clinics, primary school, kindergarten and ancillary carpark	14.3.1997  Approved with conditions by the MPC of the TPB	5, 8 to 18
A/KC/239	Comprehensive residential development to include shops, market, clinics, primary school, kindergarten and ancillary car park (amendment to the approved Master Layout Plan(MLP))	30.10.1998  Rejected/ not agreed by the MPC of the TPB	4
A/KC/242	Proposed amendments to the approved Master Layout Plan for Comprehensive Residential Development	5.2.1999  Approved with conditions by the MPC of the TPB	5, 8 to 18

**Main Reasons for Rejection**

1. The application site is only part of a larger 'CDA' zone which is being planned mainly for public housing and home ownership scheme developments. The planning for these developments has not yet be finalised. As such, approval of the application might affect the comprehensiveness of the development in the whole 'CDA' zone.

2. The application has not adequately addressed the following aspects -
  - (i) justifications for the provision of 7,111.47 sq.m. of commercial floor space and 220 carparks which appears excessive for the development;
  - (ii) details on the types and/or sizes of community facilities to be provided and the size of the residents' clubhouse and the estate office; and
  - (iii) a detailed noise impact assessment report (with appropriate noise mitigation measures) acceptable to the Director of Environmental Protection.
3. The approval of the application would affect the comprehensiveness of the development in "CDA" and would be in conflict with the Board's intention to develop the "CDA".
4. The Town Planning Board (the Board) decided not to approve the application and the reason is that the proposed emergency vehicular access for the proposed residential development on Site B as shown on the submitted Master Layout Plan is considered not acceptable from the fire-fighting point of view.

#### **Approval Conditions**

5. The submission and implementation of a revised Master Layout Plan to take into account the conditions \_\_ to \_\_ below and to include the development programme for the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board.
6. The submission of a revised traffic impact assessment on the basis of one major vehicular access serving the whole development and with details and clarifications on the trip rates and the implementation of the road improvement proposals identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
7. The design and provision of vehicular accesses to the development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
8. The design and provision of the road improvement proposals identified in the revised traffic impact assessment to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
9. The design and provision of vehicular accesses to the development, in particular the access for servicing vehicles to the commercial podium, and the internal roads to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
10. The setting back of the lot boundary along Lai King Hill Road to allow for future road widening to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
11. The provision of motorcycle parking spaces according to a rate of 5 - 10% of that of private cars to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
12. The provision of parking and loading/unloading facilities within the proposed development for the

primary school to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

13. The design and provision of the public transport interchange consisting of bus terminus, taxi stand and maxi-cab stand to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
14. The design and provision of an emergency vehicular access with adequate turning facility and fire hydrants to the satisfaction of the Director of Fire Services or of the Town Planning Board.
15. The diversion of drainage and sewerage facilities affected by the proposed development to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
16. The diversion of water mains affected by the proposed development to the satisfaction of the Director of Water Supplies or of the Town Planning Board.
17. The submission and implementation of a (revised) Master Landscape Plan to include landscaping proposals for the podium deck of Site B and roadside of Ching Cheung Road to the satisfaction of the Director of Planning or of the Town Planning Board.
18. The permission shall cease to have effect on \_\_\_\_\_ unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

**Site at 29-51 Wo Yi Hop Road**

<b><u>Application No.</u></b>	<b><u>Proposed Development</u></b>	<b><u>Date of Consideration and Decision</u></b>	<b><u>Main Reasons for Rejection/ Approval Conditions</u></b>
A/KC/135	Commercial/ Offices and Service Apartments  To review the refusal decision of the application	20.9.1993  Rejected/ not agreed by the MPC of the TPB  28.1.1994  Approved with conditions by the MPC of the TPB	1 to 5  14,15,17,18,24,25
A/KC/151	Comprehensive development to include service apartments, offices, private club, restaurant and retail shops	4.2.1994  Approved with conditions by the MPC of the TPB	13 to 18,25
A/KC/195	Comprehensive Development to include Service Apartments, Offices, Private Club, Restaurant and Retail Shops	12.1.1996  Approved with conditions by the MPC of the TPB	13 to 18,25
A/KC/198	Comprehensive Development to include Flats, Service Apartments, Private Club, Banks, Restaurants, Fast Food Shops, Retail Shops and Ancillary Carpark	12.4.1996  Rejected/ not agreed by the MPC of the TPB	6 to 11
A/KC/216	Comprehensive Development to include Hotel, Service Apartments, Private Club, Banks, Restaurants, Fast Food Shops, Retail Shops and Ancillary Carpark	18.4.1997  Approved with conditions by the MPC of the TPB	12,15,17,19,20,25
A/KC/233	Comprehensive development to include	17.7.1998  Approved with conditions by the MPC	12,15,17,19,21,22,25

	hotel, service apartment and commercial/retail uses	of the TPB	
A/KC/258	Proposed Amendments to an Approved Scheme for Hotel, Service Apartment and Commercial/Retail Development	16.3.2001 Approved with conditions by the MPC of the TPB	12,15,17,19,21,22,23,25
A/KC/270	Proposed Amendments to an Approved Scheme for Hotel, Service Apartment and Commercial/Retail Development	26.7.2002 Approved with conditions by the MPC of the TPB	12,15,17,19,21,23,25

### **Main Reasons for Rejection**

1. The design and location of the active recreational space is not acceptable as it will be subject to adverse air quality.
2. No justification has been provided for the scale of the proposed private club.
3. The design of the proposed footbridge is not acceptable as no clearance is allowed between it and the lot boundaries to facilitate future maintenance and the orientation of the footbridge landings required re-arrangement.
4. The maintenance responsibility of the footbridge has not been clearly indicated in the submission.
5. No details of the landscaping proposals have been included in the submission.
6. The proposed development is not in line with the planning intention of the "Comprehensive Development Area" ("CDA") zoning for the site to alleviate the residential and industrial interface problem in the area by allowing development which can serve as a buffer between these existing uses. In this regard, the private residential component of the proposed development cannot help alleviate the industrial and residential interface problem. No strong justification is provided to merit a departure from the planning intention.
7. The proposed development deviates from the Planning Brief endorsed by the Committee for the subject "CDA" as the site is not intended to contain any form of industrial and private residential uses.
8. The private residential component of the proposed development is incompatible with the adjacent industrial uses in that it will be subject to adverse air quality impacts from emissions of the existing chimneys nearby. It is undesirable for the prospective residents to rely solely on air-conditioning for fresh air supply on a long-term basis.



9. The provision of mechanical ventilation system with proper location of fresh air intakes as mitigation measures against air quality impacts on the proposed residential blocks are unacceptable as the future residents can select to open the windows of their premises and will be exposed to unacceptable air quality impacts.
10. The proposed cantilever noise barriers at Ta Chun Ping Street and Wo Yee Hop Road are not acceptable for the following reasons :
  - (i) Future maintenance works of the noise barriers may affect the traffic and safety of the road users under the barriers;
  - (ii) The barriers will prevent the Government from carrying out some high level works in the roads such as construction of flyovers and installation of high mast CCTV traffic control camera;
  - (iii) The large projections of the barriers do not comply with clause 4 of the Building (Planning) Regulation concerning maximum projection of canopy over streets;
  - (iv) The barriers may affect the natural daylight and the design of street lighting in the roads underneath;
  - (v) Any columns in the public footpath required to support the barriers will affect the pedestrian flow and the laying of utilities due to the 3.5m limited width of the footpath; and
  - (vi) It will set an undesirable precedent for developers to follow.
11. Approval of the application will set an undesirable precedent for similar applications.

### **Approval Conditions**

12. The submission and implementation of a revised Master Layout Plan to take into account the conditions \_\_\_ and \_\_\_ below and to include the development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board.
13. The basement levels (Levels 1 & 2) have to be set back to accord with the new lot boundary to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
14. The design and construction of the circular ramp within the development, the proposed footbridge and pavements to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
15. The design and implementation of the road widening proposals, including \_\_\_\_\_ to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

16. The design of the proposed refuse chambers for refuse collection vehicles to the satisfaction of the Director of Regional Services or of the Town Planning Board.
17. The design and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.
18. The implementation of the development programme to the satisfaction of the Director of Planning or of the Town Planning Board.
19. The setting back of the \_\_\_\_\_ of the proposed development away from the future public footpath to the satisfaction of the Director of Highways or of the Town Planning Board.
20. The submission of a revised sewage impact assessment to include a detailed account on and justifications for the following to the satisfaction of the Director of Drainage Services or of the Town Planning Board :
  - (i) The water consumption of the existing dyeing plant;
  - (ii) The future population in the proposed development; and
  - (iii) The impact of the proposed swimming pool and children's pool in the private club on the public sewerage system.
21. The provision of fixed windows and central air-conditioning system for the proposed service apartment blocks to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.
22. The provision of the transitional kerbline at the \_\_\_\_\_ corner of the application site to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
23. the design and provision of vehicular ingress/egress points, parking and loading/unloading facilities in accordance with the Hong Kong Planning Standards and Guidelines to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
24. The design and implementation of noise and air mitigation measures to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
25. The permission shall cease to have effect on \_\_\_\_\_ unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

**Detailed Comments of Concerned Departments**

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

- (a) If the internal road only serves as the general pick up/drop off point, the applicant shall consider putting the pick up/drop off points along the existing/new road to free up the area occupied by the internal road for additional at-grade open space.
- (b) It is noted that due to the level difference of the abutting roads, if the ramp down to LG/F at the northern run-in/out is proposed to be a shared common ramp for L/UL, office and residential carpark, it would require a longer and wider ramp with a larger scale of turnaround area (outer diameter of 26m approximately) at New Road 27E which will affect the connectivity of the proposed public open space. Similar concern applies to the proposal of swopping between the office/commercial run-in/out (at the east) and the L/UL, carpark run-in/out (at the south).
- (c) Apart from the two proposed pedestrian road-crossings across Tai Yuen Street near its junction of Kwok Shui Road and across new Road 25E nears its junction of Cheung Wing Road, the applicant shall consider providing additional road crossing facilities near the eastern and northern entrances of the publicly accessible public space so as to better serve the business uses in the "Other Specified Uses (Business)" zones to the east and the north upon future redevelopment.
- (d) The applicant shall ensure that the proposed at grade landscaping along the footpath of Tai Yuen Street as indicated on the current Landscape Master Plan (LMP) can be maintained due to the proposed additional lane along Tai Yuen Street. In case alternative roadside landscape treatment is proposed along Tai Yuen Street, a revised MLP and LMP should be provided to tally with such proposal.
- (e) The applicant should increase the portion of greenery to cater for more tree and amenity planting to enrich the landscape setting for the central landscape plaza.
- (f) The applicant should consider whether there is scope to review the vehicular access arrangement and reduce the extent of the internal road.

**Suggested Advisory Clauses**

- (a) to note that the approved Master Layout Plan (MLP), together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that the lot owner is required to apply to LandsD for a lease modification or land exchange for the proposed development. The application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions including, inter alia, payment of premium and administrative fee as may be approved by the Government. There is no guarantee that the Government will approve the application;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and 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;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that the existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains within the Site, a waterworks reserve within 1.5 metres measuring from the centreline of the affected water mains shall be provided to WSD. No structure shall be erected over the waterworks reserve and such area shall not be used for storage purpose. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;
- (e) to note the comments of the Commissioner for Transport that the applicant is advised to explore the feasibility of providing commercial public car park within the proposed development;
- (f) to note the comments of the Director of Environmental Protection that the applicant is advised to follow up on written consent from Tung Chun Industrial Building of implementing at-source-fixed-noise mitigation measure; and

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant shall ensure the proposed at grade landscaping along the footpath of Tai Yuen Street as indicated on the current Landscape Master Plan (LMP) can be maintained due to the proposed additional lane along Tai Yuen Street. In case alternative roadside landscape treatment is proposed along Tai Yuen Street, a revised MLP and LMP should be provided to tally with such proposal. Besides, the applicant shall consider whether there is scope to review the vehicular access arrangement and reduce the extent of the internal road.