

RNTPC Paper No. A/YL-KTN/604B  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 22.3.2019

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

**APPLICATION NO. A/YL-KTN/604**

- Applicant** : Bright Strong Limited represented by Llewelyn-Davies Hong Kong Ltd.
- Site** : Various Lots in D.D. 107 and Adjoining Government Land, Cheung Chun San Tsuen, Kam Tin, Yuen Long
- Site Area** : About 156,065m<sup>2</sup> (including Government land of about 24,940m<sup>2</sup> (about 16%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Comprehensive Development Area (1)” (about 98.3%)  
[restricted to a maximum plot ratio of 1.2 and a maximum building height of 16 storeys]
- “Comprehensive Development Area” (about 1.7%)  
[restricted to a maximum domestic gross floor area (GFA) of 345,400m<sup>2</sup>, a maximum non-domestic GFA of 10,000m<sup>2</sup> and a maximum building height of 14 storeys]
- Application** : Proposed Flat, Shop and Services, Eating Place, School, Social Welfare Facilities and Public Transport Terminus or Station uses and Minor Relaxation of Plot Ratio and Building Height Restrictions

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed flat, shop and services, eating place, school, social welfare facilities and public transport terminus or station uses and minor relaxation of plot ratio and building height restrictions at the application site (the Site) (**Plan A-1a**). According to the Notes of the OZP, within the “CDA” zone, these uses are Column 2 uses which require planning permission from the Town Planning Board (the Board), and the applicant shall prepare a Master Layout Plan for the approval of the Board including, among

others, Visual Impact Assessment (VIA), Environmental Assessment (EA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA) and Traffic Impact Assessment (TIA), etc. The Notes of the OZP also stipulated that minor relaxation of plot ratio and building height restrictions may be considered by the Board. According to the Explanatory Statement of the OZP, a primary school should be provided within the “CDA(1)” zone, and the provision of other appropriate government, institution or community (GIC) facilities will be considered at the planning application stage.

- 1.2 The Site is partly vacant, and partly occupied by open storage yards, parking of vehicles, site office and residential dwellings/structures. Two drainage channels pass through the northern part of the Site. The Site or its part is the subject of 25 previous applications for small-scale developments or temporary uses, including Small House developments, filling of pond, temporary open storages and site office uses. Four applications for open storage/workshop, filling of pond and temporary site office were approved with conditions by the Rural and New Town Planning Committee (the Committee) in 1999 and 2018. The remaining applications were rejected by the Committee or the Board on review between 1993 and 2008.
  
- 1.3 The Site mostly falls within the “CDA(1)” zone<sup>1</sup>. According to the Notes of the OZP, the “CDA(1)” zone is subject to a maximum plot ratio (PR) of 1.2 and maximum building height of 16 storeys. The applicant submitted a Master Layout Plan (MLP) covering the “CDA(1)” zone (**Drawing A-1**) for the proposed development. According to the MLP, the proposed development will be divided into 2 phases. Phase A in the southern part of the Site includes eight blocks of residential towers, a day care centre for the elderly, a transport interchange and commercial facilities. Phase B includes 20 blocks of residential towers and commercial facilities. A site with an area of about 6,200m<sup>2</sup> is reserved in Phase B for a 30-classroom primary school to address the long-term educational need of future residents in the area. The primary school will be implemented under Phase B as it is anticipated that the demand for school will only appear in the long term when Phase B is in place. The applicant also applied for minor relaxation of the total PR restriction from 1.2 to 1.254 (i.e. +0.054/ +4.5%) and building height restriction from 16 storeys to 18 storeys (including one level of basement car park) (i.e. +2 storeys/ +12.5%). Details of the proposed development parameters are summarized in the table below:

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<sup>1</sup> According to the applicant, minor portion of the Site (about 1.7% of the total site area) falls within the adjoining “CDA” zone to tally with the site boundary of a comprehensive residential development (i.e. the Sha Po North Development) in the “CDA” zone which was approved with conditions by the Committee under Application A/YL-KTN/118-2 on 7.9.2012. Also, a small strip of land along the eastern boundary (which is currently used as Waterworks Reserve of the Water Supplies Department) of the “CDA(1)” zone and another small strip of land along the southeastern boundary of the “CDA(1)” zone are not included in the application site (**Plan A-2**). The above can be considered as minor boundary adjustment as permitted by the covering Notes of the OZP.

Major Development Parameters	Application No. A/YL-KTN/604		
	Total	Phase A	Phase B
<b>Site Area (about) (m<sup>2</sup>)</b>	156,065 (including Government land of about 24,940m <sup>2</sup> )		
<b>Development Site Area (about) (m<sup>2</sup>)</b>	149,865 (excluding a reserved primary school site of not more than 6,200m <sup>2</sup> in area in Phase B <sup>2</sup> )	38,970	110,895
<b>Total GFA (m<sup>2</sup>)</b>	<b>187,926</b>	<b>51,152</b>	<b>136,774</b>
- Domestic	179,838	46,764	133,074
- Non-domestic	8,088 - 5,500 (for commercial use) <sup>3</sup> - 1,800 (for transport Interchange) - 788 (for day care centre for the elderly)	4,388 - 1,800 (for commercial use) <sup>3</sup> - 1,800 (for transport Interchange) - 788 (for day care centre for the elderly)	3,700 (for commercial use) <sup>3</sup>
<b>Plot Ratio (PR)</b>	<b>1.254</b>	<b>1.313</b>	<b>1.233</b>
- Domestic	1.2	1.2	1.2
- Non-domestic	0.054	0.113	0.033
<b>Site Coverage</b>	Not more than 30%		
<b>Number of Blocks</b>	28 (domestic)  3 (commercial, transport interchange and day care centre for the elderly)	8 (domestic)  1 (commercial, transport interchange and day care centre for the elderly)	20 (domestic)  2 (commercial)
<b>Number of Domestic Storeys / Maximum Building Height (mPD)</b>	12 to 18 storeys (including 1 level of basement car park) <sup>4</sup> /66.35mPD	12 to 17 storeys (including 1 level of basement car park) / 61.7mPD	17 to 18 storeys (including 1 level of basement car park) / 66.35mPD

<sup>2</sup> No GFA of the proposed primary school is provided by the applicant.

<sup>3</sup> According to the applicant, the commercial GFA refers to commercial uses ('eating place' and 'shop and services') and 'school' (kindergarten, nursery, language, computer, commercial and tutorial school, art school, ballet and other types of schools providing interest/ hobby related courses).

<sup>4</sup> Among the 28 residential blocks, 5 blocks do not exceed 16-storey (i.e. not exceed OZP restriction).

Major Development Parameters	Application No. A/YL-KTN/604		
	Total	Phase A	Phase B
<b>Number of Non-domestic Storeys / Maximum Building Height (mPD)</b>	Not more than 3 storeys (over 1 level of basement car park) / 21mPD		
<b>Number of Units</b>	3,891	1,001	2,890
<b>Average Unit Size (m<sup>2</sup>)</b>	40 – 48.9	40 – 48.3	40.1 – 48.9
<b>Anticipated Population</b>	8,172	2,103	6,069
<b>Private Open Space (m<sup>2</sup>)</b>	8,172	2,103	6,069
<b>Number of Private Car Parking Spaces</b>	<b>668</b>	<b>178</b>	<b>490</b>
- Residents	500	129	371
- Visitors	140	40	100
- Retail	28	9	19
<b>Number of Motorcycle Car Parking Spaces</b>	<b>43</b>	<b>12</b>	<b>31</b>
- Residents	40	11	29
- Retail	3	1	2
<b>Number of Bicycle Parking Spaces</b>	<b>260</b>	<b>67</b>	<b>193</b>
<b>Number of Loading/ Unloading Space</b>	<b>36</b>	<b>11</b>	<b>25</b>
- Residents	28	8	20
- Retail	8	3	5

Remarks: The residential clubhouse GFA of not more than 5,431m<sup>2</sup> (2,104m<sup>2</sup> for Phase A and 3,327m<sup>2</sup> for Phase B) (one block of 2-storey at each phase) is proposed to be exempted from PR calculation.

- 1.4 The MLP, ground floor plan, basement plan, sections, Landscape Master Plan (LMP) and photomontages of the proposed development are at **Drawings A-1 to A-14**.
- 1.5 Relevant technical assessments including Landscape Design and Tree Preservation Proposals, Urban Design Proposal, VIA, Air Ventilation Assessment (AVA), TIA, EA, Ecological Impact Assessment (EcoIA), DIA, SIA and Water Supply Impact Assessment (WSIA) have been submitted to demonstrate the technical feasibility of the development proposal.

### *Traffic*

- 1.6 The Site is currently without a proper vehicular access. To provide access to the Site, the applicant proposed a public road (**Drawing A-1**) by upgrading the existing 3.5m wide unnamed access road to the northwest of the Site (which connects to Castle Peak Road – Tam Mi) to a standard of 7.3m wide single 2-lane carriageway, and with a new road branching off this access road to the south to serve the Site. The applicant proposed to construct this proposed public road (under Phase A) and the Government may consider taking up the management and maintenance responsibility. Detailed arrangement and management of the proposed public road will be dealt with the relevant departments during land exchange stage.
- 1.7 To cater for the potential demand of public transport services from the proposed development as well as to serve the surrounding neighbourhood, the applicant proposed a transport interchange with one bus bay and one Green Mini Bus bay in Phase A. The proposed transport interchange will be maintained by the development and open for public use.
- 1.8 According to the TIA, a number of traffic improvement measures are proposed, including signalizing proposal at the junction of Castle Peak Road – Tam Mi/the proposed public road (paragraph 1.6 above) and widening of Castle Peak Road (at Au Tau Roundabout) (to be implemented under Phase A by the applicant), as well as widening of Castle Peak Road (at Pok Oi Interchange) (to be implemented under Phase B by the respective developer). The TIA concluded that the traffic impact imposed onto the local road network due to the proposed development is minimal.

### *Environment*

- 1.9 The railway noise impact of the West Rail is assessed in the EA. The assessment result revealed that the predicted noise levels would be able to meet the noise criteria. For traffic noise impact, the EA also demonstrates that the traffic noise standard can be met. In addition, the proposed development will not be subject to adverse industrial emission and vehicular emission impact.

### *Drainage and Sewerage*

- 1.10 According to the DIA, new drains will be constructed to convey the runoff from the proposed development to the existing public drainage system (i.e. Kam Tin River) and no adverse drainage impact is anticipated (**Drawing A-15**). According to the SIA, the proposed development is considered sustainable in terms of sewerage. The sewage generated from Phase A and the proposed primary school will be discharged to the Sha Po Sewage Pumping Station through the proposed sewers (**Drawing A-16**). Regarding Phase B, an on-site underground sewage treatment plant will be provided as an interim sewage disposal measure, and ultimately the sewage will be discharged to the public

sewerage system in the vicinity. The ultimate sewage disposal scheme in Phase B will be implemented when agreement from relevant authorities has been sought and the sewerage system is available with adequate capacity.

*Ecological*

- 1.11 According to the EcoIA, the proposed development will not result in direct loss of habitat that are of high ecological significance. With the proposed mitigation measures, including a pre-site clearance site check for species of conservation significance, measures to control pollution, etc., no significant adverse ecological impact is anticipated.
- 1.12 Also, a former meander and the seasonally wet grassland at the northern portion of Phase B is proposed as an Ecological Enhancement Area (**Drawing A-1**), which will not be accessible by the public to reduce disturbance. The former meander will be restored and the seasonally wet grassland will be converted to open water area. The construction and maintenance of the proposed Ecological Enhancement Area will be undertaken by the project proponent, and is proposed to be established in parallel to the construction of Phase B subject to future discussion and consultation with relevant departments.

*Landscape, Air Ventilation and Visual*

- 1.13 According to the tree assessment, among the 659 existing trees within the Site, 105 trees are proposed to be retained and 554 trees are proposed to be felled, while a minimum of 583 compensatory trees will be provided. Open space provision of not less than 8,172m<sup>2</sup> will be provided for the proposed development. Building gaps and non-building area are created between the towers and setbacks from site boundary are proposed to enhance air permeability (**Drawing A-17**). According to the VIA, the overall visual impact of the proposed development would be insignificant to most of the identified key public viewing points, or the visual effects would be screen by other visual elements such as the West Rail viaduct (**Drawings A-7 to A-14**).

*Reprovisioning of AFCD Au Tau Fisheries Office*

- 1.14 The proposed public road providing access to the Site (paragraph 1.6 above) will encroach onto the northern boundary of the existing Agriculture, Fisheries and Conservation Department (AFCD) Au Tau Fisheries Office, which is currently zoned "Government, Institution or Community" ("G/IC") to the west of the Site (**Plan A-1a**). The affected facilities mainly include two existing office buildings and some ponds at the northern part of the Fisheries Office. The applicant proposed to reprovise the affected buildings at the existing pond within the Fisheries Office, and the affected ponds to the immediate west of the Fisheries Office<sup>5</sup>. The applicant will be responsible for the reprovise and the details of

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<sup>5</sup> The proposed reprovise site for the affected buildings is located within the Fisheries Office in the "G/IC" zone. The proposed reprovise site for the affected ponds is located in the adjoining "CDA" zone (on Government land) falling within the boundary of an approved application No. A/YL-KTN/118-2 for the Sha

the proposal will be subject to further discussion at detailed design stage.

*Phasing*

1.15 The applicant proposed to implemented the development in two phases (i.e. Phases A and B) (**Drawing A-18**). According to the applicant, among the land within Phase A, 84% has been secured by the applicant while consent from the other lot owners (14.5%) has been obtained (the remaining 1.5% of land in Phase A consists of Government land). On the other hand, among the land within Phase B, only 19.2% and 0.5% has been secured by the applicant and with consent obtained respectively, while the remaining private land (67.7%) is still subject to acquisition progress (the remaining 12.6% of Phase B is Government land) (**Drawing A-19**). It is expected that Phase A, with land ownership largely secured by the applicant, would be completed by year 2023. Phase B will be developed as the later phase depending on the land acquisition progress<sup>6</sup>.

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

- (a) Application form with supplementary planning statement received on 20.4.2018 (**Appendix I**)
- (b) Supplementary Information (SI) received on 2.5.2018 provided clarification on the proposal (**Appendix Ia**)
- (c) Further Information 1 (FI(1)) received on 17.8.2018 providing response to departmental comments (*accepted but not exempted from publication requirement*) (**Appendix Ib**)
- (d) FI(2) received on 16.11.2018 providing responses to departmental comments (*accepted but not exempted from publication requirement*) (**Appendix Ic**)
- (e) FI(3) received on 20.12.2018 providing responses to departmental comments (**Appendix Id**)
- (f) FI(4) received on 28.12.2018 providing responses to departmental comments (*accepted but not exempted from publication requirement*) (**Appendix Ie**)

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Po North Development (paragraph 7.4 below). The reprovisioning site is shown as pond in the approved scheme of Application No. A/YL-KTN/118-2, and is currently vacant covered with vegetation.

<sup>6</sup> According to the applicant, there is an unacquired lot enclosed by Phase A (**Drawing A-18**). This lot will included in Phase B and a right-of-way will be reserved to maintain the access to this lot even upon completion of Phase A development.

- (g) FI(5) received on 7.1.2019 providing responses to departmental comments **(Appendix If)**
- (h) FI(6) received on 11.2.2019 proposing a day care centre for the elderly and responses to departmental comments **(Appendix Ig)**  
*(accepted but not exempted from publication requirement)*
- (i) FI(7) received on 4.3.2019 providing responses to departmental comments **(Appendix Ih)**
- (j) FI(8) received on 6.3.2019 providing responses to departmental comments **(Appendix Ii)**

1.17 At the request of the applicant, the Committee agreed to defer consideration of the application on 15.6.2018 and 5.10.2018 to allow time for the applicant to prepare FI to address the departmental comments. After the respective deferral requests, the applicant had submitted revised technical assessments and drawings in response to departments' comments. The application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix Ia** and FIs at **Appendices Ib to Ii**. They can be summarized as follows:

- (a) The proposed development providing about 3,891 residential units will utilize the existing valuable land resource for housing development. Retail facilities are provided to support the daily needs of future residents. The proposed development fully complies with the planning intention of the "CDA(1)" zone. It will also contribute to the flats available in the market and to alleviate the problem of shortage of housing supply in Hong Kong, which is in line with the recent Policy Addresses.
- (b) The vicinity of the Site has been undergoing transformation from open storage yards and workshops to a rural residential neighbourhood with new large-scale comprehensive residential developments including Riva and Sha Po North Development. The proposed development with building height ranging from 12 to 18 storeys (including 1 level of basement) is compatible with the building height profile of the Kam Tin North area. With the completion of the Northern Link (NOL) Au Tau Station in the future, the accessibility to the Site will be significantly improved. The proposed development is compatible with both the existing and planned surroundings in terms of nature and development intensity. Besides, the proposed development would replace the existing incompatible open storage yards and rural workshops at the Site.



- (c) The proposed minor relaxation of PR from 1.2 to about 1.254 is mainly to reflect the proposed transport interchange, commercial facilities and day care centre for the elderly. These facilities would enhance the mobility of future residents and provide various daily needs. While the domestic PR remains not more than 1.2, the minor increase of 0.054 in PR for non-domestic uses is compatible and complementary to this residential neighbourhood which will in turn serve and provide the necessary daily convenience to the surrounding community.
- (d) The approval of the current application with minor relaxation of building height restriction (from 16 storeys to 18 storeys) will not set an undesirable precedent for similar case. There is a similar application No. A/YL-KTN/118-2 at the adjoining “CDA” zone for proposed residential development with commercial, GIC and open space facilities with minor relaxation of building height restriction (i.e. from 14 storeys to 18 storeys) which was approved by the Committee on 7.9.2012. The magnitude of minor relaxation sought in the current application is minor in nature. The technical assessments submitted proven that no adverse impact is anticipated with the proposed development. The proposed minor relaxation of building height restriction would be compatible with the surrounding developments, and the mountain backdrop in the northwest would be largely respected. By allowing minor relaxation of building height, building footprint could be minimized while maximizing at-grade open space, hence facilitating more wind penetration to the area. Also, gradation of building height profile is adopted (from 11 to 17 storeys above 1 level of basement carpark) to avoid monotonous skyline.
- (e) A feasible access road which runs along the western boundary of the “CDA(1)” zone, serving as a public road for both existing and future residential developments and future primary school, is proposed. The proposed public road provides a viable solution to address the accessibility issue of the “CDA(1)” site which can in turn facilitate residential development in this area, materialising the long-term planning intention of the “CDA(1)” site as per the OZP.
- (f) Sensible design approach has been adopted in the proposed development to create a quality living environment for future residents by offering quality types of accommodations with ample open space and landscape provision. Greening opportunity is also maximized in compliance with the Sustainable Building Design Guidelines.
- (g) Technical assessments have been conducted and concluded that the proposed development will not cause any significant impacts on visual, air ventilation, traffic, ecological, environment, drainage, sewerage and water supply aspects.
- (h) The Site involves substantial amount of private land ownership, and some of the lands are Tso Tong lands which would further add difficulties and lengthen the time for land agglomeration. As such, developing the Site in one-go is impractical. The proposed phased development will facilitate timely development of the Site, and allow flexibility in implementing the whole development without jeopardizing the development on the lots with ownership

not yet secured. The applicant is committed to keep continuous negotiation and seek agreement with concerned parties to facilitate the implementation of the proposed development.

- (i) Phasing of the proposed development fulfils the criteria as set out in the Board's guidelines for "Designation of "CDA" Zones and Monitoring the Progress of "CDA" Development" in that the planning intention and comprehensiveness of the proposed development will not be undermined, both phases are self-contained in terms of layout, provision of open space, access, parking facilities and infrastructure, and the development potential of the unacquired lots will not be absorbed in early phase of development.

### **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is one of the "current land owners" and owns about 35% of land within the Site. In respect of the other "current land owners" (about 55% of the Site), the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (the Ordinance) (TPB PG-No. 31A) by obtaining consent, publishing newspaper notices and posting site notices. Detailed information would be deposited at the meeting for Members' inspection. The remaining land in the Site is Government land (about 10%), and TPB PG-No. 31A is not applicable.

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

The Town Planning Board Guidelines for "Designation of "CDA" Zones and Monitoring the Progress of "CDA" Developments" (TPB PG-No. 17A) and TPB PG-No. 18A for "Submission of Master Layout Plan under section 4A(2) of the Town Planning Ordinance" are relevant to this application. The relevant assessment criteria are summarized as follows:

- (a) TPB PG-No. 17A

For "CDA" site not under single ownership, if the developer can demonstrate with evidence that due effort has been made to acquire the remaining portion of the site for development but no agreement can be reached with the landowner(s), allowance for phased development could be considered. In deriving the phasing of the development, it should be demonstrated that:

- (i) the planning intention of the "CDA" zone will not be undermined;
- (ii) the comprehensiveness of the proposed development will not be adversely affected as a result of the revised phasing;

- (iii) the resultant development will be self-contained in terms of layout design and provision of open space and appropriate GIC, transport and other infrastructure facilities; and
  - (iv) the development potential of the unacquired lot(s) within the “CDA” zone should not be absorbed in the early phases of the development and the individual lot owner’s landed interested will not be affected.
- (b) TPB PG-No. 18A
- (i) the Board may require all applications for permission in an area zoned as “CDA” to be in the form of MLP and supported by other relevant information;
  - (ii) in general, the MLP should include plans showing the location of the “CDA” site and the general layout of the whole development and a development schedule showing the main development parameters;
  - (iii) if the “CDA” site is not under single ownership, the applicant should be required to demonstrate that the proposed phasing of development has taken due consideration of the development potential of the lots which are not under his ownership. The corresponding GFA and flat number distribution as well as provision of GIC, open space and other public facilities in each phase should be clearly indicated;
  - (iv) the MLP should be supported by an explanatory statement which contains an adequate explanation of the development proposal, including such basic information as land tenure, relevant lease conditions, existing conditions of the site, the character of the site in relation to the surrounding areas, principles of layout design, design population, provision of GIC, recreation and open space facilities including responsibility for their construction cost and operation/management, vehicular and pedestrian circulation system including widths and levels of roads/footbridges and whether they would be handed back to the Government on completion; and
  - (v) additional information such as TIA, EA, hazard assessment, VIA and drainage/sewage impact studies may also be required, where appropriate.

## 5. **Background**

- 5.1 The Site was zoned “Undetermined” (“U”) on the first draft Kam Tin North OZP No. S/YL-KTN/1 gazetted on 17.6.1994. Based on the land use review undertaken by the Planning Department (PlanD) in 2014, the Site was rezoned from “U” to “CDA(1)” with maximum PR of 1.2 of and maximum building height of 16 storeys. The “CDA(1)” zone was proposed taken into account the

possible noise impact from the planned NOL, no proper vehicular access, and that wetlands were encouraged to be provided/preserved, recreated or enhanced through the submission of EcoIA in view that there was a pond/ meander within the Site and wetlands were preserved and enhanced in the adjoining Sha Po North development. Also, land should be reserved within the “CDA(1)” zone for a primary school development. Other appropriate GIC facilities would also be considered at the planning application stage. The rezoning proposal, among other proposed amendments, on the draft Kam Tin South OZP No. S/YL-KTN/8 was exhibited for public inspection under section 7 of the Ordinance on 9.5.2014.

- 5.2 During the plan exhibition period, 15 valid representations including one submitted by the applicant of the current application were received. The applicant objected to the “CDA(1)” zoning mainly on the grounds that phased development was not practical given the multiple and fragmented land ownership; the boundary of the “CDA(1)” zone failed to respect the committed Sha Po North development under the approved Application No. A/YL-KTN/118-2; it was not acceptable for future developers to provide access to the “CDA(1)” site; and there was no need to reserve a primary school site within the “CDA(1)” zone. On 10.10.2014, the Board gave considerations to the representations and comments and decided not to propose any amendment to meet the representations. The Board considered that the “CDA(1)” zoning could allow for more comprehensive developments to be planned with required community facilities. Also, the proposed primary school was required to meet the demand in accordance with the Hong Kong Planning Standards and Guidelines. The approved Kam Tin South OZP (re-numbered as S/YL-KTN/9) was gazetted on 12.12.2014.
- 5.3 Some of the open storage yards and public vehicle park at the Site are subject to on-going enforcement action. For the remaining open storage yards at the Site, subject to collection of sufficient evidence, appropriate enforcement action under the Ordinance would be taken in due course.

## **6. Previous Applications**

There are 25 previous applications (No. A/DPA/YL-KTN 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, A/YL-KTN/79, 91, 95, 163, 187, 193, 195, 199, 203, 204, 210, 256, 281, 295 and 575) for small house developments, filling of ponds, open storage/workshop and site office uses. Except Application No. A/YL-KTN/575, all the applications were considered under the then “U” zone. Four of these applications for open storage/workshop, filling of pond and temporary site office were approved by the Committee, while 21 applications were rejected. These applications mostly cover a small part of the Site and their nature and scale are different from the proposed comprehensive development in the current application. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.

## 7. Similar Applications

- 7.1 There are two similar applications (No. A/YL-KTN/60 and 118) submitted by the same applicant as the current application for proposed residential development in the adjoining “CDA” zone. Details of the applications are summarized in **Appendix III** and their locations are shown on **Plan A-1c**.
- 7.2 Application No. A/YL-KTN/60 for a proposed residential development with commercial, GIC and open space facilities comprising 108 blocks with a total PR of 1.264 and maximum domestic building height of 14 storeys was approved with conditions by the Committee on 11.9.1998 when the application site was zoned “U” on the draft Kam Tin North OZP No. S/YL-KTN/1. The approval was given mainly for the reasons that although Kam Tin at that time was still rural in character, the improved accessibility in Kam Tin area would provide opportunity for further development subject to adequate provision of supporting infrastructures and community facilities; the proposed development was in line with the Board’s decision to rezone the site from “U” to “CDA” to meet an objection to the Kam Tin North OZP to cater for a composite residential/commercial development; no adverse departmental comments; and technical matters raised by the rural committees on land use compatibility, traffic, drainage, visual impact, noise and air pollution matters could be resolved through imposition of approval conditions.
- 7.3 Application No. A/YL-KTN/118 for proposed residential development with commercial, GIC and open space facilities and minor relaxation of building height restriction comprising 47 blocks with a total PR of 1.226 and maximum domestic and non-domestic building height of 16 and 3 storeys respectively was approved with conditions by the Committee on 5.10.2001 with validity period until 5.10.2004. The approval was given mainly for the reasons that the proposed comprehensive residential development was in line with the planning intention of the “CDA” zone; the minor relaxation of building height would help create a variation in building profile for a better urban design; the changes of development parameters in the MLP as compared to the previously approved application under Application No. A/YL-KTN/60 was generally in line with the restriction as stipulated on the OZP; and the changes has taken into account the constraints of NOL, preservation of the Kam Tin River meander and increase in open space which were acceptable. Since then, applications for extending the validity period of the planning permission were approved twice. Subsequently, an application No. A/YL-KTN/118-2 for amendments to the approved scheme was approved with conditions by the Committee on 7.9.2012.
- 7.4 Under the approved scheme of Application No. A/YL-KTN/118-2, the proposed comprehensive residential development involves 42 blocks with a total GFA of 254,440m<sup>2</sup>, total PR of 0.903 and maximum domestic and non-domestic building height of 16 and 4 storeys respectively. The development, i.e. Sha Po North Development, is developed in 2 phases. Phase 1 has been partly completed (i.e. Park Yoho) and partly under construction. Construction for Phase 2 has not yet commenced.

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

8.1 The Site is:

- (a) partly paved and partly covered with vegetation;
- (b) partly vacant and partly occupied by open storages yards and parking of vehicles without valid planning permission. A temporary site office with planning permission under Application No. A/YL-KTN/575 is located at the northern part of the Site. Two drainage channels run across the northern part of the Site;
- (c) Cheung Chun San Tsuen mainly consists of some village houses is located at the western part of the Site; and
- (d) without a proper vehicular access. The current vehicular access to the Site is via a local track connecting to Castle Peak Road – Tam Mi.

8.2 The surrounding areas have the following characteristics:

- (a) the Site is sandwiched between the two phases of a comprehensive residential development, i.e. Sha Po North development on the immediate northwest and south as mentioned in paragraph 7.4 above;
- (b) to the immediate west of the Site is an area zoned “Other Specified Uses” annotated “Railway Reserve” which is reserved for the development of the NOL. To the further west is the AFCD Au Tau Fisheries Office zoned “G/IC” and Castle Peak Road – Tam Mi (**Plan A-1c**);
- (c) to its north is Sha Po Tsuen. To its northeast and east are agricultural land and open storage yard; and
- (d) to the further south is the Kam Tin River. Across the river are two existing/planned residential developments (**Plan A-1a**). The Riva, with PR of 1.013 and building height of not more than 23 storeys (over one basement carpark) for 325 units has been completed. Another residential development (not yet implemented) approved under Application No. A/YL-KTN/501 with total PR 1.2 and building height of 11-13 storeys (above one storey of basement carpark) for 372 flats adjoins the Riva on the south.

## **9. Planning Intention**

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

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

- 9.2 According to the Explanatory Statement of the OZP, a primary school should be provided within the “CDA(1)” zone, and the provision of other appropriate GIC facilities will be considered at the planning application stage.

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

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

### **Land Administration**

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

- (a) The Site comprises various private lots which, by the terms of the Block Government Lease or New Grant or Tai Po New Grants under which they are held, are demised as agricultural ground and adjoining Government land, particularly Government Land Licences restricted to be used for cultivation and fish pond and erection of some structures, all in DD 107. The actual site area, permitted use and land holding details of the lots under application have to be verified at the land exchange stage if any land exchange is applied for by the applicant to LandsD.
- (b) The private lots within the Site are owned by different owners. The ownership particulars of the lots forming the Site have to be examined in details at the land exchange application stage.
- (c) The western periphery of the Site encroaches onto the planned access road linking up the Sha Po North Phase I development within Lot No. 1927 in DD 107 (“Lot 1927”) and Phase II (of which land exchange application has been received) under Application No. A/YL-KTN/118-2. His office reserves comments on the matter and any project interface with other proposed land exchange will be considered at the land exchange application stage, if any land exchange is applied for by the applicant to the LandsD.
- (d) A private lot namely, Lot No. 1778 in DD 107 will become landlocked if Phase A of the proposed development is pursued. Whilst a right of way to third party lot has been indicated on the MLP, his office reserves comments on the provision of right of way to the adjoining lots and its details will be considered at the

land exchange application stage, if any land exchange is applied for by the applicant to the LandsD.

- (e) The proposed access road via the unnamed road to Castle Peak Road – Tam Mi and proposed road improvement works at the junction of Castle Peak Road – Tam Mi and Chi Ho Road encroaches onto land of various statuses, including but not limited to private lots. He is not prepared to recommend invoking the relevant Ordinance for resumption of any private lots or creation of any rights for implementation of the proposed private development.
- (f) The Site is subject to a maximum height ranging from 89mPD to 129mPD under the relevant plan for the Shek Kong Airfield Height Restriction. The height of the proposed development as shown in the MLP is about 66.35mPD. Although the height of the rooftop structures has not been indicated, it is envisaged that the proposed development would unlikely exceed the above height restriction.
- (g) If planning permission is granted, the applicant has to apply to the LandsD for a land exchange to effect the proposed development. Such application will be considered by LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange for the proposed development, including the grant of any additional Government land, will be approved. In the event that the land exchange application is approved, it would be subject to such terms and conditions, including, among other things, the payment of premium and administrative fee, as may be imposed by the LandsD at its sole discretion.

10.1.2 Comments of the Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD):

Part of the Site falls within (i) RDS 2014 NOL and Kwu Tung Station Limit of Area of Influence; and (ii) RDS 2014 NOL and Kwu Tung Station Administrative Route Protection Boundary. As long as RDO, HyD has no adverse comment on the application and the proposed development will not pose obstacles to the acquisition of the land for the implementation of the NOL, he has no comment on the application.



## **Traffic**

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

- (a) Noting the proposed road improvement measures will be implemented by the applicant/project proponent as stated in the submission, he has no adverse comment on the application from both traffic engineering and transport operations perspective. The following approval conditions should be included:
  - (i) the submission of a consolidated Traffic Impact Assessment to his satisfaction;
  - (ii) the design and implementation of road improvement works as proposed by the applicant to his satisfaction;
  - (iii) the design and provision of vehicular access and car parking and loading/ unloading facilities for the proposed development to his satisfaction; and
  - (iv) the design and provision of public transport facilities to his satisfaction.

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

- (a) It is noted that there is already an existing access in the area serving the existing dwellings. The proposed widening of that access is solely arisen from the proposed development.
- (b) His department does not and will not maintain the above existing road proposed to be widened and any access connecting the Site and Castle Peak Road - Tam Mi. If the proposed access point is agreeable by Transport Department (TD), DLO/YL may consider to designate the access road as Brown Area to be maintained by the future developer. The applicant should be responsible for his own access arrangement.
- (c) Any proposed works at such access road shall be completed by the applicant up to the prevailing traffic engineering and highway standards to the satisfaction of TD and HyD, such that the Government may consider taking up its management and maintenance in the future if the situation warrants.
- (d) He reserves the right to comment on the details of the proposed road when they are available.

- (e) For the driveways, car parks, etc. within the private lot, they shall not be maintained by HyD and hence are outside HyD's jurisdiction to comment.

10.1.5 Comments of the Chief Engineer/Railway Development, Railway Development Office, Highways Department (CE/RD, RDO, HyD):

*NOL Perspective*

- (a) The Site including the proposed access road falls within the NOL Administrative Route Protection Boundary, the applicant is reminded of the followings:
  - (i) The owner of the subject lot ("the lot owner") shall satisfy itself as to the extent of the railway to be constructed within the NOL route protection boundary.
  - (ii) Lot owner shall ensure that the activities to be carried out within the NOL route protection boundary will not cause disruption to the construction, use and operation of the NOL.
  - (iii) If required by the Government or MTR Corporation Limited, the lot owner shall at his own expenses, relocate the proposed structures to facilitate the implementation of the NOL.
  - (iv) The lot owner shall, at all times, permit the Government, MTR Corporation Limited or other duly authorized officers, servants and contractors without payment of any nature whatsoever the right of ingress, egress and regress to, from and through including occupation and staying at the lot or any part of the lot at all times with or without tools, vehicles, machinery or equipment to carry out works, and for the purposes of any survey, inspection, examination, maintenance, operation, improvement or development in connection with the NOL. The development in connection with the NOL includes, but not limited to, using the lot or any part of the lot as temporary works site, or temporary carriageway or footpath, etc., for the construction of or re-construction of NOL.

*West Rail Perspective*

- (b) He has no comment on the application from railway development viewpoint as the Site neither falls within any administrative route protection boundary, gazette railway schemes, nor railway protection boundary of West Rail Line.

## **Environment**

### 10.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) The applicant is reminded that “a residential development of not less than 2,000 flats and not served by public sewerage networks by the time a flat is occupied” is designated project (DP) under Item P.2, Schedule 2 Part 1 of the Environmental Impact Assessment Ordinance (EIAO). An environmental permit is required for the construction and/or operation of a DP.
- (b) Based on the information provided by the applicant, he has no adverse comment from environmental and sewerage infrastructure planning perspectives. He also has no adverse comment if the applicant will ensure provision of noise mitigation measures to achieve 100% compliance with relevant noise standards for the noise sensitive uses under the proposed development.
- (c) It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures. In order to minimize environmental nuisance to nearby sensitive receivers during the construction period, the applicant is advised to adopt appropriate pollution control measures/good practices set out in the EA report submitted, as well as relevant Professional Persons Environmental Consultative Committee Practice Notes and Recommended Pollution Control Clauses for Construction Contracts which are available at EPD’s website.
- (d) Should the application be approved, the following conditions should be imposed:
  - (i) the submission of a sewerage impact assessment and implementation of the sewerage improvement measures identified therein to his satisfaction;
  - (ii) the submission of a water quality impact assessment prior to the commencement of construction works and implementation of the mitigation measures identified therein to the his satisfaction;
  - (iii) the submission of a noise impact assessment and implementation of the mitigation measures identified therein to the his satisfaction; and
  - (iv) the submission of a land contamination assessment and implementation of the land contamination remediation

measures identified therein prior to the commencement of construction works to his satisfaction.

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

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

#### Urban design

- (a) The Site is set within an area of generally flat and low-lying surrounded by active and fallow farmlands, ponds, village type developments and low density residential developments. The Sha Po North Development Phases 1 and 2 with building height of 8-16 storeys are located to the immediate north and south of the Site. The proposed development comprises 28 residential blocks with a PR of 1.254 and a maximum building height of 18 storeys (including 1 level of basement carpark) is considered not incompatible with the surrounding developments.
- (b) According to the MLP, the applicant proposed to break down the 2 storeys retail block at Phase B in 2 building blocks with a minimum 15m separation to avoid a long and continuous façade of the development. Besides, a visual corridor between Sha Po Tsuen and Cheung Chun San Tsuen is provided to improve the visual permeability of the area. As such, the proposed development is unlikely to have any significant adverse visual impact to the surroundings.

#### Air-ventilation

- (c) An AVA in the form of Expert Evaluation (EE) has been carried out by the applicant. The ventilation performance under the Baseline Scheme and Proposed Scheme has been evaluated. Various mitigation measures have been incorporated into the Proposed Scheme as stated in the AVA. With the mitigation measures, no significant adverse air ventilation impact is anticipated when compared with the Baseline Scheme.

#### Landscape

- (d) She has no objection to the application from landscape planning perspective.
- (e) The Site located in a low lying flat land within the Kam Tin flood plain between Yuen Long and Kam Tin. The surrounding area is of rural landscape character surrounded by active and fallow agricultural land, ponds, and village houses. The approved residential development of Sha Po North Phase I to the immediate north and Phase II to the immediate south (under

Application No. A/YL-KTN/118-2) are under construction. In general, the proposed residential development is not incompatible with the surrounding landscape.

- (f) According to the aerial photo in January 2018, majority of the Site is used as open storage yards or temporary workshops and the rest are vacant with existing trees. 2 existing drainage channels are running through the northern and middle parts of the Site. Based on the broad brush tree survey in the submission, there are no rare/ protected tree species nor Old and Valuable Trees identified on-site.
- (g) Should the application be approved, the following approval condition is recommended:  
  
The submission and implementation of landscape master plan to the satisfaction of the Director of Planning or of the Board.
- (h) Detailed comments are at **Appendix IV**.

### **Drainage**

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

- (a) He has no in-principle objection to the submitted DIA and SIA from the viewpoint of planning for the drainage and sewer connection for the proposed development.
- (b) Should the application be approved, the following condition should be imposed:  
  
the submission and implementation of a revised drainage proposal to his satisfaction.
- (c) The applicant is reminded to include the fall-back option of the proposed sewerage alignment in the revised SIA to be submitted in the future. Detailed comments for the DIA and SIA are at **Appendix IV**.

### **Nature Conservation**

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

- (a) The Site touches on some abandoned ponds to the west and to the south of the Site. It appears that part of these ponds would be filled. From fisheries viewpoint, any filling of pond is not recommended. Fish ponds, regardless of its status, should be reserved for fish culture activities.
- (b) While the Site itself mainly comprises of disturbed areas, the proposed development would cause some indirect ecological impacts to the surroundings. The EcoIA submitted by the applicant suggested some mitigation measures to alleviate these impacts. Provided that appropriate mitigation measures would be properly implemented for the proposed development, he has no strong view on the application from nature conservation perspective.
- (c) It is noted that the practicability of the proposed access road (with re-provisioning of Au Tau Fisheries Office, if necessary) is still subject to further detailed studies/ liaison/ approval from concerned departments on various issues, including but not limited to land matters, tree preservation, ecological mitigation measures (if any required) alongside implementation of a satisfiable re-provisioning proposal of Au Tau Fisheries Office to his satisfaction.
- (d) Considering the proposed access road is outside the boundary of the Site, he has no strong view on the application from nature conservation perspective provided that appropriate mitigation measures would be properly implemented. Should the application be approved, the following approval condition is recommended:

The submission of a proposal to mitigate ecological impacts and the implementation of the mitigation measures identified therein to his satisfaction.

### **Building Matters**

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

- (a) The Site shall be provided with means of obtaining access thereto from a street under the Buildings (Planning) Regulations (B(P)R) 5 and emergency vehicular access shall be provided under the B(P)R 41D. Otherwise, the development intensity shall be determined by the Building Authority under B(P)R 19(3).

- (b) It appears that the Site will include some existing local tracks serving other private lots. They may have to be excluded from the site area calculation for the purpose of plot ratio and site coverage assessment under the Buildings Ordinance (BO).
- (c) Presumably the subject development will be developed as one single entity. Otherwise, each of any subdivided lots shall be self-sustainable and treated as separate lot in its own identity for complying with the BO and the allied regulations. Transfer of plot ratio and site coverage between sites is not permitted.
- (d) Area of any associated internal street/access road required under section 16(1)(p) of the BO have to be deducted from the site area for the purpose of plot ratio and site coverage calculations and have to comply with the requirements laid down in Building (Private Streets and Access Roads) Regulations and no structure shall be built over or under such internal streets under the BO section 31(1).
- (e) Formal submission under the BO is required for any proposed new works, including any temporary structures.
- (f) Proposed clubhouse should be accountable for GFA under the BO, unless exempted.
- (g) The new QBE requirements (Quality and Sustainable Built Environment requirements) and the new GFA concession policy are applicable to the proposed development.
- (h) Detailed checking will be made at the building plan submission stage.

### **Civil Aviation**

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

- (a) It is noted that there is a transmission loss of 32dB from the use of well-gasketed window with 8mm thick window glass, which would reduce the aircraft noise impact to the future occupants. He has no further comments from aircraft noise perspective.
- (b) On the understanding that the reminders on Airport Height Restriction compliance were noted, he has no further comment from airport height restriction perspective.

### **Security Aspect**

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

There is no objection to the proposed development. As the Site is in proximity to Shek Kong Airfield, the applicant should take into account the noise and safety concerns from flying activities.

### **Fire Safety**

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

- (a) He has no in-principle objection to the proposal subject to water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.
- (c) Furthermore, the emergency vehicular access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 under the Building (Planning) Regulations (B(P)R) 41D which is administered by the Buildings Department.

### **Water Supply**

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

- (a) He has no objection to the application.
- (b) Existing water mains will be affected (**Plan A-2**). The developer shall bear the cost of the necessary diversion works.

### **Electricity**

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

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the



electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

### **Others**

#### 10.1.16 Comments of the Secretary for Education (SED):

- (a) Since the applicant has confirmed that there are currently no design constraints imposed on the reserved school site at this stage, he has no further comment for the time being.
- (b) Should the application be approved, the following approval condition is recommended:

the submission and implementation of site formation proposals for a primary school to his satisfaction.

#### 10.1.17 Comments of the Director of Social Welfare (SWD):

- (a) As the proposed day care centre for the elderly is located on top of a 2-storey block for retail/ transport interchange, the applicant should ensure that sufficient lift service in terms of size and number should be provided to facilitate easy access by the frail users and smooth operation of the day care centre for the elderly. The size of the lift(s) should be able to accommodate 2 wheelchair users and 2 personal care worker each at one time.
- (b) Upon satisfactory completion of works by the developer, the Government will reimburse the developer the actual cost of construction or the consideration sum as stipulated in the land lease (to be confirmed by concerned departments before the lease modification), whichever is the lesser, according to the established practice.
- (c) The applicant should be advised that openable window(s) should be installed in the medical consultation room for natural ventilation and infection control. The applicant should take into account in the detailed design stage.

- (d) Should the application be approved, the following approval condition is recommended:

the design and provision of a Day Care Centre for the Elderly, as proposed by the applicant, to his satisfaction.

**District Officer's Comments**

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

His office has not received any locals' comment on the application and he has no comment on the application.

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

- (a) Project Manager (West), Civil Engineering and Development Department;
- (b) Chief Engineer/Sewage Projects, DSD;
- (c) Director of Leisure and Cultural Services;
- (d) Chief Architect/CMD(2), Architectural Services Department; and
- (e) Commissioner of Police (C of P).

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

11.1 On 25.5.2018, the application was published for public inspection for three weeks until 15.6.2018. Relevant FIs submitted subsequently were also published for three weeks respectively starting on 31.8.2018, 30.11.2018, 4.1.2019 and 19.2.2019. A total of 593 public comments were received (**Appendices V-1 to V-593**):

<b>Public Inspection Periods</b>	<b>Support</b>	<b>Object</b>	<b>Provide Views</b>	<b>Total</b>
25.5.2018 – 15.6.2018 <b>(Appendices V-1 to V-268)</b> (Original submission)	223	45	-	268
31.8.2018 - 21.9.2018 <b>(Appendices V-269 to 282)</b> (FI1 received on 17.8.2018)	-	14	-	14
30.11.2018 – 21.12.2018 <b>(Appendices V-283 to 484)</b> (FI2 received on 16.11.2018)	194	8	-	202
4.1.2019 to 25.1.2019 <b>(Appendices V-485 to 489)</b> (FI4 received on 28.12.2018)	-	5	-	5

<b>Public Inspection Periods</b>	<b>Support</b>	<b>Object</b>	<b>Provide Views</b>	<b>Total</b>
19.2.2019 to 12.3.2019 <b>(Appendices V-490 to 593)</b> (FI6 received on 11.2.2019)	97	5	2	104
<b>Total</b>	514	77	2	593

- 11.2 Among the comments received, 514 comments submitted by individuals and residents in the New Territories/ Yuen Long support the application mainly for the reasons that the proposed development could increase housing supply which could stabilise housing prices; resolve shortage of housing in Hong Kong with more housing choice for locals and reduce pressure to develop country park; good location for housing development; address local needs of retail and transport facilities; provide more local job opportunities; the proposed development density is compatible with surrounding area and the impact on traffic, environment and air ventilation is minimal; better utilisation of land resource; and improve local environment, hygiene and air-ventilation (**Appendices V-1, 4 to 124, 127 to 139, 141 to 228, 283, 287 to 479, 491, 493 to 513, 515 to 585, 589 to 592**).
- 11.3 77 comments submitted by a Yuen Long District Council member, village representatives of Sha Po Tsuen and Shui Tau Tsuen, villagers of Sha Po Tsuen, Cheung Chun San Tsuen and Shui Tau Tsuen, residents in Yuen Long, some individual landowners of the Site and individuals object to and/or raised concerns on the application (**Appendices V-2, 3, 125, 126, 140, 229 to 282, 284 to 286, 480 to 489, 514, 586 to 588 and 593**). Their concerns/ major grounds of objection mainly include:
- the high-end dwellings of the proposed development will result in higher housing prices and only benefit the developers. The Site should be used for agricultural land to provide food, recreational facilities and sustainable projects;
  - adverse impact on traffic and pedestrian (including insufficient traffic capacity since the development of Park Yoko, the junction of San Tam Road and Castle Peak Road – Tam Mi is already heavily congested, insufficient traffic facilities and parking spaces, illegal parking problem, etc.). Adverse environmental, drainage, sewerage, visual, air ventilation and ecological (including impact on birds, wetlands and nearby Nam Sang Wai) impacts. Construction noise and dust nuisance and affecting the safety of existing village houses;
  - affect the fung shui of Shui Tau Tsuen and the tranquil living environment, and incompatible with the surrounding area/development;
  - insufficient transport, recreational and educational facilities in the area to serve the increased population, and lack of community facilities and open space in the proposed development;

- an individual landowner of the Site states that he has not agreed to use his land for the proposed development. Another landowner states that he is interested to participate in the implementation of the “CDA(1)” zone but the applicant has not contacted him; the applicant only owns a small portion of land for the proposed primary school, thus its implementation is in doubt and defeats the criteria of comprehensive and self-contained development in TPB-PG No. 17A; the proposed scheme is unfair, unjust and unacceptable and affects other land owners’ land interest; no transport interchange facility in Phase B; sewerage plan for Phase B is not thoroughly considered; approval of the application will have detrimental effect on the planning intention of the “CDA” zone and set an undesirable precedent; the proposed school site should be located in the applicant’s own land in Phase A; the applicant should contact the other landowners on the implementation mechanism; and provides a transport interchange in Phase B.
- 11.4 2 commenters express views on the application including that the proposed transport interchange should be able to accommodate double-decked bus to cater for the need of the increased population; the proposed commercial facilities should be connected to the future NOL station; access connection the roads on the south should be reserved; library, bank and post office should be provided; and pedestrian connection to nearby residential developments should be provided (**Appendices V-490 and 492**).

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

### *Planning Intention*

- 12.1 The proposed residential development comprises a total of 28 blocks of residential towers at a total PR of 1.254 and building height not exceeding 18 storeys (including one level of basement carpark). A day care centre for the elderly, commercial facilities and a transport interchange, as well as a site reserved for a primary school and an Ecological Enhancement Area are proposed within the Site.
- 12.2 The proposed development falls within an area mainly zoned “CDA(1)” (about 98.3%) with minor portion zoned “CDA” (about 1.7%). The planning intention of the “CDA” zone is intended primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. This 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. Development within the “CDA(1)” zone is restricted to a maximum PR of 1.2 and a maximum building height of 16 storeys.
- 12.3 The PR and building height of the proposed development exceed the restrictions of the “CDA(1)” zone and the applicant applies for minor relaxation of these restrictions in the current application. According to the applicant, the domestic

PR for the proposed development does not exceed 1.2, and the minor relaxation of PR is for the proposed day care centre for the elderly, commercial facilities and transport interchange, which aim to meet the transport demand and serve the future residents and the nearby neighbourhood. The minor relaxation of building height could help to minimize building footprint and maximizing the at-grade open space. With the minor relaxation of building height restriction for some of the blocks by 2 storeys, a varying building height profile could still be maintained. It is considered that the proposed relaxation of the restrictions, i.e. increase of PR of +0.054 (+4.5%) and building height restriction of +2 storeys (+12.5%), is not substantial. The proposed comprehensive residential development is considered generally in line with the planning intention of the “CDA” zone.

#### *Phased Development*

- 12.4 The applicant proposed to develop the Site in two phases. Phase A, in which all the private land is under the applicant’s ownership or consent of other landowners has been obtained, will be developed first for completion by 2023. Phase B with most of the land ownership to be acquired will be developed in a later phase and has no designated development programme.
- 12.5 According to the submitted MLP, residential development with supporting commercial and GIC facilities will be provided in each phase. In terms of development intensity, the same domestic PR, i.e. 1.2, has been allocated in Phases A and B. There is only slight difference in the non-domestic PR for Phase A (0.113) and Phase B (0.033). While a day care centre for the elderly and transport interchange are proposed in Phase A, a school site is reserved in Phase B. The applicant also stated that the two phases are self-contained in terms of vehicular access, parking, open space and infrastructure.
- 12.6 In view of the above, it is considered that the current submission is generally in line with TPG PG-No. 17A in that the planning intention of the “CDA” zone and the comprehensiveness of the proposed development will not be adversely affected by the proposed phasing, and the proposal would not affect the development potential of the unacquired lots within the “CDA(1)” zone.

#### *Compatibility*

- 12.7 The proposed development with a total PR of 1.254 and a building height ranging from 12 to 18 storeys (including one level of basement carpark) providing about 3,891 units is considered not incompatible with the surrounding area in terms of land use and development intensity. To the north and south of the Site are the approved Sha Po North development comprising 42 blocks with a total PR of 0.903 and maximum building height of 18 storeys for 5,184 units. To the further south across the Kam Tin River, there is a residential estate, the Riva, comprising 25 residential blocks and 48 houses with a PR of 1.013 and building height of not more than 23 storeys (over one basement carpark) for 830 units. Another residential development under the approved Application No. A/YL-KTN/501

with total PR 1.2 and building height of 11-13 storeys (above one storey of basement carpark) for 372 flats adjoins the Riva on the south. The proposed residential development is comparable with these residential developments in scale and height. In addition, it will help to phase out existing open storage yards at the Site which is not compatible with the nearby residential developments. CTP/UD&L of PlanD has no adverse comment on the application from the urban design and visual as well as landscape planning perspective.

*Technical Feasibility*

- 12.8 The applicant has submitted technical assessments including TIA, AVA, VIA, EA, DIA, SIA, WSIA, EcoIA, Urban Design Proposal and landscape design and tree preservation proposal in support of the application.

*Traffic*

- 12.9 The applicant proposed a public road connecting the Site to Castle Peak Road – Tam Mi to serve the proposed development and the nearby area. According to the applicant, the proposed public road will be constructed by the applicant and the Government may consider taking up the management and maintenance responsibility, and detailed arrangement will be dealt with during land exchange stage. The applicant also proposed other traffic improvement measures as stated in paragraph 1.8 above. Based on the TIA, no adverse traffic impact is anticipated. CHE/NTW, HyD has no adverse comment on the proposed public road. C for T also has no adverse comment on the application from both traffic engineering and transport operations perspectives, subject to the imposition of approval conditions on the submission and implementation of TIA, traffic improvement measures, vehicular access and transport facilities as recommended in paragraph 13.2 below.

*Environmental, Drainage and Sewerage*

- 12.10 In terms of environmental impact, the EA concluded that the noise criteria for both railway and traffic noise could be met, and the proposed development will not be subject to adverse industrial and vehicular emission impact. The DIA also concluded that with the provision of the proposed drainage facilities, no adverse drainage impact is anticipated. According to the SIA, sewage from Phase A and the future primary school will be discharged to the Sha Po Sewage Pumping Station, while a local sewage treatment plant will be provided in Phase B as an interim measure before public sewerage system is available. DEP and CE/MN of DSD have no in-principle objection to the application and their recommended approval conditions on the environmental, drainage and sewerage aspects are included in paragraph 13.2 below.

*Urban Design, Air Ventilation and Landscape*

- 12.11 CTP/UD&L, PlanD considered that the proposed development is not incompatible with the surrounding developments/landscape and unlikely to have significant adverse visual impact to the surroundings. According to the AVA, various mitigation measures (such as building gaps, setback from site boundary, non-building area, etc.) (**Drawing A-17**) have been incorporated into the

proposed development and no significant adverse air ventilation impact is anticipated. Approval condition on the submission and implementation of LMP is recommended in paragraph 13.2 below

*Ecological and Re provisioning of AFCD's Fisheries Office*

- 12.12 According to the EcoIA, the proposed development will not result in direct loss of habitat that are of high ecological significance. No significant adverse ecological impact is anticipated with the proposed mitigation measures. Also, an Ecological Enhancement Area is proposed at the northern part of the Site to restore the former meander and to convert the seasonally wet grassland to open water area.
- 12.13 DAFC advised that while the Site mainly comprises disturbed areas, the proposed development would cause some indirect ecological impacts to the surroundings. While he has no strong view on the application from nature conservation perspective provided that appropriate mitigation measures would be properly implemented, the practicability of the proposed access road with re provisioning proposal of the Fisheries Office (if necessary) is still subject to further detailed studies/liaison/approval from concerned departments. To address DAFC's concern, approval condition on the submission and implementation of a proposal to mitigate ecological impacts is recommended in paragraph 13.2 below. With regard to the re provisioning of the Fisheries Office, it is considered that the issue could be dealt with at the detailed design stage under the land administration mechanism.

*Proposed Day Care Centre for the Elderly and Primary School Site*

- 12.14 Regarding the proposed day care centre for the elderly and the site reserved for primary school to be provided in Phase A and Phase B of the proposed development respectively, SWD and SED raised no adverse comment on the proposal. Approval conditions governing the provision of these facilities are recommended in paragraph 13.2 below.

*Similar Applications*

- 12.15 Two similar applications (No. A/YL-KTN/60 and 118) for proposed residential development with commercial, GIC and open space facilities (and minor relaxation of building height restriction for No. A/YL-KTN/118) at the adjoining "CDA" zone were approved with conditions by the Committee on 11.9.1998 and 5.10.2001 respectively mainly for the reasons as stated in paragraphs 7.2 and 7.3 above. Approval of the current application is in line with the Committee's previous decision.

*Public comments*

- 12.16 A total of 593 public comments were received during the statutory publication periods as detailed in paragraph 11 above. 514 commenters support the application mainly for the reasons that the proposed development could increase housing supply and will not cause adverse impact on the surrounding area. 2 commenters express views mainly on detailed design of the commercial and GIC facilities and connection to surrounding areas. The remaining 77 commenters object the application mainly on the grounds that the proposed development will

generate adverse impacts and affects other landowners' interest, and the comprehensiveness of the proposed development (including the proposed primary school) is in doubt. In this regard, technical assessments on relevant aspects have been conducted, and the concerned departments consulted raised no objection to/ no adverse comment on the application. On the phasing issue, the same domestic PR of 1.2 (i.e. the maximum PR for the "CDA(1)" zone) and appropriate commercial and GIC uses have been allocated in both Phase A and Phase B. According to the applicant, the proposed primary school in Phase B is mainly to address the long-term educational need and will only be required when Phase B is in place. SED has no adverse comment on the proposal. The above planning considerations and assessments are also relevant.

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

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 22.3.2023, 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 conditions of approval and advisory clauses are also suggested for Members' reference

#### Approval Conditions

- (a) the submission and implementation of a revised Master Layout Plan, taking into account approval conditions (b), (c), (d), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) and (p) below, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of an implementation programme, with phasing proposals to tie in with the completion of both major infrastructural facilities serving the proposed development and the traffic improvement measures, to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the submission of a consolidated traffic impact assessment to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and implementation of road improvement works, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;



- (f) the design and provision of vehicular access, and car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Board;
- (g) the design and provision of public transport facilities to the satisfaction of the Commissioner for Transport or of the Board;
- (h) the submission of a sewerage impact assessment and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (i) the submission of a water quality impact assessment prior to the commencement of construction works and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (j) 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;
- (k) the submission of a land contamination assessment and implementation of the land contamination remediation measures identified therein prior to the commencement of construction works to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (l) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (m) the submission of a proposal to mitigate ecological impacts and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (n) the design and provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (o) the design and provision of a Day Care Centre for the Elderly, as proposed by the applicant, to the satisfaction of the Director of Social Welfare or of the Town Planning Board; and
- (p) the submission and implementation of site formation proposals for a primary school to the satisfaction of the Secretary for Education or of the Town Planning Board.

Advisory Clauses

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

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the applicant fails to demonstrate that the proposed phased development of the Site is implementable and would not undermine the comprehensiveness of the development; and
- (b) no strong justification has been given in the submission for the minor relaxation of plot ratio and building height restrictions of the "CDA(1)" zone.

**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 supplementary planning statement received on 20.4.2018
<b>Appendix Ia</b>	SI received on 2.5.2018
<b>Appendix Ib</b>	FI(1) received on 17.8.2018
<b>Appendix Ic</b>	FI(2) received on 16.11.2018
<b>Appendix Id</b>	FI(3) received on 20.12.2018
<b>Appendix Ie</b>	FI(4) received on 28.12.2018
<b>Appendix If</b>	FI(5) received on 7.1.2019
<b>Appendix Ig</b>	FI(6) received on 11.2.2019
<b>Appendix Ih</b>	FI(7) received on 4.3.2019

<b>Appendix II</b>	FI(8) received on 6.3.2019
<b>Appendix II</b>	Previous applications at the Site
<b>Appendix III</b>	Similar applications at the adjoining “CDA” zone
<b>Appendix IV</b>	Detailed comments of CTP/UD&L, PlanD and CE/MN, DSD
<b>Appendices V-1 to V-593</b>	Public comments received during the statutory publication period
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawing A-2</b>	Basement Plan
<b>Drawing A-3</b>	Ground Floor Plan
<b>Drawings A-4 and A-5</b>	Section Plans
<b>Drawing A-6</b>	Landscape Master Plan
<b>Drawings A-7 to A-14</b>	Photomontages
<b>Drawing A-15</b>	Drainage Proposal
<b>Drawing A-16</b>	Sewerage Proposal
<b>Drawing A-17</b>	Proposed Air Ventilation Mitigation Measures
<b>Drawing A-18</b>	Phasing Plan
<b>Drawing A-19</b>	Landholding Plan
<b>Plans A-1a to 1c</b>	Location Plan with Similar/Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4e</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2019**