

APPLICATION FOR AMENDMENT OF PLAN
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. Y/NE-KTS/11

- Applicant** : Winner International Worldwide Limited and Silver Noble International Worldwide Limited represented by Lawson David & Sung Surveyors Limited
- Plan** : Draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/15 (at the time of submission of application)
Approved Kwu Tung South OZP No. S/NE-KTS/16 (currently in force)
- Application Site** : Lots 3350 S.B ss.1 S.A, 3351 S.B ss.1 (Part) and 3351 S.B ss.2 (Part) in D.D. 91 and Adjoining Government Land, Fan Kam Road, New Territories
- Site Area** : 4,703m² (about) (including about 390m² of Government land)
- Lease** : (a) Block Government Lease (demised for agricultural use) (about 92% of the Site)
(b) Government land (about 8% of the Site)
- Zoning** : “Green Belt” (“GB”) on both the previous draft and current approved OZPs
- Proposed Amendment** : Rezoning from “GB” to “Commercial” (“C”) restricted to a maximum gross floor area (GFA) of 3,071m², a maximum site coverage (SC) of 33% and a maximum building height (BH) of 3 storeys

1. The Proposal

- 1.1 The application is for rezoning of the application site (the Site) (**Plans Z-1 and Z-2**) from “GB” to “C”, subject to a maximum GFA of 3,071m², a maximum SC of 33% and a maximum BH of 3 storeys, on the approved Kwu Tung South OZP No. S/NE-KTS/16 to facilitate a proposed commercial development with ‘shop and services’ and ‘eating place’ uses. A set of proposed schedule of uses for the proposed “C” zone submitted by the applicant is at **Appendix II**.

1.2 The proposed development parameters of the indicative scheme are as follows:

Site Area	4,703 m ² (about)
Plot Ratio (PR)	0.65 (about)
Total GFA	3,071 m ² (about)
SC	33% (about)
BH	3 storeys (Not more than 11.55m)
No. of Block	1
Car Parking Provision	
- Private Car Parking	58 (including 1 disabled parking space)
- Motorcycle Parking	5
- Loading/Unloading Spaces	
Light Goods Vehicle (LGV)	2
Medium/Heavy Goods Vehicle (M/HGV)	1
- Lay-by	4

1.3 The floor plan, section plan and Landscape Master Plan (LMP) of the indicative scheme are at **Drawings Z-1 to Z-3** respectively. According to the applicant's submission, the proposed commercial development consists of a 3-storey building at the northern portion of the Site for 'shop and services' and 'eating place' uses, and uncovered area used for landscaping, car parking spaces, loading/unloading spaces and access road. The Site is accessible via an access road leading to Fan Kam Road. Vehicular ingress is proposed at the north-eastern tip of the Site while the egress is proposed at the south-western tip abutting Fan Kam Road (**Drawing Z-4**).

1.4 According to the Tree Assessment and Landscape Master Plan (Landscape Proposal) (**Appendix If(i)**), 2 existing trees at north-eastern corner of the Site would be retained. 2 trees outside the Site near the proposed egress would be felled and 2 new trees are proposed to be planted outside the western boundary for compensation. Landscape treatments include planting pockets, planting strip, planting area and planting at the podium and rooftop as well as vertical green to building façade of the proposed commercial building. (**Drawing Z-3**)

1.5 According to the Traffic Impact Assessment (TIA) (**Appendix If(i)**), a traffic sign arrangement is proposed to prohibit vehicles longer than 5m from making left turn at the egress. Besides, modification works to the slope near the egress would be carried out to improve sightline (**Drawing Z-4**). The TIA concludes that the proposed development would not induce adverse traffic impact on the adjacent road network.

1.6 According to the Sewerage Impact Assessment (SIA) (**Appendix Ii**), an on-site underground sewage treatment facility is proposed at the north-eastern portion of the Site. The treated effluent would discharge to Tam Shui Hang area which is within the catchment of Deep Bay. The applicant will provide tertiary sewage treatment and reverse osmosis plant to comply with the relevant affluent standards so as not to cause net increase in pollution load to Deep Bay. In long term, the applicant proposes to convey the sewage generated by the proposed development to public sewer when public sewerage system is provided along Fan Kam Road. The SIA concludes that the proposed development would not cause any

unacceptable adverse sewerage impacts on the surrounding areas.

- 1.7 According to the Geotechnical Assessment (GA) (**Appendix Id(i)**), pad footing and retaining wall are proposed as the support for construction of the proposed structures and the existing slope respectively. The GA concludes that the proposed development is feasible.
- 1.8 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 18.5.2017 (**Appendix I**)
 - (b) Supplementary Planning Statement (**Appendix Ia**)
 - (c) Letter with attachments received on 16.5.2017 (**Appendix Ib**)
 - (d) Further Information (FI) dated 12.10.2017 (**Appendices Ic and Ic(i)**)
(accepted but not exempted from publication and recounting requirements)
 - (e) FI dated 23.10.2017 (with a GA) (**Appendices Id and Id(i)**)
(accepted but not exempted from publication and recounting requirements)
 - (f) FI dated 15.3.2018 (**Appendices Ie and Ie(i)**)
(accepted but not exempted from publication and recounting requirements)
 - (g) FI dated 1.6.2018 (with a TIA and a Landscape Proposal) (**Appendices If and If(i)**)
(accepted but not exempted from publication and recounting requirements)
 - (h) FI dated 23.7.2018 (**Appendices Ig and Ig(i)**)
(accepted and exempted from publication and recounting requirements)
 - (i) FI dated 27.7.2018 (**Appendix Ih**)
(accepted and exempted from publication and recounting requirements)
 - (j) FI dated 3.8.2018 (with a SIA) (**Appendix Ii**)
(accepted and exempted from publication and recounting requirements)
 - (k) FI dated 8.8.2018 (**Appendix Ij**)
(accepted and exempted from publication and recounting requirements)
- 1.9 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the TPB) on 11.8.2017. On 11.8.2017 and 12.1.2018, the Committee agreed to defer a decision on the application as requested by the applicant to allow time for the applicant to prepare FI to address departmental comments. Upon receipt of the FI dated 1.6.2018, the application is rescheduled for consideration by the Committee at this meeting on 17.8.2018.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 6 of the Supplementary Planning Statement at **Appendix Ia, Appendices Ic to Ij**.

They are summarized as follows:

- (i) The proposed development is in line with the planning concept for the sub-urban areas by providing convenient neighbourhood shopping and dining facilities for the local residents in the area. There are no proper shop and services for daily necessities and eating place to serve the local community. The proposed development could support the need of the existing and future population.
- (ii) The proposed development with 3-storey structure is compatible with the low-rise residential developments in the surrounding areas.
- (iii) The applicant purchased the Site in May 2014. Since then, it has been left vacant and is covered by weeds. The Site with low natural conservation value no longer performs the original function as “GB” zone. With the proposed development, the quality of the landscape resource in the Site will be upgraded. The greenery in the proposed development will be able to read in conjunction with the wooded slope to the east of the Site and green buffer will also be enhanced. The proposed rezoning to “C” zone is considered more appropriate as it could better utilise scarce land resources and capitalise the infrastructure assets of the Fan Kam Road.
- (iv) The proposed development will not affect the future planned developments, e.g. Highways Department’s (HyD’s) improvement to Fan Kam Road which has been incorporated into the indicative scheme. The proposed development is anticipated to be completed in 2024, should the application be agreed. The development will be commenced after the widening of Fan Kam Road.
- (v) The proposed development would not cause adverse environmental, traffic, landscape, visual, sewerage or geotechnical impacts on the surrounding area.
- (vi) The proposed development would provide planning gains, such as promoting convenience, livability and local economy, providing job opportunities, facilitating streetscape for pedestrian access, hence reducing the use of private cars.

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

The applicant is the sole “current land owner” of all the three private lots within the Site (about 92% of the Site). Detailed information would be deposited at the meeting for Members’ inspection. The remaining 390m² of the Site (about 8%) is Government land, and the “owner’s consent/notification” requirement as set out in the TPB Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) is not applicable.

4. Background

- 4.1 The Site is involved in an active enforcement action under the Town Planning Ordinance against an unauthorized development (UD) involving filling of land at lot 3350 S.B ss.1 S.A in D.D.91, i.e. the north-western part of the Site (**Plan Z-2**). On 27.6.2018, Enforcement Notice (EN) was issued to the concerned lot owner

requiring discontinuance of the UD. According to the site inspection conducted on 12.7.2018, the UD had been discontinued. The site is subject to monitoring to ascertain if the UD is genuinely discontinued or not.

- 4.2 The Site was the subject of two previous enforcement cases. In 2008, a small portion in the southern part of the Site was the subject of an enforcement case involving workshop and storage uses. The uses had been discontinued and Compliance Notice was issued in 2009. On 17.9.2012, an EN was issued to the concerned lot owners of the whole site for unauthorized filling of land and excavation of land. Compliance Notice was issued on 16.1.2013 with the discontinuation of the unauthorized development.

5. Previous Application

- 5.1 There is no previous rezoning request/s.12A rezoning application for the Site. Nevertheless, majority of the Site is the subject of a previous s.16 planning application (No. A/NE-KTS/404) submitted by the same applicant. Details of the previous application are summarized at **Appendix III** and the location is shown on **Plan Z-1**.
- 5.2 Planning application No. A/ NE-KTS/404 for proposed petrol filling station with ancillary facilities (with 3 structures at PR of 0.18, SC of 18% and BH of 1 storey (3.5 to 5.5m)) was rejected by the Committee on 8.4.2016 on the grounds that the proposed development is not in line with the planning intention of the “GB” zone for the area; it does not comply with the TPB Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10); the applicant has failed to demonstrate that the proposed development would not cause adverse traffic, environmental, sewerage, landscape and fire safety impacts on the surrounding areas; the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone; and the cumulative effect of approving such similar applications would result in a general degradation of the natural environment, and adverse traffic, environmental, sewerage, landscape and fire safety impacts on the surrounding areas.

6. Similar Application

There is no similar rezoning application from “GB” zone to “C” zone on the Kwu Tung South OZP area.

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

- 7.1 The Site is:
- (a) fenced off and fairly flat at the centre area with few slopes along the boundary;

- (b) currently vacant and covered by weeds, with a few container-converted structures in the northern portion; and
- (c) accessible via the access road leading to Fan Kam Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is the access road leading to Fan Kam Road (**Plan Z-2**); to the further north across the access road is Hong Kong Golf Club;
- (b) to the east is a knoll covered by densely vegetated woodland with a Permitted Burial Ground and graves;
- (c) to the south-east and south are some domestic structures and a low-rise and low-density residential development known as The Green within the “Comprehensive Development Area” (“CDA”) zone; and
- (d) to the west and north-west across Fan Kam Road are fallow agricultural land, plant nurseries, some domestic structures and a restaurant. To further west are Lin Tong Mei Village, Chan Uk Po Village and farmland.

8. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application and the public comments received are summarised as follows:

Land Administration

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

- (a) the Site comprises three Old schedule Agricultural Lots (demised for agricultural use) and the adjoining Government land; and
- (b) should the planning application be approved, the owner of the lots concerned should submit an application to his office for the subject proposal which may be processed by way of a land exchange. However, there is no guarantee that the land exchange proposal will be approved by his office and that any Government land will be granted to facilitate the land exchange proposal. If the land exchange is granted, it will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so,

including payment of premium and fees.

Traffic

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

- (a) he does not support the application from the traffic engineering viewpoint at this stage; and
- (b) referring to the swept path analysis in Figure R4 (**Appendix Ii**) for the HGV entering the site from Fam Kam Road, the HGV will need to occupy the traffic lane from opposite direction at the access road. The applicant is advised to review the site layout or propose any road/junction improvement works from traffic safety point of view.

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

referring to Figure R4 (**Appendix Ii**), as a 5.5m wide Tai Lung Access Road is insufficient, vehicle stopping before the stop line of the Tai Lung Assess Road will block vehicles from Fan Kam Road left turning onto Tai Lung Assess Road. The applicant should consider the necessity of widening the Tai Lung Access Road to improve the situation.

Environment

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

- (a) he has no objection to the application; and
- (b) the applicant should follow the HKPSG in siting the noisy facilities such as loading/unloading bays, routing of goods vehicles, electronic and mechanical equipment, ventilation openings, etc.

Sewerage

9.1.5 Comments of the DEP:

- (a) he has no objection to the application from the sewerage infrastructure perspective provided that there is suitable control mechanism such as land exchange to ensure the implementation of measures, commitments and recommendations as identified in the revised SIA; and
- (b) the Site is within the catchment of Deep Bay which is a sensitive water body to be protected against further degradation. Future effluent from the sewage treatment plant should meet relevant standards.

Drainage

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

- (a) he has no comment on the application; and
- (b) the proposed development should be bound by the Buildings Ordinance (BO) and submission of drainage proposal to BD is required. The drainage proposal is subject to detailed design and approval by relevant department.

9.1.7 Comments of the DEP:

- (a) the applicant should refer to the Professional Persons Environmental Consultative Committee (ProPECC) Practice Notes PN1/94 (construction Site Drainage) as a guideline for proper handling of construction site drainage; and
- (b) the applicant should provide appropriate drainage system to handle surface runoff after development with proper facilities such as silt traps and petrol interceptors.

Agriculture and Nature Conservation

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

- (a) he does not support the application from both nature conservation and agriculture points of view;
- (b) the planning intention of the “GB” zone is “primarily for defining the limits of urban and sub-urban development area by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone”. With a view that there is a large piece of continuous woodland immediately to the east of the Site, the Site still serves the purpose of “GB” by defining the limits of urban and sub-urban development areas and to contain urban sprawl. The proposed development, if approved, may pose indirect impact and increase human disturbance to the adjacent woodland;
- (c) the proposed development and associated slope works should not cause adverse impact to the *Aquilaria sinensis* (土沉香) near the Site;
- (d) on agriculture aspect, as the Site is largely an abandoned land overgrown with grasses and well served by road access, it possesses potential for agricultural rehabilitation; and
- (e) there is an existing irrigation system under the management and

maintenance of his department at Government land adjacent to (to the east) the Site. In particular, a three-inch irrigation water pipe connected from a water tank for providing irrigation water to the Tai Lung Farm is quite near the Site. The irrigation facilities and the maintenance works (e.g. access to the irrigation system) should not be affected by the proposed development.

Landscape

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

- (a) he objects to the application from the landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character predominantly consists of woodland areas, clusters of village houses, few patches of active farmland and a low-rise residential development. The Site is abutting Fan Kam Road to the west and access road to the Tai Lung Experimental Farm to the north. It is adjoining to a low-rise residential development (The Green) at distance to the south. The proposed land use is not entirely incompatible with the surrounding environment;
- (c) the subject “GB” is adjoining to a knoll with large woodland area to the east. Although the landscape proposal provides some environmental enhancements, the proposed development including the building and hard surface would change the landscape character of the subject “GB” and could not serve as a green buffer. The proposed development in the “GB” zone will cause gradual degradation of landscape resource and character in the area. Approval of the application would set an undesirable precedent;
- (d) the Site is a bowl shaped area surrounded by natural slopes varying in height within a hoarding area. It is covered with wild grasses and there is a temporary structure at its north-eastern corner; and
- (e) when compared with aerial photos of past years, it is noted that trees and vegetation which formed part of the adjoining woodland on a small knoll to the east has been cleared since 2012 and the disturbance is found beyond the Site.

Geotechnical

9.1.10 Head of Geotechnical Engineering Office, Civil Engineering and Development Department ((H)GEO, CEDD)

- (a) he has no comment on the geotechnical feasibility of the proposed works; and
- (b) there are some existing slopes adjoining the Site. The applicant

should ensure that the proposed development would not affect or be affected by these slopes.

Fire Safety

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

- (a) he has no in-principle objection subject to fire service installations and water supplies for firefighting being provided to the satisfaction of the Department. Emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department (BD); and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) before any new buildings/building works are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained. An Authorized Person should be appointed as the co-ordinator for the proposed buildings/building works in accordance with the BO;
- (b) presumably the Site abut on a specified street – Fan Kam Road of not less than 4.5m wide, and as such, the development intensity shall not exceed the permissible as stipulated under the First Schedule of the Building (Planning) Regulations (B(P)R);
- (c) the Site shall be provided with emergency vehicular access in accordance with the B(P)R 41D and the requirement under Section 6, Part D of the Code of Practice for Fire Safety in Building 2011;
- (d) the sustainable building design requirements and pre-requisites under Practice Note for Authorised Persons and Registered Structural Engineers (PNAP) APP-151 &152 would be applicable to the proposed development if GFA concessions for no-mandatory/non-essential plant rooms and services are claimed; and
- (e) detailed consideration will be made at building plan submission stage.

District Officer's Comments

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

- (a) the Permitted Burial Ground of Lin Tong Mei (Site No. N/S/9B) is located in the vicinity of the Site;
- (b) he consulted the locals regarding the application and applicant's FIs;
- (c) the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Lin Tong Mei, the RR of Ying Pun, the Chairman of Golf Parkview Owners' Committee and 6 members of the public object to the application. The main objecting views are summarised in the following:
 - (i) Fan Kam Road is narrow. The proposed development would increase the traffic flow of Fan Kam Road causing adverse traffic impact and bringing inconvenience to the elderly in the area. It would increase the traffic of Tai Tau Leng roundabout which is congested in peak hours;
 - (ii) the Site is within the village burial ground¹. The proposed development would affect Fung Shui ; and
 - (iii) there are mainly residential developments and agricultural use in the area. Commercial activity would affect the tranquil environment and is not suitable in this area;
- (d) the Chairman of The Green Owners' Committee and 21 members of the public support the application mainly on the grounds that the proposed development would bring convenience to the residents in the area of Fan Kam Road as similar facility is inadequate in the vicinity, but offers views that the intensity of the proposed development might be not compatible with the developments in the vicinity; concerned departments should improve traffic and sewage facilities in the area to cater for the proposed development; opening hours of the proposed development should not affect nearby residents; and car parking spaces should be reduced and sitting area should be provided for tourists and local residents; and
- (e) the North District Council (NDC) member of the subject constituency², another NDC member, the Chairman of the Sheung Shui District Rural Committee (SSDRC) and the Chairman of Miami Crescent Owners' Committee indicate no comment on the application. The 2 NDC members provide views that the proposed

¹ The Site is located outside the Permitted Burial Ground (**Plan Z-2**).

² The NDC member of the subject constituency raises objection in the first round of consultation but has no comment on the subsequent FIs.

development should serve the public, instead of being the facility of any residential development.

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

- (a) Commissioner of Police;
- (b) Chief Engineer/Construction, WSD (CE/C, WSD); and
- (c) Project Manager (New Territories East), Civil Engineering and Development Department (PM(NTE), CEDD).

10. Public Comments Received During Statutory Publication Period

10.1 On 26.5.2017, 27.10.2017, 3.11.2017, 23.3.2018 and 8.6.2018, the application and the FIs were published for public inspection respectively. During the statutory public inspection periods, a total of 30 public comments were received, as summarised below:

Public Inspection Period	Supportive comment	No comment	Providing views	Objecting/ Adverse Comments	Total
26.5.2017 – 16.6.2017 (Original Submission received on 18.5.2017)	0	1	1	7	9
27.10.2017 – 17.11.2017 (FI dated 12.10.2017)	0	1	0	2	3
3.11.2017 – 24.11.2017 (FI dated 23.10.2017)	0	1	0	6	7
23.3.2018 – 13.4.2018 (FI dated 15.3.2018)	1	2	0	2	5
8.6.2018 – 29.6.2018 (FI dated 1.6.2018)	0	2	0	4	6
Total	1	7	1	21	30

* A public comment submitted by the Chairman of the SSDRC is received by the TPB outside the public inspection periods.

10.2 The supportive comment is from a member of general public (**Appendix VI-1**) who states that the Site has been abandoned for many years and should be for development. The 7 comments indicating no comment are from 2 members of general public (**Appendices VI-2 to VI-4**). The comment providing views only is from a member of general public (**Appendix VI-5**) who states that the section of the road is busy and involved some villages, the applicant should liaise with the SSDRC.

10.3 The 21 objecting comments are from a Legislative Council member cum NDC member, a NDC member, a former IIR of Lin Tong Mei, Green Sense, Designing Hong Kong, Kadoorie Farm & Botanic Garden Corporation and 3 members of general public (**Appendices VI-6 to VI-14**). Major objecting views are summarised as follows:

- (a) the Government has announced establishment of the Agricultural Park in Kwu Tung South. The proposed rezoning is not in line with the future development intention in the area and would cause damage to the original green belt area;
- (b) Fan Kam Road is busy and narrow, and its traffic capacity is limited. The proposed development would increase traffic flow and create congestion as well as jeopardise road users' and pedestrian safety. The sightline of drivers at the junction of Fan Kam Road and the road connecting to Tai Lung is always blocked and the proposed development would deteriorate this situation. The proposed development might affect the future Fan Kam Road improvement works;
- (c) the proposed development would affect the landscape, natural environment and tranquil environment of the area;
- (d) Dongjiang water pipe serving the area of Tai Lung is laid underneath the access road to Tai Lung. The proposed development may adversely affect the water quality and reliability of water supply;
- (e) the Site is close to the permitted burial ground. The burial grounds and fung shui might be affected during construction period and operation of the proposed development; and
- (f) tree clearance in the Site has been found. Approval of the application may reward unauthorised use and/or 'destroy first and develop later' situation in the Site. The rejection reasons for the previous planning application No. A/NE-KTS/404 for petrol filling station are still applicable to the current rezoning application. Approval of the application would set an undesirable precedent for similar applications. The cumulative impacts would result in a general degradation of the environment and landscape quality of the area.

11. Planning Considerations and Assessments

11.1 The application is for rezoning of the Site from "GB" to "C", restricted to a maximum GFA of 3,071m², a maximum SC of 33% and a maximum BH of 3 storeys, to facilitate a proposed commercial development with 'shop and services' and 'eating place' uses. The indicative scheme submitted by the applicant illustrates a 3-storey commercial building at the northern portion of the Site with uncovered area for landscaping, car parking spaces, loading/unloading spaces and access road.

Planning Intention

11.2 The Site occupies the majority part of the subject "GB" zone adjoining a knoll covered by densely vegetated woodland. The "GB" site together with the woodland to the east (which is not covered by OZP) serves the function of "GB" to define the limits of sub-urban residential developments in the south and the village settlements in the east. As shown on the aerial photo taken in 2012 (**Plan**

Z-3b), the Site was covered by trees and vegetation and formed part and parcel of the adjoining woodland performing the green belt function. Approval of the rezoning application would defeat the function of the subject “GB” zone serving as a natural buffer between the village settlements/residential developments and the woodland to the east. The applicant fails to provide strong justification and planning merit in the application to justify the proposed rezoning of the Site from “GB” to “C” for commercial development. The current “GB” zone is appropriate for the Site.

Land Use Compatibility

11.3 The Site is currently vacant and covered by weeds. It is situated in an area of rural character predominantly consists of woodland areas with Permitted Burial Ground, Hong Kong Golf Club, few patches of fallow farmland, some domestic structures and a low-rise low-density residential development (**Plans Z-2 and Z-3**). Although there are low-density residential developments and Lin Tong Mei Village in the vicinity, it is considered that a commercial development of the proposed scale is not justified at this location. The Sheung Shui New Town is about 2.5km away. Besides, certain commercial uses serving the needs of the community are generally permitted on the ground floor of specified village houses in the nearby “Village Type Development” zones. CTP/UD&L, PlanD objects to the application from the landscape planning perspective as the piecemeal development in “GB” zone will cause gradual degradation of landscape resources and character in the area undermining the function of the “GB” zone. Besides, the approval of this application would set an undesirable precedent. DAFC does not support the application from nature conservation and agriculture points of view as the proposed development, if approved, may pose indirect impact and increase human disturbance to the adjacent woodland. Moreover, the Site is largely an abandoned land overgrown with grasses and well served by road access, it possesses potential for agricultural rehabilitation.

Technical Considerations

11.4 C for T does not support the application as the applicant fails to demonstrate that the proposed development would not cause adverse road safety problem. Both C for T and CHE/NTE, HyD have concerns on road safety at the junction of Fan Kam Road and the access road to the Site. Other Government departments consulted, including DEP, CE/MN, DSD, CE/C, WSD and (H)GEO, CEDD, have no adverse comment on or objection to the application.

Previous Application

11.5 There is no previous rezoning request/s.12A rezoning application for the Site. Nevertheless, a previous s.16 planning application (No. A/NE-KTS/404) for proposed petrol filling station with ancillary facilities submitted by the same applicant was rejected by the Committee on 8.4.2016 on the grounds of being not in line with the planning intention of the “GB” zone; not comply with the TPB PG-No. 10; unable to demonstrate no adverse traffic, environmental, sewerage, landscape and fire safety impacts on the surrounding areas; setting an undesirable precedent; and approving similar applications causing a general degradation of the natural environment.

Setting of Undesirable Precedent

- 11.6 There is no similar approved rezoning application on the Kwu Tung South OZP. The approval of the application would set an undesirable precedent for similar rezoning applications of the “GB” zone in the area. The cumulative effect of approving such similar application would cause gradual degradation of landscape resources and character in the area, and result in adverse traffic, landscape and drainage impacts on the surrounding areas.

Local Views and Public Comments

- 11.7 There are local objections as conveyed by DO(N). 30 public comments are received during statutory public inspection period. Amongst them, 21 public comments against the application. The objecting views are mainly on grounds of the proposal causing damage to the original green belt area; having adverse impacts on environment, traffic, landscape, water supply to the surrounding area; rewarding ‘destroy first and develop later’ situation in the Site etc. In this regard, relevant Government departments’ comments and planning assessments as stated in paragraphs 11.2 to 11.6 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the local views and public comments mentioned in paragraphs 9.1.13 and 10, the Planning Department does not support the rezoning application for the following reasons:
- (a) the Site forms part of the “GB” zone serving as a buffer between the village settlements/residential developments to the south and west and the woodland to the east. The applicant fails to provide strong justification to justify the proposed rezoning;
 - (b) the applicant fails to demonstrate that the proposed rezoning for proposed commercial development would not cause adverse traffic and landscape impacts on the surrounding areas; and
 - (c) approval of the rezoning application would set an undesirable precedent for similar rezoning applications within the “GB” zone. The cumulative effect of approving such similar applications would result in gradual degradation of landscape resources and character in the area and adverse traffic and landscape impacts on the surrounding areas.
- 12.2 Alternatively, should the Committee decide to agree / partially agree to the application, the proposed amendments to the approved Kwu Tung South OZP No. S/NE-KTS/16 would be submitted to the Committee for approval prior to gazetting under Section 5 of the Town Planning Ordinance upon reference back of the OZP.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 13.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 18.5.2017
Appendix Ia	Supplementary Planning Statement [#]
Appendix Ib	Letter with attachments received on 16.5.2017
Appendices Ic and Ic(i)	FI dated 12.10.2017 [#]
Appendices Id and Id(i)	FI dated 23.10.2017 [#]
Appendices Ie and Ie(i)	FI dated 15.3.2018 [#]
Appendices If and If(i)	FI dated 1.6.2018
Appendices Ig and Ig(i)	FI dated 23.7.2018
Appendix Ih	FI dated 27.7.2018
Appendix Ii	FI dated 3.8.2018
Appendix Ij	FI dated 8.8.2018
Appendix II	Proposed Schedule of Uses for the Proposed “Commercial” Zone submitted by the Applicant
Appendix III	Previous Application
Appendices VI-1 to VI-14	Public Comments
Drawing Z-1	Floor Plan
Drawing Z-2	Section Plan
Drawing Z-3	Landscape Master Plan
Drawing Z-4	Traffic Arrangement Plan
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plans Z-3a and 3b	Aerial Photos
Plans Z-4a to 4c	Site Photos

[#] Technical assessments replaced by revised version are taken out by the applicant.