

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/484

- Applicant** : Hinying Limited represented by Llewelyn-Davies Hong Kong Limited
- Site** : Lots 1027, 1029, 1030, 1034A, 1034B, 1039 (Part), 1040, 1042 RP, 1043 RP, 1044 RP (Part), 1045, 1047, 2233 (Part), 2251 S.A RP, 2256 RP, 2315 (Part) and 2316 RP (Part) in D.D. 92 and Adjoining Government Land, Kwu Tung South, Sheung Shui, New Territories
- Site Area** : 19,700m² (about) (including about 5,441m² of Government Land, 28%)
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plan** : Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/16
- Zonings** : “Comprehensive Development Area” (“CDA”) (about 99%)
[restricted to a maximum plot ratio (PR) of 0.4, a maximum site coverage (SC) of 25%, and a maximum building height (BH) of 3 storeys including carpark]
Area shown as ‘Road’ (about 1%)
- Application** : Proposed Houses

1. The Proposal

- 1.1 The applicant seeks planning permission for the proposed development with 37 3-storey houses on the application site (the Site), which is amendment to an approved scheme. The Site falls mainly within a “CDA” zone (99%) with a minor portion within an area shown as ‘Road’ (1%) 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’ in both the “CDA” zone and area shown as ‘Road’ requires planning permission from the Town Planning Board (the Board). Pursuant to the Notes of the “CDA” zone, the applicant has prepared a Master Layout Plan (MLP) for the approval of the Board including, among others, technical assessment reports. The Site is vacant and mostly covered by weeds and trees.

1.2 The Site is involved in a previous s.16 application (**Plan A-1**) in a slightly smaller site entirely within the “CDA” zone. The s.16 application No. A/NE-KTS/364 for proposed 33 houses with PR of 0.4, SC of 25% and BH of 3 storeys on a smaller development site was approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2015. Subsequently, the validity of the permission was extended to 22.5.2023. In the course of processing the land exchange in relation to the approved development, parcels of Government land of about 3,580m² mostly within the previous application site but outside the development site is proposed to be included in the development for better utilisation of land resources and rationalisation of boundary (**Plan A-2b**). Hence, the current application seeking to amend the approved scheme with corresponding increase in Gross Floor Area (GFA) due to larger development site area is submitted.

1.3 According to the current submission, the proposed development comprises 37 3-storey houses including a floor for carpark and clubhouse use, as well as a swimming pool. The floor area of the clubhouse is about 394m². The MLP, Landscape Master Plan (LMP), section plan, floor plan and photomontages of the proposed development submitted by the applicant are at **Drawings A-1 to A-6** respectively. As compared to the previously approved application, the PR and BH (in terms of no. of storey) remain unchanged. As the development site area is increased by 3,580m², the GFA is increased accordingly, resulting in 4 more houses. The layout and vehicular access arrangement (**Drawing A-1**) are similar to the previously approved scheme. A comparison of the major development parameters between the current application and the previously approved application No. A/NE-KTS/364 is as follows:

	Previously Approved Application No. A/NE-KTS/364 (a)	Current Application No. A/NE-KTS/484 (b)	Difference (b) – (a)
Site Area (about)	19,478m ²	19,700m ² #	+222m ² (+1%)
Development Site Area	16,120m ²	19,700m ² @	+3,580m ² (+22%)
PR	0.4@	0.4	0
GFA (about)	6,448m ²	7,880m ²	+1,432m ² (+22%)
SC	25%	25%	0
BH	3 storeys (12m) (G/F: 4.2m and 1/F: 3.5m, above a level for carpark and clubhouse: 4.3m)	3 storeys (13.3m) (G/F and 1/F: 4.5m each, above a level for carpark and clubhouse: 4.3m)	+1.3m (+11%)
Number of Houses	33	37	+4 (+12%)
Average House Size (about)	195m ²	213m ²	+18m ² (+9%)
Private Car Parking Spaces	68	80	+12 (+18%)

	Previously Approved Application No. A/NE-KTS/364 (a)	Current Application No. A/NE-KTS/484 (b)	Difference (b) – (a)
Private Open Space	94m ²	108m ²	+14m ² (+15%)
Loss of Mitigation Woodland within the Site	390m ² (to be compensated outside the Site on applicant's land)	610m ² (to be compensated outside the Site on applicant's land of 421m ² and adjoining Government land)	+220m ² (+56%) (all loss to be compensated outside the Site)

Remarks:

- # The Site area is slightly increased by including the adjoining fragmented parcels of Government land (i.e. 222m²) which mainly fall within area shown as 'Road' along Hang Tau Road. The minor changes are not discernible on **Plan A-2b**.
- @ The development site area (for GFA calculation) is enlarged by including the aforesaid 222m² land and some parcels of Government land (about 3,358m²) within the "CDA" zone (**Plan A-2b**)

- 1.4 Similar to the approved scheme under A/NE-KTS/364, a non-building area is provided at the eastern part of the Site along Hang Tau Road to allow room for future possible widening of Hang Tau Road. Setback of the development at the eastern boundary along Hang Tau Road is proposed for widening of the existing footpath on the west side of Hang Tau Road to 2m wide (**Drawing A-1**). Vehicular ingress/egress is proposed at the north-eastern tip of the Site connecting Hang Tau Road (**Drawing A-1 and Plan A-2a**). According to the submission, the proposed development is anticipated to be completed in 2023.
- 1.5 Two pieces of existing mitigation woodland (about 610m²) on Government land at the northern and southern part of the Site (**Plan A-2a**) currently managed by Agriculture, Fisheries and Conservation Department (AFCD) under the Rural Drainage Rehabilitation Scheme for River Beas is within the "CDA" zone. Similar to the approved scheme under A/NE-KTS/364, the existing mitigation woodland in the northern part of the Site is included in the Site for development, while the one in the southern part outside the development site of the previously approved application is also included for development under the current application. To compensate the loss, the applicant has proposed 2 pieces of compensatory planting areas (including private land of 421m² owned by the applicant and adjoining Government land) outside the Site (**Plan A-2a**), i.e. to the immediate northwest of the Site which will form a continuous and holistic planting area together with the nearby woodland and the abandoned meander. The applicant intends to surrender the concerned private land of the compensatory planting areas to the Government. The applicant will liaise with AFCD at detailed design stage to identify adequate and suitable land to make up the loss, and will work out the detailed setting out and arrangement of the compensatory planting areas. The compensatory planting areas will be handed over to the relevant Government department for management and maintenance.

Landscape and Visual

1.6 As shown on the LMP Submission (**Appendix Ia**), there are 251 trees within the Site. Amongst them, 10 trees would be retained and 241 trees would be felled. A total of 241 new heavy standard trees would be planted in the Site for compensation. There are also 24 dead trees in the Site to be removed. A 4m-wide tree buffer zone is proposed along the western boundary and a 3m-wide landscape strip is proposed to form eastern buffer area (**Drawing A-2a**). As shown on the photomontages (**Appendix Ia and Drawings A-5 and A-6**), the proposed development would be screened off by the tree plantings in the proposed 3m-wide landscape strip along Hang Tau Road and the existing trees. The noise barrier along part of the landscape strip will be designed with subdued colour and material to minimise the visual impact. A total of not less than 108m² private open space would be provided in the Site in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) to serve future residents.

Traffic

1.7 According to the Traffic Impact Assessment (TIA) (**Appendix Ia**), it is estimated that there are about 21 vehicular trips/hour in AM and PM peak hours respectively. The TIA indicates that the proposed development is considered acceptable in traffic term. Besides, a pedestrian crossing on Hang Tau Road and widening its footpath at west side, as requested by Transport Department (TD), is proposed (**Drawing A-1 and Plan A-2a**). The applicant will construct the proposed pedestrian crossing with the management and maintenance responsibility to be borne by the Government subject to further liaison with relevant departments.

Environment

- 1.8 According to the Environmental Assessment (EA) (**Appendix Ia**), for traffic noise, the proposed noise mitigation measures include at least 15m setback of the houses from the roads, 3.5m high noise barrier (**Drawing A-2**) at the eastern boundary (northern part) of the Site, acoustic window and orientation of houses. Compared with the approved scheme under A/NE-KTS/364, the extent of the noise barrier has been reduced. The EA indicates that with implementation of the noise mitigation measures, full compliance of road traffic noise standard can be achieved and no significant road traffic noise impact is anticipated.
- 1.9 For air quality, buffer between the proposed house development and the adjoining roads, i.e. Hang Tau Road to the east, Kwu Tung Road to the north and Kam Hang Road to the northeast of the Site, is proposed. The EA indicates that the proposed development would not be subject to unacceptable air quality impact.
- 1.10 For water quality, as the sewage generated from the proposed development will be discharged to the public sewer, the EA indicates that no adverse water

quality impact is anticipated.

Sewerage

1.11 According to the Sewerage Impact Assessment (SIA) (**Appendix Ia**), the upgraded capacity of Shek Wu Hui Sewage Treatment Works (STW) is expected to be commissioned before or by the time of population intake of the proposed development. The sewage generated from the Site would be discharged directly to the STW via a proposed new sewer connecting to the existing public sewer. However, segments of existing sewers would operate near and slightly above capacity and sewer pipe upgrading works are proposed to mitigate the impact. The SIA indicates that with the proposed mitigation works, no insurmountable sewerage impact from the proposed development is anticipated.

Drainage

1.12 According to the Drainage Impact Assessment (DIA) (**Appendix Ia**), the runoff from the Site would be discharged into the existing drainage channel outlet along the southern toe of Kwu Tung Road embankment to Sheung Yue River. The existing drainage pipes encroaching upon the Site would be diverted outside the Site to run along Hang Tau Road. The DIA indicates that the proposed development would be acceptable from drainage perspective.

Water Supply

1.13 According to the Water Supply Assessment (WSA) (**Appendix Ia**), a new watermain for fresh water supply and a new temporary mains water for flushing would be branched off from the existing watermain. The WSA shows that the proposed development is considered technically feasible from water supply point of view.

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

- (a) Application Form received on 15.11.2019 (**Appendix I**)
- (b) Further Information (FI) of 27.1.2021 (**Appendix Ia**)

submitting a consolidated planning statement[#]

[#] exempted from publication

1.15 On 3.1.2020, 10.7.2020 and 6.11.2020, 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 18.12.2020, 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 consolidated Planning Statement at **Appendix Ia**. They are summarised as follows:

- (a) Planning permission under A/NE-KTS/364 for proposed houses was granted in 2015. During the process of land exchange, as requested by LandsD, fragmented parcels of Government land have been included into the Site for better utilisation of land resources. The current application only involves proposed minor amendments to the approved scheme to reflect the proposed changes to site area and boundary, and the corresponding increase in the GFA. The proposed development has retained the design and layout of the approved scheme and is carefully formulated taking into account the setting of the Site and its surrounding areas.
- (b) The proposed development is in line with the planning intention of “CDA” zone and conforms to the development restrictions under the “CDA” zone. The proposed development is compatible with the existing context in the surrounding areas.
- (c) As compared to the approved scheme, the proposed development is improved in terms of visual and design, e.g. reducing the extent of the proposed noise barrier by adopting acoustic window design. Relevant technical assessments indicate that the proposed development is sustainable and technically feasible in terms of traffic, environment, drainage, sewerage and water supply.
- (d) Design merits of the approved scheme, e.g. provision of 4m-wide buffer zone along the western boundary and 3m-wide landscape strip along the eastern boundary and setback of the houses from the existing planting area, are maintained.
- (e) As the private lots within the Site are owned by the applicant, comprehensive and timely implementation of the proposed development could be warranted.
- (f) The proposed development echoes with the Hong Kong 2030+ Study which emphasises the need to enhance the quality of living environment by offering quality types of accommodations, open space as well as landscaped area. With provision of green coverage, the proposed development will provide a sustainable and quality built environment at the Site.
- (g) Regarding the access of Lot 998 RP (**Plan A-2b**) to the north of the Site, there is an independent access at Hang Tau Road outside the Site. The proposed development will not affect the direct access to the lot.

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

The applicant is the sole “current land owner” of the private lots in the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the

Government land (about 28% of the Site), the “owner’s consent/notification” 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) are not applicable.

4. **Background**

The Site is not subject to any active enforcement action.

5. **Previous Application**

The Site is involved in a previous s.16 application No. A/NE-KTS/364, submitted by the current applicant, for proposed house development (33 3-storey houses) including a floor for carpark and clubhouse with a PR of 0.4 on the subject “CDA” site. It was approved with conditions by the Committee in 2015 mainly on the grounds that the development is in line with the planning intention of the “CDA” zone and adverse environmental, ecological, sewerage, drainage, landscape and visual impacts on the surrounding areas were not anticipated. Subsequently, the validity of the permission was extended to 22.5.2023. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**. The MLP of the approved scheme is at **Drawing A-1**.

6. **Similar Applications**

6.1 There are 4 similar applications for proposed residential development involving 2 “CDA” sites in the same northern part of the Kwu Tung South area, and all were approved between 1998 and 2019. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

6.2 Applications No. A/NE-KTS/75, 220 and 267 cover one “CDA” site (currently subject to PR 0.4, SC 20% and BH of 3 storeys including carpark) to the northeast of the Site abutting Fanling Highway. Applications No. A/NE-KTS/75 and 220 for proposed comprehensive residential development with a PR of 0.4 and BH of 3 storeys was approved with conditions in 1998 and 2005 respectively mainly on the considerations that adverse environmental, traffic, drainage, sewerage and visual impacts to the surrounding areas were not anticipated. The planning permissions lapsed in 2001 and 2009. Application No. A/NE-KTS/267 for proposed comprehensive residential development with a PR of 0.4 and BH of 3 storeys was approved with conditions in 2008 mainly on similar considerations, but the development has not been implemented though building plan has been approved. Subsequently, s.12A rezoning application No. Y/NE-KTS/12 for rezoning the same site from “CDA” to “CDA(1)” for proposed residential development with PR of 3 and

BH of 75mPD (16 to 19 storeys) was agreed in September 2019 mainly on the considerations that the proposed development is in line with the Government's housing policy to provide more residential flats and is acceptable in terms of technical feasibility. Proposed amendments to the OZP to take forward the approved s.12A application is to be considered at this meeting.

- 6.3 Application No. A/NE-KTS/465 covering another "CDA" site to the further south of the Site for proposed house development and minor relaxation of PR (from 0.4 to 0.48) and SC (from 20% to 22%) restrictions was approved with conditions in July 2019 mainly on the considerations that the development is compatible with the surrounding environment; planning merits are proposed in the scheme; and there is no objection from departments to the application from traffic, sewerage infrastructure, noise, drainage, landscape and visual perspectives.

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

7.1 The Site is:

- (a) vacant and fenced off;
- (b) mostly covered by weeds, with a small portion in the north being paved and trees along the periphery;
- (c) 2 pieces of existing mitigation woodland at the northern and southern part of the Site; and
- (d) accessible via Hang Tau Road.

7.2 The surrounding area is predominantly rural in nature with low-rise and low-density residential developments, abandoned meander and mitigation woodland with the following characteristics:

- (a) to the east across Hang Tau Road are low-rise and low-density residential developments, i.e. Casas Domingo within "Residential (Group C)1" ("R(C)1") zone as well as Shui Ming Villa and other domestic structures within "Recreation" ("REC") zone, active farmland, plant nursery and storages;
- (b) to the south and southeast are the Hong Kong Girl Guides Association Jockey Club Beas River Lodge, domestic structure and unused land;
- (c) to the immediate west are an abandoned meander and mitigation woodland areas under the Rural Drainage Rehabilitation Scheme for River Beas maintained by AFCD (**Plan A-2a**);

- (d) to the further west and northwest across Sheung Yue River is a large scale low-rise and low-density residential development known as Valais within “R(C)2” zone; and
- (e) to the north are Kwu Tung Road and Sheung Yue River; and to the further north across Fanling Highway is the Kwu Tung North New Development Area (KTN NDA).

8. Planning Intention

- 8.1 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.
- 8.2 As stated in the Explanatory Statement of the OZP, the western boundary of the “CDA” site encroaches upon a mitigation woodland and an abandoned meander currently maintained by AFCD under the Rural Drainage Rehabilitation Scheme for River Beas. Any development at the site should not adversely affect the ecological, amenity and landscape value of the mitigation woodland and the meander. If the development on site would unavoidably affect the existing mitigation woodland and meander, the applicant should also submit a compensatory proposal with implementation arrangements to mitigate the potential impacts on the mitigation woodland and meander. The site abutting Hang Tau Road is subject to traffic noise impacts and potential vehicular emissions impact as well as other constraints such as inadequate drainage and sewerage facilities.

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 (DLO/N), LandsD:
 - (a) he has no objection to the application;
 - (b) the Site comprises 17 private lots (or parts thereof) and Government land. Some of the Government leases cannot be found in the Land Registry;

- (c) his office had received and circulated an application for land exchange for the proposed development based on a s.16 planning application No. A/NE-KTS/364 approved by the Board in 2015. For better utilisation of land resources and rationalization of boundary, he and the applicant exchanged views on including the fragmented parcels of Government land adjoining the site. Upon the applicant's request, the salient land issues together with the subject proposed re-grant lot boundary have been submitted to North District Lands Conference (NDLC) for consideration. Regarding the proposed re-grant boundary, NDLC has advised that "the proposed inclusion of Government land had to be well justified and could be triggered or initiated through s.16 application in first place. Yet, in view of the physical attributes of the adjoining Government land and the proposed inclusion would achieve the optimization of land use, the Conference agreed to explore the possibility of granting an "in-principle approval" for the applicant's request.";
- (d) it is noted that a private lot (Lot 998 RP in D.D. 92) (**Plan A-2b**) located to the north of the Site is neither within the "CDA" zone nor owned by the applicant. This lot is held under Block Government Lease as demised for agricultural use and there is no restriction / provision for access under lease. However, the subject proposed re-grant lot boundary may physically affect the access to this private lot. The applicant has advised that the access to the private lot is located to the north outside the Site. According to LandsD's information, as the access would affect the slope being maintained by Highways Department (HyD) and would likely involve tree felling, he has reservation on the proposal of the access to Lot 998 RP. Yet, as the issue of the access to Lot 998 RP has not yet been clarified and subject to the decision of NDLC, the right-of-way clause may be imposed under the proposed land grant for the Site;
- (e) since there is an existing surveyed structure within the Government land along Hang Tau Road (which is proposed to be included into the re-grant lot boundary), appropriate clearance action will take place in pertinent time after the s.16 application is approved by the Board;
- (f) as per the supplementary planning statement (**Appendix Ia**), to allow room for future possible widening of Hang Tau Road, a non-building area (**Drawing A-2**) has been proposed along the middle portion of the eastern site boundary. Noting that the non-building area is to cater for future possible road widening, relevant departments should advise LandsD whether any

additional provisions should be applied to the proposed non-building area under lease, e.g. free surrender upon demand. If affirmative, Buildings Department's (BD) view would be required on the implication on GFA calculation if the free surrender will be invoked before the issuance of occupation permit;

(g) if the planning application is approved, his department acting in the capacity as landlord will further consider the land exchange application including both the development scheme and the re-grant lot boundary. If the land exchange is approved, it will be subject to such terms and conditions as considered appropriate including the payment of premium and administrative fee. There is no guarantee that the Government land involved will be granted nor land exchange application will be approved; and

(h) his detailed comments are at **Appendix IV**.

Traffic

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

(a) he has no objection to the application. Should the Board approve the application, approval condition requiring provision of a 2m wide footpath on the western side of the section of Hang Tau Road to the east of the Site and provision of a pedestrian crossing is recommended; and

(b) the above traffic improvement works shall be implemented by the applicant to tie in with the completion of the development.

Environment

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

(a) he has no objection to the application; and

(b) from noise perspective, the applicant should be required to submit a revised Noise Impact Assessment (NIA) report for the MLP /General Building Plan and provision of mitigation measures to achieve full compliance with the noise criteria in HKPSG (including road traffic noise standard as committed by the applicant in EA) to the satisfaction of DEP/the Board under the relevant planning approval condition and land title document. His detailed comments on the NIA are at **Appendix VI**.

Sewerage

9.1.4 Comments of the DEP:

- (a) he has no adverse comment on the application from sewerage infrastructure perspective; and
- (b) should the Board approve the application, a condition requiring submission of a revised SIA is recommended. His other detailed comments are at **Appendix VI**.

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

- (a) he has no comment on the SIA;
- (b) the applicant shall implement the sewerage connections at his own cost and resources according to the approved design of relevant approval condition; and
- (c) should the Board approve the application, a condition requiring the design and provision of the sewerage connections from the proposed development to the public sewerage system is recommended.

Drainage

9.1.6 Comments of the CE/MN, DSD:

- (a) he has no objection to the application;
- (b) the applicant shall implement the drainage connections at his own cost and resources according to the approved design of relevant approval condition; and
- (c) should the Board approve the application, a condition requiring the submission of a revised DIA with detailed drainage design including the proposed drainage diversion works and the implementation of the drainage proposal and drainage connection works identified therein is recommended.

Urban Design and Visual

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

the Site is within an area characterized by low-rise buildings. The

proposed development is in line with statutory restrictions of the OZP and considered not incompatible with the surroundings. The applicant has proposed 3m-wide landscape strip and visual treatments for the noise barriers along the eastern site boundary (i.e. the adoption of subdued colour and materials and the decoration with flowering shrubs and groundcovers), which would help to reduce the visual prominence and soften the solid structures of the noise barriers, and it is not expected to result in adverse visual impact.

Landscape

9.1.8 Comments of CTP/UD&L, PlanD:

- (a) he has no objection to the application from landscape planning perspective;
- (b) according to the aerial photo taken in 2018, the Site is situated in an area of rural landscape character. The surrounding of the Site is comprised of existing village houses, low-rise residential houses, and clustered tree groups. The proposed use is considered not incompatible with the existing landscape setting in proximity;
- (c) with reference to the supplementary planning statement (**Appendix Ia**) and the LMP (**Drawing A-2**), 241 nos. of existing trees of common species are proposed to be felled. To mitigate the loss of landscape resources, 241 nos. of compensatory trees will be planted along the boundary of the Site to form a continuous trees buffer and landscape strips. Moreover, adequate provision of private open space for the development is catered as required in HKPSG; and
- (d) should the Board approve the application, approval condition requiring submission and implementation of LMP is recommended.

Building Matters

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

- (a) he has no objection to the application; and
- (b) his advisory comments are at **Appendix VI**.

Nature Conservation

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

- (a) he has no strong view from nature conservation point of view, considering the current application is a revised version of the approved s.16 application No. A/NE-KTS/364 to reflect the updated situation;
- (b) his recent site inspection revealed that the Site is overgrown with weeds, with some semi-mature to mature trees of common species found at the periphery of the Site. Part of the mitigation woodland, located at the northern and southern part of the Site, maintained by his department for ecological compensation under the Main Drainage Channel for Fanling, Sheung Shui and Hinterland project (the Project) will be included in the proposed development;
- (c) the compensatory planting area proposed by the applicant is occupied by trees of mostly exotic invasive species, shrubs and herbaceous plants, while the mitigation woodland to be lost mostly consists of trees of native species. The proposed compensatory planting area should be of similar habitats to the mitigation woodland to be lost. As such, the applicant should remove the exotic invasive tree species, and plant appropriate native tree species at the proposed compensatory planting area;
- (d) he has no objection to the applicant's proposal of revising the compensatory planting area at detailed design stage. It is feasible for the applicant to provide adequate compensatory planting area at the stage of compliance with approval condition. Should the Board approve the application, a condition requiring the submission of proposal of compensatory planting areas (including detailed setting out of compensatory planting areas) for the loss of the mitigation woodland under the Rural Drainage Rehabilitation Scheme for River Beas prior to commencement of site formation works and the implementation of the compensatory planting areas identified therein to the satisfaction of DAFC is recommended; and
- (e) regarding the proposed arrangement of the planting areas, it is noted that a compensatory ratio of 1:1 would be achieved and the proposed compensatory planting areas would be of similar nature to the mitigation woodland to be lost, he has no comment on the proposed arrangement. Nonetheless, his department will consider taking up the vegetation maintenance of the

proposed compensatory areas subject to the followings:

- (i) the compensatory planting areas are on unleased and unallocated Government land;
- (ii) the proposed development is approved by all relevant authorities; and
- (iii) the plantings are well-established and up to his satisfaction in terms of species composition, design and health and structural conditions of the plants.

Fire Safety

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

- (a) he has no objection in principle to the proposal 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 Buildings 2011 under the Building (Planning) Regulations 41D which is administered by BD.

Water Supply

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

- (a) he has no objection to the application; and
- (b) his advisory comments are at **Appendix VI**.

Town Gas Safety

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

- (a) there is a high pressure town gas transmission pipeline (HP pipeline) running along Kwu Tung Road and Kam Hang Road in close vicinity of the Site (**Plan A-2a**). He observed that the number of houses and population of the proposed development are increased by 4 and 14 respectively as compared with the approved scheme under A/NE-KTS/364. Besides, the MLP of

the proposed development is similar to the approved scheme for which the houses are generally aligned perpendicularly and linearly away from the HP pipeline. The minimum proximity distance of the nearest house is still more than 30m from the HP pipeline. The gas risk levels should not be significantly increased as compared with the approved scheme;

- (b) reviewing the results of a quantitative risk assessment (QRA) of another proposed development at its immediate vicinity that he just received in June 2020, the societal risk level associated with the HP pipeline to the adjacent population is still in acceptable region;
- (c) summarizing the above factors, QRA for the application is not mandatory from a gas safety point of view. The project proponent/consultant/works contractor should liaise with the Hong Kong and China Gas Company Limited (Towngas) in respect of the exact locations of existing and planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development; and
- (d) his advisory comments are at **Appendix VI**.

District Officer's Comments

9.1.14 Comments of the DO(N), HAD:

- (a) he consulted the locals regarding the application and applicant's FIs;
- (b) one of the Resident Representatives (RR) of Hang Tau has no comment on the application; and
- (c) the Chairman of the Sheung Shui District Rural Committee (SSDRC), the North District Council (NDC) member of the subject constituency, RR of Kwu Tung (North), RR of Kwu Tung (South), the other RR of Hang Tau, Indigenous Inhabitant Representatives (IIR) of Hang Tau and Kwu Tung Village Committee Office object to the application mainly on the following grounds:
 - (i) The area is mainly a low-density residential area. There are villages in the vicinity. There is serious traffic congestion in peak hours. The road is narrow and traffic infrastructure is inadequate. A residential development nearby was approved by the Board, the traffic issue will be

worsened. The approval of the application would deteriorate the traffic congestion in the area and adversely affect the traffic safety. Prior to addressing the traffic congestion, any development that would cause adverse traffic impact should not be approved.

- (ii) The proposed development would affect the rural character and environment of the area, affect the nearby residents and cause adverse traffic, drainage and visual impacts. It would affect the feng shui of the area.
- (iii) The Government land within the Site falls within village boundary which should be reserved for local welfare facilities.
- (iv) The construction works would affect some residents nearby.

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

- (a) Commissioner of Police (C of P);
- (b) Chief Highway Engineer/New Territories East (CHE/NTE), HyD; and
- (c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD).

10. Public Comments

10.1 The application and the FIs were published for public inspection. During the three-week statutory publication periods, a total of 116 public comments were received. Of which, 101 support the application, 10 object to the application and 3 indicate no comment (**Appendices V-1 to V-3**). The remaining 2 comments (**Appendix V-4 and V-5**) were submitted by Towngas and an individual. The former advises that the applicant should conduct a QRA and consult Towngas at design stage with regard to the nearby high pressure pipeline, while the latter comments that Rural Committee and relevant villages should be consulted to solve traffic, drainage and feng shui-related issues.

10.2 The 101 supportive comments are submitted by individuals (typical comments at **Appendices V-6 to V-18** and the remaining 88 comments are deposited at the Board's Secretariat for Members' reference) mainly on the following grounds:

- (a) The proposed scheme is in line with the planning intention of "CDA" development. Due to acute shortage of housing supply, the proposed development could optimise the use of precious land resources to increase housing supply.

- (b) The development intensity and scale is compatible with the residential developments in the surrounding which are mainly 3-storey village houses. The proposed development could maintain the low-density environment in the area. It could also encourage other developments in the area.
- (c) No adverse significant impacts on traffic, ecological, environmental, visual, air ventilation and local community are anticipated.
- (d) The Site is covered by many dead trees and trees which are invasive species. The proposed removal of the existing trees and plantation of native trees could enhance the local ecological environment.
- (e) The Site has been left vacant for many years. The proposed development could utilise the abandoned land and improve the surrounding environments which is good for the residents nearby. Comparing to those proposed developments in country park, the proposed development on abandoned land is more acceptable.
- (f) The proposed development could create employment opportunities for the construction industry and promote economic development.

10.3 The 10 objecting comments are submitted by a NDC member and individuals (**Appendices V-19 to V-28**) mainly on the following grounds:

- (a) The local roads are congested. A lot of residents live in Hang Tau Village and Kwu Tung area but transport and other infrastructure are inadequate in the area. It is impossible to accommodate more residents in the area. The proposed development would increase the traffic flow in the area resulting in more serious traffic congestion in the peak hours. A detailed assessment on traffic should be conducted. The proposed development would attract heavy vehicles to and from the Site during construction period. It would cause adverse traffic impact.
- (b) Land resources in the North District should not be used for piecemeal development. A comprehensive planning for undeveloped land in the North District should be conducted.
- (c) The Site falls within “CDA” and involves Government land, but the proposed development does not contain any element of community content. The proposed development would privatise the river front. The development should be reduced in order to ensure that the river front remains as a public asset.
- (d) The view of the nearby residential development would be adversely affected. The applicant should adopt measures to mitigate impact on

nearby residents.

- (e) Construction works will cause noise and environmental pollution to nearby residents.
- (f) Hang Tau village office was not consulted.

11. Planning Considerations and Assessments

Planning Intention and Comparison with Approved Scheme

11.1 The application is for a proposed development with 37 houses at a PR of 0.4, SC of 25% and BH of 3 storeys, which is to amend an approved scheme. The Site falls mainly within a “CDA” zone (99%) with a minor portion within an area shown as ‘Road’ (1%). As compared to the approved scheme under A/NE-KTS/364, the PR and BH (in terms of no. of storey) remain unchanged. With the increase in development site area (**Plan A-2b**) of about 3,580m² for better utilisation of land resources and rationalisation of boundary, the GFA is increased accordingly, with increase in 4 more houses. The layout and vehicular access arrangement (**Drawing A-1**) of the proposed development are similar to the approved scheme while the proposed BH of 13.3m under the current application is increased by 1.3m (+11%). The “CDA” zone is intended for comprehensive development of the area for residential use 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. The proposed house development is in line with the planning intention of the “CDA” zone, and conforms with the PR, SC and BH restrictions of the subject “CDA” zone on the OZP.

Land Use Compatibility and Landscape and Visual Aspects

11.2 The Site is located in a rural environment with mainly low-rise and low-density residential developments, abandoned meander and mitigation woodland in the vicinity. The use and development intensity (PR 0.4, 3 storeys) of the proposed development is compatible with the surrounding environment. CTP/UD&L, PlanD considers that the proposed development, including the increase in absolute building height, is considered not incompatible with the existing landscape setting in proximity. According to the submission, 241 compensatory trees will be planted along the boundary of the Site to form a continuous trees buffer and landscape strips to mitigate the loss of landscape resources. Moreover, the proposed visual treatments for the noise barriers (i.e. the adoption of subdued colour and materials and the decoration with flowering shrubs and groundcovers) would help to reduce the visual prominence and soften the solid structures of the noise barriers, and it is not expected to result in adverse visual impact (**Drawing A-5**).

Compensatory Planting Areas for Affected Mitigation Woodland

- 11.3 Two pieces (about 610m²) of mitigation woodland managed by DAFC under the Rural Drainage Rehabilitation Scheme for River Beas are within the Site. The applicant has proposed two compensatory planting areas outside the Site including private land of 421m² owned by the applicant and adjoining Government land. DAFC has no strong view against the application from nature conservation point of view and considers it feasible for the applicant to identify adequate compensatory planting area at detailed design stage. Relevant approval condition suggested by AFCD requiring the submission of proposal of compensatory planting areas prior to commencement of site formation works and the implementation of the compensatory planting areas is recommended at paragraph 12.2 below.

Other Technical Aspects

- 11.4 For traffic aspect, a non-building area is provided at the eastern part of the Site along Hang Tau Road to allow room for future possible widening of Hang Tau Road (**Drawing A-1**). The applicant has also proposed to provide a pedestrian crossing on Hang Tau Road and to widen its footpath on the western side, as requested by TD. C for T has no objection to the application including the TIA. Relevant approval condition is recommended at paragraph 12.2 below. For environmental aspect, DEP has no objection to the application from air quality, noise and sewerage aspects. With regard to sewerage treatment, CE/MN, DSD has no comment on the SIA. For drainage aspect, CE/MN, DSD has no objection to the application. The approval conditions suggested by EPD and DSD are in paragraph 12.2. Other Government departments consulted, including CE/C, WSD, DEMS and FSD have no adverse comment on or objection to the application.

Previous and Similar Applications

- 11.5 The Site is involved in a previous s.16 application for similar house development which was approved in 2015 as detailed in paragraph 5. 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 approved between 1998 and 2019 as detailed in paragraph 6. Approval of the current application which is an amendment to an approved scheme is in line with the previous decisions of the Board.

Public Comments

- 11.6 Local views conveyed by DO/N, HAD object to the application as stated in paragraph 9.1.14. There are 116 public comments received during the statutory publication period with supportive and objecting views, as mentioned in paragraph 10 above. In this regard, the departmental comments and

planning assessments above are relevant.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 and having taken into account the local views and public comments mentioned in paragraphs 9.1.14 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 5.2.2025, 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 (e) 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) provision of a 2m wide footpath on the western side of the section of Hang Tau Road to the east of the Site and provision of a pedestrian crossing before occupation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the submission of proposal of compensatory planting areas (including detailed setting out of compensatory planting areas) for the loss of the mitigation woodland under the Rural Drainage Rehabilitation Scheme for River Beas prior to commencement of site formation works and the implementation of the compensatory planting areas identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (f) 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;

- (g) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (h) the design and provision of the sewerage connections from the proposed development to the public sewerage system to be satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (i) the submission of a revised Drainage Impact Assessment and the implementation of the drainage proposal and drainage connection works identified therein to be satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (j) 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.

Advisory clauses

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

12.3 There is no strong reason to reject the application.

13. Decision Sought

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

14. Attachments

Appendix I	Application Form received on 15.11.2019
Appendix Ia	FI of 27.1.2021 submitting a consolidated planning statement
Appendix II	Previous Application

Appendix III	Similar Applications
Appendix IV	Detailed Comments from Lands Department
Appendices V-1 to V-28	Samples of Public comments
Appendix VI	Advisory Clauses
Drawing A-1	Master Layout Plan
Drawing A-2	Landscape Master Plan
Drawing A-3	Section Plan
Drawing A-4	Floor Plan
Drawings A-5 and A-6	Photomontages
Plan A-1	Location Plan
Plans A-2a and A-2b	Site Plans
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2021**