

**Appendix II of RNTPC
Paper No. A/YL-KTN/663B**

Previous Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval conditions</u>
1	A/DPA/YL-KTN/36	Proposed reed bed treatment system for Kam Tin River	20.9.1993	(21), (22), (23)
2	A/DPA/YL-KTN/44	Retail Complex	23.6.2000	(1), (13), (14), (16), (17), (18), (19)
3	A/YL-KTN/60	Proposed comprehensive residential development with commercial, GIC and open space facilities	11.9.1998 (24.8.2001 and 3.9.2004 validity period extended until 11.9.2007)	(1), (3), (4), (5), (6), (7), (8), (9), (11), (13), (14), (16), (17), (18),
4	A/YL-KTN/80	Temporary golf driving range and ancillary facilities	22.1.1999	
5	A/YL-KTN/118	Proposed residential development with commercial, GIC and open space facilities and minor relaxation of building height restriction	5.10.2001 17.9.2004 validity period extended until 5.10.2007; Application No. A/YL-KTN/118-1 (28.9.2007) validity period extended until 5.10.2010; Application No. A/YL-KTN/118-2 (7.9.2012) for minor amendments	(1), (2), (3), (4), (5), (7), (8), (9), (10), (12), (13), (14), (15), (16)

Approval Conditions

- (1) The submission and/or implementation of a (revised) master landscape plan.
- (2) The submission of a (revised) visual impact assessment, including a model of the scheme and the surrounding area to address the visual impact on the adjoining rural area.
- (3) The provision of a public car-park for Sha Po Tsuen
- (4) The submission and/or implementation of ecological mitigation measures as proposed.

- (5) The implementation of part of the Sha Po Tsuen Stream Rehabilitation project within the application site
- (6) The submission of a (revised) traffic impact assessment.
- (7) The submission of site formation proposals, taking into account existing water-mains
- (8) The design and implementation of public/landscaped garden, leisure facilities and a public toilet for Sha Po Tsuen and adjacent villages
- (9) The permission shall cease to have effect on a specified date unless prior to the said date either the development hereby permitted is commenced or this permission is renewed
- (10) The provision of the layout and geometric details of internal roads, the layout of public transport interchange and the design of junction between Castle Peak Road and Western Access Road
- (11) The provision of school sites (two former school and/or kindergarten and primary school) as proposed.
- (12) The provision of roundabouts and road works within and close to the administrative protection boundary of the Northern Link
- (13) The submission of drainage impact assessment/ implementation of drainage facilities
- (14) The design and provision of emergency vehicular access (EVA) and/or water supply for fire-fighting and fire service installations.
- (15) The submission and implementation of site formation proposals for a primary school
- (16) The submission and implementation of a revised Master Layout Plan/ landscaping proposals
- (17) The submission and implementation of sewerage disposal proposals
- (18) The design/ provision of vehicular access road/ car-parking facilities/ layout of internal roads/ public transport terminus, and junction layout between Castle Peak Road and the Western Access Road
- (19) The provision of a non-building area falling within the resumption limit of the Main Drainage Channels for Kam Tin & Yuen Long/ within the reserve for the proposed rail link to Lantau Port
- (20) The provision of dust suppression measures during construction
- (21) The permission shall cease to have effect on 1.7.1996/ 20.9.1995 unless prior to the said date either the development hereby permitted is commenced or the permission is renewed
- (22) The submission and implementation of an operation scheme
- (23) The submission of performance review of the proposed development on a half-yearly basis to report the monthly monitoring results

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Rejection Reasons</u>
1	A/YL-KTN/163	Temporary open storage of construction materials	7.2.2003	(1), (2)
2	A/YL-KTN/295	Temporary waste tires recycling manufactory	26.9.2008 (on review)	(2), (3), (4)

Rejected Reasons

- (1) The proposed development did not comply with the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses"
- (2) There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse traffic, environmental, drainage and landscaping impacts on the surrounding areas
- (3) The development was not compatible with the surrounding land uses
- (4) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "Undetermined" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area

Similar Application at the Adjoining “CDA(1)” Zone

Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval conditions</u>
1	A/YL-KTN/604	Proposed Flat, Shop and Services, Eating Place, School, Social Welfare Facility, Public Transport Terminus or Station uses and Minor Relaxation of Plot Ratio and Building Height Restrictions	22.3.2019	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16)

Approval Conditions

- (1) The submission and implementation of a revised master landscape plan.
- (2) The submission of an implementation programme
- (3) The submission and implementation of a Landscape Master Plan
- (4) The submission of a consolidated traffic impact assessment
- (5) The design and implementation of road improvement works
- (6) The design and provision of vehicular access, and car parking and loading/unloading facilities
- (7) The design and provision of public transport facilities
- (8) The submission of a sewerage impact assessment and implementation of the sewerage improvement measures
- (9) The submission of a water quality impact assessment prior to the commencement of construction works and implementation of the mitigation measures
- (10) The submission of a noise impact assessment and implementation of the mitigation measures
- (11) The submission of a land contamination assessment and implementation of the land contamination remediation measures
- (12) The submission and implementation of a drainage proposal
- (13) The submission of a proposal to mitigate ecological impacts and the implementation of the mitigation measures
- (14) The design and provision of water supply for fire-fighting and fire service installations
- (15) The design and provision of a Day Care Centre for the Elderly
- (16) The submission and implementation of site formation proposals for a primary school



**Appendix IV of RNTPC
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Detailed Comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)

General comments:

He notes that the proposed Ecological Enhancement Area (EEA) includes erection of solid barriers along the works areas boundary of the EEA during the construction phase. The applicant is reminded that in case he erects any structure, in, over, or under the existing meander KT2 which is situated within the EEA, he should make an application to the Drainage Authority for his consent/approval under Section 26 and 27 of the Land Drainage Ordinance (LDO) prior to construction. The contents of the LDO submission is stipulated in Chapter 446A titled "Land Drainage (Consent and Approval) Regulation".

Comments on the submitted Drainage Impact Assessment (DIA):

1. For the stormwater drainage design, potential runoff falling onto the access road should be included. The applicant should verify whether there is potential runoff from adjacent lands of the access road and if affirmative, it should be included in the estimation and calculation. More, the applicant should clarify whether flow area reduction due to deposition of silt within the pipes has been considered in computing the discharge capacity.
2. For checking of peripheral channel, the area, wetted perimeter and hydraulic radius are all over-estimated for 600 UC. Please review. Besides, the applicant should advise why there is no peripheral channel provided at the western side of the eastern site.
3. Runoff from this development is proposed to discharge to the stormwater drainage system provided by another approved application No. A/YL-KTN/604. While the respective stormwater construction works and its programme are still pending, the project proponent shall closely liaise and confirm with the relevant project team of the respective development to ensure their stormwater drainage system will be ready for the proper connection of the proposed stormwater drainage system under this submission. Hence, the DIA should discuss what contingency plan will be implemented if the drainage system under A/YL-KTN/604 can only be completed after the commissioning of the subject development.
4. The DIA should discuss the temporary drainage arrangement/impact and proposed mitigation measures, if any, during construction stage.

5. The DIA should demonstrate how the existing flow paths passing through the Site could be intercepted and disposed of via proper discharge points.

The above comments on DIA are given under the following grounds:

1. The net increase in surface runoff due to the eastern site of the proposed phase 2 development would be discharged to the adjacent KT-2 Channel and previous DIA for phase 1 development has already incorporated the additional runoff due to the eastern site in the catchment.
2. An approved residential development to the north of the proposed phase 2 development has changed the original discharge point from KT-2 channel to Kam Tin River via a box Culvert resulting approximately 14.66 ha being excluded from the KT-2 Channel catchment.

Advisory Clauses

- (a) the approved Master Layout Plan, together with the set of approval conditions, will 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 a revised Master Layout Plan for deposition in the Land Registry as soon as possible;
- (b) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/ granted by the Buildings Authority and the Lands Authority and major change to the current scheme are required, a fresh planning application to the Board may be required;
- (c) note DLO/YL, LandsD's comments that the Phase 2 site comprises 10 private lots which, by the terms of the Block Government Lease or Tai Po New Grants under which they are held, are demised as agricultural ground and adjoining Government land (GL), particularly GL Licences restricted to be used for agricultural fish pond and erection of some structures, all in D.D. 107. Lot No. 1783 in D.D. 107 is subject to a Modification of Tenancy for erection and maintenance of some structures on site. The actual site area, land status and land holding details of the lots under application have to be verified at the land exchange stage if any land exchange is applied for by the Applicant to the LandsD. The Phase 1 site (i.e. Lot No. 1927 in D.D. 107) is held under New Grant No. 21263 dated 12.8.2011, under which is restricted to be used for any purpose other than for non-industrial (excluding godown, office, hotel and petrol filling station) purposes. His office is processing a land exchange to implement the Sha Po Development Phase 2 of an approved scheme under Application No. A/YL-KTN/118-2 and no binding contract for the proposed land exchange has been entered into. The site boundary of the Site in planning application is different from that approved under planning application no. A/YL-KTN/118-2. The private lots within the Site are owned by Bright Strong Limited, i.e. the applicant. The ownership particulars of the lots forming the Site have to be examined in details at the land exchange application stage. The Site is subject to a maximum height ranging from 79mPD to 119mPD under the relevant plan for the Shek Kong Airfield Height restriction. The proposed access road via the unnamed road to Castle Peak Road – Tam Mi and proposed road improvement works encroach onto land of various status, including but not limited to private lots, was considered under Application No. A/YL-KTN/604. Notwithstanding the access road proposed under Application No. A/YL-KTN/604 has been approved by the Board, he is not prepared to recommend invoking the relevant Ordinance for resumption of any private lots or creation of any rights for implementation of the proposed private development. His office reserves comments on the matter and any project interface

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For Consideration by RNTPC on 26.5.2020**

with other proposed land exchange will be considered at the land exchange application stage, if any land exchange is applied for by the applicant to the LandsD. The applicant has to apply to the LandsD for a land exchange to effect the proposed development. Such application will be considered by the LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange for the proposed development, including the grant of any additional GL, will be approved. In the event that the land exchange application is approved, it would be subject to such terms and conditions, including, among other things, the payment of premium and administrative fee, as may be imposed by the LandsD at its sole discretion;

- (d) note CHE/NTW, HyD's comments that the road works proposed in the submission are mainly arising from the proposed development under application. The works and roads shall be implemented and maintained by the applicant. If the proposed access arrangement is agreed by Transport Department and his department, DLO/YL, LandsD may consider to designate the access road as Brown Area to be maintained by the future developer. Any proposed works shall be completed by the applicant up to the prevailing traffic engineering and highway standards to the satisfaction of TD and his department, such that the Government may consider taking up its management and maintenance in the future if the situation warrants. He reserves the right to comment on the details of the proposed road when they are available. His department shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Tam Mi;
- (e) note CE/RD2-2, RDO, HyD's comments that the Site falls within the administrative route protection for the proposed Northern Link (NOL), which is a recommended railway scheme under the Railway Development Strategy 2014 (RDS-2014). Although the programme and alignment of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL;
- (f) note CES/RD, LandsD's comment that part of the Site falls within the RDS-2014 NOL and Kwu Tung Station ~~Limited~~ **Limit** of Area of Influence and RDS-2014 NOL and Kwu Tung Station Administrative Route Protection Boundary;
- (g) note DEP's comments that for the submission of an updated Habitat Creation and Management Plan (HCMP) as required under the approval condition, it is recommended to include the details on water quality monitoring to protect the water sensitive receiver within and at close vicinity to the Site in the updated HCMP;
- (h) note CE/MN, DSD's comments that the proposed Ecological Enhancement Area includes erection of solid barriers along the works areas boundary of the EEA during the construction phase. The applicant is reminded that in case he erects any structure, in, over, or under the existing meander KT2 which is situated within the EEA, he should make an application to the Drainage Authority for his consent/approval under Section 26 and 27 of the Land Drainage Ordinance (LDO) prior to construction. The

contents of the LDO submission is stipulated in Chapter 446A titled “Land Drainage (Consent and Approval) Regulation”. Regarding the submitted DIA, for the stormwater drainage design, potential runoff falling onto the access road should be included. The applicant should verify whether there is potential runoff from adjacent lands of the access road and if affirmative, it should be included in the estimation and calculation. More, the applicant should clarify whether flow area reduction due to deposition of silt within the pipes has been considered in computing the discharge capacity. For checking of peripheral channel, the area, wetted perimeter and hydraulic radius are all over-estimated for 600 UC. Please review. Besides, the applicant should advise why there is no peripheral channel provided at the western side of the eastern site. Runoff from this development is proposed to discharge to the stormwater drainage system provided by another approved application No. A/YL-KTN/604. While the respective stormwater construction works and its programme are still pending, the project proponent shall closely liaise and confirm with the relevant project team of the respective development to ensure their stormwater drainage system will be ready for the proper connection of the proposed stormwater drainage system under this submission. Hence, the DIA should discuss what contingency plan will be implemented if the drainage system under A/YL-KTN/604 can only be completed after the commissioning of the subject development. The DIA should discuss the temporary drainage arrangement/impact and proposed mitigation measures, if any, during construction stage. The DIA should demonstrate how the existing flow paths passing through the Site could be intercepted and disposed of via proper discharge points;

- (i) note DAFC’s comments that the proposed Ecological Enhancement area is located on government land. The applicant should ensure that the construction of the superstructure of the residential building shall commence after the completion of construction works of the Ecological Enhancement Area;
- (j) note CBS/NTW, BD’s comments that each of the sites shall be self-sustainable and treated as separate lots in their own identities for the purpose of complying with Buildings Ordinance (BO) and allied regulations. Transfer of PR and site coverage between sites is not permitted and the proposed PR and site coverage shall not exceed the permissible figures as stipulated in the First Schedule of Building (Planning) Regulation (B(P)R). The PR for the residential portion of Phase 2 should be 1.674 (i.e. $49,131\text{m}^2/29,346\text{m}^2$) rather than 0.655 under B(P)R. The applicant should clarify on the site coverage of the residential portion as well as the Ecological Enhancement Areas. While he noted that the relevant information will be provided at general building plan submission stage, he reserves his position under Section 20 of BO. Presumably the public access road under the Application No. A/YL-KTN/604 to be completed is not less than 4.5m wide, the site coverage and PR should not exceed the limitation under the first schedule of the B(P)R. The Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access (EVA) shall be provided for all the buildings to be erected on the Site in accordance with the requirements under the B(P)R 41D. Any parking spaces to be disregarded from GFA calculation under the B(P)R 23(3)(b) shall be subject to the

requirements laid down in Appendix C of PNAP APP-2. For features to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirements laid down in the relevant JPNs and PNAPs including APP-151 as appropriate. If the applicant applies for the GFA concession, Building Set Back, Building Separation and Site Coverage of Greenery as required under PNAP APP-152 also apply. Detailed checking of plans will be carried out upon formal submission of building plans;

- (k) note D of FS's comments that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Furthermore, the EVA provision in the Site shall comply with Section 6, Part D of the "Code of Practice for Fire Safety in Building 2011 under the B(P)R 41(D) which is administered by the BD;
- (l) note S for Security's comments that the Site is close to Shek Kong Airfield and residents of the proposed development may be affected by aircraft noise;
- (m) note CA/CMD(2), ArchSD's comments that solar control devices should be considered to reduce solar heat gain and avoid glare affecting adjacent buildings as far as practicable; and
- (n) note DFEH's comments that proper licence/permit issued by his department is required if there is any food business/catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses. If FEHD is requested to provide refuse collection service, FEHD shall be separately consulted.