

**Planning Application for  
Proposed Comprehensive Development Scheme  
to include Wetland Restoration Proposal and  
Proposed Filling of Ponds/Land and Excavation of Land  
in “OU(CDWRA)” Zone at Various Lots in D.D. 104,  
North of Kam Pok Road East, Pok Wai,  
Yuen Long, New Territories**

**【Volume 1 of 2】**

Applicant	:	Fruit Design & Build Limited
Architects	:	Atelier Global Limited
Planning Consultants	:	Vision Planning Consultants Limited
Ecological Consultants	:	Ecosystem Limited
Environmental Consultants	:	Ramboll Hong Kong Limited
Landscape Architects	:	LanDes Limited
Traffic Consultants	:	MVA Hong Kong Limited
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## EXECUTIVE SUMMARY

The present planning application aims to seek planning permission from the Town Planning Board (“**TPB**”) for a proposed comprehensive development containing ‘Wetland Habitat’, ‘House’ and ‘Flat’, and proposed filling of ponds/land and excavation of land in association with the proposed residential development in “**OU(CDWRA)**” zone at Lots No. 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665 RP, 3666 RP, 3675 SA, 3675 SB, 3676, 3677 SA RP (part), 3677 SB ss1, 3677 SB RP, 3678, 3679, 3680 SA, 3680 SB, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3694, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705 and 3706 in D.D. 104 (hereinafter collectively called the “**Application Site**”), north of Kam Pok Road East, Pok Wai, Yuen Long, New Territories.

With a total land area of about 51,073m<sup>2</sup>, a plot ratio 0.4 and an average house size of about 227m<sup>2</sup> GFA, the proposed development comprises a total of 90 units in 84 3- to 5-storey housing blocks (i.e. 65 units in the form of 2- to 4-storey on top of 1-level of communal basement carpark and 25 in 2-storey on top of 1-level of carport) to be completed in 3 phases. The overall development is composed by two major components: (a) one is the ‘Wetland Habitat’ [i.e. wetland restoration area (“**WRA**”)] covering about 24,702m<sup>2</sup> (or about 48.4% of the total site area) in land area; and (b) one is a mixture of the ‘House’ and ‘Flat’ developments [covering a total land area of about 26,371m<sup>2</sup> (or about 51.6% of the total site area)].

This application is a second planning submission. The proposed development scheme has incorporated the latest comments and suggestions given by the Agriculture, Fisheries and Conservation Department after the TPB’s decision on the previous planning application (Application No. A/NSW/290) striking a balance between development and wetland conservation. It is fully in-line with the planning intention of the Application Site and is a compliance-based scheme in accordance with the planning requirements set out in the Draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/9. The results of relevant impact assessments have demonstrated that the proposed scheme will not result in any significant adverse impacts on the local area with respect to traffic, drainage, sewerage, environmental, visual or ecological aspects; and it will not be subject to any significant adverse or unacceptable air quality, traffic noise or industrial noise problems generated by the surrounding developments. The approval of this application will not only represent a positive support to the present proposed compliance-based comprehensive development scheme, but will also act as an effective catalyst to speed up the redevelopment progress of the area to realise the primary planning objective of the planning intention of the area to phase out the existing sporadic brownfield (open storage-and port back-up uses) industrial activities on degraded wetlands.

## 內容摘要

本規劃申請旨在懇請城市規劃委員會（下稱「城規會」），就位於新界 元朗 學圍 錦學路東 以北，丈量約份第 104 約地段第 3655 號、第 3656 號、第 3657 號、第 3658 號、第 3659 號、第 3660 號、第 3661 號、第 3662 號、第 3663 號、第 3664 號、第 3665 號餘段、第 3666 號餘段，第 3675 號 A 分段，第 3675 號 B 分段，第 3676 號，第 3677 號 A 分段餘段(部分)，第 3677 號 B 分段第 1 小分段，第 3677 號 B 分段餘段、第 3678 號、第 3679 號、第 3680 號 A 分段、第 3680 號 B 分段、第 3682 號、第 3683 號、第 3684 號、第 3685 號、第 3686 號、第 3687 號、第 3688 號、第 3689 號、第 3690 號、第 3691 號、第 3692 號、第 3693 號、第 3694 號、第 3695 號、第 3696 號、第 3697 號、第 3698 號、第 3699 號、第 3700 號、第 3701 號、第 3702 號、第 3703 號、第 3704 號、第 3705 號 及第 3706 號（以下統稱為「申請地點」）屬於「其他指定用途」註明「綜合發展包括濕地修復區」地帶範圍內，擬議用作「濕地生境」、「屋宇」及「分層樓宇」發展，以及因落實擬議住宅發展而需要的填塘/土和挖土工程，給予規劃許可。

根據申請地點約 51,073 平方米的佔地面積，以 0.4 倍的地積比率及每單位平均建築面積為約 227 平方米來計算，擬議發展方案可以提供 84 幢三至五層高住用房屋，合共 90 的住宅單位（當中 65 個住宅單位是兩至四層高的住宅樓並座在一層共用的地下停車庫上，而 25 個單位則是兩層高住宅樓並建在一層開敞式的車房層上）。整個擬議發展方案分三個發展階段完成，並由兩個主要發展部分組成：第一部分是佔地約 24,702 平方米（或約 48.4%）的「濕地修復區」；第二部分是佔地約 26,371 平方米（或約 51.6%）的「屋宇」及「分層樓宇」混合式發展。

這是第二次的規劃申請。擬議的綜合發展方案，平衡了發展與保育的最大考量，及充分採納了漁農自然護理署在「城規會」對早前規劃申請(編號:A/NSW/290)裁決後的意見和建議，是屬於完全符合申請地點土地用途的規劃意向和要求，是一個遵從規劃設定要求範圍內的發展申請方案。各項評估結果均證明了擬議綜合發展方案，是不會對當區造成任何不良或不可接受的交通、排水、排污、環境、視覺景觀或自然生態影響，同時也不會被本區鄰近現有發展影響，導致不良或不可接受的空氣污染、道路交通噪音或工業噪音問題。給予是次申請規劃許可，不僅代表對是次擬議遵從規劃設定要求範圍內的方案的正面支持外，更能成為加快落實餘下相同用途地帶的本區用地規劃意圖的主要目的，儘早優化本區現有已受破壞的濕地上零散的棕地（露天貯物及港口後勤用途）工業活動。

## **1. THE PURPOSE**

- 1.1 Vision Planning Consultants Limited has been commissioned by Fruit Design and Build Limited (“**the Applicant**”) to prepare and to submit the present application on its behalf. The area under application covers Lots No. 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665 RP, 3666 RP, 3675 SA, 3675 SB, 3676, 3677 SA RP (part), 3677 SB ss1, 3677 SB RP, 3678, 3679, 3680 SA, 3680 SB, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3694, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705 and 3706 in D.D. 104 (hereinafter collectively called “**Application Site**”), north of Kam Pok Road East, Pok Wai, Yuen Long, New Territories. The location and the Lot Plan of the Application Site are in **Figure 1a** and **Figure 2a** respectively.
- 1.2 This is a second planning submission of the Application Site to seek a permission from the Town Planning Board (“**TPB**”) for the same following two items at the Application Site:
- (i) a proposed comprehensive development comprises ‘Wetland Habitat’ [wetland restoration area (“**WRA**”)] and ‘House’ and ‘Flat’ uses; and
  - (ii) a proposed filling of ponds/land and an excavation of land in association with the above proposed residential development.
- 1.3 The Application Site falls within an area zoned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“**OU(CDWRA)**”) on the Draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/9 (“**OZP**”) (**Figure 1a**). In the Notes of “OU(CDWRA)” zone in the OZP, ‘Wetland Habitat’, ‘House’ (other than rebuilding of New Territories Exempted House (“**NTEH**”) or replacement of existing domestic building by NTEH permitted under the covering Notes) and ‘Flat’ are Column 2 uses (**Appendix I**). A planning permission under section 16 of the Town Planning Ordinance (“**Ordinance**”) is therefore required for the present proposed comprehensive development scheme.
- 1.4 In addition, Remark (e) in the Notes of “OU(CDWRA)” zone states: “*any filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance*” (**Appendix I**).

- 1.5 In view of the above and in the very fact that the implementation of the proposed comprehensive development will inevitably require various degrees of site engineering work in relation to filling of ponds/land and excavation of land within the Application Site, another planning permission from the TPB in this particular regard is also required in the present application.
- 1.6 Since about 70% of the Application Site falls within the Wetland Buffer Area (“WBA”), the development guidelines and criteria set out in the “Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (“TPB PG-NO. 12C”) should be taken into account during planning, construction and operation phases of the proposed development.
- 1.7 The Application Site is the subject of a previous planning application (Application No. A/NSW/290) for the same applied uses, which was rejected by the TPB in May 2022. The present planning scheme has made the best balance between development and conservation incorporating the latest comments and suggestions given by the Agriculture, Fisheries and Conservation Department (“AFCD”) during a period between June and October 2022 with respect to the planning and design of the overall WRA within the Application Site.
- 1.8 In order to facilitate Members of the TPB to have a better understanding of the present planning application in a holistic manner, this planning statement includes: a brief description of the Application Site and its surroundings, key planning considerations, design concept, a brief explanation the proposed comprehensive development scheme, including a wetland restoration proposal with indicative drawings, relevant impact assessments, landscape proposals and land use planning justifications.

## **2. STATUTORY PLANNING CONTROL**

- 2.1 As mentioned in paragraph 1.3 above, the Application Site falls within an area zoned “OU(CDWRA)” on the OZP. The Notes for “OU(CDWRA)” zone in the OZP states: *“this zone is intended to provide incentive for restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area...is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands.”* (Appendix I).
- 2.2 Remark (d) in the same Notes states: *“no new development... shall result in a total*

*development...in excess of a maximum plot ratio of 0.4 and a maximum building height of 6 storeys including car park...” (Appendix I).*

- 2.3 Remark (g) also states: *“any filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2... shall not be undertaken or continued... without the permission of the Town Planning Board under section 16 of the Town Planning Ordinance.” (Appendix I).*

### **3. THE SITE AND ITS SURROUNDINGS**

- 3.1 The Application Site is located within the southwestern part of semi-urbanized area in Nam Sang Wai. **Figure 3** shows the Application Site in a district-wide context in the northwestern part of the New Territories. Located about 250m to the northwest and west of the Application Site are Fairview Park and San Tin Highway; village developments, known as Pok Wai, Man Yuen Chuen and Chuk Yuen Tsuen are located to its southeast, northwest and northeast respectively; Kam Tin River (with widths ranged between about 80m and 180m) is located to its farther south and southwest; and its tributary (drainage channel about 40m in width), about 130m to the west of the Application Site, connects stream courses from the Ngau Tam Mei area to Kam Tin River.
- 3.2 **Figure 4** compares the aerial photos taken in 2007 and 2022 showing the changes in the conditions of the Application Site and its immediately surrounding areas. Our site inspection also observed that the Application Site has been surrounded by a mixture of uses including, but not limited to, open storages/workshops, warehouses, factories, open parking areas, vacant paved areas, residential development, shops and services, and restaurants. **Figure 5** shows the existing land-use development patterns immediately surrounding the Application Site.
- 3.3 Clearly, the Application Site and its surrounding ponds have already been transformed into an isolated pocket of abandoned ponds in this part of the Nam Sang Wai area (**Figure 4** and **Figure 5**). **Figure 6** shows the physical changes of the Application Site and its surrounding areas in terms of infrastructural facilities (i.e. Ngau Tam Mei Channel, Kam Pok Road East and San Tin Highways), residential developments and size of local ponds in a period between 1990 and 2022. In view of the need of daily maintenance of ponds, walking paths to enhance accessibility between ponds were formed. Understanding the concern of filling of ponds and land, the applicant has stopped the practice upon receipt of the enforcement notices on discontinuation of unauthorized developments in the concerned area on 1<sup>st</sup> December



2022 and 27<sup>th</sup> January 2023 respectively (Ref. no.: CEP/E/YL-NSW/282, CEP/E/YL-NSW/284 and CEP/E/YL-NSW/285). With respect to the enforcement notice (Ref. no.: CEP/E/YL-NSW/283), the applicant also processed on the discontinuation of storage use within the concerned area. With the receipt of reinstatement notice on removal of leftovers, debris and fill materials on the concerned area, the applicant intends to reinstate with quotations already sought from relevant contractors and tentative commencement in March 2023 and target completion in April 2023 onwards.

- 3.4 Kam Pok Road East was in operation to the area since the 3<sup>rd</sup> quarter of 2013. It is the only access road serves the Application Site connecting Castle Peak Road – Tam Mei Section and San Tin Highway to its east and Kam Pok Road to its west (**Figure 7**). **Figure 7** and **Figure 8** show the existing conditions in and around the Application Site.
- 3.5 At present, there are three franchised bus routes and four green minibus (“GMB”) routes running along Castle Peak Road to/from Yuen Long Town Centre. Details of the existing bus route and green minibus routes are in **Appendix II** – the report of the traffic impact assessment (“TIA”). The provision of Kam Pok Road East has no doubt triggered the Applicant to amalgamate private lots within the Application Site to contribute effort to realise the designated land-use planning intention of the area.
- 3.6 The Application Site covers a total of 47 lots in D.D. 104 (paragraph 1.1 above and **Figure 2a**) and has a total land area of about 51,073m<sup>2</sup>. Within the whole Application Site, about 49,000m<sup>2</sup> (or about 96%) being wetland areas (largely in water body); about 2,073m<sup>2</sup> (or about 4%) being paved, vacant land areas which are being occupied by some brownfield uses.
- 3.7 The Application Site is bounded by degraded fish ponds to its north and northeast; village development to its east; Kam Pok Road East to its south; low-rise, low density residential development to its northwest; and open storage areas to its west (**Figure 4 to Figure 8**).
- 3.8 The results of the trees survey (**Appendix III**) have indicated that a total of 62 trees within the Application Site have been identified. Details of the on-site surveyed trees are in **Appendix III**.

#### **4. KEY PLANNING AND DESIGN CONSIDERATIONS**

- 4.1 Having considered the availability of limited land resources, the site configurations,

the conditions and potential opportunities of the site and its surrounding developments, the readily available infrastructural facilities in the area, and the long-term maintenance and management of WRA, the present proposed comprehensive development scheme has taken account of, amongst others, the following considerations:

- i. As shown in **Figure 2a**, the developer of the proposed development also owns the two lots marked A. However, as these private two lots are now under a legal proceeding for Adverse Possession, they have to be excluded in this application. For lots marked B, which are owned by other developer who has no intentional collaborate with our developer (several attempts to contact the developer of lots B since 2020 but in vain. Therefore, these two lots cannot be included in the application. As a result, it creates irregular-shape site configuration imposing substantial site constraints for overall planning and design;
- ii. The developer of the Application Site cannot agglomerate any other land immediately adjoining the Application Site;
- iii. To make the best and effective use of the land resources within the Application Site in accordance with the designated planning intention stipulated in the OZP;
- iv. To provide opportunity to wider and greater connection or integration with the existing nearby wetlands and/or ecosystem taking into account the latest AFCD's comments/suggestions to optimize the opening connection of the proposed WRA with adjoining wetlands to its north;
- v. To formulate a comprehensive development scheme comprising both WRA and residential development in an integrated and harmonious way to achieve a co-living (human and local wildlife) environment for all via special spatial design and/or mitigation measures;
- vi. To identify the most practically suitable land-use pattern, landscaping treatments and spatial planning arrangement to integrate the residential development with a WRA but retaining a high degree of self-containment and self-protection in each area;
- vii. To adopt a grade-separated circulation movement system to minimise unwanted man-made disturbances to the local wildlife activities in the WRA during operational phase, in particular the lighting and noise pollutions from taller buildings/structures (above 2/F) and road traffic movements within the

Application Site;

- viii. To establish a broad long-term management and maintenance framework to guide further in-depth investigation to realise the proposed WRA at the detailed design stage with a view to ensuring the realization of the WRA in this comprehensive development could be achieved in reality;
- ix. To optimise the function of the proposed wetland as one meaningful wetland habitat for the local wildlife to meet the primary planning intention of the area;
- x. To convert the potential constraints into opportunities wherever physically feasible via the proposed comprehensive development scheme; and
- xi. To take into account the requirements and criteria set out in the TPB PG-NO. 12C at all times during planning, construction and operation phases of the proposed development by provision of paper mitigation measures recommended in the Ecological Impact Assessment (“EcoIA”) (**Appendix VI**).

## **5. COMPREHENSIVE DEVELOPMENT PROPOSALS**

### ***Overall Design Concept***

- 5.1 On the basis of the key planning and design considerations outlined in paragraph 4.1 above, and taking account of the actual site conditions, the constraints imposed from and opportunities offered by the surrounding developments, a “Double-Screening” Biophilic Design Concept supported by a ‘Grade-Separated’ Movement System is then adopted.
- 5.2 **Figure 9a** illustrates the derivation process of the proposed comprehensive development with a wetland restoration proposal, from site appraisal, to urban design concept, and then to scheme formation. A “Double-Screening” Biophilic Design Concept aims to create two self-containment cells (one for a WRA and one for ‘House’ development. The functional green corridor and screening zone together serve as a double-ring protection measure: green corridor at the outer periphery of the Application Site to screen/filter off nuisance from the surrounding brownfields to the Application Site, and at the same time, to soften the proposed development for other nearby existing developments; and the inner green screening zone alongside the proposed WRA acts as a shielding transitional zone to integrate the ‘House’ development within the WRA, it also serves to minimise the potential human disturbance to be generated from the proposed house development.
- 5.3 The overall design concept has also taken account of the opportunities to connect

with the local wildlife/ecosystem in the vicinity of the Application Site, particularly the one to be served as a gateway to attract the local wildlife frequently visit Ngau Tam Mei Channel and the two nearby existing fish ponds (one to its north and one to its southeast) by provision of open eco-corridor (for wildlife in fish ponds to the north) and low-rise landscaped area (for those to the farther southeast) (**Figure 9a**).

- 5.4 **Figure 10** illustrates the proposed ‘Grade-Separated’ Movement System with vehicular movement restricted at basement level to eliminate the potential disturbance (i.e. noise, lighting and air-quality problems) generated from internal road traffic on the one hand, and, on the other hand, to release more space for landscaping treatment and pedestrian movements, as well as for provision of mitigation measures where necessary, to enhance the on-site co-living quality for all users.
- 5.5 On the basis of the above development concepts, an indicative Master Layout Plan (“**MLP**”) of the proposed comprehensive development at the Application Site is then formulated (**Figure 11e**).
- 5.6 The whole development comprises of two major components: a WRA portion, and a residential (‘House’ and ‘Flat’) development portion. The total land area allocated for the proposed WRA is about 24,702m<sup>2</sup> (about 48.4% of the total site area); and about 26,371m<sup>2</sup> (i.e. about 51.6% of the total site area) for the residential development.
- 5.7 The proposed comprehensive development under the present application will inevitably involve filling of ponds/land and excavation of land within the Application Site to enable the implementation of the proposed development scheme.

## **A. INDICATIVE WETLAND RESTORATION PROPOSALS**

### ***Ecological Impact Assessment (“EcoIA”) (Appendix VI)***

- 5.8 The results of the EcoIA (**Appendix VI**) have concluded that about 70% of the Application Site falls within Wetland Buffer Area (“**WBA**”) but outside Wetland Conservation Area (“**WCA**”). The proposed development will result in a permanent loss of 0.2 ha of on-site developed area and about 2.43 ha of abandoned ponds within the Application Site; and temporary loss of 2.47 ha of abandoned ponds within the Application Site during the formation of WRA. The loss of 2.43 ha abandoned ponds will be compensated by a new and functionally enhanced wetland restoration area which serve as a feeding and roosting ground for waterbirds and other local wildlife.

- 5.9 Potential ecological impacts due to habitat loss are minor to moderate. With the provision of the recommended mitigation measures in the EcoIA, these impacts will be minimized to an acceptable level. Potential impacts due to the proposed development on species of conservation interest are minor to moderate; and indirect impacts on nearby habitats and associated fauna due to the onsite construction works (i.e. noises and surface runoffs) will be minor to moderate. With the provision of the recommended mitigation measures, these potential impacts will be minimized to an acceptable level. During construction phase, the existing abandoned ponds within the Applicant Site will be demarcated by sheet piling works and only the portion of ponds within the proposed development will be drained for site formation works. With this proposed measure, it will minimise creation of any adverse impacts on the adjoining ponds immediately outside the proposed development.
- 5.10 The project will, where applicable, adhere to the “no-net-loss in wetland” principle and the criteria set out for the wetland enhancement and management scheme in the TPB Guidelines No. TPB PG-No. 12C. Details of the EcoIA are in **Appendix VI**.

***Indicative WRA Proposals (Appendix V)***

- 5.11 Details of the indicative WRA proposal are provided in **Appendix V**. This section solely summarises the key elements of the WRA proposals. The WRA under application covers a total site area of about 24,702m<sup>2</sup> (or about 48.4% of the total site area) (**Figure 11e**). It is proposed to adopt a modification of the existing abandoned ponds within the Application Site. This wetland habitat is planned to be a self-contained natural-looking wetland for the local wildlife.
- 5.12 A total of three eco-portals are proposed in this application (i.e. one for the existing ponds to the north and north-east of the Application Site; one at the western side as an eco-gateway to connect with Ngau Tam Mei Channel providing feeding opportunities for local waterbirds; and one at the north-eastern side to connect other existing wetlands to the farther south-eastern in the vicinity of the Application Site via a green rooftop treatment) (**Figure 9a**).
- 5.13 The proposed on-site wetland habitat has taken into account the most practically feasible proposals to enhance its ecological values in a sustainable maintenance and management manner. In order to achieve a self-containment effect, the proposed wetland habitat will not open to the general public or the end-users of the proposed residential development, except the appointed wetland control team members or maintenance staff.

5.14 There are 7 key essential elements in the proposed WRA (**Figures 12a – 18b**). They are:

i. **Reedbed**

About 0.92 ha of the wetland will be proposed for reedbed purposes as reedbed is an important habitat in Deep Bay, particularly for cryptic species such as bitterns as a foraging and roosting grounds, so as to provide a clean up function by filtering the surface runoff and to provide habitats for wildlife. *Phragmites australis* is one of the common reeds suitable for this wetland. This species can tolerate widely variable water depths and quality and is able to grow in waterlogged soils and is a native species in Hong Kong.

ii. **Shallow Water Zone**

As the depth of water affects directly the utilization of wetland habitats by water birds, a total of about 0.93 ha with depths ranged from 0.2m to 0.6m will be planned for the shallow water zone as feeding area and roosting area for non-swimming water birds such as sandpipers and egrets.

iii. **Deep Water and Middle Depth Water Zones**

The deep water zone (about 2m in depth) is planned as a swimming area for dabbling water birds (such as Little Grebe and Cormorant). Submerged plants, aquatic life, like fish and snails, as food sources will be introduced in this zone. This zone will also serve as a water retention area to prevent the wetland from drying out in dry season. It has been estimated that the total areas of the deepwater zone and middle depth water zone are 0.16 ha and 0.27 ha respectively.

iv. **Island**

Islands with short grasses or without vegetation can offer roosting area for water birds during high tide in Deep Bay and can serve as additional foraging habitats for non-swimming water birds, like sandpipers and egrets. The belt-shape island design can increase the area of edges and margins for the usage of waterbirds. Three islands (about 0.15 ha in total) will be provided within the wetland.

v. **Wood Log**

Wood logs provide perching area for water birds such as ducks. They will be distributed at various locations, particularly in areas with deeper and medium depths. The area with wood logs incorporated in the wetland is estimated to be

0.02 ha.

vi. **Submerged Plants**

Submerged plants are the primary element of the wetland providing microhabitat for amphibians and other aquatic life so as to provide additional dissolved oxygen for the wetland. In wet season, it will serve as a suitable breeding habitat. Recommended species are: *Vallisneria natans*, *Rotala indica* and *Rotala rotundifolia*. An area of about 0.02 ha will be planted with submerged plants.

5.15 **Table 1a** below provides the indicative land area breakdown of the proposed wetland habitat:

**Table 1a Summary of Indicative Land Area Breakdown of the Proposed WRA**

Item	Land Area (ha)
1. Reedbed	0.92 (37.2%)
2. Shallow Water Zone	0.93 (37.7%)
3. Deep Water Zone	0.16 (6.5%)
4. Middle Depth Water Zone	0.27 (10.9%)
5. Island	0.15 (6.1%)
6. Wood Logs	0.02 (0.8%)
7. Submerged Plants	0.02 (0.8%)
<b>Total</b>	<b>2.47 (100%)</b>

5.16 Detailed explanations and illustration diagrams about the design considerations and design concept of the proposed WRA; the actual enhancement of the function of the wetland area for the local wildlife to be achieved via the proposed WRA; an initial maintenance and management strategy to operate the proposed WRA; and a brief introduction of the broad framework establishment about the long-term maintenance and management of the WRA within the Application Site are briefly outlined in **Appendix V – the Indicative WRA Proposals**.

5.17 **Figures 12a** shows the overall schematic layout of the proposed WRA within the whole comprehensive development scheme. **Figures 13a – 18b** are the indicative section diagrams showing the physical and spatial arrangements intermixing various forms of landscaping treatments at various parts of the proposed development. More elaborated landscaping proposal and mitigation measures to protect the natural environment of the WRA are in the later sections. **Figure 19** shows the night-time mitigation measure to protect the WRA from potential human activities in the

‘House’ development zone.

***Indicative Filling of Ponds/Land and Excavation of Land***

- 5.18 At this early planning stage, it has been estimated that the proposed development project under application will involve (a) filling of land of about 11,553m<sup>2</sup> (or about 22.62% of the total site area) with a depth of 1 to 2m; (b) filling of ponds of 24,453m<sup>2</sup> (or about 47.88% of the total site area) with a depth of 1.5 to 2 m; and (c) excavation of land of about 10,400m<sup>2</sup> (or about 20.4% of the total site area) with a depth of 4.4m to 6.2m. (**Figure 38a**)

***Long-term Maintenance and Management of the Wetland Restoration Area***

- 5.19 The Applicant has committed to take up the sole responsibility for management and maintenance of the WRA in the long term through setting up an independent management company to engage relevant ecological and environmental expertise to design, build, manage and maintain the proposed WRA to the satisfaction of Director of Agricultural, Fisheries and Conservations upon approval of this planning application. Details of the **WRA Funding Arrangement** is in **Appendix XII**.
- 5.20 Regarding the funding arrangement, the Applicant proposes to adopt the approach of setting up an independent endowment fund managed by an Investment Bank, with allocation of an approximate amount of \$3M per annum, to sustain the long-term operation of the proposed WRA. The detailed management and maintenance proposal, subject to confirmation of the approach, will be formulated at post approval stages to the satisfaction of relevant departments. More detailed funding arrangement can be ironed-out in the process of applying of application for an Environmental Permit under Environmental Impact Assessment Ordinance.

**B. RESIDENTIAL DEVELOPMENT PROPOSALS**

- 5.21 The indicative layout plans of G/F, 1/F and upper floor, and Basement of the overall proposed residential development are shown in **Figures 20c – 22c** respectively. Indicative section diagrams are in **Figures 23a – 25a**. **Figure 26a** shows the indicative typical floor layouts of the five major types of proposed residential buildings under application (i.e. Type A, Type B, Type C, Type D and Type E). **Figure 27a** shows the indicative layouts of the two proposed clubhouses.

***Key Development Parameter***

- 5.22 **Table 2e** summarises the key development parameters of the proposed residential development portion in the present planning application. With a total land area of



about 51,073m<sup>2</sup> and a maximum permissible plot ratio of 0.4, a total gross floor area (“GFA”) of about 20,427m<sup>2</sup> will be yielded. By adopting an average house size of about 227m<sup>2</sup>, the present proposed development scheme will provide a total of 90 housing units in 84 three to five storeys building blocks by 2027.

**Table 2e Key Development Parameters of the Residential Development Portion**

Item	Original MLP (a)	Revised MLP* <sup>1</sup>	Present MLP* <sup>1</sup> (b)	Difference (b)-(a)
<b>Site Area (about)</b>	51,073m <sup>2</sup> (100%)	51,073m <sup>2</sup> (100%)	51,073m <sup>2</sup> (100%)	No Change
<i>WRA</i>	20,202m <sup>2</sup> (about 39.6%)	24,702m <sup>2</sup> (about 48.4%)	24,702m <sup>2</sup> (about 48.4%)	+4,500m <sup>2</sup> (+22.3%)
<i>House Development</i>	30,871m <sup>2</sup> (about 60.4%)	26,371m <sup>2</sup> (about 51.6%)	26,371m <sup>2</sup> (about 51.6%)	-4,500m <sup>2</sup> (-14.6%)
<b>Plot Ratio (PR)</b>	Not more than 0.4	Not more than 0.4	Not more than 0.4	No Change
<b>Gross Floor Area (GFA)</b>				
<i>Residential</i>	About 20,427m <sup>2</sup>	About 20,427m <sup>2</sup>	About 20,427m <sup>2</sup>	No Change
<i>Clubhouse</i>	About 1,021m <sup>2</sup> [GFA Exemption]	About 1,021m <sup>2</sup> [GFA Exemption]	About 1,021m <sup>2</sup> [GFA Exemption]	
<b>Site Coverage (SC)</b>	About 21.16%	About 19.81%	About 19.81%	About -1.35%
<b>No. of Blocks</b>	110	84	84	-26 (-23.6%)
<b>No. of Storeys</b>				
<i>Houses [Phase I]</i>	3 storeys including 1-storey carport	-	-	
<i>Houses [Phase II]</i>	3-5 storeys including basement* <sup>2</sup>	3 storeys including 1-storey carport	3-4 storeys (Figure 11e)	N.A.
<i>Houses [Phase III]</i>	-	3-4 storeys including basement* <sup>2</sup>	3-5 storeys including basement* <sup>2</sup>	
<i>Houses [Phase IV]</i>	-	3-5 storeys including basement* <sup>2</sup>	-	
<i>Clubhouses</i>	2 storeys (Western); 3 storeys (Eastern)	2 storeys (Western); 3 storeys (Eastern)	2 storeys (Western); 3 storeys (Eastern)	
<b>No. of Units</b>	114	90	90	-24 (-21.1%)
<i>Phase I</i>	25	-	-	
<i>Phase II</i>	89	25	49	
<i>Phase III</i>	-	30	41	
<i>Phase IV</i>	-	35	-	
<b>Average Unit Size</b>	About 179.2m <sup>2</sup>	About 227.0 m <sup>2</sup>	About 227.0 m <sup>2</sup>	About +47.8 m <sup>2</sup>
<b>Maximum Building Height</b>				
<i>Houses</i>	About 23.1mPD (18m)	About 19.6mPD* <sup>3</sup> (14.5m)	About 19.6mPD* <sup>3</sup> (14.5m)	About -3.5mPD
<i>Clubhouses</i>	About 15.1mPD (10m)	About 15.1mPD (10m)	About 15.1mPD (10m)	No Change
<b>Total Communal Open Space</b>	About 680.5m <sup>2</sup>	About 680.5m <sup>2</sup>	About 561.6m <sup>2</sup>	About -118.9m <sup>2</sup>
<b>Green Coverage</b>	About 30.05% (or 15,345m <sup>2</sup> )	About 33.79% (or 17,258m <sup>2</sup> )	About 33.83% (or 17,278m <sup>2</sup> )	+3.78% (+1,933m <sup>2</sup> )
<b>Parking Spaces and L/UL Bays</b>				
<i>Private Car</i>	239 (including 10 for visitors)	203 (including 10 for visitors)	203 (including 10 for visitors)	-36
<i>Motorecycle</i>	23	20	20	-3
<i>Heavy Goods Vehicle</i>	3	3	3	No Change
<i>Bicycle</i>	14	14	14	No Change
<b>Anticipated Year of Completion</b>	2025	2025	2027	+2 year
<b>Estimated No. of Residents*<sup>4</sup></b>	342	270	270	-72

\*<sup>1</sup>To meet with AFCD’s requirement; \*<sup>2</sup>One level of basement car park; \*<sup>3</sup>Floor height of G/F-2/F and 3/F are 3.5m and 4m respectively; \*<sup>4</sup>Assume persons per unit is 3.

5.23 Among these 90 private housing units, 49 [in Phase II] are in the form of 2-storey on top of one level of carport and 2- to 3-storey buildings blocks on top of a communal basement carpark; and 41 [in Phase III] are 2- to 4-storey buildings blocks on top of a communal basement carpark (**Figures 23a to 25a**). If the average household size per house is assumed to be 3 people, it is estimated that upon full development, the proposed development will accommodate a total of population of about 270 (i.e. 90 x 3) persons.

#### ***Internal Traffic Arrangements***

5.24 Two vehicular ingress/egress entrance points are proposed (**Figure 11e** and **Figure 20c**). The primary one is planned on Kam Pok Road East at the southeastern tip of the Application Site to serve the main residential compound and the secondary one will be located at the junction of Kam Pok Road and Kam Pok Road East at the southwest of the Application Site to serve a group of 25 detached houses (**Figure 20c**).

5.25 All vehicular movements in Phase II are proposed to be carried out at a sunken level, i.e. at basement level (**Figures 22c – 25a**). The merits of this grade-separated vehicular movement system (**Figure 10**) are: (i) to minimize surface road traffic disturbances (noises, lighting and air-quality) to the WRA; (ii) to release more land area for the planting of trees and landscaping treatments for enjoyment of the local residents; and (iii) to increase the soften screening effect and to enhance the visual amenity of the proposed development as the same time.

5.26 To cater for the proposed residential development, a total of 203 carparking spaces (153 in the basement level and 50 at G/F), 20 motorcycle parking spaces, 3 loading/unloading (“L/UL”) bays (for heavy goods vehicle) and 14 bicycle parking spaces will be provided in accordance with the requirements in the Hong Kong Planning Standards and Guidelines (“HKPSG”) (**Figure 20c** and **Figure 22c**).

5.27 Details of internal traffic arrangements, provisions and locations of all parking facilities, internal road arrangement, emergence vehicular access (“EVA”) and traffic impact assessments are in **Appendix II** while supplementary note for the change in development traffic generation and in parking provision is in **Appendix XI**.

#### ***Tree Preservation and Landscape Proposal (Appendix III) (Figures 28d to 35)***

5.28 The present proposed development will fell a total of 62 surveyed existing trees within the Application Site. To compensate the loss of these identified existing trees,

it is proposed to plant 251 heavy standard trees with average DBH of approximately 80mm within the proposed development (**Appendix III**).

5.29 The overall indicative landscape design proposals contain the following six major components (**Figures 28d – 29a**):

i. **Peripheral screening plantation**

Fence walls (2.5m tall) and noise barriers (4.8m to 10.1m tall) are proposed to be composed of solid wall at base (2.5m tall) and transparent panels on top with anti-bird collision measures; and screen planting beds with a width ranged from 1.5m to 7.5m wide alongside the outer sides the fence walls and noise barriers will be provided for ornamental trees, shrubs, groundcover and climbing plants in order to alleviate their visual intrusion (**Figures 28d, 30b-31b and 32**).

ii. **Maximisation of Greenery along Internal Access**

Trees and/or shrubs along the internal footpath/EVA, together with planting heavy standard trees along house front to create a green boulevard effect along the internal road, so as to soften the hardlines of the building structures; and propose to adopt grass pavers at various sections of EVA with sufficient loading capacity (i.e. 30 tons) to soften the hard-paved areas and to minimize the heat island effect (**Figures 28d and 30b-31b**).

iii. **Partition Fence**

Physical barriers of 2.5m to 5m high are proposed over the Site to enhance the protection measures for the proposed WRA. A 5m high wooden fence including high wooden trellis and 2.5m high solid wall is proposed at house backyard for the houses located along the WRA (**Figure 34 and Figure 35**) in order to alleviate noise and light impact that would be brought about by human activities. A 2.5m high wooden fence is also proposed between the vehicular access and wetland to minimise light glare from vehicles in Phase I and house development in Phase II-III (**Figures 28d and Figure 35**).

iv. **Planting within WRA**

To create a coexistent environment both for the WRA and the residential development within the Application Site, a natural green buffer zone (about 7.5m to 15m in width) between the WRA and the houses with riparian planting is proposed not only to enhance the biodiversity in the wetland area, but also form a natural barrier between the human and the wildlife activities; and this zone will only be accessible for the maintenance staff of the WRA to ensure no

disturbance to the wildlife within WRA by unnecessary human activities.

v. **Planting Design**

A majority of proposed plantings will be planted with heavy standard sized vegetation in local species or broad-leaf species along the internal access, common planting beds and buffer zone in the WRA and planting strips along the periphery of the Site to offer instant greening effect and to promote a tranquil and harmonic environment for the residents.

vi. **Compensatory Vegetation**

The construction of a basement car-park would require a substantial clearance of existing vegetation. A total of 251 new trees is proposed to compensate the loss of such existing tree.

5.30 The results of the landscape impact assessment have concluded that the proposed development pose no adverse landscape impact; in fact, the proposed development, with the adaptation of enhancement measures including the provision of WRA and compensatory tree planting, pose a positive overall landscape impact by enhancing the amenity value of the local Pok Wai.

5.31 An Indicative Landscape Master Plan (“LMP”) of the proposed development is in **Figures 28d. Figure 29a** shows the indicative landscaping treatments in the proposed communal open space areas at the two entrance points. **Figures 32 - 35** are the indicative section diagrams showing the likely softening/screening effect of the proposed plantings and landscaping treatments in the proposed development at various locations. Details of the tree survey, tree preservation and landscape proposals and landscape impact assessment are in **Appendix III**.

5.32 **Figure 36a** is the bird’s eye view of the overall proposed comprehensive scheme overlaid with an existing local context. Very obviously, the proposed development will blend in well within its surrounding setting.

***Environmental Aspects***

5.33 The proposed comprehensive development at the Application Site requires detailed impact assessment to examine whether it will be affected by its surrounding developments, particularly in air quality, road traffic noise and industrial noise aspects. The results of the Environmental Assessment (“EA”) indicate that the proposed development will not generate any unacceptable air quality impacts in this part of the Nam Sang Wai area. Details of the air quality impact assessment (“AQIA”) in **Appendix VI**.

- 5.34 The results of the noise impact assessment, as provided in **Appendix VI**, have concluded that with the implementation of the proposed mitigation measures, including the erection of noise barriers (ranged from 4.8m to 10.1m tall) along the site boundary, the adoption of single aspect building design, the installation of fixed windows and the placing of non-noise sensitive uses along the front facades, all selected noise sensitive receivers (“NSRs”) within the proposed development will comply fully with the noise criteria in the HKPSG. Details of the Noise Impact Assessment (“NIA”) are in **Appendix VI**.
- 5.35 It should be noted that upon implementation of all surrounding brownfield sites and village developments nearby, these tall noise barriers could be shortened or even removed completely. Therefore, the present proposed tall noise barriers will be treated as interim noise mitigation measures to strike a balance between development and wetland conservation. In order to enhance the visual effect of the proposed noise barriers, a composed of 2.5m solid wall at the base with a transparent panel on top is hence proposed (**Appendices III and IV**). The opening of the northern side of the Application Site aims to provide a seamless connection to the existing ponds and wetlands to the immediate north of the Application Site so as create a better and greater local air movements onto the proposed development.

#### ***Drainage/Sewerage Proposals***

- 5.36 The results of the Drainage Impact Assessment (“DIA”) have concluded that with the implementation of mitigation measures, including proposed a set of 800mm peripheral drain to divert surface runoff from the catchments and propose new drain pipes along Kam Pok Road East towards west and then to Kam Pok Road with reference to relevant comments from the Drainage Services Department (“DSD”) on the DIA submitted for the previous planning application A/NSW/290 and temporary drainage measures to be implemented during construction stage, no insurmountable drainage impact is anticipated. Details of the DIA are in **Appendix VII**.
- 5.37 Taking into account DSD’s comments on the Sewerage Impact Assessment (“SIA”) submitted for the previous planning application A/NSW/290 and the proposed sewerage system in the preparation of this current SIA, it is proposed that the sewage generated from the proposed development will be discharged to an existing 225mm diameter public sewer at the south of the Application Site and proposed sewer to Nam Sang Wai Sewage Pumping Station (“SPS”) for disposal at Yuen Long Sewage Treatment Works (“YLSTW”).
- 5.38 The results of the current SIA shows that the additional sewage generation will

merely take up an insignificant portion of the design daily flow of the Nam Sang Wai SPS and the capacity of YLSTW (i.e. 0.30% and 0.18% respectively), and the existing and proposed sewers will have sufficient capacity to cater the sewage flow from the proposed development. No adverse sewerage impact due to the proposed development on the local area is anticipated. Details of the Sewerage Impact Assessment are in **Appendix VIII**.

- 5.39 Noting the fact that the design details of the proposed sewerage system are subject to the detailed design of the proposed development, further survey on underground utilities will be conducted during the detailed design stage for avoidance of relevant facilities. The Applicant will also consider the feasibility of connecting to public sewer, if necessary, at post approval stages if there are updated information on planned public sewers in the vicinity.

***Tentative Phasing Programme***

- 5.40 **Table 3e** summarises the tentative phasing programme of the proposed comprehensive development. The anticipated year of completion for this comprehensive development is 2027.

**Table 3e Summary of Tentative Phasing Programme**

	<b>Item</b>	<b>Tentative Schedule</b>
1.	TPB S.16 Application Approval	Oct 2024 – Dec 2024
2.	Lease Modification/General Building Plan/EIA Submission under EIAO	Dec 2024 – Mar 2025
3.	Phase I: Construction of WRA	Apr 2025 – Jun 2025
4.	Phase I: Establishment of WRA	Jul 2025 – Dec 2026
5.	Phase II: Construction of houses in western portion of the site <b>other than superstructure works, underground services and utilities and road works</b>	Jul 2025 – Mar 2027
6.	Phase II: Construction of houses in western portion of the site for <b>superstructure works, underground services and utilities and road works</b>	Apr 2027 – Jul 2027
7.	Phase III: Construction of remaining houses (Without overlap with phase II)	Jul 2027 – Oct 2027
8.	Anticipated Year of Completion	2027

## **6. VISUAL IMPACT ASSESSMENT**

- 6.1 **Appendix IX** is the report of the Visual Impact Assessment (“**VIA**”) of the proposed development both at local- and district-wide context. The photomontages of the proposed development at the selected public viewing points have demonstrated that the overall visual effect of the proposed development with 2- to 4- storeys (above ground) of building height on the area is ranged mostly between negligible to slightly adverse and moderately adverse.
- 6.2 With the provision of ample landscaped treatments inter-twined with the residential development and the natural-looking WRA, the whole development will blend in well with its surrounding rural character setting in the area. The overall visual effect due to the proposed development on this part of the Nam Sang Wai area is generally acceptable. Details of the VIA are in **Appendix IX**.
- 6.3 In the district-wide context the proposed development will blend in well with its surrounding developments. **Figure 36a** shows the bird’s eye view of the proposed development within the existing local setting of the Nam Sang Wai area. The proposed development has demonstrated that it will be well in harmony with the overall setting in the area.

## **7. FISHERIES RESOURCES AND ACTIVITIES**

- 7.1 The results of the Preliminary Fisheries Impact Assessment (“**PFIA**”) have concluded that with the implementation of mitigation measures on water quality control, including the establishment of a proper drainage system for the proposed development to collect the surface runoff into the drainage ditch. Besides, the domestic sewerage will be collected by the on-site domestic sewerage system and then to convey it into the Nam Sang Wai Pumping Station. No insurmountable direct or indirect impact is anticipated to the surrounding pond culture fisheries resources and activities during the construction and operational phases of the proposed development. Details of the Preliminary Fisheries Impact Assessment are in **Appendix X**.

## **8. PLANNING JUSTIFICATIONS**

### ***Fully in-line with Planning Intention***

- 8.1 The present proposed comprehensive development scheme is fully in-line with the planning intention of the area set out in the Notes of the OZP for this “OU(CDWRA)” zone: “...*this zone is intended to provide incentive for restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or*

*recreational development to include wetland restoration area.....is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands....” (Appendix I).*

- 8.2 The present proposed comprehensive development with a plot ratio of not more than 0.4 and a maximum building height of 5 storeys is a compliance-based scheme project in accordance with the maximum permissible plot ratio and building height stipulated in the OZP as mentioned in paragraph 2.2 above.
- 8.3 It should be noted that when compared to the maximum permissible building height of 6 storeys, the adoption of 3 to 5 storeys in the present proposed development scheme represents the most building profile to integrate with the WRA from a standpoint of self-containment with minimal disturbances from human activities nearby. In doing so, the proposed wetland habitat will enjoy much higher degree of self-containment when compared to those 6-storey tall residential building blocks. This serves as one of the core and essential planning and design criteria for the entire comprehensive development scheme.
- 8.4 Relevant impact assessments have been undertaken with respect to traffic (**Appendices II and XI**), landscape proposals (**Appendix III**), ecological (**Appendices IV, V and XII**), air quality, traffic noise and industrial noise (**Appendix VI**), drainage (**Appendix VII**), sewerage (**Appendix VIII**), visual (**Appendix IX**) and fisheries (**Appendix X**) aspects to support the present development proposals.
- 8.5 The results of these impact assessments have demonstrated that the proposed development is feasible and will not cause any unacceptable impacts in respect of traffic, drainage, sewerage, visual or ecological aspects. No net increase of pollution load into Deep Bay due to the proposed development is anticipated. With the implementation of the recommended mitigation measures as outlined in the proposed Wetland Restoration Proposal (**Appendix V**), the whole comprehensive development scheme, if approved by the TPB, will become a positive and good planning scheme for other similar cases in this part of the Nam Sang Wai area.

#### ***Meeting Private Housing Demand***

- 8.6 According to the data in the Hong Kong Property Review 2021 (issued by the Rating and Valuation Department)<sup>1</sup>, the forecast numbers of private domestic units with saleable area of 100m<sup>2</sup> to 159.9m<sup>2</sup> completed in the Yuen Long District in 2021 and

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<sup>1</sup> [https://www.rvd.gov.hk/doc/en/hkpr21/PR2021\\_full.pdf](https://www.rvd.gov.hk/doc/en/hkpr21/PR2021_full.pdf)



2022 are only 15 and 14 respectively. This clearly reflects the fact that such a limited supply of these types of private housing units in the Yuen Long District is far from meeting the needs of the community. This is particularly the case with the increasing socio-economic integration between Hong Kong and the cities of the Greater Bay Area in the coming future.

- 8.7 The present proposed development will produce a total of 90 housing units in 84 housing blocks with an average house size of about 227m<sup>2</sup>, which will no doubt contribute active and positive effort to help meet the demand for such types of private housing in the community. The greater the variety of types of private housing supply exist in the community, the more the choices which will be offered to rekindle the aspirations of families in different incomes groups to become home-owners.

***Meeting Government Policy Objective***

- 8.8 In the Policy Address 2022<sup>2</sup>, the CE further asserts that “...*the demand for private housing in the next 10 years will be 129,000 units. We will work to achieve this basic target and get sufficient land ready for providing no less than 72,000 residential unit in the next five year....*” (paragraph 66). This means that some 57,000 private housing units will have to be provided between 2027 and 2031. Further to above, the CE also states: “...*apart from actively nurturing and retaining local talents, the Government will proactively trawl the world for talents.....*” (paragraph 29). Noting the fact that one of the most fundamental conditions to attract talents (no matter for local or foreign talents) is the living environment and conditions.
- 8.9 In view of the above and having considered the biophilic design living environment of the proposed development, the approval of the present planning application with a total of 90 high-end private housing units is totally in-line with the Government policy objective to ‘*continue to create strong impetus for growth*’ as a role to act “*as an important gateway connecting the Mainland with global market*” (paragraph 25 in Policy Address 2022).

***Positive Catalyst to Speed up the Upgrading Process***

- 8.10 It is noted that since the exhibition of the draft Nam Sang Wai OZP No. S/YL-NSW/2 on 27 October 2000, a total of 7 similar planning applications were submitted to TPB to indicate landowners’ intention to implement the designated “OU(CDWRA)” zones in the Nam Sang Wai planning scheme area.

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<sup>2</sup> [https://www.policyaddress.gov.hk/2022/public/pdf/policy/policy-full\\_en.pdf](https://www.policyaddress.gov.hk/2022/public/pdf/policy/policy-full_en.pdf)

8.11 **Table 4** summarises the key development data of these 7 similar planning applications. **Figure 37** shows the locations of these 7 planning applications. Among these 7 similar planning applications, only 2 were approved with conditions by TPB [i.e. one applying for regularizing the existing social welfare facility (private residential care house for mentally handicapped and mentally-ill persons) under Application No. A/YL-NSW/255, and the other one, under Application No. A/YL-NSW/241, applied for a comprehensive development but, for some reasons, this site has temporarily lent to the Government to serve as Yuen Long Tam Mei Community Isolation Facility in 2022<sup>3</sup> and the applied development has not been realised at present]. Indeed, many of them did not provide a proper wetland habitat proposal as the one under the present application.

**Table 4 Key Development Data in Other Similar Planning Applications**

Application No. A/YL-NSW/	Submission Date	Site Area (m <sup>2</sup> )	For	TPB Decision Date (R/A)
1. No. 156	24/12/2004	62,800	Comprehensive Residential Development including Wetland Restoration and Management Proposal	10/06/2005 (R)
2. No. 167	04/07/2006	1,575	Low Density Residential Development	22/09/2006 (R)
3. No. 179	25/01/2008	1,575	Proposed House Development	27/06/2008 (R)
4. No. 181	07/04/2008	9,308	Proposed Low-rise Residential Development	19/09/2008 (R)
5. No. 199	17/05/2010	1,012	Proposed House (Redevelopment Only)	16/07/2010 (R)
6. No. 241	24/06/2015	92,927.5	Proposed Comprehensive Development of an Outlet Mall with Commercial Uses and 'Agricultural Use' (Commercial Fish Ponds)	13/10/2017 (A) (valid until 13.10.2021)
7. No. 255	06/04/2017	583	Social Welfare Facility (Private Residential Care House for the Mentally Handicapped and Persons with Mental Illness)	26/05/2017 (A)

R- Rejected; A- Approved with Conditions

8.12 Compared to the above 7 similar planning applications, the present proposed comprehensive development (i.e. ‘Wetland Habitat’, ‘House’ and ‘Flat’ development) scheme represents the most proper and all-thought-out in accordance with the requirements and criteria set out in the OZP. If approved by TPB, the proposed comprehensive development also represents a practically feasible and implementable development project that can be realized within a short period of time.

8.13 Undoubtedly, the approval of the present application will not only stand for a positive

<sup>3</sup> [https://www.news.gov.hk/eng/2022/03/20220324/20220324\\_211254\\_768.html](https://www.news.gov.hk/eng/2022/03/20220324/20220324_211254_768.html)

support to properly planned and all-thought-out comprehensive development to implement the specific planning intention of the Application Site, but will also act as an effective catalyst to stimulate other landowners to take actions to speed up the upgrading process in other “OU(CDWRA)” sites to phase out the sporadic non-conforming brownfield industrial activities on the degraded wetlands in this part of the Nam Sang Wai area.

8.14 In addition, the provision of a proper road system and the future public sewer mains in the area will no doubt contribute a significant effort in encourage landowners to commence to review the redevelopment potential of their land within the “OU(CDWRA)” zone.

8.15 It is a “quick-win” and “win-win” compliance-based project.

***Setting a Good Precedent Case***

8.16 As mentioned in paragraph 8.4 above, the present proposed comprehensive development scheme has taken full account of all relevant impact assessments as outlined in the Notes of the OZP. Based on the proposed compliance-scheme under application, the results of these impact assessments have demonstrated that with the provision of the proposed mitigation measures or timelines as recommended in those impact assessments, it is anticipated that the proposed comprehensive (‘Wetland Habitat’, ‘House’ and ‘Flat’) development will not generate any unacceptable or significant adverse impacts on the local area with respect to traffic, drainage, sewerage, ecological or visual aspects.

8.17 It has also demonstrated that with the implementation of proposed mitigation measures, the proposed development will not subject to any unacceptable environmental problems with respect to air quality, traffic noise or industrial noise generated by its surrounding developments.

8.18 Indeed, it is all-thought-out comprehensive development scheme in accordance with the specific planning requirements set out in the OZP.

8.19 The fundamental principle of the proposed WRA is to optimize the function of the on-site wetland to benefit the local wildlife in a self-contained manner. It will be a natural-looking WRA. The green screening zone between the WRA and the residential development will become an effective natural barrier to ensure the high degree of self-containment of the wetland habitat function of the proposed WRA with best biodiversity performance provided for the local wildlife in the long-run.

- 8.20 The approval of this planning application will be a good and implementable precedent case for other comprehensive development schemes in other “OU(CDWRA)” sites within the Nam Sang Wai planning scheme area.
- 8.21 It should be noted that the Applicant has made its best effort to maximise area of the WRA taking into account to strike a balance between the private housing development and the provision of the WRA, as well as the need to take care of those massive space requirement ancillary facilities, such as the provision of on-site EVA and open space, and to comply various building regulation including building setbacks.

## **9. CONCLUSION**

- 9.1 The present application is a second submission of the Application Site to seek a planning permission from the TPB for a proposed comprehensive development containing ‘Wetland Habitat’ (i.e. Wetland Restoration Area), ‘House’ and ‘Flat’ uses with filling of ponds and an excavation of land in association with the proposed residential development at the Application Site.
- 9.2 Same as the previous planning scheme, the proposed comprehensive development comprises two main land-use items (one is the wetland restoration area and the other is the house and flat development). The present development scheme has incorporated the latest comments and suggestions given by the AFCD soon after the TPB’ decision on the previous application No. A/YL-NSW/290. **Figure 39a** shows the difference of the MLP between previous application No. A/YL-NSW/290 and present application No. A/YL-NSW/314.
- 9.3 Upon completion of the whole development by 2027, a total of 90 housing units in 84 housing blocks in the form of 3- to 5-storey (including 1-level of car-parking) with average house size of about 227m<sup>2</sup> will be provided to meet the private housing demand in the community. A comprehensive all-thought-out wetland restoration area scheme (**Appendix V**) is proposed for the consideration of TPB.
- 9.4 It has been demonstrated that the present proposed scheme is fully in-line with the planning intention of the area (i.e., “*to restore degraded wetlands adjoining existing fish ponds through a comprehensive residential ..... development to include wetland restoration area*”). The present proposed comprehensive development represents a compliance-based scheme taken full account of the planning requirements stipulated in the OZP; it will not result in any significant adverse or unacceptable impacts on the local area with respect to traffic, drainage, sewerage, ecological or visual aspects; and with the implementation of recommended mitigation measures, the proposed

development will not generate any unacceptable air quality, road traffic noise or industrial noise problems in this part of the Nam Sang Wai area.

- 9.5 The results of the EcoIA (**Appendix VI**) have demonstrated that with the implementation of the mitigation measures as proposed in the EcoIA, the proposed comprehensive development scheme is totally in line with the requirements and criteria set-out in the TPB PG-No. 12C.
- 9.6 The approval of this application represents a positive support to realise a proposed comprehensive development that will not only contribute significant effort to enhance the function of the existing on-site degraded wetlands to benefit the existing and the future local wildlife; but will also act as an effective catalyst to speed up the upgrading process to phase out the non-conforming brownfield industrial activities on degraded wetlands in other nearby “OU(CDWRA)” sites. It is a good precedent case for other similar planning applications in this part of the Nam Sang Wai area.
- 9.7 The overall proposed development would likely involve (a) filling of land of about 11,553m<sup>2</sup> (or about 22.62% of the total site area) with a depth of 1 to 2m; (b) filling of ponds of 24,453m<sup>2</sup> (or about 47.88% of the total site area) with a depth of 1.5 to 2 m; and (c) excavation of land of about 10,400m<sup>2</sup> (or about 20.4% of the total site area) with a depth of 4.4m to 6.2m.
- 9.8 In view of the above, we respectfully request Members of TPB to give favorable consideration to and approve the present application to allow the Applicant to carry out the subsequent refinement of the WRA proposals so as to implement the proposed comprehensive development at the Application Site.

**VISION PLANNING CONSULTANTS LIMITED**

**Updated on 5 November 2024**