

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/466

<u>Applicant</u>	Lucky Sky Creation Limited represented by Fotton ELA Architects Ltd.
<u>Site</u>	Lots 344A RP (Part), 402 S.B (Part) and 448 RP (Part) in D.D. 94 and Adjoining Government Land, Hang Tau Tai Po, Sheung Shui, New Territories
<u>Site Area</u>	5,627m ² (including about 52m ² of Government Land (about 0.9%))
<u>Lease</u>	<u>Block Government Lease (demised for agricultural use)</u> Lot 402 S.B (Part) in D.D. 94 <u>New Grant agricultural lots</u> Lots 344A RP (Part) and 448 RP (Part) in D.D. 94
<u>Plan</u>	Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/16
<u>Zoning</u>	“Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m)]
<u>Application</u>	Proposed Residential Development (Houses) and Minor Relaxation of PR and BH Restrictions

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed residential development with 19 3-storey houses on the application site (the Site) and minor relaxation of PR restriction (from 0.4 to 0.48, +20%) and BH restriction (from 9m to 10.5m, +17%). The Site falls within an area zoned “R(D)” on the Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/16. According to the Notes of the OZP, the proposed ‘House’ development and minor relaxation of the PR and BH restrictions require planning permission from the Town Planning Board (the Board). The Site is currently occupied by open-air car park and temporary domestic structures.

1.2 The major development parameters are as follows:

Site Area	5,627m ²
Maximum PR	0.48
Gross Floor Area (GFA) (about)	2,700m ²
Maximum Site Coverage	24%
Maximum BH	3 storeys / 10.5m
Number of Houses	19
Floor-to-floor Height	3.5m
Average House sizes	142m ²
Car Parking Provision	
- Private Car	31
- Motorcycle	1
- Loading/Unloading Space	1
Communal Private Open Space	210m ²

1.3 The Master Layout Plan (MLP), Landscape Master Plan (LMP), elevation, photomontages and aerial view of the proposed development are at **Drawings A-1 to A-5**. Ancillary structures including clubhouse, transformer room and refuse collection point are proposed. The proposed vehicular access is at the north-eastern corner of the Site leading to Hang Tau Road (**Plan A-1**).

1.4 According to the applicant's submission, 3m high fence wall at the eastern side of the Site along the local road (setting back from the site boundary by 1.5m) together with tree planting along the northern boundary are proposed to mitigate possible traffic noise, while 2.5m high fence wall at the remaining 3 sides is proposed. A minimum 1.5m building setback from the fence wall (**Drawing A-1**) will be provided to minimise the visual impact of the proposed development. To further mitigate the visual impact of the fence wall, vertical greenery on the fence wall and transparent design of the section along Hang Tau Road is proposed (**Drawing A-4**).

1.5 According to the Landscape Proposal (**Appendix Ie**), there are 15 existing trees within the Site. Amongst them, 10 trees would be transplanted, 3 trees would be felled and the remaining 2 would be retained. A total of 50 new heavy standard trees would be planted within the Site. Shrubs and lawn would be provided for additional greenery. A total of 1,126.6m² common greenery area (greenery coverage of about 20%) and 210m² communal private open space is proposed. The LMP is at **Drawing A-2**.

1.6 According to the traffic impact assessment (TIA) and further information (FI) (**Appendices Ie and If**), the fence wall at the eastern side along the local road will be set back by 1.5m for providing a public footpath (**Drawing A-1**). The management and maintenance of the footpath will be handed over to the Government upon completion of the proposed development. In addition, a strip of private land (i.e. portion of Lot 344A RP) of about 190m² outside the Site to the south of Hang Tau Road (i.e. hatched area to the east of the Site on

Drawing A-1) is proposed to be surrendered to the Government for future extension of Hang Tau Road. The applicant has also committed to providing a pedestrian crossing at Hang Tau Road outside the Site, as requested by the Transport Department (TD). The TIA concludes that the proposed development will not induce significant traffic impact on the surrounding road network.

- 1.7 According to the sewerage impact assessment (SIA) (**Appendix Ib**), the sewage generated from the proposed development will be discharged to public sewerage system connecting the Drainage Services Department (DSD) Sewage Pumping Station. The SIA indicates that there is no adverse sewerage impact on the existing sewerage system. The submitted waste management proposal (WMP) (**Appendix Ib**) indicates that the waste generated from the proposed development will be properly managed and that minimal environmental impact from the wastes generated from the Site is anticipated.
- 1.8 According to the applicant's submission (**Appendix Ia**), run-off generated from the proposed development will be directed into an existing underground storm water drain which discharges into a tributary of Sheung Yue River.
- 1.9 According to the air quality impact assessment (AQIA) (**Appendix Ib**), a minimum 5m buffer zone between Hang Tau Road and the houses will be provided to avoid potential air pollution caused by vehicular emission and no adverse odour impact arising from the DSD Sewage Pumping Station to the proposed development is anticipated. The AQIA indicates that there is no adverse air quality impact on the proposed development due to vehicular emission and odour.
- 1.10 The Land Contamination Appraisal Report (LCAR) (**Appendices Ig and Ih**) indicates that no potential sources or sign of contamination was observed or identified in the Site and no further investigation or remediation on site contamination is required.
- 1.11 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|---------------------------------------|--|
| (a) | Application Form received on 7.1.2019 | (Appendix I) |
| (b) | Supplementary Planning Statement | (Appendix Ia) |
| (c) | FI dated 18.4.2019 | (Appendices Ib(i) and Ib(ii)) |
| (d) | FI dated 24.4.2019 | (Appendices Ic(i) and Ic(ii)) |
| (e) | FI dated 9.8.2019 | (Appendices Id(i) and Id(ii)) |
| (f) | FI dated 16.10.2019 | (Appendices Ie(i) and Ie(ii)) |
| (g) | FI dated 20.11.2019 [#] | (Appendix If) |
| (h) | 2 FIs dated 25.11.2019 [#] | (Appendices Ig and Ih) |
- # Exempted from publication
- 1.12 On 22.2.2019, 21.6.2019 and 4.10.2019, the Rural and New Town Planning Committee (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 16.10.2019, 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 Section 4 of the Supplementary Planning Statement at **Appendix Ia** and FIs at **Appendices Ib, Id, Ie and If**. They are summarised as follows:

- (a) The proposed development is in line with the planning intention of “R(D)” zone to improve and upgrade the existing temporary structures through redevelopment of existing temporary structures into low-rise/low-density residential developments. There are minor variations between the development parameters of the proposed development and the restrictions under the OZP. The application shall be considered acceptable.
- (b) According to the Policy Address 2014 and the Task Force on Land Supply, PR was allowed to increase by up to 20%. The proposed development is in line with the Government’s policy by providing additional housing to alleviate housing shortage and facilitate the transformation of Kwu Tung Area.
- (c) Similar BH and PR of residential developments are found in the vicinity of the Site. Floor-to-floor height of a typical house is 3.5m. Increase in the BH of the proposed development would reduce energy use by increasing air circulation and additional natural lighting of the proposed houses. Despite the increase in PR and BH, the density of the proposed development remains low and in harmony with its surrounding environment.
- (d) The proposed residential development is compatible with the residential developments in the surrounding areas. The conversion of the Site from open parking spaces and temporary structures to permanent development would improve the existing environment by enhancing the rural character of the area.
- (e) No adverse traffic, visual, environmental, air quality, drainage and sewerage impacts to the surrounding areas are envisaged. Approval of the application would not set an undesirable precedent.
- (f) The residents of Serenity Garden and other emergency use will be allowed to use the access and internal road of the proposed development. The proposed development would not affect the pick-up/drop-off point of villagers near the vehicular access of the Site.
- (g) The portion of Lot 448 RP within the Village Environ Boundary (“VEB”) has been excluded from the Site.

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

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

4. **Background**

The parking of vehicles use within the Site would be subject to planning enforcement action.

5. **Previous Application**

There is no previous application involving the Site.

6. **Similar Applications**

6.1 There is one similar application No. A/NE-KTS/460 for 2 proposed houses with a PR of 0.4 and BH of 2 storeys (9m) in the same “R(D)” zone which was approved with conditions by the Committee on 21.12.2018 mainly on the considerations of being in line with the planning intention and compatible with the surrounding environment. Details of the similar application is summarized at **Appendix II** and its location is shown on **Plan A-1**. There is no similar application for minor relaxation of PR/BH restriction in the same “R(D)” zone.

6.2 Another relevant application No. A/NE-KTS/465 (**Plan A-1 and Appendix II**) in the “Comprehensive Development Area” (“CDA”) site to the north of the Site for proposed 39 houses (3 storeys/11.5m) and minor relaxation of PR restriction (from 0.4 to 0.48, +20%) was approved with conditions by the Committee on 19.7.2019 mainly on the considerations that the proposed development was compatible with the surrounding environment and generally in line with the Government’s policy, provided more housing units, achieved better utilisation of land resources, and provided planning merits including a 4m-setback from its eastern boundary for provision of a public footpath along Hang Tau Road and provision of pedestrian crossing on Hang Tau Road.

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

7.1 The Site is:

- (a) fenced off and occupied by an open-air car park and some temporary domestic structures; and
- (b) accessible from Hang Tau Road via a local road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are domestic structures; to the further north is an area zoned “CDA” with approved s.16 application (No. A/NE-KTS/465) for house development and currently occupied by unused land with vacant structures, scattered containers and active agricultural land;
- (b) to the east are domestic structures and a restaurant;
- (c) to the south are mainly village houses in the “Village Type Development” (“V”) zone of Hang Tau village; and
- (d) to the west is Serenity Garden – a residential development with a number of Small Houses.

8. Planning Intention

- 8.1 The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.
- 8.2 As set out in the Explanatory Statement (ES) of the OZP, to provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the PR and/or BH restriction(s) for the “R(D)” zone may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises Lots 344A RP (Part), 402 S.B (Part) and 448 RP (Part), all in D.D. 94 and the adjoining Government land;
- (b) Lot 402 S.B in D.D. 94 is held under Block Government Lease and demised for agricultural purposes and there was a letter of approval for pigsty use issued on 12.2.1981;
- (c) both Lots 344A and 448, both in D.D. 94 are New Grant agricultural lots;
- (d) as referred to paragraph 2.3.1 of the planning statement (**Appendix Ia**), part of Lot 344A RP is proposed to be surrendered to the Government for improvement of public road in the future (**Drawing A-1**). The applicant has to obtain TD and Highways Department (HyD)'s agreement and their requirements for taking up the proposed public road;
- (e) the ownership of the proposed footpath should be clarified. If the footpath remains as private land after its completion, subject to TD and HyD's comments, the proposal that "the management and maintenance of the footpath will be handed over to the Government after its completion" is not acceptable from land administration point of view;
- (f) subject to the applicant's clarification on the ownership as per item (e) above, as the proposed pedestrian footpath would serve the public, TD and HyD's agreement and their requirements for taking up the management and maintenance of the footpath should be obtained;
- (g) if the applicant clarifies that the footpath will be surrendered to the Government, the applicant should advise the timing when the footpath will be surrendered. This is because the proposed timing for surrendering the footpath would carry implications on the development parameters including site area and GFA of the lot;
- (h) the applicant should ensure that the Site under application would not encroach onto "VEB". Though the MLP provided in the application is graphical in nature, subject to detailed checking (if necessary), it appears that a tiny part of Lot 448 RP in D.D. 94 still falls within VEB and western end of Lot 402 S.B in D.D. 94 is not covered in the MLP;
- (i) the management and maintenance of the footpath should not be borne by future individual flat owners as it will serve members of the public;

- (j) as revealed from the planning statement, the Government land under the application has been occupied without authorisation. His office reserves the right to take appropriate land control action;
- (k) as revealed from planning statement, there are structures erected on the Site. His office reserves the right to take lease enforcement action against any unauthorised structures on the Site. As a related issue, his office has issued a letter dated 30.6.2017 for the structure(s) erected on Lot 448 RP in D.D. 94 amounting to a breach of lease, which has been registered against the said lot in the Land Registry;
- (l) if the Board approves the application and the lot owner applies to 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; and
- (m) according to his record, there is no record showing that “Right-of-Way” has been granted in favour of and/or access reserved for the adjoining New Territories Exempted House developments through the Site.

Traffic

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

- (a) he has no in principle objection to the application from traffic engineering viewpoint;
- (b) a road crossing is necessary for the applicant to provide at Hang Tau Road outside the Site for the sake of safety of the future residents, who may take the green minibus (GMB) at the GMB stop at the other side of the road. Noting that the applicant has committed to building the proposed cautionary crossing at Hang Tau Road, this should be included as an approval condition;
- (c) he has no objection to take up the management and maintenance of the footpath; and

- (d) the local track leading to the Site 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.

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

- (a) there is an unallocated Government land (UGL) which is not maintained by his department between the ingress/egress of the Site and Hang Tau Road. If the applicant is required to gain access from this UGL to the Site, he/she should sort out the access issue with the lands authority; and
- (b) subject to TD's consent, he has no comment on the strip of land proposed by the applicant to be surrendered to the Government.

Environment

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

- (a) considering the rural nature of Hang Tau Road, provided that appropriate at-receiver mitigation measures, such as setback from Hang Tau Road, self-protecting building design and arrangement to avoid ventilation openings facing Hang Tau Road, and/or higher solid fence wall, etc., adverse road traffic noise impact is not anticipated. As such, he has no objection to the application from noise planning point of view. An approval condition requiring the submission of Noise Impact Assessment (to achieve 100% compliance with relevant noise standards) to the satisfaction of DEP or the Board is required should the application be approved. His detailed comments on NIA are at **Appendix IV**; and
- (b) he has no objection to the application from air quality, land contamination and waste generation perspectives.

Sewerage

9.1.5 Comments of the DEP:

he has no objection to the application from sewerage perspective. An approval condition requiring the submission of revised SIA to the satisfaction of DEP or the Board is required, should the application be approved. His detailed comments on SIA are at **Appendix IV**.

Drainage

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

he has no objection in principle to the application from public drainage point of view, subject to the below conditions:

- (a) the applicant shall submit and implement a drainage proposal for the Site to ensure that the development will not cause adverse drainage impact to the adjacent area; and
- (b) the applicant shall submit and implement a detailed sewerage connection proposal in accordance with the SIA report.

Urban Design and Visual

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

- (a) the Site falls within a planned low-density low-rise residential cluster in Hang Tau Tai Po, including “V” zone to its south and “CDA” zone with a PR restriction of 0.4, a site coverage restriction of 20% and a BH restriction of 3 storeys to its north. The proposed development is considered not incompatible with the surrounding context;
- (b) according to the applicant’s justifications, it is noted that there are some planning and design merits for the proposed minor relaxation of PR and BH, such as land surrender for public road, building separation within the Site and with adjoining developments. In terms of scale and height, the proposed development would blend in with the visual composition of the area. No significant visual impact on the surrounding area is anticipated; and
- (c) according to the applicant’s submission (**Drawings A-4 and A-5**), the visually transparent design of the fence wall at the eastern side and proposed vertical greening may help soften the visual bulkiness of the 2.5m to 3m fence wall. Besides, the minimum 1.5m setback from the site boundary and 5m setback from proposed extended Hang Tau Road may help alleviate potential visual impact on the area.

Landscape

9.1.8 Comments of the CTP/UD&L, PlanD:

- (a) he has no objection to the application from landscape planning

perspective;

- (b) according to aerial photo of 2017, the surrounding area of the Site comprises village houses, car park and tree groups. The proposed use is considered not incompatible with the landscape setting in proximity;
- (c) referring to the applicant's submissions, the landscape provision would not be significantly reduced by the proposed relaxation of PR and BH. The applicant has committed to providing adequate open space within the Site to meet the requirement of Hong Kong Planning Standards and Guidelines. Further significant adverse landscape impact due to the proposed development is not anticipated;
- (d) in consideration that the Site is not located at landscape sensitive areas and the proposed development is unlikely to cause visual and landscape impacts, the landscape condition is not recommended should the Board approve the application; and
- (e) the applicant should submit tree preservation and removal proposal to relevant tree authority for approval prior to commencement of works.

Building Matters

9.1.9 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 the B(P)R 19(3) at building plan submission stage;
- (b) emergency vehicular access (EVA) for every building of the proposed development should be provided 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 required plans to the BA for approval in accordance with the Buildings Ordinance (BO). His position under the BO is hereby reserved;

- (d) the 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 for GFA concessions would be applicable to development in the Site. In this connection, any non-mandatory or non-essential plant rooms of the development may not be accountable for GFA under the BO subject to their compliance with the above PNAPs; and
- (e) detailed comments will be given at the building plan submission stage.

Fire Safety

9.1.10 Comments of the Director of Fire Services (D of FS):

- (a) he has no objection in principle to the proposed development subject to water supplies for firefighting and fire service installations being provided to his satisfaction. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority; and
- (b) furthermore, the 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 Building 2011 under the B(P)R 41D which is administered by BD.

District Officer's Comments

9.1.11 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) he consulted the locals regarding the application and the FIs. The North District Council (NDC) member of the subject constituency and the Resident Representative (RR) of Hang Tau objected to the application mainly on the following grounds:
 - (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. 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) there is no improvement or mitigation measures on the issues of the drainage and sewerage system; and

(iii) the Site is in a low density rural area. Relaxation of BH and SC restrictions should not be allowed in this area. It would set undesirable precedent for other similar applications.

(b) the Chairman of the Sheung Shui District Rural Committee (SSDRC) and the Indigenous Inhabitant Representative (IIR) of Hang Tau have no comment on the application.

9.2 The following Government departments have no adverse comment on the application. Their detailed comments, if any, are at **Appendix IV**.

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (d) Commissioner of Police (C of P); and
- (e) Director of Electrical and Mechanical Services (DEMS).

10. Public Comments

10.1 The application and the FIs were published for public inspection. During the statutory public inspection periods, a total of 35 public comments were received (see summary in the table below). Of which, 30 object/provide adverse comments on the application and 5 indicate no comment on the application (**Appendices III-1 to III-5**). All the public comments received are deposited at the Board's Secretariat for Members' reference.

Published Documents	Comments received	
	Adverse/Object	No comment
Application received on 7.1.2019	13	1
FIs of 18.4.2019 and 25.4.2019	2	1
FI of 12.8.2019	7	1
FI of 16.10.2019	8	2
Total	30	5

Objecting/Adverse Comments

10.2 The 28 objecting/adverse comments are submitted by a NDC member, the Chairman of Sheung Shui Hang Tau Village Residents Welfare Association and local residents/individuals (one comment with 29 signatures) (**Appendices III-6 to III-35**). Major objecting views are summarised as follows:

- (a) The village road is narrow and the traffic is congested during peak hours. The road cannot afford the proposed increase in traffic flow. The proposed development would cause adverse impact on traffic and safety of pedestrian and those waiting for GMB.
- (b) The site boundary of the proposed development will affect the existing GMB stop and drop-off/pick-up space for taxi and private car. The GMB stop should be retained. As GMB services in Hang Tau are inadequate, it cannot afford the increased population of the proposed development.
- (c) The proposed development will block the vehicular and pedestrian access of Serenity Garden and the alternative vehicular access for local residents to and from Hang Tau village. If the application was approved, the right of the residents to and from Serenity Garden and Hang Tau village would be deprived. Besides, another village road to Serenity Garden is very narrow and not suitable for vehicular access. The residents of Serenity Garden should be allowed to use the internal pedestrian and road of the proposed development all the time and the villagers should be allowed to use it for emergency use.
- (d) The Site is currently being used for a car park which solves the problem of inadequate parking spaces. If the car park was replaced by the proposed development, it would cause significant impact on local car parking facility.
- (e) The proposed development would cause adverse impact on Serenity Garden on sewerage aspect.
- (f) As the population density of Hang Tau Village is very high, land should be reserved as “Green Belt” for providing green and healthy living environment.

11. Planning Considerations and Assessments

Planning intention and Land Use Compatibility

- 11.1 The application is for a proposed residential development with 19 3-storey houses and minor relaxation of PR restriction from 0.4 to 0.48 (+20%) and BH restriction from 9m to 10.5m (+17%). The Site falls within “R(D)” zone, which is primarily intended for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and also for low-rise, low-density residential developments subject to planning permission from the Board. The proposed residential use, which would replace the existing open-air car park and temporary structures on the Site, is in line with the

planning intention of the “R(D)” zone.

- 11.2 The Site is located in a rural environment with mainly village houses of 3 storeys. Thus, the proposed residential development is compatible with the surrounding environment.

Relaxation of PR and BH Restrictions

- 11.3 The proposed minor relaxation of PR restriction from 0.4 to 0.48 (+20%) will generate an additional GFA of 450m² (about 3 houses). According to the applicant, this could help meeting the housing demand and achieve better utilisation of land resources. As elaborated below, concerned Government departments have no adverse comment on the proposed PR increase from technical aspects. The applicant also seeks relaxation of BH restriction from 9m to 10.5m (+17%), which will allow increasing the floor to floor height of the proposed houses from 3m to 3.5m. According to the submission, similar BH of residential developments are found in the vicinity of the Site and the proposed development is in harmony with its surrounding environment. CTP/UD&L, PlanD considers the proposed residential development not incompatible with the surrounding context, and no significant visual impact on the surrounding area is anticipated. Besides, there are some planning and design merits for the proposed minor relaxation of PR and BH, such as land surrender for public road, provision of public footpath and pedestrian crossing as well as building separation within the Site and with adjoining developments, as elaborated below.

- 11.4 As set out in the ES of the OZP, application for minor relaxation of PR and BH restrictions should be considered on its individual merits. The current access road abutting the Site has no footpath. The applicant proposes to provide a 1.5m-setback along the eastern boundary of the Site for providing a public footpath (**Drawing A-1**) which will be handed over to the Government for maintenance and management after completion; a pedestrian crossing at Hang Tau Road outside the Site; and to surrender a strip of land to the south of Hang Tau Road (**Drawing A-1**) for future extension of Hang Tau Road. In addition, the applicant states that the proposed floor-to-floor height of 3.5m would reduce energy use by increasing air circulation and additional natural lighting of the proposed houses. It is comparable to that of the approved house development (3 storeys/11.5m with floor-to-floor height of 3.5m and 4.5m) in the “CDA” site to the north of the Site which was approved by the Committee on 19.7.2019. In addition, various design measures have been proposed to minimize the visual impacts of the proposed development including the provision of a minimum 1.5m building setback from the fence wall with vertical greenery and transparent design (for the section at the eastern side along the local road) as mentioned below.

Landscape and visual

- 11.5 The applicant has submitted the Landscape Proposal to support the application. CTP/UD&L, PlanD considers that the proposed development is not

incompatible with the landscape setting in proximity and the landscape provision would not be significantly reduced by the proposed relaxation of PR and BH restrictions. The visually transparent design of the fence wall at the eastern side and proposed vertical greening may help soften the visual bulkiness of the 2.5m to 3m fence wall. Besides, the minimum 1.5m setback of the fence wall from the site boundary and 5m setback of the proposed house from the proposed extended Hang Tau Road may help alleviate potential visual impact on the area.

Traffic

- 11.6 According to the submitted TIA, the applicant proposes to provide 1.5m setback along the eastern boundary of the Site for public footpath (**Drawing A-1**) which will be handed over to the Government for maintenance and management upon completion of the proposed development, and to surrender a strip of land to the south of Hang Tau Road (**Drawing A-1**) for future extension of Hang Tau Road. Moreover, as requested by TD, the applicant committed to providing a pedestrian crossing at Hang Tau Road outside the Site. C for T has no objection to the application from traffic viewpoint and suggests to impose an approval condition in relation to the pedestrian crossing as stated in paragraph 12.2 below.

Environment and other technical assessments

- 11.7 The applicant has submitted other technical assessments including AQIA, LCAR, SIA and WMP to support the application. DEP has no objection to the application from air quality, sewerage, land contamination and waste generation perspectives. For road traffic noise aspect, DEP advises that considering the rural nature of Hang Tau Road and road traffic noise impact to the proposed development can be addressed with appropriate mitigation measures, adverse road traffic noise impact is not anticipated and he has no objection to the application from noise planning point of view. Other concerned departments including CE/MN, DSD, CE/C, WSD and FSD have no objection to the application from drainage, water supply and fire safety aspects. Relevant approval conditions as suggested by concerned departments are in paragraph 12.2 below.

Similar Applications

- 11.8 A similar application No. A/NE-KTS/460 for house development with BH of 9m (2 storeys) within the same "R(D)" zone (**Plan A-1**) was approved mainly on the considerations of being in line with the planning intention and compatible with the surrounding environment. There is no similar application for minor relaxation of PR/BH restriction in the same "R(D)" zone. However, there is an application (No. A/NE-KTS/465) for house development (3 storeys/11.5m) and minor relaxation of PR restriction (from 0.4 to 0.48, +20%) in the nearby "CDA" zone which was approved mainly on the considerations that the proposed development was compatible with the surrounding environment, provided more housing units, achieved better utilisation of land resource, and provided planning merits relating to provision of footpath and

pedestrian crossing as stated in paragraph 6.2 above. The considerations and planning merits of the approved case are similar to the subject application.

Local Views and Public Comments

- 11.9 There are 16 local comments conveyed by DO(N) and 35 public comments received as stated in paragraphs 9.1.11 and 10. Of which, 4 local comments and 30 public comments object to the application mainly on the grounds of adverse impact on traffic, pedestrian safety, car parking provision and sewerage; blocking of vehicular access to Serenity Garden; and inadequate public transport services. In this regard, relevant Government departments' comments and planning assessments as stated in paragraphs 11.5 to 11.7 above are relevant. Besides, there is an existing access road connecting Serenity Garden and Hau Tau Road (**Plan A-2**) without passing through the Site. DLO/N, LandsD advised that there is no record showing a right-of-way at the Site in favour of the adjoining New Territories Exempted Houses, and the applicant states that the residents of Serenity Garden will be allowed to use the access and internal road of the proposed development.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local views and public comments mentioned in paragraphs 9.1.11 and 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 13.12.2023, 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 of a Noise Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the implementation of a sewerage connection proposal identified in the Sewerage Impact Assessment in approval condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (d) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (f) 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; and
- (g) the design and provision of pedestrian crossing at Hang Tau Road outside the application site and a public footpath along the eastern boundary abutting the local road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory clauses

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

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

the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of plot ratio and building height restrictions. The approval of such relaxations would set an undesirable precedent for similar applications within the "Residential (Group D)" zone.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 7.1.2019
Appendix Ia	Supplementary Planning Statement
Appendices Ib(i) and Ib(ii)	Further Information dated 18.4.2019
Appendices Ic(i) and Ic(ii)	Further Information dated 25.4.2019
Appendices Id(i) and Id(ii)	Further Information dated 9.8.2019
Appendices Ie(i) and Ie(ii)	Further Information dated 16.10.2019
Appendix If	Further Information dated 20.11.2019
Appendix Ig	Further Information dated 25.11.2019
Appendix Ih	Further Information dated 25.11.2019
Appendix II	Similar Applications
Appendices III-1 to III-35	Public comments
Appendix IV	Advisory Clauses
Drawing A-1	Master Layout Plan
Drawing A-2	Landscape Master Plan
Drawing A-3	Elevation
Drawing A-4	Photomontages
Drawing A-5	Aerial View
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2019**