

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

**APPLICATION NO. A/NE-KTS/465**

- Applicant** : Fannie Holdings Limited represented by Pro Plan Asia Limited
- Site** : Lots 1124 RP, 1125 RP, 1126 and 1127 RP (Part) in D.D. 92 and Lots 343 RP, 344A S.1 RP (Part), 402 S.A RP, 404 RP, 407 S.A RP, 407 S.A ss.1 RP, 408 S.A RP, 408 S.C ss.2 RP, 408 S.D ss.1, 408 S.D RP and 408 RP in D.D. 94 and Adjoining Government Land, Hang Tau Tai Po, Kwu Tung South, New Territories
- Site Area** : 18,723.9 m<sup>2</sup> (about) (including about 398.6 m<sup>2</sup> of Government Land, 2%)<sup>1</sup>
- Lease** : (a) Block Government Lease (demised for agricultural purposes) (including Lots 1127 RP in D.D. 92 and Lots 343 RP, 402 S.A RP, 407 S.A RP, 407 S.A ss.1 RP in D.D. 94)
- (b) New Grant Lots<sup>2</sup>  
(including Lots 1124 RP, 1125 RP and 1126 in D.D. 92 and Lots 344A S.1 RP, 404 RP, 408 S.A RP, 408 S.C ss.2 RP, 408 S.D ss.1, 408 S.D RP, 408 RP in D.D. 94)
- Plan** : Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/16
- Zoning** : “Comprehensive Development Area” (“CDA”) restricted to a maximum plot ratio (PR) of 0.4, a maximum site coverage (SC) of 20%, and a maximum building height (BH) of 3 storeys including car park
- Application** : Proposed House Development and Minor Relaxation of PR and SC Restrictions

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<sup>1</sup> According to the submission, 230.3m<sup>2</sup> Government land is in Phase 1 and 168.3m<sup>2</sup> in Phase 2.

<sup>2</sup> Permitted uses and development restrictions under leases are not provided by the District Lands Officer/North, Lands Department (DLO/N, LandsD) as the leases of these lots cannot be found, see paragraph 10.1.1.

## 1. The Proposal

- 1.1 The applicant seeks planning permission for the proposed development with 39 three-storey houses on the application site (the Site) and minor relaxation of PR restriction (from 0.4 to 0.48, +20%) and SC restriction (from 20% to 22%, +10%) for the proposed development. The Site falls within an area zoned “CDA” on the Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/16. According to the Notes of the OZP for the “CDA” zone, the proposed ‘House’ requires planning permission from the Town Planning Board (the Board) and the applicant shall prepare a Master Layout Plan (MLP) for the approval of the Board including, among others, landscape design proposals and technical assessment reports. Besides, based on the individual merits of a development proposal, minor relaxation of the PR/SC/BH restrictions may be considered by the Board on application. The Site is mainly occupied by houses/structures, active agricultural land, vacant land with scattered containers and construction materials.
- 1.2 According to the submission, the proposed house development would be developed in 2 phases (**Drawing A-2**). Phase 1 covering majority of the Site, owned by the applicant except the Government land, comprises 38 3-storey houses, while Phase 2 covering the remaining portion of the Site, not owned by the applicant, comprises one 3-storey house. The MLP, phasing plan, ‘right-of-way’ (ROW) plan, Landscape Master Plan (LMP), landscape perspectives, section plan and floor plans submitted by the applicant are at **Drawings A-1 to A-11** respectively. The major development parameters of the proposed development are as follows:

	<b>Phase 1</b>	<b>Phase 2</b>	<b>Total</b>
Site Area (about)	17,990.9 m <sup>2</sup>	733 m <sup>2</sup>	18,723.9 m <sup>2</sup>
Maximum PR	0.48	0.48	0.48
Gross Floor Area (GFA) (about)	8,635.63 m <sup>2</sup>	351.84 m <sup>2</sup>	8,987.47 m <sup>2</sup>
Maximum SC	22%	22%	22%
Maximum BH	3 storeys including car park (11.5m)	3 storeys including car park (11.5m)	3 storeys including car park (11.5m)
Number of Houses	38	1	39
Average House Size (about)	227 m <sup>2</sup>	352 m <sup>2</sup>	230m <sup>2</sup>
Car Parking Provision			
- Private Car	81	2	83
- Motorcycle	1	0	1
- Loading/Unloading Spaces for Heavy Goods Vehicle	2	0	2
Private Open Space (about)	150 m <sup>2</sup>	15 m <sup>2</sup>	165 m <sup>2</sup>

- 1.3 A peripheral wall with 2.5m high and a clubhouse with a swimming pool are proposed at Phase 1. Separate vehicular ingress/egress is proposed for the 2 phases. The one for Phase 1 is at the eastern tip of the Site connecting Hang Tau Road directly. The one for Phase 2 is at the northeast of the Site connecting Hang Tau Road via a local track (**Drawing A-1 and Plan A-2a**).

#### Phased Development

- 1.4 According to the submission, all lots within Phase 1 are owned by the applicant and this phase is anticipated to be completed in 2023. The Phase 2 area is not owned by the applicant and its implementation is subject to the intention of the lot owner of Phase 2. The layout of Phase 2 in the MLP (**Drawing A-1**) is indicative only. Both phases have the same proposed RP and SC based on respective site areas. Phase 1 development would not affect the development right of Phase 2. Each phase can be independently developed.

#### Landscape and Visual

- 1.5 According to the LMP (**Drawing A-4**) and Tree Preservation Proposal (Tree Proposal), there are 66 trees within Phase 1 and immediately adjacent to the Site. Amongst them, 10 trees would be retained, 3 trees would be transplanted and 53, including 5 dead trees, would be felled. A total of 82 new heavy standard trees would be planted in Phase 1 for compensation. Houses will be set back from the site boundary to provide private garden. A green buffer for tree planting would be provided along the site boundary. A total of 150m<sup>2</sup> private open space would be provided in Phase 1 while 15m<sup>2</sup> is proposed in Phase 2 in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG).

#### Traffic

- 1.6 According to the Traffic Impact Assessment (TIA), 4m setback at the eastern boundary along Hang Tau Road (**Drawing A-1**) is proposed for future widening of Hang Tau Road, and a pedestrian crossing at Hang Tau Road (**Plan A-2a**) is proposed which are to be implemented by the applicant. The applicant will hand over the setback area to Government upon requested by the Government<sup>3</sup>. The TIA concludes that the proposed development would not have adverse traffic impact on the local road network.

#### Environment

- 1.7 According to the Environmental Assessment (EA), for air quality, 5m buffer between the proposed house development and the adjoining roads, i.e. Hang Tau Road to the east and the local track to the north of the Site, is proposed. No adverse air quality impact on the proposed development is anticipated. The EA also demonstrates that there is no adverse noise impact on the proposed development.

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<sup>3</sup> The land area for GFA calculation may need to be reviewed subject to finalisation of the land exchange in future.

- 1.8 For other environmental aspects, no adverse impact on water quality and waste management is anticipated.

Sewerage

- 1.9 According to the Sewerage Impact Assessment (SIA), the Site is served by the existing public sewer connecting the Drainage Services Department (DSD) Hang Tau Sewage Pumping Station. No upgrading works on the existing sewerage network along Hang Tau Road is required. The SIA concludes that the sewerage impact arising from the proposed development should be acceptable.

Drainage

- 1.10 According to the Drainage Impact Assessment (DIA), surface runoff generated from the proposed development in Phase 1 would be discharged to the public drainage system, while those generated in Phase 2 would be discharged to the existing channel. With the proposed upgrading work of the stormwater drainage pipes, the drainage system along Hang Tau Road shall be capable to receive the increased runoff generated from the proposed development. The DIA concludes that the proposed development would not result in any adverse drainage impact on the surrounding areas.

Right-of-Way

- 1.11 According to applicant's submission, the existing ROW in Phase 1 area of the Site (about 523.4m<sup>2</sup>), i.e. area outside the peripheral wall but within the site boundary, (**Drawing A-3 and Plan A-2b**) is proposed to be retained as ROW to serve nearby pedestrian.

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

- |   |                               |
|---|-------------------------------|
| (a) Application Form with letter of 14.11.2018 received on 28.11.2018 | (Appendix I)                  |
| (b) Supplementary Planning Statement                                  | (Appendix Ia)                 |
| (c) Letter of 3.12.2018   | (Appendix Ib)                 |
| (d) Further Information (FI) dated 6.3.2019 <sup>#</sup>              | (Appendices Ic(i) and Ic(ii)) |
| (e) FI dated 24.5.2019 <sup>#</sup>                                   | (Appendices Id(i) and Id(ii)) |
| (f) FI dated 5.7.2019   | (Appendices Ie(i) and Ie(ii)) |

<sup>#</sup> Not exempted from publication and recounting requirements

- 1.13 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) of the Board on 18.1.2019. On 18.1.2019 and 3.5.2019, the Committee agreed to defer a decision on the application as requested by the applicant to allow time for preparation of FI to address comments of relevant Government departments. On 24.5.2019, the

applicant submitted FI, and 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 at **Appendix Ia** and the FI at **Appendix Id(ii)**. They are summarised as follows:

- (i) The proposed development is in line with the planning intention of “CDA” zone.
- (ii) Apart from the proposed minor relaxation of PR and SC restrictions, the proposed development is similar to the indicative MLP<sup>4</sup> which was considered acceptable in the previous s.12A application for rezoning the concerned site from “Recreation” (“REC”) to “CDA”.
- (iii) The MLP fulfils the criteria of the relevant Town Planning Board Guidelines. The proposed development will not undermine the planning intention of “CDA” zone and its comprehensiveness will not be adversely affected by phasing development. Phase 2 is currently held under a ‘Tso’. The owner of the ‘Tso’ land has earlier indicated that the ‘Tso’ does not intend to develop the land. The allocation of the GFA and SC of the Site is on a pro-rata site area basis and the proposed minor increases in PR and SC are applied equally to the 2 phases. The developments of the 2 phases are self-contained in layout design, access and provision of open space, recreational facilities and infrastructure.
- (iv) The increase in PR of 0.08 (+20%) results in an additional of 8 houses as compared to the indicative scheme under the previous s.12A application. The technical assessments demonstrate that there would be no adverse impacts on local traffic flows, environmental quality, drainage and sewerage. The minor increase in PR by 20% is deemed acceptable in policy and planning terms, given such percentage increase in residential zones being tolerated, if demonstrated as sustainable. There is planning precedence for minor relaxation of PR from 0.4 to 0.48 as it maximised scarce land resources and increased flat production.
- (v) The increase of SC of 2% (+10%) is justifiable as a rural residential community with sufficient open space, landscape and green is still achieved. The minor relaxation of SC enables the low-rise character of the houses and the rural residential environment to be maintained. It will also cater for minor adjustments in the housing design.
- (vi) With provision of setback for road widening and pedestrian crossing at Hang Tau Road, these measures will improve the traffic and pedestrian environment for nearby users and residents. These serve as additional planning merits.

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<sup>4</sup> The indicative MLP under previous s.12A application No. Y/NE-KTS/5 comprises 30 3-storey houses in Phase 1 with PR of 0.4 and SC of 20%.

(vii) The existing ROW within Phase 1 of the Site would be retained open and unobstructed to nearby pedestrian traffic at all times.

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

The applicant is the current land owner of the private lots in Phase 1 (**Plan A-2b**). For the only Lot 1127 RP in Phase 2, 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 (TPB PG-No. 31A) by giving notification to the other current land owner via registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the Government land (about 2% of the Site), the “owner’s consent/notification” requirements as set out in TPB PG-No. 31A are not applicable.

### **4. Town Planning Board Guidelines**

The Site falls within the “CDA” zone. 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” sites which are 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 should be self-contained in terms of layout design and provision of open space and appropriate Government, institution or community, transport and other infrastructure facilities; and the development potential of the unacquired lots should not be absorbed in the early phases of the development, access to these lots should be retained, and the individual lot owners’ landed interest should not be adversely affected.

### **5. Background**

5.1 The Site is currently not subject to any active enforcement action. Should there be sufficient evidence to form an opinion of unauthorized development under the Town Planning Ordinance at the Site, enforcement action would be instigated as appropriate.

5.2 The Site and its vicinity areas were zoned “REC” on the previous Kwu Tung South OZPs. On 7.12.2012, s.12A application No. Y/NE-KTS/5 (**Plan A-1**),

submitted by the same applicant, for rezoning the Phase 1 site from “REC” to “CDA” with a maximum PR of 0.4, SC of 20% and BH of 3 storeys was agreed by the Committee. In agreeing the application, the Committee requested Planning Department (PlanD) to carry out a review for the whole “REC” zone to identify suitable land uses. On 23.5.2014, the Committee considered the recommendations of the review conducted by PlanD and agreed to rezone the “REC” site to appropriate zonings (including rezoning the Phase 1 and Phase 2 sites, i.e. the Site, from “REC” to “CDA” with a maximum PR of 0.4, a maximum SC of 20%, and a maximum BH of 3 storeys, and the nearby area to “Residential (Group D)” (“R(D)”) and “R(D)1” with a maximum PR of 0.4 and a maximum BH of 3 storeys (9m)). On 24.3.2017, the draft Kwu Tung South OZP No. S/NE-KTS/15 incorporating the amendments was gazetted.

- 5.3 For the OZP amendments, the applicant submitted a representation objecting to inclusion of the Phase 2 site into the “CDA” zone mainly due to the difficulty in obtaining agreement from the land owner of Phase 2 to form a single comprehensive development. On 6.10.2017, the Board decided not to uphold the concerned representation for the reasons that the “CDA” zone would facilitate a comprehensive development and facilitate appropriate control on the layout having regard to the environmental and traffic constraints; and phased development could be proposed in accordance with TPB PG-No. 17A and there is no strong justification for the proposals to exclude the ‘Tso’ land on the “CDA” zone. On 30.1.2018, the draft OZP was approved and subsequently renumbered as S/NE-KTS/16.

## **6. Previous Applications**

- 6.1 The Site involves 3 previous s.16 applications (No. A/NE-KTS/164, 178 and 221) submitted by the same applicant as the current applicant. The applications were considered by the Committee when the area was zoned “REC”. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/NE-KTS/164 for temporary open storage of construction materials and containers at part of the Site for a period of 3 years was rejected by the Committee on 11.10.2002 mainly for reasons of being not in line with the planning intention of the then “REC” zone, and no information to demonstrate no adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.
- 6.3 Application No. A/NE-KTS/178 for proposed residential development with ancillary recreational leisure facilities was rejected on review by the Board on 26.11.2004 for reasons of being not in line with the planning intention of the then “REC” zone, and setting an undesirable precedent. Application No. A/NE-KTS/221 for proposed recreation and leisure facilities with ancillary

low-rise residential development was rejected on 15.12.2006 for the similar reasons. These 2 applications cover Phase 1 of the Site.

6.4 The Site also involves a s.12A application as stated in paragraph 5.2 above.

## **7. Similar Applications**

7.1 There are 4 similar applications for proposed residential development involving 2 “CDA” sites in the same northern part of the Kwu Tung South area, which were all approved. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7.2 Applications No. A/NE-KTS/75, 220 and 267 cover the same “CDA” site abutting Fanling Highway. Applications No. A/NE-KTS/75 and 220 for proposed comprehensive residential and/or recreational development was approved with conditions on 19.6.1998 and 25.11.2005 respectively mainly on the considerations of being in line with the planning intention of the “CDA” zone and adverse environmental, traffic, drainage, sewerage and visual impacts to the surrounding areas not anticipated. The planning permissions lapsed on 20.6.2001 and 26.11.2009. Application No. A/NE-KTS/267 for proposed comprehensive residential development with a PR of 0.4 was approved with conditions on 19.12.2008 mainly on similar considerations.

7.3 Application No. A/NE-KTS/364 for proposed houses development with a PR of 0.4 on another “CDA” site along Hang Tau Road was approved with conditions on 22.5.2015 mainly on the grounds of being in line with the planning intention of the “CDA” zone and adverse environmental, ecological, sewerage, drainage, landscape and visual impacts on the surrounding areas not anticipated.

7.4 There is no similar application for minor relaxation of PR and SC restrictions of “CDA” zone.

## **8. The Site and Its Surrounding Areas (Plan A-2a, aerial photo on Plan A-3 and site photos on Plans A-4a to A-4c)**

8.1 The Site is:

- (a) fenced off, flat and partly paved;
- (b) for Phase 1, occupied by 1 to 2-storey houses/structures, active agricultural land, vacant land with scattered containers and construction materials; and Phase 1 site is directly accessible via Hang Tau Road; and
- (c) for Phase 2, occupied by some domestic structures; and Phase 2 site is accessible via local track connecting Hang Tau Road.



- 8.2 The surrounding areas have the following characteristics:
- (a) to the north across the local track are mainly domestic structures, active agricultural land and storages;
  - (b) to the immediate east is Hang Tau Road and the DSD Hang Tau Sewage Pumping Station; to the further east across Hang Tau Road are domestic structures and Beas River Country Club; and
  - (c) to the immediate south and west are domestic structures, village houses and open storage yard; to the further south and west are mainly car parks, open storages, workshops and warehouses with scattered domestic use.

## **9. Planning Intention**

- 9.1 The planning intention of the “CDA” zone is for comprehensive development of the area for residential uses with the provision of open space and other supporting facilities. 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 The Explanatory Statement (ES) of the OZP for the “CDA” zone states that future developments in the “CDA” site should be set back to make allowance for future widening of Hang Tau Road. To provide flexibility for innovative design, minor relaxation of the PR, SC and/or BH restrictions may be considered by the Board, and each proposal will be considered on its individual planning merits.

## **10. Comments from Relevant Government Departments**

- 10.1 The following Government departments have been consulted and their views are summarised as follows:

### **Land Administration**

#### 10.1.1 Comments of the DLO/N, LandsD:

- (a) the Site consists of private lots in D.D. 92 and D.D. 94 and the adjoining Government land. The private lots concerned (i.e. Lots 1127 RP in D.D. 92, Lots 343 RP, 402 S.A RP, 407 S.A RP, 407 S.A ss.1 RP, all in D.D. 94) are held under Block Government Lease demised for agricultural purposes. The leases for other New Grant lots (i.e. Lots 1124 RP, 1125 RP and 1126, all in D.D. 92 and Lots 344A S.1 RP, 404 RP, 408 S.A RP,

408 S.C ss.2 RP, 408 S.D ss.1, 408 S.D RP, 408 RP, all in D.D. 94) are not available in Land Registry<sup>5</sup>;

- (b) regarding the proposed set-back area for future road widening, Transport Department (TD) and Highways Department's (HyD) agreement on taking over the set-back area as public road should be secured in the planning stage;
- (c) regarding the ROW with area of 523.4m<sup>2</sup> (**Drawing A-3 and Plan A-2b**), according to the applicant's submission, the applicant has proposed to provide an undertaking to the Government such that they would manage and maintain the ROW prior to its surrender to the Government if demanded;
- (d) subject to TD's agreement on taking over the ROW, his office is not in the position to consider the applicant's proposed undertaking at this stage subject to the details of the undertaking to be provided as well as the decision of the approving authority. Notwithstanding this, he observes that (i) there is no guarantee under the applicant's undertaking proposal that the ROW will be maintained by the applicant/developer in the long run for there is a possibility that the company may dissolve/wind-up for one reason or the other rendering the undertaking unenforceable, and (ii) as LandsD has no expertise on road matters, it should be clarified whether Government departments' agreement/involvement (including TD and HyD) has been obtained for the approval/monitoring of the proposed roadworks on the ROW and possible enforcement of the undertaking;
- (e) in this connection, the applicant should liaise with TD/HyD and, if necessary, provide further measures/proposals to address the issue of the management and maintenance of the ROW;
- (f) subject to TD's agreement on taking over the ROW, District Officer (North), Home Affairs Department (DO(N), HAD) should be consulted as to whether they would take over the ROW (which appears to be a rural access road);
- (g) as revealed from planning statement, there are structures erected on the various lots under application. His office reserves the right to take appropriate lease enforcement action against these structures; and
- (h) if the Board approves the application and lot owner applies to

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<sup>5</sup> Without the leases of the New Grant Lots, the lease restrictions for these lots are not available at this stage.

his department for a land exchange, such application will be considered by his department acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions as considered appropriate including but not limited to the revision of site boundary, the payment of premium and administrative fee. There is no guarantee that any Government land involved will be granted.

### **Traffic**

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

- (a) he has no objection to the application;
- (b) he suggests to impose the following planning approval conditions:
  - (i) the design and provision of vehicular access, parking spaces and loading/unloading facilities; and
  - (ii) the design and implementation of the pedestrian crossing on Hang Tau Road and footpath abutting the Site and Hang Tau Road;
- (c) regarding taking up the responsibility of management and maintenance of the proposed set-back area for future road widening and the ROW area by his department, the application does not contain the details (include drawings and list of items) at the setback area and the ROW area. He could not provide any response at this stage;
- (d) the local track leading to the Site (Phase 2) is not managed by his department. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly; and
- (e) some locals have raised some concerns on the application including, among others, traffic issue. He advises that the concerns are mainly related to the local village track inside Hang Tau Village and the trips from the proposed development will likely involve only the roads at its northern side instead of extending southwards to the Hang Tau Village.

10.1.3 Comments of the Chief Highway Engineer/New Territories East (CHE/NTE), HyD:

he has no comment on the application. The access road connecting Hang Tau Road to the Site (Phase 2) is not maintained by his department.

**Environment**

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

- (a) he has no objection to the application from noise perspective and sewerage infrastructure perspective;
- (b) he suggests to impose the following planning approval conditions:
  - (i) the submission of a revised noise impact assessment and the implementation of the mitigation measures identified therein; and
  - (ii) the submission of a revised sewerage impact assessment and the implementation of the sewerage proposal and sewerage connection works identified therein;
- (c) the applicant shall note his observations on the SIA when preparing such assessments and to rectify the deficiencies. His detailed comments on the SIA are at **Appendix V**.

10.1.5 Comments of the Chief Engineer/Mainland North (CE/MN), DSD:

he has no comment on the SIA.

**Drainage**

10.1.6 Comments of the CE/MN, DSD:

- (a) he has no objection to the application;
- (b) should the Board approve the application, a condition requiring the submission of a revised DIA and the implementation of the drainage proposal and drainage upgrading/drainage connection works identified therein is recommended; and
- (c) his detailed comment on the DIA is at **Appendix V**.

### **Urban Design and Visual**

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

- (a) the Site is surrounded by “Village Type Development” (“V”) and “R(D)” zones in the south and the west occupied by development of 1 to 3 storeys, and “Residential (Group C)” (“R(C)”), “Agriculture” (“AGR”) and “Government, Institution or Community” (“G/IC”) zones in the north occupied by 1 to 2-storey developments. The proposed maximum BH of 3 storeys (including carport) is in line with statutory BH restriction of the subject “CDA” zone; and
- (b) it is noted that design features such as provision of setback along eastern site boundary for road widening, a pedestrian crossing, 5m house setback and peripheral planting have been incorporated into the proposed development. The provision of peripheral planting and vertical greening would help soften the visual impact of the peripheral wall. The proposed low-rise low-density house development is considered not incompatible with the surrounding rural environment.

### **Landscape**

#### 10.1.8 Comments of CTP/UD&L, PlanD:

- (a) he has no objection to the application from the landscape planning perspective;
- (b) according to the aerial photo of 2017, the surrounding area of the Site comprises of temporary structures, village houses, car park and clustered tree groups. The proposed use is considered not incompatible with the landscape setting in proximity;
- (c) landscape provision would not be significantly reduced by the proposed relaxation of PR and SC restrictions. The applicant has committed to provided adequate open space within the Site to meet the requirements of HKPSG. Significant adverse landscape impact due to the proposed development is not anticipated; and
- (d) should the Board approve the application, a condition requiring the submission and implementation of LMP to the satisfaction of the Director of Planning is recommended.

### **Building Matters**

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

- (a) presumably the Site abuts on a specified street of not less than 4.5m wide, and as such, the development intensity shall not exceed the permissible as stipulated under the First Schedule of the Building (Planning) Regulations (B(P)R). If the Site is not abutting on a specified street prescribed in B(P)R 18A, the development intensity shall be determined by the Building Authority (BA) under B(P)R 19(3) at building plan submission stage;
- (b) the Site shall be provided with emergency vehicular access (EVA) not less than 7.3m for all roads and in accordance with the B(P)R 41D;
- (c) the applicant is advised to appoint an Authorised Person/Registered Structural Engineer/Registered Geotechnical Engineer and submit the plans to the BA for approval in accordance with the Buildings Ordinance (BO). His comment under the BO is hereby reserved;
- (d) sustainable building design requirements and pre-requisites under the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 and 152 would be applicable to the proposed development if GFA concessions are claimed; and
- (e) detailed comments will be given at the building plan submission stage.

### **Nature Conservation**

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

- (a) he noted that the Site has been zoned "CDA", and trees on the Site consists of mainly common fruit trees and some native trees according to the tree preservation proposal submitted by the applicant. As such, he has no strong view against the application from nature conservation perspective; and
- (b) nevertheless, the applicant should be advised to avoid causing any impacts to the watercourse located to the north-east of the Site, in particular during the construction stage of the proposed

development. The applicant shall also be advised to avoid causing damages to trees on Government land in proximity to the Site.

### **Fire Safety**

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

he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department. EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

### **Water Supply**

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

- (a) he has no objection to the application;
- (b) existing water mains are inside the Site and will be affected. The applicant is required to either divert or protect the water mains found on site; and
- (c) his advisory comments are at **Appendix V**.

### **District Officer's Comments**

#### 10.1.13 Comments of the DO(N), HAD:

- (a) he consulted the locals regarding the application and applicant's FIs; and
- (b) the North District Council (NDC) member of the subject constituency, the Chairman of the Sheung Shui District Rural Committee (SSDRC), the Indigenous Inhabitant Representatives (IIR) and the Resident Representative (RR) of Hang Tau, object to the application. DO(N) also has referred 2 letters from Hang Tau villagers objecting to the application. The main objecting views are summarised in the following:
  - (i) Nearby road is narrow. Public transport is inadequate resulting in long waiting time for GMB during peak hours. There is serious traffic congestion in peak hours. Large

goods vehicles are always to and from the area. The proposed development would cause adverse impact on pedestrian safety, and increase the traffic flow causing adverse traffic impact in the area. As there is inadequate road infrastructure, the new population from the proposed development would deteriorate the traffic congestion in the area.

- (ii) The proposed large scale development would affect the original rural character of the area and cause adverse landscape and visual impacts. It would affect the feng shui of the village.
- (iii) The proposed development would affect some households which are located on the Government land adjoining the Site.
- (iv) Approval of the application would set an undesirable precedent to other similar applications for minor relaxation of PR and SC restrictions.

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

- (a) Commissioner of Police;
- (b) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD); and
- (c) Director of Electrical and Mechanical Services (DEMS).

## 11. Public Comments

On 7.12.2018, 19.3.2019 and 4.6.2019, the application and the FIs were published for public inspection respectively. During the first 3 weeks of the respective statutory public inspection periods, a total of 9 public comments were received. One comment (**Appendix IV-1**) from an individual indicates no comment on the application. The remaining comments (**Appendices IV-2 to IV-9**) from a NDC member, the Chairman of Sheung Shui Hang Tau Village Residents Welfare Association and individuals/local residents object to the application mainly on the following grounds:

- (a) The road is narrow. There is serious traffic congestion in peak hours. As there is inadequate road infrastructure, the new population from the proposed development would deteriorate the traffic congestion in the area. Public transport is inadequate resulting in long waiting time for GMB during peak hours. As local residents mainly rely on GMB and private vehicles to and from the area, the proposed development would increase the traffic flow of Hang Tau Road and cause adverse traffic impact to the area. The public transport cannot afford the increasing population. Large vehicle entering the village will cause risk to



villagers.

- (b) The proposed development would affect the original rural character of the area and cause adverse visual and landscape impacts.
- (c) Villages in the vicinity have concern on feng shui issue. The applicant should communicate with Hang Tau village representative.
- (d) Approval of the application would set an undesirable precedent to other similar applications for minor relaxation of PR and SC restrictions.

## **12. Planning Considerations and Assessments**

### Planning intention

12.1 The application is for a proposed development with 39 3-storey houses and minor relaxation of PR restriction from 0.4 to 0.48 (+20%) and SC restriction from 20% to 22% (+10%). The Site falls within a “CDA” zone, which is intended for comprehensive development of the area for residential uses with the provision of open space and other supporting facilities. As required in the ES of the OZP, future developments in the “CDA” site should be set back to make allowance for future widening of Hang Tau Road as advised by TD. Besides, minor relaxation of the PR/SC/BH restrictions may be considered by the Board on its individual planning merits. The “CDA” is restricted to a maximum PR of 0.4, a maximum SC of 20%, and a maximum BH of 3 storeys including car park. With the provision of the setback as required in the ES, the proposed house development is in line with the planning intention of the “CDA” zone. The proposed BH of 3 storeys including car park conforms to the OZP restriction.

### Compatibility with the surrounding areas

12.2 The Site is located in a rural environment with mainly domestic structures, village houses, car parks and vacant land in the vicinity. The “R(C)2” and “R(D)” zones to the north, west and south of the Site are restricted to PR of 0.4 and BH of 3 storeys which are generally intended for low density residential developments. Even with the proposed minor relaxation of PR and SC restrictions, the proposed house development is compatible with the surrounding environment.

### Minor relaxation of PR and SC restrictions

12.3 According to the applicant, the proposed minor relaxation of PR restriction (+20%) would result in an additional GFA<sup>6</sup> of about 1,498m<sup>2</sup> and 8 houses without increasing the BH. The proposed development would provide more

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<sup>6</sup> The actual GFA increase depends on the final site area upon land exchange.

housing unit and achieve better utilisation of land resource, which is generally in line with Government's policy of allowing increasing the maximum domestic PR for housing developments subject to availability of infrastructural capacities, environmental and other technical constraints as well as urban design considerations. As elaborated below, concerned Government departments have no adverse comment on the proposed PR increase from technical aspects. The proposed minor relaxation of SC from 20% to 22% is not substantial. CTP/UD&L, PlanD has no comment, and advised that landscape provision would not be significantly reduced by the proposed minor relaxation of SC restriction. Other relevant Government departments have no adverse comment on the proposed minor relaxation of PR and SC restrictions.

- 12.4 To fulfil the requirement in the ES of the OZP, the applicant proposes 4m setback for provision of a footpath along Hang Tau Road (**Drawing A-1**) which will help improve the traffic and pedestrian environment. Besides, additional planning merits are proposed in the scheme including provision of pedestrian crossing on Hang Tau Road (**Plan A-2a**), 5m house setback from the site boundary and peripheral planting (**Drawings A-1 and A-4**) which may help enhance the amenity of the area.

#### Landscape and visual

- 12.5 The applicant has submitted LMP and Tree Proposal to support the application. CTP/UD&L, PlanD considers that the proposed house development is not incompatible with the landscape setting and rural environment in proximity as significant adverse landscape impact due to the proposed development is not anticipated. Moreover, design features including 5m house setback from the site boundary have been incorporated into the proposed development. The provision of peripheral planting and vertical greening in the Site would help soften the visual impact of the 2.5m high peripheral wall.

#### Traffic

- 12.6 The applicant has submitted TIA to support the application. C for T has no objection to the application. As advised by TD, 4m setback at the eastern boundary for future footpath and provision of pedestrian crossing on Hang Tau Road are incorporated in the MLP. Relevant approval conditions are suggested in paragraph 13.2. Besides, the applicant has proposed to retain the existing ROW within the Site for public use. Regarding DLO/N, LandsD's concerns on the responsibility of management and maintenance of the proposed set-back and ROW, these involve land management issues which can be addressed at detailed design and implementation stage. An advisory clause has been proposed in **Appendix V** to draw applicant's attention to DLO/N, LandsD's advice and the need to liaise with concerned departments on the management and maintenance issues.

### Environment and other technical assessments

12.7 The applicant has submitted other technical assessments including EA, SIA and DIA to support the application. DEP and CE/MN, DSD have no objection to the application from sewerage infrastructure, noise and drainage perspectives. Their suggested approval conditions are in paragraph 13.2. Other Government departments consulted, including CE/C, WSD and DAFC have no adverse comment on or objection to the application.

### Phased development and development programme

12.8 According to the application, the “CDA” site is proposed to be developed in 2 phases. Phase 1 with all private lots owned by the applicant comprising 38 houses is anticipated to be completed by 2023. Phase 2 land is not owned by the applicant and is owned by a ‘Tso’. It is noted that the ‘Tso’ has no intention to develop its land. Thus, implementation of Phase 2 is subject to the intention of the lot owner. According to the MLP, separate vehicular access and sufficient private open space are provided for the 2 phases. The PR and SC of each phase are both 0.48 and 22%. The development right/potential of Phase 2 development would not be adversely affected by the Phase 1 development. Each phase can be independently developed. It is considered that the planning intention of the “CDA” and comprehensiveness of the development will not be adversely affected by the phased development.

### Previous and similar applications

12.9 There is no previous application in respect of the Site under the current “CDA” zoning. 4 similar applications for residential development in other “CDA” zones on the same OZP were approved, but none of them involve minor relaxation of PR and/or SC restrictions.

### Public comments

12.10 There are 7 local objections as conveyed by DO(N). Of the 9 public comments received, 8 comments object to the application. These objections are mainly on the grounds of adverse impact on traffic, landscape, visual and rural character, and undesirable precedent. In this regard, relevant Government departments’ comments and planning assessments as stated in paragraphs 12.2 to 12.6 above are relevant.

## **13. Planning Department’s Views**

13.1 Based on the assessment made in paragraph 12 and having taken into account the local views and public comments mentioned in paragraphs 10.1.13 and 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 19.7.2023, 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 approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of a revised Master Layout Plan to incorporate the approval conditions as stated in paragraphs (b) to (i) 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 to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the design and provision of vehicular access, parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the design and implementation of the proposed pedestrian crossing on Hang Tau Road and footpath abutting the Site and Hang Tau Road to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the submission of a revised Noise Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) the submission of a revised Sewerage Impact Assessment and the implementation of the sewerage proposal and sewerage connection works identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (g) the submission of a revised Drainage Impact Assessment and the implementation of the drainage proposal and drainage upgrading/drainage connection works identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (h) the provision of fire fighting access, water supplies for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (i) the submission of an implementation programme including a phasing plan of the proposed development to the satisfaction of the Director of

Planning or of the Town Planning Board.

Advisory clauses

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

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

there are insufficient planning and design merits in the submission to justify the proposed minor relaxation of the plot ratio and site coverage restrictions.

**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**

<b>Appendix I</b>	Application Form with letter of 14.11.2018 received on 28.11.2018
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Letter of 3.12.2018
<b>Appendices Ic(i) and Ic(ii)</b>	FI dated 6.3.2019
<b>Appendices Id(i) and Id(ii)</b>	FI dated 24.5.2019
<b>Appendices Ie(i) and Ie(ii)</b>	FI dated 5.7.2019
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendices IV-1 to IV-9</b>	Public comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawing A-2</b>	Phasing Plan
<b>Drawing A-3</b>	Location of Existing Right-of-way
<b>Drawing A-4</b>	Landscape Master Plan
<b>Drawings A-5 to A-6</b>	Landscape Perspectives
<b>Drawing A-7</b>	Section Plan

**Drawings A-8 to A-11**  
**Plan A-1**  
**Plans A-2a and A-2b**  
**Plan A-3**  
**Plans A-4a to A-4c**

Typical Floor Plans  
Location Plan  
Site Plans  
Aerial Photo  
Site Photos

**PLANNING DEPARTMENT**  
**JULY 2019**