

RNTPC Paper No. A/YL-KTS/705D
For Consideration by
the Rural and New Town
Planning Committee
On 20.4.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/705

- Applicant** : Super Asset Development Ltd. represented by Pro Plan Asia Ltd.
- Site** : Lots 547 RP (Part) and 2160 RP in D.D. 106 and Adjoining Government Land, Tung Wui Road, Yuen Long
- Site Area** : About 25,110 m² (including Government Land of about 17,160m² or about 68.34% of the application site)
- Lease** : Lot 2160 RP in D.D. 106 - New Grant No. 369 (building and garden lot) (about 6,940m² or about 27.64% of the application site)
- Lot 547 RP (Part) in D.D. 106 - Block Government Lease (demised for agricultural use) (about 1,010m² or about 4.02% of the application site)
- Plan** : Draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/14
- [Draft Kam Tin South OZP No. S/YL-KTS/12 at the time of submission]
- Zoning** : “Comprehensive Development Area” (“CDA”)
[restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m); Area (b): no building development is permitted and shall be designated as a landscaped area for public use]
- [Same zoning and development restrictions on the draft Kam Tin South OZP No. S/YL-KTS/12 and the draft Kam Tin South OZP No. S/YL-KTS/14]
- Application** : Proposed House Development

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed development of 52 two-storey houses and 16 three-storey houses on the application site (the Site). According to the Notes of the OZP, 'House (other than rebuilding of New Territories Exempted House (NTEH) or replacement of existing domestic building by NTEH permitted under the covering Notes)' is a Column 2 use within the "CDA" zone which requires planning permission from the Town Planning Board (the Board) and the applicant shall prepare a Master Layout Plan (MLP) for approval of the Board including, among others, visual impact assessment (VIA), environmental assessment (EA), drainage and sewerage impact assessments (DIA and SIA) and traffic impact assessment (TIA). The "CDA" zone is subject to a maximum plot ratio (PR) of 0.4 and a maximum building height of 3 storeys (9m); and no building development is permitted in Area (b) which shall be designated as a landscaped area for public use.
- 1.2 The Site covers the "CDA" zone which comprises Area (a) of about 1.3 ha and Area (b) of about 1.2 ha (**Plan A-1a**). Area (a) includes Lot 2160 RP, Lot 547 RP (Part) and adjoining Government land (GL), while Area (b) is mainly GL (11,600m²) with minor portion (50m²) of Lot 547RP (Part). The GL portion of the Site is currently vacant and covered by trees, vegetation and a meander, and the private lots portion (i.e. Lots 2160 RP and 547 RP (Part)) of the Site is currently occupied by two open storage yards (**Plans A-2 to A-4c**).
- 1.3 The Site was involved in four previous applications (No. A/YL-KTS/113, 237, 278 and 590). Applications No. A/YL-KTS/113, 237 and 278 for proposed residential cum commercial or residential developments covering part of the Site (**Plan A-1b**) under the provision of the then "Undetermined" ("U") zone of the Kam Tin South OZP were rejected by the Rural and New Town Planning Committee (the Committee) on 20.3.1998, 16.3.2001 and 25.4.2003 respectively. The last application No. A/YL-KTS/590 for proposed houses covering the same area as the current application under the "CDA" zone was rejected by the Committee on 8.5.2015. Details of these applications are set out in paragraphs 5.1 to 5.4 below.
- 1.4 The applicant submitted a MLP (**Drawing A-1**) for the proposed house development with a total PR of 0.4 for the "CDA" zone. According to the applicant, the land in Area (a) would be developed for 68 houses of 2- to 3-storey in three portions under two phases. Area (b) would be for a public open space/landscaped area and an indicative landscape design integrated with the existing meander is submitted (**Drawing A-8**). A comparison of the major development parameters of the scheme under the last rejected application No. A/YL-KTS/590 and the current scheme are shown below and in **Drawing A-1**:

Development Parameters	Scheme under the rejected Application No. A/YL-KTS/590	Proposed Scheme under the current application
Total Site Area (m²) (about)	25,110	25,110
Area (a) (proposed house development) (m²) Portion 1 (Lot 2160 RP) Portion 2 (GL) Portion 3 (Lot 547 RP (Part) and GL) Public road and remaining GL	Not provided ⁽¹⁾ 6,940 Not provided Not provided Not provided	Approx. 13,000 6,940 2,339.71 1,414.69 2,306
Area (b) (m²) (proposed public open space/ landscaped area)	Not provided	Approx. 12,000
Total Domestic Gross Floor Area (GFA) / PR (based on total site area of the “CDA” zone) Portion 1 (Lot 2160 RP) Portion 2 (GL) Portion 3 (Lot 547 RP (Part) and GL)	Total PR: 0.4 ⁽²⁾ 6,763.12m ² / 0.27 N/A PR: 0.13 (no GFA provided)	10,044m²/0.4 6,763.12m ² /0.269 1,912.68m ² /0.076 1,368m ² /0.054
No. of Storeys / Building Height Portion 1 (Lot 2160 RP) Portion 2 (GL) Portion 3 (Lot 547 RP (Part) and GL)	2 storeys / 7.62m N/A Not provided	2 storeys / 7.62m 3 storeys / 9m 3 storeys / 9m
Site Coverage (SC) (about) Portion 1 (Lot 2160 RP) Portion 2 (GL) Portion 3 (Lot 547 RP (Part) and GL)	14.36% N/A Not provided	17.82% 13.47% 2.54% 1.82%
Total No. of Houses/Average House Size (about) Portion 1 (Lot 2160 RP) Portion 2 (GL) Portion 3 (Lot 547 RP (Part) and GL)	52 houses/130m ² N/A Not provided	68 houses 52 houses /130.1m ² 9 houses /212.5m ² 7 houses / 195.4m ²

⁽¹⁾ The scheme of Application No. A/YL-KTS/590 involved developing the private land in Area (a) in two phases. Phase 1 comprises 52 two-storey houses in Lot 2160 RP. No development scheme was proposed for Lot 547 RP (Part) (Phase 2). The remaining GL in Area (a) and Area (b) was proposed to be developed as public amenity area.

⁽²⁾ In Application No. A/YL-KTS/590, the applicant stated that PR of 0.27 for Lot 2160 RP is calculated based on the site area of the entire “CDA” of 25,110m² (i.e. 6,763.12m²/25,110m²). However, based on the site area of Lot 2160 RP of 6,940m², the PR of Phase 1 should be 0.9745 (i.e. 6,763.12m²/6,940m²).

Development Parameters	The Scheme under the rejected Application No. A/YL-KTS/590	Proposed Scheme			
		Private Car Parking		Motor-cycle Parking	L/UL
Car Parking Spaces / Loading/Unloading Bay (L/UL) (for heavy goods vehicles)		Resident	Visitor		
Portion 1 (Lot 2160 RP)	18 car parking spaces	52	2	1	1
Portion 2 (GL)	N/A	14	2	1	1
Portion 3 (Lot 547 RP (Part) and GL)	Not provided	11	2	1	1
Total	N/A	77	6	3	3

Phased Development

- 1.5 According to the applicant, Portion 1, which is owned by the applicant, will be completed in 2020 (i.e. the initial phase). Portions 2 and 3 under GL and owned by other land owner will be completed in the remaining phase, but no completion year is provided in the application. For Area (b), the proposed public open space/landscaped area is on GL and the applicant proposed that it will be managed and maintained by relevant government department in the long-term.
- 1.6 Technical assessments, including tree preservation proposal, landscape master plan (LMP), TIA, EA, SIA, DIA and VIA have been submitted by the applicant to support the current development proposal.

Landscape

- 1.7 According to the tree preservation proposal, among the 601 existing trees surveyed within and immediately adjoining the Site, 344 trees are proposed to be retained and 188 trees are proposed to be felled while 69 nos. are dead trees. 188 nos. of compensatory trees are proposed (i.e. 1:1 ratio). The future residents will enjoy external views and access to the public open space/landscaped area at Area (b) of the “CDA” zone. Private open space would meet the 1m² per person requirement in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). An indicative landscape design integrated with the existing meander for the public open space/ landscaped area in Area (b) has been submitted (**Drawing A-8**), and the applicant proposed that it would be managed and maintained by relevant government department in the long-term.

Traffic

- 1.8 The proposed houses at Portion 1 would be accessible via Kam Wui Road whereas Portions 2 and 3 would be accessible via separate ingresses/egresses along Kam Po Road (**Drawing A-1**). To improve road safety, the applicant proposes to widen the section of Kam Wui Road falling within the Site (which is currently a sub-standard road) into a standard 7.3m wide single two-lane carriageway with 2m wide footpath on both sides (**Drawing A-19**) to be undertaken by the applicant. According to the TIA, all junctions would be operated in sufficient capacity and the proposed development at the Site is considered acceptable in traffic terms.

Sewerage

- 1.9 There is currently no public sewerage system in the vicinity of the Site. The applicant proposes four sewage disposal options. Option 1: sewage from the proposed development could be discharged in the public sewerage system upon completion of the public sewerage works in Kam Tin and Pat Heung area under the government project “Yuen Long and Kam Tin Sewerage and Sewage Disposal”. Option 2: in case the proposed development in Portion 1 is completed before public sewerage is available, the applicant proposed to provide an on-site underground sewage treatment plant (**Drawing A-1**) at Portion 1 with capacity to serve Portions 1, 2 and 3. In order to meet the requirement of no net increase in pollution load to Deep Bay, the applicant also proposed to collect and treat sewerage for about 17 village houses located to the north of the Site at the proposed on-site sewage treatment plant. Option 3: in view of the implementation of sewerage connection to the village houses is uncertain, the applicant proposed an alternative option to provide tertiary treatment at the proposed on-site sewage treatment plant, which would achieve a better effluent standard. Option 4: individual underground sewage treatment plant for each Portion will be provided (**Drawing A-1**).

Environment

- 1.10 An EA covering air quality, noise impact, water quality, waste management and land contamination was submitted by the applicant. With the adoption of single-aspect design for the houses facing Tung Wui Road and fixed glazing windows for a few houses (**Drawing A-20**), it is anticipated that full compliance of relevant noise criteria for both traffic noise and industrial noise will be achieved. With the implementation of the proposed sewerage system, no adverse water quality impact is anticipated. Regarding the land contamination aspect, potentially contaminated areas (mainly at Portions 1 and 3) have been identified. The applicant suggested that the contamination issues are considered not insurmountable as the concerned areas are relatively small and remediation methods are well established.

- 1.11 The MLP, ground floor plan, sections and elevations, LMP, photomontages, a plan showing proposed widening of Kam Wui Road, and a plan showing the proposed noise mitigation measures of the proposed development submitted by the applicant are at **Drawings A-1 to A-20**.
- 1.12 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with a letter and supplementary information received on 15.4.2016 **(Appendix I)**
 - (b) Planning Statement **(Appendix Ia)**
 - (c) FI(1) received on 28.7.2016 providing a revised MLP, LMP, tree preservation proposal, TIA, VIA, DIA, SIA and NIA
(accepted but not exempted from publication and recounting requirement) **(Appendix Ib)**
 - (d) FI(2) received on 8.8.2016 clarifying the building height and private open space provision with development schedule and plans
(accepted and exempted from publication and recounting requirement) **(Appendix Ic)**
 - (e) FI(3) received on 31.10.2016 providing a revised MLP, LMP, tree preservation proposal, TIA, VIA, DIA, SIA and NIA
(accepted but not exempted from publication and recounting requirement) **(Appendix Id)**
 - (f) FI(4) received on 12.12.2016 providing a revised DIA and SIA
(accepted but not exempted from publication and recounting requirement) **(Appendix Ie)**
 - (g) FI(5) received on 11.1.2017 providing a revised TIA
(accepted but not exempted from publication and recounting requirement) **(Appendix If)**
 - (h) FI(6) received on 23.2.2017 providing a revised SIA and revising the development programme of Portions 2 and 3 to address the concerns on sewage treatment
(accepted and exempted from publication and recounting requirement) **(Appendix Ig)**

- (i) FI(7) received on 20.4.2017 providing further information on tree preservation proposal, a new EA report, revised MLP and TIA
(accepted but not exempted from publication and recounting requirement) **(Appendix Ih)**
- (j) FI(8) received on 1.6.2017 providing a revised SIA
(accepted but not exempted from publication and recounting requirement) **(Appendix Ii)**
- (k) FI(9) received on 14.7.2017 providing supporting technical assessments reports, including new detailed junction calculation sheets to support the TIA, amended pages of the revised EA and SIA Reports
(accepted but not exempted from publication and recounting requirement) **(Appendix Ij)**
- (l) FI(10) received on 22.8.2017 providing amended pages of the revised EA and responses to departmental and public comments
(accepted and exempted from publication and recounting requirement) **(Appendix Ik)**
- (m) FI(11) received on 24.10.2017 providing information in response to departmental comments
(accepted and exempted from publication and recounting requirement) **(Appendix Il)**
- (n) FI(12) received on 14.12.2017 providing indicative landscape design of Area (b)
(accepted but not exempted from publication and recounting requirement) **(Appendix Im)**
- (o) FI(13) received on 1.2.2018 providing revised MLP
(accepted but not exempted from publication and recounting requirement) **(Appendix In)**
- (p) FI(14) received on 2.3.2018 and 5.3.2018 providing revised traffic data, revised LMP and revised noise mitigation measures
(accepted but not exempted from publication and recounting requirement) **(Appendix Io)**

1.13 The application was originally scheduled for consideration by the Committee on 10.6.2016. Upon request of the applicant, the Committee agreed to defer consideration of the application on 10.6.2016, 14.9.2016, 3.3.2017 and 8.9.2017 respectively to allow time for the applicant to prepare FI to address the departmental comments. After the deferral, the applicant has submitted FIs in responses to the comments of concerned departments.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement and FIs at **Appendices Ia to Io**. They can be summarized as follows:

In line with Planning Intention

- (a) The proposed housing scheme, with total PR of 0.4 for the “CDA” zone and building height ranging from 2 storeys (7.62m) to 3 storeys (9m), is in line with the planning intention of the “CDA” zone and the proposed phased development will facilitate its early implementation.
- (b) Lot 2160RP (i.e. Portion 1) owned by the applicant has a building entitlement of 8,676m² under lease. The MLP of the lot approved by Lands Department (LandsD) in 2010 involved a total GFA of 6,763.12m². The apportionment of the total PR 0.4 permitted under the “CDA” zone is logically derived based on the principle of (i) first allocate the GFA (i.e. 6,763.12m²) as approved by LandsD under the MLP in 2010 to Portion 1; (ii) then allocate the residual GFA (i.e. 1,912.88m²) under the building entitlement of the lot to Portion 2; and (iii) finally allocate the remaining GFA (i.e. 1,368m²) allows under the “CDA” zone to Portion 3.
- (c) Area (b) would be for a public open space/landscaped area and an indicative landscape design with the existing meander integrated in the design is submitted in the current submission.

Town Planning Board Guidelines (TPB-PG) Nos. 17A and 18A

- (d) The current submission fulfils the criteria in TPB-PG No. 17A for “Designation of “CDA” Zones and Monitoring the Progress of “CDA” Developments” for phased development where different landownership is involved. The applicant has in the past years tried to acquire Lot 547RP for comprehensive development of the “CDA” zone but was not successful. The MLP submitted in the current application has demonstrated a comprehensive development covering the “CDA” zone. The “CDA” zone is designated into development and non-development areas, and the two private land parcels are separated by a public road, which

represents logical and natural division of phased independent development within the “CDA” zone. For Area (a), Portion 1 owned by the applicant would be developed as the initial phase, while Portions 2 and 3 owned by a different landowner and on GL would be developed under the remaining phase. Portion 3 owned by a different owner is physically separated from Portions 1 and 2 by a public road which allows for its independent development. For Area (b) which is on GL, an indicative landscape design for the proposed public open space/landscaped area is submitted (**Drawing A-8**). The proposed residential development in Area (a) would not undermine the design and implementation of the public open space/landscaped area in Area (b). The planning intention of the “CDA” zone will not be undermined and the comprehensiveness of the proposed development will not be adversely affected as a result of the proposed phased development.

- (e) The apportionment of the allowable PR as stated in paragraph 2(b) above is logical by making reference to the GFA of 6763.12m² in the MLP for Lot 2160RP (Portion 1) approved by LandsD in 2010, and has demonstrated that the proposed phasing has taken due consideration of the development potential of Lot 547RP (Portion 3) owned by a different landowner. Hence, the proposal is considered in line with TPB-PG No. 18A for “Submission of Master Layout Plan under Section 4A(2) of the Town Planning Ordinance”. Also, the individual developments of the proposed house development in Area (a) are self-contained in terms of access, parking, EVA and infrastructure. There is no need for extensive internal open space and GIC provision due to the proposed public open space in Area (b).

Early Implementation to Increase Housing Supply

- (f) The Land Use Review for Kam Tin South and Pat Heung (LUR) completed by the Planning Department in 2014 has identified 14 sites (including the Site) for housing development. The proposed 52 houses in Portion 1 at the Site can be considered as an early housing supply.

Technical Feasibility

- (g) Relevant technical assessments have been conducted. Single aspect design and fixed glazing windows will be in place to mitigate the traffic and industrial noise. The TIA demonstrated that the proposed house development is acceptable in traffic terms. In case the proposed development in Portion 1 is completed before public sewerage is available, an on-site underground sewage treatment plant for Portion 1 with capacity to treat sewage from Portions 1, 2 and 3 will be provided/ individual underground sewage treatment plant will be provided for each Portion. Detailed design on sewage treatment and drainage system will be submitted to relevant authorities for approval in building plan submission stage. The proposed house scheme will not result in significant adverse visual impact.

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

The applicant is one of the “current land owners” of the two private lots within the Site (i.e. Lot 2160RP (owned by the applicant) and Lot 547 RP (owned by a different landowner) in D.D. 106, about 32% of the Site). In respect of the other “current land owner”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (the Ordinance) (TPB PG-No. 31) by giving notification to the other “current land owner” via registered mail. Detailed information would be deposited at the meeting for Members’ inspection. The remaining of the Site is GL (about 68%), and TPB PG-No. 31 is not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Designation of “CDA” Zones and Monitoring the Progress of “CDA” Developments” (TPB PG-No. 17A) are relevant to this application. The relevant assessment criteria are summarized as follows:

for “CDA” site not under single ownership, if the developer can demonstrate with evidence that due effort has been made to acquire the remaining portion of the site for development but no agreement can be reached with the landowner(s), allowance for phased development could be considered. In deriving the phasing of the development, it should be demonstrated that the planning intention of the “CDA” zone will not be undermined; the comprehensiveness of the proposed development will not be adversely affected; the resultant development will be self-contained; and the development potential of the unacquired lot(s) will not be absorbed in the early phases of the development and the individual lot owner’s landed interested will not be affected.

5. Background

5.1 The Site was zoned “Undetermined” (“U”) on the first draft Kam Tin South OZP No. S/YL-KTS/1 gazetted on 17.6.1994. Based on the land use review undertaken by PlanD in 2006, the Site was rezoned from “U” to “CDA” with maximum PR of 0.4 for the “CDA” zone and maximum building height of 3 storeys (9m) on the draft Kam Tin South OZP No. S/YL-KTS/10 which was exhibited for public inspection under section 7 of the Ordinance on 22.9.2006. Area (b) within the “CDA” zone with an area of about 1.2 ha which comprised mature vegetation and a meander (**Plan A-2**) that required preservation was designated as landscaped area for public use where no building development was permitted.

5.2 During the plan exhibition period, ten valid objections including one objection submitted by the applicant of the current application were received. The applicant objected to the “CDA” zoning mainly on the grounds that his right for development up to PR 1.33 under the lease would be affected, the PR and building

height restrictions for the zone were inappropriate and higher building height within the zone was acceptable. On 22.12.2006 and 30.3.2007, the Board gave preliminary and further considerations to the objections and decided not to propose any amendment to meet the objections mainly on the reasons that the “CDA” zoning was the result of a careful balancing of different planning considerations and the proposed PR and building height restrictions had taken into account the need of preserving the existing natural landscape with due regard to the building entitlement of the site concerned. Further intensification of the development intensity would cause significant impact on the traffic and infrastructural capacity. Besides, the proposed relaxation of building height was considered incompatible with the surrounding areas. The draft Kam Tin South OZP (re-numbered as S/YL-KTS/11) was approved on 26.7.2007 and the “CDA” zone has remained unchanged.

- 5.3 In March 2014, PlanD has completed a comprehensive LUR, with an aim to identify the potential for public and private housing developments in Kam Tin South and Pat Heung. The findings and recommendations of the LUR were presented to and noted by the Board on 11.4.2014. The Site under the current application was identified as one of the potential housing sites for private residential development with a proposed PR of 2.1 (based on a net site area of Area (a) of about 15,066m²) subject to further technical feasibility study.
- 5.4 Part of the Site is being used as storage use. Subject to the collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be taken in due course.

6. Previous Applications

- 6.1 The Site was involved in four previous applications (No. A/YL-KTS/113, 237, 278 and 590) submitted by the same applicant as the current application and all rejected by the Committee. Applications No. A/YL-KTS/113, 237 and 278 covering part of the Site (mainly for Lot 2160RP and adjoining GL) were submitted under the then “U” zone, while Application No. A/YL-KTS/590 covering the same site area as the current application was submitted under the “CDA” zone. Details of the applications are summarised in **Appendix II** and the locations of the application sites are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-KTS/113 for a proposed residential cum commercial development with a PR of 8 was rejected by the Committee on 20.3.1998 on the reasons that the proposed development was excessive and out of character with the surrounding area; there was insufficient information to demonstrate that the proposed development would not cause adverse traffic and be susceptible to noise impact; the proposed development would impose constraint on the drainage project; and approval of the proposed development would jeopardize the land use review of the Kam Tin area and set an undesirable precedent for other similar

applications in the area. The applicant applied for a review on the Committee's decision but subsequently withdrew the review application on 13.8.2008.

- 6.3 Application No. A/YL-KTS/237 for a proposed residential development with a PR of 0.4 was rejected by the Committee on 16.3.2001 on the reasons that there was insufficient information to demonstrate that the industrial/residential interface problem with the adjacent factories could be satisfactorily resolved. In addition, the approval of the proposed development was premature as it would pre-empt the review on the future land use and development intensity of the area. The cumulative effect of approving such similar applications would have implications on the long-term planning and future provision of infrastructure for the area.
- 6.4 Application No. A/YL-KTS/278 for a proposed residential development with a PR of 1 was rejected by the Committee on 25.4.2003 on the reasons that approval of the proposed development would pre-empt the review on the future land use for the "U" zone and set an undesirable precedent for similar developments to penetrate into the "U" zone. Besides, the proposed development was considered incompatible with the surrounding areas in terms of development intensity and building height. In addition, there was no strong justification to include some publicly accessible landscaped area of the drainage channel project into the proposed development. There was also insufficient information to demonstrate that the proposed vehicular access arrangement was satisfactory.
- 6.5 The last application No. A/YL-KTS/590 (**Drawing A-1**) covering the same site area as the current application comprising (i) Phase 1 for 52 houses at Lot 2160 RP (owned by the applicant); (ii) Phase 2 at Lot 547 RP (Part) without any development scheme (owned by a different land owner); and (iii) a public amenity area to be developed by the Government at the remaining GL. According to the applicant of Application No. A/YL-KTS/590, the scheme under the application was subject to a total PR of 0.4 which was in line with the restriction of the "CDA" zone. The application was rejected by the Committee on 8.5.2015 on the reasons that the development proposal mainly focuses on one private lot within the site without any specific proposal for the remaining area; the applicant fails to put forward a comprehensive development proposal for the "CDA" zone. In addition, the applicant fails to demonstrate the environmental acceptability of the proposed development, and no technical assessments on traffic, visual, landscape, drainage and sewerage impacts had been submitted to address concerns of relevant departments.
- 6.6 When compared with Application No. A/YL-KTS/590, the scheme under the current application includes layout for the whole "CDA" zone with the support of relevant technical assessments. A comparison of the two applications is shown in paragraph 1.4.

7. Similar Application

There is no similar application within the “CDA” zone on Kam Tin South OZP.

8. The Site and Its Surrounding Areas (Plans A-2 to A-4c)

8.1 The Site:

- (a) is triangular in shape and bounded by Kam Tin River to its north, Ho Pui Stream to its southwest, and Tung Wui Road to its southeast;
- (b) currently vacant and covered by trees, vegetation and a meander for the GL portion, and occupied by two open storage yards for the private lots portion;
- (c) part of Kam Wui Road and Kam Po Road is located within the Site. Kam Wui Road bisects the Site into eastern and western portions, while Kam Po Road generally runs along the northern and southwestern boundary; and
- (d) accessible via Kam Wui Road, Kam Po Road and Tung Wui Road.

8.2 The surrounding areas are predominated by residential structures/village houses, open storage/storage yards, warehouse, vacant/unused land, agricultural land, a farm, parking of vehicles and a car service yard:

- (a) to its north across Kam Tin River are mainly residential structures/village houses, open storage/storage yards, parking of vehicles, a car service yard and vacant/unused land;
- (b) to its east across Tung Wui Road is mixed with residential structures/village houses, warehouse, open storage/storage yards, agricultural land and vacant/unused land;
- (c) to its west across Ho Pui Stream is the West Rail Kam Sheung Road Station with a public transport interchange and a park-and-ride area; and
- (d) to its south across the intersection of Tung Wui Road and Kam Po Road is a farm and unused land.

9. Planning Intention

9.1. The planning intention of the “CDA” zone is for comprehensive development/redevelopment of the area for residential use with provision of commercial, open space and other supporting facilities, if any. The zoning is to

facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

- 9.2 With regard to the need of preserving the natural landscape and private development right, the “CDA” site is designated with a maximum PR of 0.4 and a maximum building height of 3 storeys (9m). Area (b) at the northern part of the site shall be designated as a landscaped area for public use and no building development is permitted. Existing trees and meander retained under the drainage project within the zone should be preserved as far as practicable. Minor boundary adjustment of Areas (a) and (b) may be permitted at the MLP submission stage.

10. Comments from Relevant Government Departments

- 10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The “CDA” site comprises Lot Nos. 2160RP, 547RP (Part) and adjoining/ intervening GL all in D.D. 106.

Lot 2160RP

Building Entitlement

- (b) Lot 2160 RP will be developed for a total of 52 houses in the first phase of the development (Portion 1). Lot 2160RP is a “Building and Garden” lot held under New Grant No. 369, subject to, among other terms and conditions, various General and Special Conditions in Government Notification No. 364 of 1934 as amended by Government Notification No. 50 of 1940, including but not limited to the restrictions on provision of open space, number of storeys, and building height. The extent of “building entitlement” requires verification at the appropriate stage, particularly in view of the status of Lot 2160RP, being a “Building and Garden” lot, and various development conditions governing the lot. The actual site area, land status and land holding details of the lot under application have to be verified at the land exchange/ lease modification stage if land exchange/ lease modification is applied for by the applicant to LandsD.

“No Objection Letter”

- (c) In response to an application from the registered owner of Lot 2160RP, his office raised no objection in August 2010 and issued a “No Objection Letter” to a proposal to rebuild 52 houses, subject to various conditions, including but not limited to the requirement that no work shall be commenced unless and until planning permission has been obtained from the Board for the redevelopment. Under the “No Objection Letter” dated 9.8.2010, the roofed-over area, including any projections, including but not limited to overhangs, air-conditioner hoods, etc. of each house shall not exceed 65.03m^2 , while the height of each house shall not contain more than two storeys or exceed a height of 7.62m^3 . No balcony, canopy or stairhood is permitted. It should be noted that the “No Objection Letter” dated 9.8.2010 only provides, among other things, that the location and orientation of each house should be in accordance with the plan attached to the said letter.
- (d) Various statements in the current application suggesting that the “building entitlement” has been approved by his office are misleading and do not fully reflect the above situation.

Lot 547RP (Part)

- (e) Lot 547RP is a private lot which by the terms of the Block Government Lease under which it is held, is demised as agricultural ground. As suggested in the current application, Portion 3 will be carried out independently, the actual site area, land status and land holding details of Lot 547RP (Part) under application have to be considered separately from those of Lot 2160RP and have to be verified at the land exchange stage if land exchange is applied for by the applicant to LandsD.
- (f) It is also proposed in the current application that the residual GFA entitlement of Lot 2160RP will be utilized in the development in Portion 2. It should be noted that any transfer of “development right” from Lot 2160RP to Lot 547RP will not be accepted under the lease conditions.

³ The resultant GFA would be $6,763.12\text{m}^2$ (i.e. floor area of $65.03\text{m}^2 \times 2$ storeys $\times 52$ houses).

Area (b)

- (g) It is proposed in the planning statement that Area (b) comprising GL will be developed for public open space/landscaped area (“POS”), by a yet to be identified Government agency. Should there be no department taking up the future maintenance of the POS and unless the future maintenance of the POS can be resolved and not to be transferred to the future individual flat owner, the acceptance/ requirement for the provision of the POS as a part of the planning scheme may not be appropriate.

Land Exchange/ Lease Modification to be required

- (h) If the planning permission is granted and the developments in Portion 1 and the other Portions will be implemented separately, the applicant has to apply to LandsD for separate land exchange/ lease modification to effect the proposed developments. Such applications will be considered by LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the separate land exchange/ lease modification for the proposed developments, including the grant of any additional GL if any, will be approved. In the event that the land exchange/ lease modification applications are approved, it would be subject to such terms and conditions, including, among other things, the payment of premiums and administrative fees, as may be imposed by LandsD as its sole discretion.

Other Comments

- (i) The proposed road junction improvement works encroaches onto land of various statuses, including but not limited to the land vested for West Rail. 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.
- (j) The Site is subject to Shek Kong Airfield Height Restriction.

Environment

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

- (a) From sewerage infrastructure and environmental planning perspective, he has no in-principle objection to the application subject to the following approval conditions:

- (i) The submission of an updated Sewerage Impact Assessment for connection to the public sewer or provision of on-site sewage treatment facilities to the satisfaction of DEP or of the Board.
 - (ii) The submission of an updated Noise Impact Assessment (NIA) and the implementation of mitigation measures identified therein to the satisfaction of DEP or of the Board.
 - (iii) The submission of a Land Contamination Assessment and implementation of the land contamination remediation measures proposed therein prior to the commencement of construction works to the satisfaction of DEP or of the Board.
- (b) The NIA submitted under the application has not been updated with the revised MLP to demonstrate there is no adverse noise impact for all sensitive receivers. The applicant shall ensure full compliance with the relevant noise standards in the future NIA submission. His technical comments on NIA are at **Appendix III** for the applicant to follow up in the future NIA submission.

Drainage

10.1.3 Comments of the Chief Engineer/Mainland North and Chief Engineer/Land Drainage, Drainage Services Department (CE/MN and CE/LD, DSD):

SIA

- (a) He has no further comments on the SIA.

DIA

- (b) He has no objection in principle to the proposed development from the public drainage point of view. Should the application be approved, an approval condition on the submission of a revised drainage impact assessment for the development and the implementation of the drainage proposal and mitigation measures identified therein to the satisfaction of the Director of Drainage Services should be included.

10.1.4 Comments of the Chief Engineer/Sewerage Projects, Drainage Services Department (CE/SP, DSD):

The proposed sewerage works in Kam Tin and Pat Heung under the government project “Yuen Long and Kam Tin Sewerage and Sewage Disposal” is still under review and detailed design. There is no firm implementation programme for the concerned works at present.

Nature Conservation

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

- (a) The application proposes development of houses in Area (a) of the “CDA” zone by phases, while Area (b) will turn into a public open space/ landscaped area. As Area (a) within the Site has been paved and used for storage, there is no adverse comment on the proposed development from nature conservation perspectives.
- (b) According to the Explanatory Statement of the OZP, the existing trees and meander at Area (b) should be preserved as far as practicable. According to his site visits, common species of wetland fauna such as waterbirds and dragonflies have been observed in the meander in Area (b). The woodland area in Area (b) comprises of common species of both native and exotic trees, and common species of birds were recorded in the woodland. He has no strong view on Area (b) for public open space/ landscaped area use with recreational facilities and the meander incorporated in the design, provided that the meander is retained and the woodland would be preserved as far as practicable. He has no comment on the indicative landscape design for the proposed open space/ landscaped area submitted by the applicant (**Drawing A-8**) noting that the abandoned meander and woodland in Area (b) would be retained.
- (c) Should the application be approved, the applicant should be advised to avoid encroaching onto the meander and to adopt necessary measures to prevent causing pollution to it during construction and operation.

Urban Design and Landscape

10.1.6 Comments of the Chief Town Planner/Urban Design and Landscape (CTP/UD&L):

Urban design

- (a) The proposed development comprising 68 two- to three-storey houses at the Site is not incompatible with the character of the surrounding area. However, the proposed housing layout is congested with limited opportunity for amenity space. Many of the houses front onto either the driveway or parking lots. Some of the houses in Portion 1 are awkwardly positioned to the adjoining ones, resulting in wedge-shaped building gaps between them. The applicant should endeavour to improve the proposed design and disposition of houses to provide better amenity for future residents.

Landscape

- (b) He has reservation on the application from landscape planning perspective. The layout of the proposed house, quality of open space and greenery are undesirable. Planting / landscaped areas within the Site are leftover fragmented space with sharp corners and narrow. The submission is unable to demonstrate the adverse landscape impact due to the proposed development can be mitigated.
- (c) Should the application be approved, the approval condition on submission and implementation of landscape master plan and tree preservation proposals is recommended.

Traffic

10.1.7 Comments of the Commissioner for Transport (C for T):

- (a) He has no further comments on the application from traffic engineering perspective.
- (b) Should the planning application be approved, the following approval conditions should be imposed:
 - (i) the design and implementation of the road improvement measures as proposed in the revised Traffic Impact Assessment; and

- (ii) the design and provision of vehicular access, car parking and loading/unloading facilities for the proposed development.

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

Highway Maintenance

- (a) The “future junction improvement as identified in the LUR” mentioned in the TIA is not covered by any project of HyD.
- (b) There is proposed road widening work at Kam Wui Road. Such proposal shall be subject to the agreement from Transport Department (TD). All the public road/footpath, exclusive road drain, street furniture etc. to be handed over to his office for future maintenance shall be designed and constructed in accordance with the prevailing highways standards, road notes, guidelines, etc.
- (c) The proposed road widening work at Kam Wui Road is not included in the LUR. Hence, such proposed works shall be implemented by the applicant at his own cost.
- (d) His department will consider to take up future maintenance responsibility of road/footpath at Kam Wui Road to be formed by the applicant in (b) above, subject to the condition that TD will take up their management responsibility; and it is traffic-related, i.e. any verge/land such as greenery area, leisure facility etc. will not be taken up by HyD.
- (e) A highway retaining wall No. 6NE-C/R38 will be affected by the proposed development. All proposed works on such retaining wall shall be forwarded to his office for comment and the maintenance responsibility shall be reviewed. All the existing facilities/ features to be remained on and in the immediate vicinity to the retaining wall should be kept/ upgraded to the acceptance to his office.

- 10.1.9 Comments of the Chief Engineer/ Railway Development Office 2-2, Highways Department (CE/RD2-2, RDO, HyD):

Railway Development

- (a) Noting from the applicant's TIA that the proposed development would only generate 12pph railway patronage in peak hour, he has no comment from railway development point of view.
- (b) The following approval condition is recommended to be imposed:

the submission of an assessment to assess the interface issue(s) with the proposed Northern Link project and the implementation of the mitigation measure(s) identified therein to the satisfaction of the Director of Highways or of the Board.

Building Matters

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

- (a) Noting that the buildings to be erected on the Site will be New Territories Exempted Houses (NTEH) under the Buildings Ordinance (BO) (Application to the New Territories) (Cap. 121), DLO/YL should be in a better position to comment the application.
- (b) In case DLO/YL decides not to issue the certifications of exemption for any building works under Section 4 or 5 of Cap 121 and/or the site formation works and/or drainage works associated for the NTEH development, such works will require prior approval and consent under the BO. In the circumstance, an Authorized Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details.

Fire Safety

- 10.1.11 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in-principle to the application subject to water supplies for fire fighting and fire service installations being provided to his satisfaction.

- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) 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 BD.
- (d) The applicant should observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” as administrated by LandsD.

Electricity

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

- (a) He has not particular comment on the application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should 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 and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Water Supply

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

He has no objection to the application. His detailed comments are at **Appendix IV**.

Others

10.1.14 Comments of the Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD):

- (a) The Site falls within one of the potential housing sites identified in the LUR.
- (b) The application should be considered in the context of the housing development at Kam Tin South, the existing infrastructure, the current use permitted under the existing OZP, prevailing land administration policy and relevant ordinances.

10.1.15 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) For the existing facilities and vegetation being managed/maintained by her department that are likely affected, prior approval from her department should be obtained. If any roadside landscape planting are proposed to be handed over to her department for horticultural maintenance in accordance with DEVB TC(W) No. 6/2015, further consultation with her department is required.
- (b) According to the applicant, Area (b) is proposed to be a public open space/landscaped area zoned "CDA". She has no comments on the applicant's proposal and will not take over the responsibility for construction, management and maintenance of the proposal. Her department also has no comments on the designated use of Area (b) currently zoned "CDA" for public open space to serve the Kam Tin South area.

District Officer's Comments

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

- (a) He has no particular comments on the application.
- (b) His office received two comments from a Yuen Long District Council (YLDC) member and a general public. The YLDC member objected to the application mainly on the grounds that the proposed development would cause adverse traffic impact in particular on Tung Wui Road, air pollution, noise and flooding. The road network should be well planned before developing housing in the area. The same comment was also received by the

Board during the public inspection period of the application (**Appendices V-16 and V-17**). The general public objected to the application mainly on the grounds that GL should not be used for private development and village houses should not be built outside village environs.

10.2 The following Government departments have no comment on the application:

- (a) Secretary for Security (S for S);
- (b) Director-General of Civil Aviation (DG of CA);
- (c) the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD); and
- (d) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Period

- 11.1 The application and the FIs have been published for public inspection. During the statutory public inspection periods, a total of 22 public comments were received from the Chairman of Kam Tin Rural Committee who submitted ten times (**Appendices V-1 to V-7, V-18, V-20, V-21**), one YLDC member (**Appendices V-16 and V-17**), the representative of land owner of Lot 547 RP (**Appendix V-8**), a member of the public who submitted five times (**Appendices V-9 to V-12 and V-22**), and four other members of the public (**Appendices V-13 to V-15, V-19**).
- 11.2 The Chairman of Kam Tin Rural Committee and a public (submitted a total of 15 comments) (**Appendices V-1 to V-7 and V-9 to V-12, V-18, V-20 to V-22**), a YLDC member (**Appendices V-16 and V-17**), and four member of the public (**Appendices V-13 to V-15, V-19**) object to the application mainly on the grounds that the proposed development will generate adverse traffic, environmental, visual and ecological impacts on the surrounding areas and affect the rural environment; there will be insufficient educational, medical and recreational facilities, as well as influx of people will move into the area and further jeopardise the environment; the Site is not suitable for residential development and will be subject to air and noise impacts from the nearby roads and factory/workshop/open storage uses; it is more appropriate if the Site is used for Government, institution and community uses; the road network should be well planned before development housing in the area; and developing the Site cannot resolve the shortage of housing in Hong Kong.
- 11.3 The remaining commenter who is the representative of land owner of Lot 547 RP (**Appendix V-8**) supports the application with a view that the proposal will facilitate residential development at the Site. However, the commenter objects to the application in terms of under-utilisation and undermining the locational advantage of the Site. The commenter is of the view that the development intensity of the Site should be increased to PR of 4.

12. Planning Considerations and Assessments

Planning Intention

- 12.1 The Site falls within the “CDA” zone which is intended for comprehensive development/redevelopment of the area for residential use with the provision of open space, commercial and other supporting facilities, if any. Area (b) at the northern part of the “CDA” site shall be designated as a landscaped area for public use and no building development is permitted. Developments are allowed in Area (a) while the existing trees and meander retained under the previous drainage project within the zone should be preserved as far as practicable. The “CDA” zone is subject to a maximum PR of 0.4 and maximum building height of 3 storeys (9m). The Notes of the “CDA” zone also requested the submission of a MLP with supporting technical assessments.
- 12.2 Under the current application, the applicant has submitted a MLP covering the whole “CDA” site including proposed housing development at Area (a) and a proposed public open space/landscaped area at Area (b), with relevant technical assessments to support the application. According to the MLP, the proposed residential development is confined within Area (a), which will be developed into 68 houses (i.e. 52 two-storey houses at Portion 1 on Lot 2160RP, 9 three-storey houses at Portion 2 on GL, and 7 three-storey houses at Portion 3 on Lot 547 RP (Part) and GL). The applicant stated that the proposed GFA of 6,763.12m² for the 52 houses at Portion 1 has made reference to the proposal submitted to LandsD, who had issued a “No objection letter” for such proposal in 2010 subject to various conditions. The GFA of Portion 2 and Portion 3 was allocated taking into account the building entitlement of Lot 2160RP and the remaining GFA allowed under the “CDA” zone (paragraph 2(b) above refers). According to the applicant’s submission, the proposed residential development results in a total PR of 0.4 for the “CDA” zone and maximum building height of 3 storeys/ 9m. For Area (b), it will be for a public open space/landscaped area and an indicative landscape design has been provided in the current submission (**Drawing A-8**). The proposed development parameters are in line with the PR and building height restrictions of the “CDA” zone.

Phased Development

- 12.3 The applicant proposed a phased development, with the 52 houses in Portion 1 under his ownership in the initial phase (to be completed by 2020), while Portion 2 (GL) and Portion 3 (owned by a different landowner and GL) will be developed in the remaining phase with no designated programme. For Area (b) on GL, the applicant submitted an indicative landscape design for the proposed public open space/landscaped area (**Drawing A-8**), and proposed that it would be managed and maintained by the relevant government department in the long-term.

- 12.4 According to the applicant, the delineation and phasing of Portions 1, 2 and 3 has taken into account the land ownership and physical feature. Portion 3 is owned by a different land owner and is separated from the others portions by Kam Wui Road with its own access (**Drawing A-1**), allowing independent development. With regards to the development intensity, the applicant has taken reasonable consideration to allocate the development potential of the “CDA” zone by making reference to the proposal submitted to LandsD in 2010 for Lot 2160RP (i.e. Portion 1) owned by the applicant (paragraph 12.2 above). According to the MLP, the three portions are self-contained in terms of vehicular access, parking, EVA and infrastructure.
- 12.5 For Area (b) on GL, the applicant submitted an indicative landscape design for the proposed public open space/ landscaped area with recreational facilities and the existing meander incorporating into the design, indicating that the proposed house development in Area (a) would not undermine the design and implementation of Area (b). Both DAFC and DLCS have no in-principle objection to/ no adverse comment on the proposed public open space/ landscaped area. The proposed public open space could be implemented by relevant government in the long-term to serve the Kam Tin area.
- 12.6 In view of the above, it is considered that the current submission is generally in line with TPG PG-No. 17A in that the planning intention of the “CDA” zone and the comprehensiveness of the proposed development will not be adversely affected by the proposed phasing, and would not affect the development potential of the unacquired lot within the “CDA” zone.
- 12.7 With regard to DLO/YL of LandsD’s comment on the applicant’s claim that the “building entitlement” of Lot 2160RP had been approved by the LandsD is misleading and does not fully reflect the real situation, it is considered that the land issue could be dealt with in the subsequent land exchange stage.

Compatibility with Surrounding Area

- 12.8 The proposed development is considered not incompatible with the existing surrounding area which is predominated by residential structures/village houses, open storage/storage yards, warehouse, agriculture land and vacant/unused land. The proposed house development in the current application would also help to phase out the existing incompatible open storage uses at the Site. There are planned residential developments with total PR of 3 in the surrounding area of the Site, including the West Rail Kam Sheung Road Station with top-side residential/commercial development on the west of the Site across Ho Pui Stream (**Plan A-1**), and three planned public housing developments located to the south across Tung Wui Road. These developments would transform the area into a medium-density residential neighbourhood.
- 12.9 As stated in paragraph 5.3 above, the Site is one of the 14 potential housing sites identified under the LUR for private residential development with a proposed PR

of 2.1, subject to further technical feasibility study. Due to infrastructure constraints in the area, the 14 potential housing sites would be implemented by phases. There is currently no implementation programme for the Site which would be subject to further study for provision of supporting infrastructures. According to the applicant, the proposed residential development under the current application, particularly the 52 houses in Portion 1 under the ownership of the applicant, could provide early housing supply.

Technical Assessments

- 12.10 The applicant submitted technical assessments including EA, DIA, SIA, TIA and VIA to support the application. According to the technical assessments, with the adoption of single-aspect design and fixed glazing windows for some houses (**Drawing A-20**), it is anticipated that full compliance of relevant noise criteria for both traffic noise and industrial noise will be achieved. To facilitate the proposed development by phases and not affecting the development potential of the unacquired lot within the “CDA” zone, the applicant proposed a number of options for sewage treatment including on-site underground sewage treatment plant for each Portion. To improve the road safety, the applicant proposes to widen the section of Kam Wui Road falling within the Site. For the EA, DIA, SIA and TIA, concerned departments consulted including DEP, CE/MN and CE/LD of DSD and C for T have no in-principle objection to the proposed development.
- 12.11 Regarding the urban design aspect, CTP/UD&L of PlanD considers that the proposed housing layout is congested with limited opportunity for amenity space and some of the houses in Portion 1 are awkwardly positioned to the adjoining houses resulting in wedge-shape building gaps between them. The applicant should endeavour to improve the design and disposition of houses to provide better amenity for future residents. In terms of landscape, CTP/UD&L of PlanD has reservation on the application as the layout of the proposed houses, quality of open space and greenery are undesirable, in particular the planting or landscape areas are fragmented and narrow. For the concern on building position and landscape design, the applicant could explore improving the layout in the implementation stage. CTP/UD&L of PlanD’s request of imposing approval condition on the submission and implementation of LMP and tree preservation proposal is recommended in paragraph 12.2 (b) below.

Public Comments

- 12.12 A total of 22 public comments submitted by eight commenters were received during the statutory publication periods. All commenters, except the representative of land owner of Lot 547 RP (**Appendix V-8**), object to the application mainly on the grounds that the proposed development will generate adverse traffic, environmental, visual and ecological impacts, affect the rural environment and there is insufficient educational, medical and recreational facilities as detailed in para. 11 above. One commenter supports the application

(Appendix V-8) and proposes to increase the development intensity without providing relevant technical assessments. In this regard, technical assessments on traffic, environmental, sewerage and visual aspects have been conducted, and the discussion at paragraphs 12.10 to 12.11 above is relevant. Concerned departments consulted including C for T, DEP and AFCD have no objection to/ no adverse comment on the application. The above considerations and assessments are also relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 20.4.2022, 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 revised Master Layout Plan, taking into account approval conditions (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) below, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of a Landscape Master Plan and tree preservation proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the design and implementation of the road improvement measures as proposed in the revised Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the design and provision of vehicular access, 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 submission of a revised Drainage Impact Assessment and the implementation of the drainage proposal and mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (f) the submission of an updated Sewerage Impact Assessment for connection to the public sewer or provision of on-site sewage treatment facilities to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (g) 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;
- (h) the submission of a Land Contamination Assessment and implementation of the land contamination remediation measures proposed therein prior to the commencement of construction works to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (i) the submission of an assessment to assess the interface issue(s) with the proposed Northern Link project and the implementation of the mitigation measure(s) identified therein to the satisfaction of the Director of Highways or of the Town Planning Board;
- (j) the submission of an implementation programme, with phasing proposals to tie in with the completion of major infrastructural facilities serving the proposed development, to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (k) the design and provision of an emergency vehicular access, water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

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

the layout of the proposed houses, quality of open space and greenery are undesirable, and the applicant fails to demonstrate the adverse landscape impact can be mitigated.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with a letter and supplementary information received on 15.4.2016
Appendix Ia	Planning statement
Appendix Ib	FI(1) received on 28.7.2016 providing a revised MLP, TIA, VIA, DIA, SIA, DIA and LMP
Appendix Ic	FI(2) received on 8.8.2016 clarifying the building height and private open space provision with development schedule and plans
Appendix Id	FI(3) received on 31.10.2016 providing a revised MLP, LMP, tree preservation proposal, TIA, VIA, DIA, SIA and NIA
Appendix Ie	FI(4) received on 12.12.2016 providing a revised DIA and SIA
Appendix If	FI(5) received on 11.1.2017 providing a revised TIA
Appendix Ig	FI(6) received on 23.2.2017 providing a revised SIA and revising the development programme of Portions 2 and 3 to address the concerns on sewage treatment
Appendix Ih	FI(7) received on 20.4.2017 providing further information on tree preservation proposal, a new EA report, revised MLP and TIA
Appendix Ii	FI(8) received on 1.6.2017 providing a revised SIA
Appendix Ij	FI(9) received on 14.7.2017 providing supporting technical assessments reports.
Appendix Ik	FI(10) received on 22.8.2017 providing amended pages of the revised EA and responses to departmental and public comments

Appendix II	FI(11) received on 24.10.2017 providing information in response to departmental comments
Appendix Im	FI(12) received on 14.12.2017 providing layout for Area (b)
Appendix In	FI(13) received on 1.2.2018 providing revised MLP
Appendix Io	FI(14) received on 2.3.2018 and 5.3.2018 providing revised traffic data, revised LMP and revised noise mitigation measures
Appendix II	Previous applications covering the Site
Appendix III	DEP's detailed comments on the EA submitted by the applicant
Appendix IV	CE/C, WSD's detailed comments
Appendices V-1 to V-22	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Comparison of Master Layout Plans of A/YL-KTS/590 and the current application
Drawing A-2	Master Layout Plan
Drawings A-3 to A-7	Plans showing floor plans, sections and elevations
Drawings A-8	Landscape Master Plan
Drawing A-9	Tree Recommendations Plan
Drawings A-10 to A-18	Photomontages
Drawing A-19	Proposed widening of Kam Wui Road
Drawing A-20	Plan showing the proposed noise mitigation measures
Plan A-1a	Location Plan
Plan A-1b	Plan showing Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos