

RNTPC Paper No. A/YL-KTN/698B  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 18.9.2020

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/698**

- Applicant** : Ease Gold Development Limited represented by Llewelyn-Davies Hong Kong Ltd.
- Site** : Lots 215 S.C, 242 S.B RP, 264 S.B RP, 266 S.A, 266 RP, 267, 268, 269 S.B RP, 269 S.B ss.2 RP, 270, 271, 272, 275, 277 (part), 295 (part) and 296 S.B RP (part) in D.D.103 and adjoining Government Land (GL), Ha Ko Po Tsuen, Kam Tin, Yuen Long
- Site Area** : About 16,180m<sup>2</sup> (including Government land of about 2,387m<sup>2</sup> (about 14.8%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Residential (Group E)” (“R(E)”) [maximum plot ratio of 1.2 and maximum building height of 13 storeys (excluding basement floor(s))]
- Application** : Proposed Flat with Minor Relaxation of Plot Ratio and Building Height Restrictions

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed flat with minor relaxation of plot ratio (PR) and building height (BH) restrictions at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Flat’ is a Column 2 use in the “R(E)” zone, which requires planning permission from the Town Planning Board (the Board). The Notes of the “R(E)” zone also stipulated that minor relaxation of PR and BH restrictions may be considered by the Board. The Site is currently paved, partly vacant and partly occupied by open storage of construction materials without valid planning permission (**Plan A-2 to A-4c**).

- 1.2 The Site involves two previous applications for proposed flat (without minor relaxation of PR and BH restrictions) which were approved with conditions by the Rural and New Town Planning Committee (the Committee) on 28.4.2017 and 15.11.2019 respectively.
- 1.3 According to the applicant, the proposed development includes three blocks of residential towers with PR of 1.44 and BH of 16 storeys (above one storey of basement carpark), providing 561 units. Since the PR and BH exceed the restrictions of the “R(E)” zone, the applicant also applied for minor relaxation of PR from 1.2 to 1.44 (+0.24/ +20%) and BH from 13 storeys to 16 storeys (+3 storeys/ +23.1%). The Site is accessible to Ying Ho Road and Kam Tin Road on the west and south respectively. The proposed development is tentatively scheduled for completion in 2022.
- 1.4 As compared with the last approved scheme under Application No. A/YL-KTN/647, the current application has increased the PR, gross floor area (GFA), BH and flat number, but reduced the number of residential towers. The comparison of major development parameters is shown in the table below and at **Drawing A-1**:

	<b>Approved Application No. A/YL-KTN/647 (a)</b>	<b>Current Application (b)</b>	<b>Difference (b)-(a)</b>
Site Area (m <sup>2</sup> )	16,245 (including GL of about 2,387)	16,180 (including GL of about 2,387)	-65 (- 0.4%)
Maximum Domestic PR	1.2	1.44	+0.24 (+ 20%)
Maximum GFA (m <sup>2</sup> )	19,494*	23,299*	+3,805 (+ 19.5%)
Site Coverage (%)	Not exceeding 39%	Not exceeding 38%	-1% (- 2.6%)
Number of Blocks	4	3	-1 (- 25%)
Maximum Number of Storeys / Building Height	13 above one-storey basement car park (52.45mPD)	16 above one storey basement car park (63.95mPD)	+3 storeys (+ 23.1%) +11.5mPD (+ 21.9%)
Number of Units	411	561	+150 (+ 36.5%)
Average Flat Size (m <sup>2</sup> )	47.43	42	- 5.43 (- 11.4%)
Estimated Population	806	1,515	+ 709 (+88%)

	<b>Approved Application No. A/YL-KTN/647 (a)</b>	<b>Current Application (b)</b>	<b>Difference (b)-(a)</b>
Number of Parking Spaces			
- Private Cars (Residents)	55	118	+63 (+114.5%)
- Private Cars (Visitors)	22	15	-7 (-31.8%)
- Bicycles	28	38	+10 (+35.7%)
Loading / Unloading Spaces	4	4	--
Private open space (m <sup>2</sup> )	Not less than 806	Not less than 1,515	+709 (+88%)

\* Excluding GFA of clubhouse (In the current scheme, 2 blocks of clubhouse (2-3 storeys) with a GFA of 1,165m<sup>2</sup> is proposed).

- 1.5 The MLP, basement and ground floor plans, section plan, Landscape Master Plan, photomontages, and plans showing proposed bus lay-by, environmental mitigation measures, air ventilation mitigation measures and land status are in **Drawings A-1 to A-15** respectively. Technical assessments including Landscape Design and Tree Preservation Proposal, Traffic Impact Assessment (TIA), Air Ventilation Assessment (AVA), Environmental Assessment (EA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), and Water Supply Assessment (WSA) are submitted by the applicant to support the application.

*Traffic*

- 1.6 The applicant proposed a new ingress/egress at Ying Ho Road while utilizing an existing vehicular access along Kam Tin Road for egress for the proposed development. At the request of the Transport Department (TD), a bus lay-by outside the Site along Kam Tin Road is proposed (**Drawing A-11**). A right-of-way (ROW) for a private lot encircled by the Site (**Plan A-2**) and Highways Department's maintenance of existing noise barriers will be provided and the details will be examined at land exchange stage. According to the TIA, the traffic impact imposed on the adjacent road network would be minimal and the proposed development is feasible from traffic engineering point of view.

*Environment*

- 1.7 According to the EA, with the adoption of noise mitigation measures including blank wall, fixed glazing, acoustic window and acoustic balcony (**Drawings A-12 and 13**), traffic noise standards can be fully met and the future residents would not be subject to significant traffic noise impact. Also, the proposed development will not be subject to unacceptable vehicular/industrial emission and adverse railway/industrial noise impact.

*Drainage and Sewerage*

- 1.8 According to the DIA, the proposed development will not cause significant impact on existing drainage systems as there is no additional paved area. New drains will be constructed to convey the runoff at the Site to the proposed and existing drains along Ying Ho Road connecting to Kam Tin River. According to the SIA, the sewage generated from the proposed development will be discharged to the Kam Tin Sewage Pumping Station through the proposed and existing sewers along Ying Ho Road and Ko Po Road. The proposed development is considered feasible in both drainage and sewerage terms.

*Landscape, Visual and Air Ventilation*

- 1.9 According to the Landscape Design and Tree Preservation Proposal, all the 61 existing trees within the Site are proposed to be felled, while a minimum of 127 compensatory trees will be planted. The VIA concludes that the proposed scheme will be acceptable from visual perspective, and there is only minor magnitude of visual change induced by the increase in BH from 13 storeys to 16 storeys.
- 1.10 According to the AVA, with fewer number of towers when compared with the approved scheme, there are wider building gaps between towers (including one between Towers 1 and 3 (61m) (**Drawing A-14**)) to serve as air corridor. The AVA concludes that the proposed development will have similar air ventilation performance when compared to the approved scheme.
- 1.11 In support of the application, the applicant has submitted the following documents:
- (a) Application form with plans received on 26.2.2020 (Appendix I)
  - (b) Supplementary Planning Statement (Appendix Ia)
  - (c) Further Information 1 (FI 1) received on 22.5.2019 providing responses to departmental comments  
*[not exempted from publication requirement]* (Appendix Ib)
  - (d) FI 2 received on 24.7.2020 and 31.7.2020 providing responses to departmental comments  
*[not exempted from publication requirement]* (Appendix Ic)
  - (e) FI 3 received on 9.9.2020 providing responses to departmental comments  
*[exempted from publication requirement]* (Appendix Id)
- 1.12 At the request of the applicant, the Committee agreed to defer consideration of the application on 24.4.2020 and 10.7.2020 to allow time for the applicant to prepare FI to address the departmental comments. After the deferral request, the applicant

submitted FIs in response to departments' 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 Supplementary Planning Statement and FIs at **Appendices Ia to Id**. They can be summarized as follows:

- (a) The current application is subject to previous planning approvals (Nos. A/YL-KTN/501 and 647) for residential development, which affirm the land use compatibility of the proposed development with its surrounding area. The proposed private residential development, with incorporation of proper environmental enhancement measures to provide a quality living environment, will materialize the planning intention of the "R(E)" zone.
- (b) The proposed minor relaxation of PR restriction is justified by the prevailing Government policy to optimize the use of valuable land for housing development. With an increase of 20% in PR, the proposed development would provide addition of 150 flats which could contribute to the housing market and help alleviate the problem of housing shortage in Hong Kong. Since the applicant has secured all private lots within the Site, comprehensive and timely implementation of the proposed development could be warranted to cope with the housing needs.
- (c) The proposed scheme can provide planning and design merits benefiting the surrounding neighbourhood through the proposed minor relaxation of BH restriction, which include:
  - (i) as compared with the approved scheme, the number of residential blocks is reduced to provide wider building gaps, including one at the centre of the Site from 32m in the approved scheme to 61m in the proposed scheme which aligns with the building separations of the adjacent residential development (i.e. the Riva) to enhance wind penetration and visual permeability in the locality;
  - (ii) in contrary to the approved scheme with building disposition almost in parallel to the building blocks in the Riva, the reduction in building blocks in the current scheme allows almost perpendicular disposition of the building blocks to those in the Riva, which could enhance wind and visual permeability of the Riva, as well as enhancing the noise performance of the proposed development as most of the flats are not facing directly to the public road;
  - (iii) the residential towers are placed away from the eastern part of the Site to enhance separation from Ko Po Tsuen when compared with the approved scheme. The AVA results show that the proposed scheme will achieve better air ventilation performance in the Ko Po Tsuen area;

- (iv) integrated open spaces at the centre and eastern part of the Site are created which will not only benefit the future residents but also open up the view of the Riva; and
  - (v) new provision of communal podium garden and incorporation of void areas at the first two storeys in all residential towers could facilitate wind penetration and visual permeability, providing a pleasant visual experience for the residents in the neighbouring residential developments and passengers/ drivers of Kam Tin Road.
- (d) The proposed development will facilitate phasing out of incompatible uses in the area and upgrade the existing degraded condition of the Site. Proper environmental enhancement measures and landscaping at the Site will also act as a desirable precedent for other potential developments in the area to gradually phase out the incompatible temporary uses.
- (e) The proposed scheme has retained the merits of the approved scheme, such as provision of a bus lay-by outside the Site and provision of peripheral planting where appropriate along the site boundary. Besides, ancillary parking spaces above the provision stipulated in the HKPSG will be provided to better serve the needs of the future residents and the locality. Technical assessments have been conducted and concluded that the development proposal is sustainable in all major aspects, including visual, traffic, environment, air ventilation, drainage, sewerage, water supply and hazard.
- (f) According to the Explanatory Statement of the OZP, the “R(E)” zone falls within the Consultation Zone (CZ) of the Au Tau Water Treatment Works (**Plan A-1a**) and the applicant should prepare and submit a Hazard Assessment 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 submitted a Hazard Assessment to the CCPHI. According to the Hazard Assessment, as the Site is remote from Au Tau Water Treatment Work, the proposed development is considered acceptable in risk aspect.

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

The applicant is the sole “current land owner” of the private land portion of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the Government Land (GL) portion of the Site, the “Owner’s Consent/Notification” Requirements are not applicable.

### **4. Background**

The Site is currently not a subject of any active enforcement case.

## 5. Previous Applications

- 5.1 The Site was involved in nine previous applications. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 The former seven applications were for various temporary open storage/storage, public vehicle park or addition of structures to existing open storage which were all approved with conditions by the Committee from 1998 to 2013. These applications covered parts of the Site and their nature and scale are different from the proposed residential development in the current application.
- 5.3 Application No. A/YL-KTN/501 and the last application No. A/YL-KTN/647 for proposed residential development (flats) (without minor relaxation of PR and BH restrictions) submitted by the same applicant of the current application were approved with conditions by the Committee on 28.4.2017 and 15.11.2019 respectively mainly for the reasons that the proposed development was in line with the planning intention of the “R(E)” zone and complied with the development restrictions of the zone; not incompatible with the surrounding area and would help phase out existing temporary structures and workshops at the site; and relevant departments had no adverse comments on the application.

## 6. Similar Application

- 6.1 There is no similar application for residential development or minor relaxation of PR and BH restrictions within the same “R(E)” zone.
- 6.2 For residential development, there are two applications at a same site in the “R(E)1” zone about 500m east of the Site (**Plan A-1a**). Applications No. A/YL-KTN/488 for proposed houses and A/YL-KTN/567 for proposed flats were approved with conditions by the Committee on 27.5.2016 and 4.5.2018 respectively for similar reasons that the proposed developments were in line with the planning intention of the “R(E)1” zone; not incompatible with the surrounding areas; and concerned departments had no adverse comments on the applications. For the last approved application No. A/YL-KTN/567, the proposed development with a PR of 0.8 involves 7 residential blocks of 4 storeys (above one-storey basement carpark), providing about 200 units. No relaxation of PR and BH was involved for both applications.

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

- 7.1 The Site is:
  - (a) currently paved, partly vacant and partly occupied by open storage of construction materials without valid planning permission;
  - (b) accessible via Kam Tin Road on its south; and

- (c) a small site of about 453.7m<sup>2</sup> (Lot 265 S.B. RP shown on **Plan A-2**) is encircled by the Site and is currently vacant.

7.2 The surrounding areas are predominantly residential dwellings/developments with scattered storage yards, site office, vehicle repair workshops and vacant/unused land. All the workshops and storage yards are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its immediate north under the “R(B)” zone is the Riva, a residential development comprising 25 residential towers and 48 houses with a total PR of 1.013 and BH of not more than 23 storeys (over a basement carpark) providing about 780 units (approved under Application No. A/YL-KTN/319-2 on 7.1.2011) (**Plan A-2**);
- (b) to the northwest is Ha Ko Po Tsuen in “Residential (Group E) (“R(E)”) zone with residential dwellings/structures, vehicle repair workshops, storage yards, site offices and vacant land. Further northwest is a site zoned “R(B)1” occupied by a newly completed residential development (i.e. Crescent Green) with a PR of 1.2 and BH not exceeding 13 storeys (over a basement carpark) (**Plan A-1a**);
- (c) to the east across Ying Ho Road is Ko Po Tsuen in “Village Type Development” (“V”) zone, mainly occupied by residential dwellings/structures and shops (**Plan A-1a**);
- (d) to the south are Kam Tin Road and Tsing Long Highway. Across the roads is Ko Po San Tsuen, mainly occupied by residential dwellings/structures and open storage yards (**Plan A-1a**); and
- (e) the West Rail Kam Sheung Road Station is located about 1.1 km to the southeast of the Site. Au Tau Water Treatment Works is located about 500 m to the south of the Site. The Site falls within the 1 km Consultation Zone of the Au Tau Water Treatment Works (**Plan A-1a**).

## 8. Planning Intention

- 8.1 The planning intention of the “R(E)” 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 As stated in the Explanatory Statement of the OZP, to provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the PR and BH restrictions may be considered by the Board



through the planning permission system. Each proposal will be considered on its individual planning merits.

- 8.3 The Explanatory Statement of the OZP also stated that the Site and adjoining area is zoned “R(E)” to improve and upgrade the current site condition with temporary structures for future residential developments. Given this “R(E)” zone has a long frontage, sufficient building separations within the zone would be required to facilitate wind penetration. A quantitative AVA should be conducted and appropriate mitigation measures such as setback, building gaps, non-building area etc. would be required for the proposed development within the zone. Since the “R(E)” zone falls within the Consultation Zone of the Au Tau Water Treatment Works (**Plan A-1a**), the developer(s) should prepare and submit an Hazard Assessment to the CCPHI prior to the submission of s.16 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 comprises various private lots which, by the terms of the lease under which they are held, are demised as agricultural ground and adjoining GL, particularly Short Term Tenancy No. 1640, all in D.D. 103. Lot Nos. 266 S.A, 267 and 270 all in D.D. 103 are subject to a Modification of Tenancy for maintenance of some structures on site. Short Term Tenancy No. 1640 is restricted to be used for open storage of car bodies and vehicle parts purposes.
- (b) Based on the application site boundary in the submitted planning statement, the Site has an area of about 16,180m<sup>2</sup> (including about 2,387m<sup>2</sup> GL) quoted by the applicant which should be subject to further verification and survey. In case of any discrepancy in site areas found, the respective proposed development parameters will have to be revised accordingly.
- (c) The proposed site access from/to Kam Tin Road falls partly within the area shown coloured brown hatched black on the Tenancy Plan for Short Term Tenancy No. 1640 maintained by the Tenant (which is a related party to the applicant).

- (d) There is GL, which sandwiched the subject lots and adjoining Kam Tin Road, included in the Site. That strip of GL which falls within the area zoned “R(E)” is incapable of reasonable alienation for development. The inclusion of that additional strip of GL for residential development conforms with the planning intention and provides better utilization and management of land resources.
- (e) The applicant has to apply for a land exchange/lease modification to implement the planning scheme if approved by the Board. However, there is no guarantee that the land exchange/lease modification proposal including the grant of the additional GL will be acceded to. Such application will be dealt with by his department acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by his department.
- (f) The proposed tree felling/transplanting/tree compensatory as stated in the applicant’s submission should be subject to separate application to be submitted for formal approval upon implementation of the development proposal.

### **Traffic**

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

- (a) He has no adverse comment on the application from traffic engineering perspective.
- (b) Should the planning application be approved, the following approval conditions should be imposed:
  - (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 provision of vehicular access to the satisfaction of the C for T and the Director of Highways or of the Board;
  - (iii) the design and provision of car parking and loading / unloading facilities for the proposed development to the satisfaction of the C for T or of the Town Planning Board; and
  - (iv) the design and provision of public transport facilities to the

satisfaction of the C for T and the Director of Highways or of the Board.

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

- (a) If the proposed vehicular egress at Kam Tin Road is agreed by TD, the applicant should design and construct the egress and all necessary modification works to the nearby cycle track, footway and carriageway at Kam Tin Road in accordance with the latest TD and HyD standards. The applicant should submit the detailed design of the egress and the modification works for agreement of Commissioner for Transport and Director of Highways before the commencement of the construction works.
- (b) Ying Ho Road and the proposed run-in/ out at Ying Ho Road is not and will not be maintained by HyD. Nevertheless, if the proposed run-in/ out at Ying Ho Road is agreed by TD, the applicant should provide and maintain the run in/ out at Ying Ho Road 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 any road improvement works (e.g. construction of bus lay-by, removal of existing run-in/out at Kam Tin Road, etc) are considered necessary by TD due to the proposed development, they shall be designed and constructed by the applicant at his own expenses to the satisfaction of the Commissioner for Transport and the Director of Highways.
- (d) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

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

The Site does not fall within RDS 2014 Area of Influence and RDS 2014 Administrative Route Protection Boundary. Subject to Railway Development Office, HyD's no adverse comment on the application, he has no comment on the application.

**Environment**

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

- (a) He has no objection to the application subject to the imposition of the following approval conditions to the satisfaction of DEP or the Board:
  - (i) the submission of an updated Sewerage Impact Assessment (SIA) for connections to the public sewers and implementation of the sewerage improvement measures identified therein; and
  - (ii) the submission of an updated Noise Impact Assessment (NIA) and the implementation of mitigation measures identified therein.
- (b) The Site falls within the Consultation Zone of the Au Tau Water Treatment Works which is a Potentially Hazardous Installation. The applicant has submitted the HA to the CCPHI for the subject proposal taking into accounts the updated development parameters. He has no objection to the application from chlorine risk perspective.

### **Drainage**

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

##### *DIA*

- (a) He has no in principle objection to the proposed development.
- (b) The applicant is reminded that the drainage facilities shall be properly maintained and the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas.
- (c) The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the works.
- (d) 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.

*SIA*

- (e) He has no comment on the SIA. The SIA needs to meet the full satisfaction of Sewerage Infrastructure Group of Environmental Protection Department, the planning authority of the sewerage infrastructure.

**Urban Design and Landscape**

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

*Urban design and Visual*

- (a) The Site is located to the south of Kam Tin River on a flat plain which is bounded by Kam Tin Road and Tsing Long Highway. The “R(B)” zone (the Riva) to the immediate north of the Site currently has a BH ranging from 3 to 23 storeys. The proposed development with a PR of 1.44 and maximum BH of 16 storeys is considered not visually incompatible with the surrounding context.
- (b) As compared with the last approved scheme (Application No. A/YL-KTN/647), the current proposal with minor relaxation of PR by 20% and BH by 3 storeys provides wider building separations and more communal open space for enhancing the visual and air permeability of the area by reducing the number of residential blocks. Judging from the submitted photomontages, the proposed development is unlikely to result in significant visual impact to the surroundings.

*Air Ventilation*

- (a) She has no comment on the AVA.
- (b) An AVA IS using computational fluid dynamic modelling has been carried out to support the application. Two scenarios, i.e. the Approved Scheme and the Proposed Scheme, have been studied. As set out in the AVA IS report, mitigation measures including (i) 21m-wide building separation between Club House and Tower 1; (ii) 61m-wide building separation between Towers 1 and 3; (iii) 34m-wide building separation between Tower 3 and clubhouse; (iv) 18m-wide setback from the eastern site boundary; and (v) various void areas at G/F and 1/F of building towers, have been incorporated in the Proposed Scheme with the aim to address the potential adverse air ventilation impact induced by the proposal on the surrounding areas.

- (c) According to the simulation results, the overall performances of the Approved and Proposed Schemes on pedestrian wind environment are comparable under both annual and summer conditions.
- (d) Considering the above, it is not anticipated that the proposal with mitigation measures described above would generate significant adverse air ventilation impact on the overall pedestrian wind environment as compared with the Approved Scheme.

#### *Landscape*

- (a) She has no objection to the application from the landscape planning perspective.
- (b) With reference to the aerial photo of 2019, the Site is vacant and situated in an area of rural landscape character comprising scattered tree groups, temporary structures and medium rise residential development. The proposed medium-rise residential development is considered not incompatible with the existing landscape setting in proximity.
- (c) According to the submission, 61 nos. of existing trees are found within the Site. Although that all existing trees are proposed to be felled, those trees are common species and mitigation measures such as planting new trees (i.e. compensatory ratio of 1:1 in terms of quality and quantity to meet the requirements of LAO PN 7/2007) and shrubs are proposed. Moreover, provision of open space is properly addressed (i.e. no less than 1,151m<sup>2</sup> for anticipated population of 1,151).
- (d) Should the application be approved, approval condition on submission and implementation of landscape proposal should be included.
- (e) The applicant is reminded to obtain approval from the relevant authority on the proposed tree felling prior to commencement of works.

#### **Nature Conservation**

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

Noting that the Site is currently paved and is adjacent to another residential development of similar scale, it is not envisaged that the proposed minor relaxation of maximum PR and BH to the approved

scheme (No. A/YL-KTN/647) would impose adverse ecological impacts to the surrounding environment. He has no comment on the application from the nature conservation perspective.

### **Building Matters**

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

- (a) Having considered that the Site abuts Kam Tin Road which is not less than 4.5m wide, it could be considered as a Class A site under Regulation 18(A) of the Building (Planning) Regulation (B(P)R). However, he has reservation on the proposed development parameters that the maximum site coverage of not more than 38% would exceed the permissible site coverage allowed under Regulation 20 and the First Schedule of the B(P)R if the height of the proposed domestic building is about 57.95m as indicated in the layout plan (**Drawing A-5**) in the applicant's submission. The permissible site coverage of a residential development with BH over 55m but not exceeding 61m is 34% for a Class A site.
- (b) Noting that a ROW will be granted for the Lot 265 S.B RP in D.D. 103 for direct access to Kam Tin Road, that piece of land should be excluded from the site area calculation under B(P)R 23 (2)(a).
- (c) The Site as well as the Lot 265 S.B RP in D.D. 103 shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided for all the buildings to be erected on the Site in accordance with the requirements under the B(P)R 41D.
- (d) The number of accessible parking spaces designated for the use of persons with a disability should be provided in accordance with the requirements as stipulated in the division 3 of chapter 4 in Barrier Free Access 2008.
- (e) Disregarding carparking spaces from GFA calculation under the Buildings Ordinance (BO) will be considered on the basis of the criteria set out in PNAP APP-2 during building plan submission stage.
- (f) 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 PNAP 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.

- (g) Detailed checking will be carried out during building plan submission stage.

### **Civil Aviation**

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

- (a) He has no comment on the application from airport height restriction perspective. He was given to understand that the proposed development of not exceeding +70mPD (with consideration of all roof-top structures) will not exceed the restricted height (more commonly known as the Airport Height Restriction (AHR) prescribed under the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301).
- (b) The Site is in close vicinity of Shek Kong Airfield (**Plan A-1**). Although the aircraft/ helicopter operations at the Shek Kong Airfield are not frequent, due to the quiet ambience of the area, aircraft/ helicopter noise will still be audible. Complaints from nearby residents regarding aircraft/ helicopter noise due to the operations at the Shek Kong Airfield have been received by his department from time to time. It is suggested that future residents should be alerted of the potential aircraft/ helicopter operations at the Shek Kong Airfield. The applicant may also consider putting forward adequate mitigation measures in their proposed residential development to ensure liveability of the residents. He has no further comment noting that the applicant undertakes to notify future residents of the potential aircraft/ helicopter operations at the Shek Kong Airfield and to adopt insulation measures to minimize the potential aircraft noise impact.

### **Security Aspect**

#### 9.1.11 Comments of the Secretary for Security (S for Security):

There is no objection to the application. The applicant should take into consideration of the impact of the noise and safety of aircraft flying on the proposed development which is in proximity to Shek Kong Airfield.

### **Fire Safety**

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

- (a) He has no in-principle objection to the proposal 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 and referral from the relevant licensing authority.
- (c) The emergency vehicular access (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) Regulation 41D which is administered by the BD.

### **Water Supply**

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

- (a) He has no objection to the application.
- (b) Existing water mains will be affected (**Plan A-2**). The cost of any necessary diversion shall be borne by the developer. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5 metres from the center line of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all time for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (c) No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water mains shown on **Plan A-2**.
- (d) 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.

### **Electricity**

9.1.14 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) The applicant shall approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the Site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the Site, the applicant shall carry out the following measures:

- (i) If the Site is within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV or above as stipulated in the HKPSG, prior consultation and arrangement with CLP Power is necessary.
- (ii) Prior to establishing any structure within the Site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask CLP Power to divert the underground cable and/or overhead line away from the vicinity of the proposed structure.
- (iii) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant when carrying out works in the vicinity of the electricity supply lines.

**District Officer’s Comments**

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

His office has not received any locals’ comment on the application and he has no comment on the application from departmental point of view.

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

- (a) Chief Architect/CMD(2), Architectural Services Department;
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (c) Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department;
- (d) Project Manager (West), Civil Engineering and Development Department; and
- (e) Commissioner of Police.

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

10.1 On 6.3.2020, the application was published for public inspection for 3 weeks. FI(1) and FI(2) submitted subsequently were also published for three weeks respectively. A total of 47 public comments were received from the owners and residents of the Riva, residents in the New Territories and individuals (**Appendices III-1 to III-47**).

- 10.2 21 comments (**Appendices III-1 to III-21**) from the owners and residents of the Riva and individuals object to the application mainly on the grounds that the proposed development will cause adverse traffic, environmental, air ventilation and visual impacts; the dust and noise during construction will adversely affect the nearby residents, restaurants and shops; the development intensity is excessive and the proposed scheme does not provide enough parking spaces, retail and recreational facilities; there is insufficient parking spaces, public transport facilities, shops, recreational and community facilities to serve the nearby residents; the road network and West Rail is already overloaded and there should be traffic improvement before new development. Some of the comments suggest more shop and parking spaces should be provided at the Site, sufficient separation from the Riva should be maintained, management of Ying Ho Road should be shared, and the pedestrian crossing and traffic controlling measures should be improved.
- 10.3 Amongst the comments received, 26 comments from the residents in the New Territories and individuals (**Appendices III-22 to III-47**) support the application mainly on the grounds that the proposed development will provide better living environment and is compatible with the surrounding area; increase housing supply to meet housing demand; create job opportunities to support the local economy; will not cause adverse visual, air ventilation and environmental impacts but enable better utilization of land; the Site is readily available for development which is better than utilising country parks or reclamation for housing; and will help phase out the existing industrial use in the area and improve rural environment.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed flat development with minor relaxation of PR and BH. According to the Notes of the OZP, 'Flat' is a Column 2 use in the "R(E)" zone, which requires planning permission from the Board. Since the PR and BH of the proposed development exceed the restrictions of the "R(E)" zone, the applicant also applied for minor relaxation of PR from 1.2 to 1.44 (+0.24/ +20%) and BH from 13 storeys to 16 storeys (+3 storeys/ +23.1%). While there is an approved scheme (Application No. A/YL-KTN/647) for flats with PR of 1.2 and BH of 13 storeys (over one-storey basement) at the Site, the current application seeks to revise the approved layout with higher PR and BH.

### *Planning Intention*

- 11.2 The planning intention of the "R(E)" zone is 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 constrains. The proposed residential development in the current application comprises 3 blocks of residential towers, providing 561 flats. According to the EA submitted by the applicant, environmental mitigation measures to alleviate traffic noise impact are proposed (paragraph 1.7 above).

The proposed development would help phase out the existing open storage use at the Site, which is not compatible with the nearby residential developments. In view of the above, the proposed residential development is considered in line with the planning intention of the “R(E)” zone.

#### *Minor Relaxation of PR and BH Restrictions*

- 11.3 According to the applicant, the minor relaxation of PR from 1.2 to 1.44 (+0.24/+20%) can increase the number of flats when compared with the approved scheme (+150 units), which can contribute to the housing supply. The increase in BH from 13 storeys to 16 storeys (+3 storeys/ +23.1%) associated with fewer residential blocks will bring various planning and design merits, including wider separation between the building blocks (including one from 32m in the approved scheme to 61m in the current scheme aligning with the building separations of the Riva) (**Drawing A-14**) and larger separation from Ko Po Tsuen on the east, which could help facilitate air ventilation and enhance visual permeability in the locality. Also, the integrated open spaces at the centre and eastern part of the Site for the future residents would open up view for the Riva. The disposition of the building blocks is also revised such that the residential towers are perpendicular to those in the Riva, enhancing the wind and visual permeability of the Riva. In addition, the provision of communal podium garden and void areas at the first two storeys in the residential blocks will facilitate wind penetration and enhance visual quality when viewed by nearby residents/ road users (**Drawing A-5**). CTP/UD&L of PlanD advised that the proposed development with minor relaxation of PR and BH will unlikely result in significant visual impact on the surroundings and it is not anticipated that the proposed scheme with mitigation measures would generate significant adverse air ventilation impact.

#### *Land Use Compatibility*

- 11.4 The proposed development with a BH of 16 storeys (over one-storey basement carpark) and a PR of 1.44 is considered not incompatible with the surrounding area in terms of land use and development intensity. For land use, the surrounding areas are mainly medium to low rise residential developments, including the Riva in “R(B)” zone in the north, Ha Ko Po Tsuen in “R(E)” zone and Ko Po Tsuen in “V” zone in the west and east, and Crescent Green in “R(B)1” zone in the further northwest. In terms of development intensity, the Riva comprises 25 residential towers and 48 houses with a total PR of 1.013 and BH of not more than 23 storeys (over one-storey basement carpark) providing 780 units. Crescent Green is subject to a PR of 1.2 and BH not exceeding 13 storeys (over one-storey basement carpark). This area is transforming into a residential area supported by major transport infrastructures including West Rail and Tsing Long Highway.

#### *Technical Feasibility*

- 11.5 The applicant has submitted relevant technical assessments, including TIA, AVA, EA, DIA, SIA, Water Supply Assessment, landscape design and tree preservation proposal and Hazard Assessment in support of the application. Relevant

government departments have no objection to/adverse comments on the application.

#### *Environmental*

- 11.6 The Site is located close to Kam Tin Road and Tsing Long Highway. The EA demonstrated that with the proposed environmental mitigation measures, including blank wall, fixed glazing, acoustic window and acoustic balcony (**Drawings A-12 and A-13**), there would be no unacceptable traffic noise impact. DEP has no adverse comment on the application. Approval condition requiring the submission and implementation of NIA is recommended in paragraph 12.2 below. Whilst the Site falls within 1km Consultation Zone of the Au Tau Water Treatment Works, the applicant has submitted a Hazard Assessment to CCPHI for approval and DEP has no objection to the application from chlorine risk perspective.

#### *Traffic*

- 11.7 According to the TIA, the proposed development would not generate adverse traffic impact. The applicant proposed an off-site bus lay-by along Kam Tin Road upon C for T's request (**Drawing A-11**). C for T has no adverse comment on the application and relevant approval conditions on traffic aspect are recommended in paragraph 12.2 below.

#### *Sewerage and Drainage*

- 11.8 The DIA and SIA demonstrate that the proposed development would not cause adverse drainage and sewerage impacts. New drainage and sewerage facilities will be provided to discharge the runoff and sewage from the Site to the existing drains and sewers along Ying Ho Road/Ko Po Road. CE/MN of DSD and DEP have no adverse comment on the application from drainage and sewerage aspects. Approval conditions on the submission and implementation of the sewerage and drainage proposal are recommended in paragraph 12.2 below.

#### *Urban Design, Air Ventilation and Landscape*

- 11.9 CTP/UD&L, PlanD considers that the proposed development is not visually incompatible with the surrounding context and is not expected to have significant visual impact. She also has no objection to the application from landscape planning point of view. According to the applicant, the layout of the proposed development has incorporated various air ventilation mitigation measures, including a major building separation (61m) between Towers 1 and 3 (**Drawing A-14**) which aligns with the building separation of the Riva. The AVA results demonstrated that the overall performance of the approved scheme and proposed scheme on pedestrian wind environment are comparable. Approval condition on the submission and implementation of landscape proposal is recommended in paragraph 12.2 below.

- 11.10 CBS/NTW, BD has reservation to the development parameters as the Site is considered as a Class A site and the maximum site coverage of not more than 38% would exceed the permissible site coverage allowed under Regulation 20 and the First Schedule of the B(P)R. Also, the proposed ROW should be excluded from site area calculation. The same comments have been raised in the previous approved application No. A/YL-KTN/647. It is considered that his comment under the BO could be dealt with at the building plan submission stage.

*Previous Applications*

- 11.11 The Site is subject to two previously approved application No. A/YL-KTN/501 and A/YL-KTN/647 for flat use (both not involving minor relaxation of PR and BH) and submitted by the same applicant of the current application, which were approved with conditions by the Committee in 2017 and 2019 respectively mainly for the reasons as stated in paragraph 5.3 above. When compared with the last approved scheme, the current application involves increase in PR, GFA, BH and number of flats, and reduction in building block. While there is no similar application for flat and minor relaxation of PR and BH restrictions within the same “R(E)” zone, there are approved applications for residential development in the “R(E)1” zone to the east of the Site as detailed in paragraphs 6.2 above.

*Public Comments*

- 11.12 Among the 47 public comments received during the statutory publication periods as detailed in paragraph 10 above, 26 support and 21 object to the application. The departmental comments as well as planning considerations and assessments 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 18.9.2024, 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 submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;

- (b) the submission of a consolidated Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the design and provision of vehicular access to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (d) the design and provision of car parking and loading / unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and provision of public transport facilities to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (f) the submission of an updated Noise Impact Assessment and the implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (g) the submission of an updated Sewerage Impact Assessment for connections to the public sewers and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Environmental Protection and Director of Drainage Services or of the Town Planning Board;
- (h) the submission of an 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; and
- (i) 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 IV**.

- 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 there are strong planning and design merits to justify the proposed minor relaxation of PR and BH restrictions.

**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**

<b>Appendix I</b>	Application Form with plans received on 26.2.2020
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI1 received on 22.5.2020
<b>Appendix Ic</b>	FI2 received on 24.7.2020 and 31.7.2020
<b>Appendix Id</b>	FI3 received on 9.9.2020
<b>Appendix II</b>	Previous applications at the Site
<b>Appendices III-1 to III-47</b>	Public comments received during the statutory publication period
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Comparison of layout of previous approved application and current application
<b>Drawing A-2</b>	Master Layout Plan
<b>Drawing A-3</b>	Ground Floor Plan
<b>Drawing A-4</b>	Basement Plan
<b>Drawing A-5</b>	Section Plan
<b>Drawing A-6</b>	Landscape Master Plan
<b>Drawings A-7 to 10</b>	Photomontages



<b>Drawing A-11</b>	Proposed Traffic Improvement Proposal
<b>Drawings A-12 and 13</b>	Proposed Noise Mitigation Measures
<b>Drawing A-14</b>	Proposed Air Ventilation Mitigation Measures
<b>Drawing A-15</b>	Land Holding Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4c</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2020**