

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

APPLICATION NO. Y/NE-KTS/12

- Applicant** : Base One Limited represented by Llewelyn-Davies Hong Kong Ltd.
- Site** : Lot 2579 in D.D. 92, Kwu Tung South, Sheung Shui, New Territories
- Site Area** : 37,560m² (about)
- Lease** : New Grant Lot
- Plan** : Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/16
- Zonings** : “Comprehensive Development Area” (“CDA”) (about 97.1%)
restricted to a maximum plot ratio (PR) of 0.4, a maximum site coverage (SC) of 20%, and a maximum building height (BH) of 3 storeys including car park
“Recreation” (“REC”) (about 1.4%)
restricted to a maximum PR of 0.2 and a maximum BH of 2 storeys (6m)
“Government, Institution or Community” (“G/IC”) (about 1%)
Area shown as ‘Road’ (about 0.5%)
- Proposed Amendment** : Rezoning from “CDA”, “REC”, “G/IC” and an area shown as ‘Road’ to “CDA(1)” with a maximum PR of 3 and a maximum BH of 75mPD

1. The Proposal

- 1.1 The application is for rezoning of the application site (the Site) (**Plans Z-1a and Z-2**), which is mainly zoned “CDA” with minor portions in “REC” and “G/IC” zones and area shown as ‘Road’, to “CDA(1)”, restricted to a maximum PR of 3 and a maximum BH of 75mPD, on the approved Kwu Tung South (KTS) OZP No. S/NE-KTS/16 to facilitate a proposed residential development. A set of Notes for the proposed “CDA(1)” zone submitted by the applicant is at **Appendix II**. The proposed Notes are similar to those of the existing “CDA” zone except for increased maximum PR and BH.

- 1.2 The Site involves 3 previous s.16 applications and a previous s.12A application (**Plan Z-1a**) under the current “CDA” zoning. The last s.16 application (No. A/NE-KTS/267) for a proposed comprehensive residential development with PR of 0.4, SC of 20% and BH of 3 storeys was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 19.12.2008. A set of building plans for the proposed development was approved on 23.3.2011 but construction work has not commenced. For the s.12A application (No. Y/NE-KTS/6) for rezoning the “CDA” site to “CDA(1)” to increase the PR from 0.4 to 2.1 and BH from 3 storeys to 60mPD (14 storeys) was not agreed by the Committee on 28.7.2016.
- 1.3 According to the submission, the proposed development in the indicative scheme consists of 12 residential blocks of 16, 18 and 19 storeys and a 2-storey clubhouse. The Site is accessible via Kam Hang Road in the south connecting Kwu Tung Road (**Drawing Z-1** and **Plan Z-2**). The anticipated completion year of the proposed development is 2023. The Master Layout Plan (MLP), Section Plan, Landscape Master Plan (LMP) and photomontages of the indicative scheme are at **Drawings Z-1 to Z-8** respectively. The proposed development parameters are as follows:

Site Area	37,560m ² (about)
Maximum PR	3
GFA	112,680m ²
Maximum BH	75mPD (16 to 19 storeys above ground)
Maximum SC	33.33%
Number of Residential Blocks	12
Number of Flats	1,573
Average Flat Size	71.63m ² (about)
Car Parking Provision	
- Private Car	611
- Motorcycle	16
- Loading/Unloading Spaces	12
Private Open Space	Not less than 4,562m ² (for estimated population of 4,562)

- 1.4 The applicant proposes in the submitted Traffic Impact Assessment (TIA) (**Appendices Ic, Id, If, Ig, Ii and Ik**) to improve Kam Hang Road and associated junctions including (i) to provide a public transport lay-by at Kam Hang Road, (ii) to modify the junction of Kam Hang Road/Kam Tsin Road/Kam Tsin South Road near Kam Tsin Village into a roundabout to facilitate the turn-around movements of the public transport services; and (iii) to widen Kam Hang Road from 6m to 7.3m carriageway with minor modifications to junctions at this section (**Drawing Z-9**), as well as to carry out junction improvement works at the junction of Castle Peak Road – Kwu Tung Section/Fan Kam Road. With the above proposed improvement works and other improvement works for the junction of Fanling Highway/Fan Kam Road/Po Shek Wu Road to be implemented by Civil Engineering and Development Department (CEDD) and proposed by District

Council members, the TIA concludes that the proposed development is acceptable from the traffic engineering point of view. The applicant will implement the proposed improvement works along Kam Hang Road and associated junctions, however, for the other proposed junction improvements, the implementation party has not been identified. In response to the concerns raised by the Committee when considering the last s.12A application No. Y/NE-KTS/6, the TIA includes a sensitivity test to take into account the potential cumulative impacts from the undeveloped “CDA” zones in KTS (with maximum PR of 0.4) assuming all with an increased PR of 3. The sensitivity test demonstrates that, with the above improvement schemes, all junctions will operate with ample capacity.

- 1.5 The applicant has submitted an Environmental Assessment (EA) (**Appendix Id**). Regarding air quality, there is sufficient buffer distance from the surrounding road networks, and therefore the Site is not subject to unacceptable vehicular emission impact. Regarding noise impact, after adoption of all practicable noise mitigation measures, including the orientation and setback of residential blocks, use of solid fence wall, use of acoustic fin with Sound Absorptive Material, use of fixed glazing with maintenance window/blank wall, acoustic balcony, and acoustic window and enhanced acoustic balcony (baffle type), no unacceptable road traffic noise impact is anticipated. With implementation of proposed noise mitigation measures (i.e. low noise road surfacing or 1.5m high vertical noise barriers), the predicted overall noise levels at all existing noise sensitive receivers along Kam Hang Road would comply with the noise limit.
- 1.6 The applicant has submitted a Sewerage Impact Assessment (SIA) (**Appendix II**). The sewage is proposed to discharge to Shek Wu Hui Sewerage Treatment Works (SWHSTW) via Tsung Pak Long Sewage Pumping Station subject to the programme of upgrading works on the SWHSTW. In case of programme mismatch, a temporary on-site sewage treatment plant is proposed and its treated effluent would be discharged to the proposed stormwater drain along Kam Hang Road. The SIA indicates that no insurmountable sewerage impact from the proposed development is anticipated.
- 1.7 According to the Drainage Impact Assessment (DIA) (**Appendix Ic**) submitted by the applicant, it is proposed to convey the runoff from the proposed development and the area to the south of the Site to a proposed drain along Kam Hang Road discharging into the upstream section of River Beas. The DIA concludes that the proposed development is technically feasible from drainage impact point of view.
- 1.8 The applicant has submitted a Landscape Design Proposal and Tree Survey and Preservation Proposal (**Appendix Ic**). Amongst the 212 trees within the Site, 170 trees would be felled and 42 trees would be retained. A total of 639 trees would be planted for compensation. A communal private open space integrating with the existing orchard garden in the middle of the Site, a landscape garden in the west of the Site, and trees and shrub planting along internal roads are proposed. LMP is at **Drawing Z-3**.

- 1.9 According to the Visual Impact Assessment (VIA) submitted by the applicant (**Appendices Ic, Ih and Ij**), with incorporation of stepped building height profile, building separations and appropriate landscape treatments, the proposed development, both in terms of land use and development intensity, is visually compatible with its surrounding developments. Photomontages are at **Drawings Z-4 to Z-8**.
- 1.10 According to the Air Ventilation Assessment (AVA) (**Appendices If, Ig and Ii**) submitted by the applicant, three 15m wide building separations (i.e. northeast/southwest, east/west, and south/north) and at least 4m building setback along the site boundary (**Drawing Z-10**) are proposed. The AVA demonstrates that comparing the baseline scheme (i.e. the approved scheme under s.16 Application No. A/NE-KTS/267 with PR of 0.4, SC of 20% and BH of 3 storeys), the overall air ventilation performances of the indicative scheme are comparable.
- 1.11 The applicant proposes to have careful building disposition and façade treatment, landscape screening and minimisation of external lighting (the fire escape staircases facing away from the north where future Long Valley Nature Park (LVNP) are situated or enclosing the staircases at the centre of the buildings) to minimise the disturbances to LVNP. The potential impact on LVNP will be minimal.
- 1.12 In view of the underground high pressure town gas pipeline in the vicinity of the Site (**Plan Z-2**), the applicant has submitted a Quantitative Risk Assessment (QRA) (**Appendices Ic, Id, If and Ig**), which indicates that the risk associated with the underground high pressure town gas pipelines are in the “Acceptable” region of the relevant guidelines.
- 1.13 The Water Supply Impact Assessment (WSIA) (**Appendix Id**) submitted by the applicant indicates that, with the proposed watermain connecting the Site, the fresh water could be supplied from the Kwu Tung Freshwater Service Reservoir.
- 1.14 In response to Social Welfare Department (SWD)’s suggestion, the applicant is willing to provide an Integrated Home Care Services Team (IHCST) (2 teams kitchen-based) with internal floor area (IFA) of 210m² (equivalent to a Gross Floor Area (GFA) of about 352m², assuming exempted from the total GFA calculation) in the proposed development. The facility will be included in the future s.16 planning application.
- 1.15 In support of the application, the applicant has submitted the following documents:
 - (i) Application Form with 2 letters of 15.8.2018 (**Appendix I**) and 29.8.2018 received on 30.8.2018
 - (ii) Supplementary Planning Statement (**Appendix Ia**)
 - (iii) Further Information (FI) of 14.9.2018 (**Appendix Ib**)

(iv) FI of 7.12.2018 [#]	(Appendices Ic(i) and Ic(ii))
(v) FI of 15.2.2019 [#]	(Appendices Id(i) and Id(ii))
(vi) FI of 19.2.2019	(Appendix Ie)
(vii) FI of 18.4.2019 [#]	(Appendices If(i) and If(ii))
(viii) FI of 25.6.2019 [#]	(Appendices Ig(i) and Ig(ii))
(ix) FI of 18.7.2019	(Appendices Ih(i) and Ih(ii))
(x) FI of 19.8.2019	(Appendices Ii(i) and Ii(ii))
(xi) FI of 30.8.2019	(Appendix Ij)
(xii) FI of 5.9.2019	(Appendices Ik(i) and Ik(ii))
(xiii) FI of 10.9.2019	(Appendices Il(i) and Il(ii))
(xiv) FI of 12.9.2019	(Appendix Im)

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1.16 The application was originally scheduled for consideration by the Committee on 16.11.2018. On 16.11.2018, 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 on 25.6.2019, the application is rescheduled for consideration by the Committee at this meeting on 20.9.2019.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 11 of the Supplementary Planning Statement at **Appendix Ia** and FIs at **Appendices Ic, Id, Ik and Im**. They are summarized as follows:

- (a) The proposed residential development concurs with the current Government policy to boost housing and land supply through optimisation of scarce land resources. The rezoning application could contribute to additional housing supply to ease the shortage of housing land supply.
- (b) As compared with the previous scheme under approved application No. A/NE-KTS/267, a number of design merits and refinements such as removal of 8m high noise barrier along Fanling Highway and provision of stepped building height profile, wind corridors and innovative landscape design are provided under the current scheme.
- (c) The proposed development will bring forth planning gain to the adjacent

community, such as road widening, public transport lay-by and roundabout and associated junction improvement.

- (d) The proposed development is compatible with the surroundings and the Kwu Tung North New Development Area (KTN NDA) as it would blend in well with the planned residential development in the KTN NDA.
- (e) The applicant has acquired the entire site. Timely realisation of the proposed development can be guaranteed and achieved.
- (f) Technical assessments in terms of traffic, landscape, visual, environment, sewerage, drainage, water supply, air ventilation and quantitative risk have concluded that, with the proposed mitigation and improvement measures, there would be no insurmountable problems to upzone the Site. The proposed development would not set an undesirable precedent.
- (g) With regard to a public concern on the construction works that may pose dangers to existing structures in the vicinity, the applicant points out that construction works will follow and comply with relevant statutory requirements and regulations during construction stage to ensure safety and minimise potential nuisances.
- (h) The provision of the IHCST as suggested by SWD is an optimal option for incorporation in the proposed development. The “Ageing in Place” and “Continuum of Care” concepts of the IHCST could be readily adopted in the private residential development, hence, enable better integration and create greater synergy between the IHCST and the private development. For other social welfare facilities suggested by SWD as stated in paragraph 9.1.15, the applicant is of the view that as there should be already adequate planned provision of other social welfare facilities (including child care, youth services, elderly services, etc.) in the adjacent KTN NDA, it is considered not necessary to be provided in the proposed development. The agglomeration of these facilities within the NDA could allow greater efficient use of the facilities by co-locating close to each other to offer more comprehensive and better services for target users.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

4.1 The Site is currently not a subject of any active enforcement case.

4.2 The Site was mainly zoned “REC” on the draft KTS OZP No. S/NE-KTS/1 gazetted on 3.6.1994. Having considered the objection (submitted by the then

owner of the Site) to the “REC” zoning covering the Site, the Board agreed in 1997 to propose to rezone it to “CDA” with a maximum PR of 0.4, SC of 20% and BH of 3 storeys with preservation of the existing orchard at the Site to partially meet the objection. The “CDA” zoning was confirmed on 31.10.1997. The zoning, development restrictions and boundary of the current “CDA” zone have remained unchanged since then.

5. Previous Applications

- 5.1 The Site involves 6 previous s.16 applications (No. A/DPA/NE-KTS/125, A/NE-KTS/5, 6, 75, 220 and 267) and a previous s.12A application (No. Y/NE-KTS/6). Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plan Z-1a**.

Under “Unspecified Use”/“REC” Zone (3 applications)

- 5.2 Application No. A/DPA/NE-KTS/125 for proposed low-density residential development and a memorial garden at the site (PR of 0.4), which was designated “Unspecified Use” on the KTS Development Permission Area Plan, was rejected by the Board on review on 27.5.1994 mainly on grounds of being not in line with the general planning intention of the area, excessive scale and intensity of the proposed development, extensive tree felling, insufficient information on landscaping proposals and TIA, and adversely affecting strategic road proposal.
- 5.3 2 applications (No. A/NE-KTS/5 and 6) were considered by the Committee when the area was zoned “REC”. Application No. A/NE-KTS/5 for proposed low-density residential development and associated open space at the site was rejected by the Board on review on 10.3.1995 mainly on grounds of being not in line with the general planning intention of the area, excessive intensity of the proposed development, aggravating the traffic condition, and unsatisfactory TIA. Application No. A/NE-KTS/6 for proposed low-density residential development and associated open space at the site was approved with conditions on 4.11.1994 mainly on considerations of being in line with the planning intention of the then “REC” zone, acceptable development intensity, and adequate road improvement works. The planning permission lapsed on 5.11.1998.

Under “CDA” Zone (4 applications)

- 5.4 After the Site was rezoned to “CDA” on 31.10.1997, applications No. A/NE-KTS/75 and A/NE-KTS/220 for proposed comprehensive residential development were approved with conditions on 19.6.1998 and 25.11.2005 respectively mainly on the considerations of being in line with the planning intention of the “CDA” zone, preservation of all fruit trees, provisions of open space and landscape area, and not causing adverse environmental, traffic, drainage and visual impacts to the surrounding areas. The planning permissions lapsed on 20.6.2001 and 26.11.2009 respectively.
- 5.5 Application No. A/NE-KTS/267 for proposed comprehensive residential

development was approved with conditions on 19.12.2008 mainly on grounds similar to the previously approved scheme under Application No. A/NE-KTS/220. The building plans were approved on 23.3.2011 and land exchange to effect the agreed scheme has been executed, but construction work has not commenced.

- 5.6 On 28.7.2016, the Committee considered a s.12A application No. Y/NE-KTS/6 for rezoning the “CDA” site to “CDA(1)” to increase the PR from 0.4 to 2.1, SC from 20% to 37% and BH from 3 storeys to 60mPD (14 storeys) for the same residential use. Members considered that the main concern was on the cumulative traffic impact and infrastructure provisions in the KTS area. After deliberation, the Committee decided not to agree to the application for reasons that the proposed development parameters including PR and BH are significantly higher than the surrounding areas and incompatible with the present low-rise and low-density character of the KTS area; and approval of the subject rezoning application would set an undesirable precedent for similar rezoning applications. The cumulative effect of approving such similar applications would result in adverse traffic impact on the surrounding areas, as well as infrastructure provisions in the KTS area.

6. Similar Application

There is one similar s.12A application (No. Y/NE-KTS/9) for proposed rezoning of a site to the west of the current Site (**Plan Z-1a**) from “REC” and “CDA” to “Other Specified Uses” annotated “Integrated Development with Residential, Farming and Community Facilities” with a maximum PR of 3.6, SC of 48% (below 15m), BH of 16 storeys (63.5mPD) and a total residential flat number of 538. The rezoning application was not agreed by the Committee on 8.4.2016 for similar reasons of Y/NE-KTS/6. Details of the similar application are summarized at **Appendix IV** and its location is shown on **Plan Z-1a**.

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

7.1 The Site is:

- (a) fenced, generally flat, partly paved and partly covered by wild grass with trees;
- (b) with an orchard in the north-eastern portion (Photo 6 in **Plan Z-4b**), 2 structures at the north-western corner (Photos 10 and 11 in **Plan Z-4c**), and vacant land with scattered open storages of construction materials, steel bars and containers; and
- (c) accessible via Kam Hang Road and Kwu Tung Road connecting Fanling Highway.

7.2 The surrounding areas have the following characteristics:

- (a) to the east are De La Salle Secondary School, St. Paul's House of Prayer, unused land, domestic structures, car park and car repairing yard;
- (b) to the south-east across Kam Hang Road are residential developments, village cluster of Kam Tsin village and a piece of grassland and woodland;
- (c) to the southwest and west are mainly domestic structures, plant nursery, car park and fallow agricultural land; to the further southwest across Kam Hang Road are domestic structures, open storage of construction material, warehouse and plant nursery; and
- (d) to the north across Fanling Highway are the KTN NDA with an area zoned "Other Specified Uses (Business and Technology Park)" ("OU(Business and Technology Park)"), "OU(Amenity)" and "Open Space" on the approved Kwu Tung North OZP No. S/KTN/2. Amongst which, "OU (Business and Technology Park)" is subject to a maximum PR of 3 and BH of 40 to 55mPD.

8. Planning Intention

The planning intention of the "CDA" zone is for comprehensive development of the area for residential uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. According to the ES of the OZP, a large orchard of about 1.56ha in the north-eastern part of the Site is vegetated with mature fruit trees of high amenity and landscape value. It is considered that the orchard should be preserved and any development at the site should not adversely affect the amenity and landscape value of the orchard.

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 Lot No. 2579 in D.D. 92 which is restricted for private residential purposes with a maximum GFA of 15,024m² (PR of 0.4). Should the application be approved, the lot owner should apply to his department for a lease modification for implementation

of the proposed development scheme. Such application will be considered by his department acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including but not limited to the payment of an administrative fee and premium as the Government sees fit;

- (b) in relation to the proposed traffic improvement measures, it is advised that his department would normally seek comments from concerned departments, in this particular, TD and HyD, under the prevailing arrangement during the lease modification application stage. In general, appropriate requirements from concerned departments may be incorporated into the lease conditions. Each case is to be considered on its own merit. His office reserves their comment on the detailed design and development parameters of the proposed development scheme at this stage; and
- (c) there is a tree '*Dracontomelon Duperreanum*', which shall be maintained and preserved as required under the Conditions of Exchange of the land exchange case governing the subject Lot. It is noted that the said tree is annotated Tree No. 8 in the Tree Assessment Schedule in Annex B2-1 and Tree Survey Plan (Drawing No. TSP-01) of the applicant's submission (**Appendix Ic**), and the applicant is reminded to preserve the tree under the application.

Traffic

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

- (a) having considered the TIA and FIs submitted by the applicant, he has no comment on the application from traffic engineering viewpoint; and
- (b) the TIA from the applicant is based on the assumption of the proposed traffic impact measures in North District to be implemented by others. The applicant should note that these traffic improvement measures are uncertain at this moment and subject to changes during the course of the project development. In case those traffic improvement measures would not be carried out by the relevant Government department(s) and/or party(ies), the applicant is required to reassess traffic impact and to implement appropriate traffic improvement works to the satisfaction of the C for T. All traffic improvement measures required for alleviating the traffic impact of the development shall be implemented prior to the population intake.

Environment

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

- (a) he has no objection to the application from noise and air quality planning and waste management perspectives; and
- (b) should the application be approved, the applicant is requested to submit the following in the future s.16 application:
 - (i) to submit a Noise Impact Assessment report for the MLP/GBP and to provide noise mitigation measures to achieve 100% compliance with road traffic noise standard to the satisfaction of DEP/the Board; and
 - (ii) to submit a Road Traffic Noise Impact assessment of existing, committed and planned NSRs earmarked on the relevant OZP and other relevant published land use plan, including plans and drawings published by the LandsD and any land use and development applications approved by the Board in the vicinity of their road widening works on Kam Hang Road; and to provide measures to mitigate the road traffic noise impacts to comply with road traffic noise standards to the satisfaction of DEP/the Board.

Sewerage

9.1.4 Comments of the DEP:

- (a) he has no comment on the application and the SIA report from environmental planning perspective; and
- (b) should the application be approved, the applicant is requested to carry out the upgrading sewerage works as mentioned in the SIA report in the future s.16 application to cater for the sewage generated from the proposed development.

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

should the application be approved, the applicant is requested to submit a detailed proposal of sewerage connections works in the future s.16 application.

Drainage

9.1.6 Comments of the CE/MN, DSD:

- (a) he has no objection to the application; and
- (b) should the application be approved, in the future s.16 application, the applicant is requested to submit a detailed drainage proposal for the Site which should include the recommended mitigation measures in the DIA, the drainage system within the Site and the drainage connections to ensure the proposed development will not cause adverse drainage impact to the adjacent area.

Urban Design and Visual

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

- (a) the Site is located in the KTS area, separated by the Fanling Highway from the planned KTN NDA in the north. The BHs of the KTN NDA descend from the town centre (145mPD to 110mPD) towards the southern periphery by designating some low to medium-rise GIC facilities and Business and Technology Park (55mPD to 40mPD) along Fanling Highway to allow visual relief between the KTN NDA and the existing low-rise development in the KTS area. The KTS area is characterised predominantly by village type development and low-rise low-density residential developments. According to the OZP, residential developments in the KTS area are in general subject to a maximum PR of 0.2 to 0.43 and maximum BH of 2 to 3 storeys;
- (b) the applicant proposes stepped height profile descending from north to south within the Site. Given the surrounding context and the aforementioned intended stepped BH profile descending from the KTN NDA town centre towards the rural setting in the KTS area, the proposed rezoning subject to a maximum PR of 3 and a maximum BH of 75mPD would bring some changes to the existing low-rise low-density character of the KTS to the south of Fanling Highway. Nevertheless, as the Site is located in close proximity to the KTN NDA, the potential visual impact of the proposed development at a BH of 75mPD is considered not substantial in the wider context; and
- (c) to minimize its possible visual impact on the neighbourhood, the applicant is advised to incorporate suitable height variations or other architectural articulation in the design for enhancing the visual permeability at the subsequent planning application stage.

9.1.8 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

the proposed development consists of 12 tower blocks ranging from 16-storey to 19-storey which is about 433% to 533% higher than adjacent “R(C)2” developments with maximum BH of 3 storeys and permitted BH restriction of 3 storeys for “CDA” zone. It is undesirable from visual impact point of view and may not be compatible to adjacent “R(C)2” developments and BH restriction of the Site.

Air Ventilation

9.1.9 Comments of CTP/UD&L, PlanD:

the AVA submitted by the applicant shows that the overall performances of the baseline and proposed scheme on pedestrian wind environment are comparable under both annual and summer conditions. It is not anticipated that the proposed scheme with mitigation measures, i.e. (i) stepped BH ranged from 65.55mPD to 75mPD, (ii) removal of 8m-high noise barrier, (iii) three 15m-wide building separations, and (iv) at least 4m setbacks from the site boundaries, would generate significant adverse air ventilation impact on the overall pedestrian wind environment as compared with the baseline scheme, i.e. the approved scheme under previous application No. A/NE-KTS/267.

Landscape

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

- (a) he has no objection to the application from landscape planning perspective;
- (b) compared the aerial photo of 2014 to the latest photo of 2018, there is no significant change in the rural landscape character where the Site is located. The surrounding area comprises of Small Houses, temporary structures, open storage, car parks and clustered tree groups. The proposed rezoning is considered not incompatible with the landscape setting in proximity; and
- (c) the applicant is reminded that the Tree Incident Report and proposed tree treatment due to the proposed development shall be submitted to relevant authority for approval prior to commencement of works.

Nature Conservation

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

- (a) he has no objection in principle to the application from nature conservation perspective;

- (b) he noted that the applicant has proposed alternative orientation of residential towers T4 and T5 which would not be directly facing LVNP, and the applicant has suggested some more measures to minimise potential light glare impacts, including building disposition and façade treatment, landscape screening and minimisation of external lighting alongside having the fire escape staircase enclosed at the centre of the buildings. Should the abovementioned measures be implemented, he is of the view that any potential indirect impact to LVNP shall be minimised as far as possible. Should the application be approved, practicable and possible measures shall be explored in the implementation stage in order to minimise off-site (e.g. light glare) impacts to the future LVNP; and
- (c) it is not likely that the proposed development would have significant impact on the flight-lines of breeding birds at the egrettries nearby the Site, namely Ho Sheung Heung egrettry north of the Site and Man Kam To Road to the further northeast

Fire Safety

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

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

Water Supply

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

- (a) he has no objection to the application; and
- (b) his detailed comments on the WSIA are at **Appendix V**.

Electrical and Mechanical Aspects

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

he has no comment on the application and the QRA from his regulatory services perspective. His advice to the applicant relating to electricity supply is at **Appendix V**.

Social Welfare Facilities

9.1.15 Comments of the Director of Social Welfare (DSW):

to address the acute demand for social welfare services, he advises the applicant to explore the feasibility to incorporate the following welfare facilities in the proposed development: IHCST (2 teams kitchen-based) (with IFA of 210m²), Hostel for Moderately Mentally Handicapped Persons (with IFA of 864m² for 50 places), Integrated Vocational Rehabilitation Services Centre (with IFA of 849m² for 120 places), Supported Hostel for Mentally Handicapped Persons (with IFA of 576m² for 40 places), Hostel for Severely Mentally Handicapped Persons (with IFA of 967m² for 50 places), Day Activity Centre (with IFA of 415m² for 50 places), and Hostel for Ex-Prisoners (female) (with IFA of 270m² for 24 places).

District Officer's Comments

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

he has consulted the locals on the application and the FIs. The Chairman of Sheung Shui District Rural Committee (SSDRC), the North District Council (NDC) member of the subject Constituency, the Resident Representatives (RRs) of Kwu Tung (South) and Kwu Tung (North) and 18 villagers (one letter with 61 signatures) objected to the application mainly on the following grounds:

- (i) there is high population density in this low-density rural area and there are several large scale residential developments in the vicinity of the Site. The traffic infrastructural and public transport services are inadequate in the area. The road is narrow and the road capacity cannot afford the additional population. The increasing traffic flow will aggravate traffic congestion on Castle Peak Road and the junction of Castle Peak Road/Fan Kam Road and Po Shek Wu Road/Fan Kam Road;
- (ii) although the 2014 Policy Address states increase in number of flats through increasing development intensity, it is unrealistic to ignore the impact on environment and infrastructure in the area;
- (iii) the proposed development would cause adverse impacts on environment, sewerage, ecology to the surrounding areas. Sewerage

facility is inadequate in the area. The sewage generated by additional population may pollute the river and affect hygiene;

- (iv) construction works of the proposed development may damage the nearby squatters; and
- (v) the proposed development would affect the tranquil environment of the area.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Commissioner of Police;
- (d) Director of Leisure and Cultural Services;
- (e) Head of Geotechnical Engineering Office ((H)GEO), CEDD; and
- (f) Project Manager/North (PM/N), CEDD.

10. Public Comments Received During Statutory Publication Period

10.1 On 7.9.2018, 21.12.2018, 22.2.2019, 3.5.2019 and 5.7.2019, the application and the FIs were published for public inspection respectively. During the statutory public inspection periods, a total of 276 public comments were received (see summary in the table below). Of which, 249 support and 26 object/provide adverse comments on the application. The remaining one comment (**Appendix VI-1**) submitted by the Hong Kong and China Gas Company Limited advises that the applicant should consult his company at design stage with regard to the high pressure pipeline close to the proposed development. All the public comments received are deposited at the Board's Secretariat for Members' reference.

Published Documents	Comments received		
	Support	Adverse/Object	Providing View
Application received on 30.8.2018	248	9	1
FI of 7.12.2018	0	6	0
FI of 15.2.2019	0	4	0
FI of 18.4.2019	0	5	0
FI of 25.6.2019	1	2	0
Total	249	26	1

Supporting Comments

10.2 The 249 supportive comments are submitted by individuals. Some typical supportive comments are at **Appendices VI-2 to VI-13**. Main supporting

grounds are summarised as follow:

- (a) The Site has been zoned for “CDA” and left vacant for many years. The proposed development with 1,573 small to medium-size flats would optimise the potential of precious land resource to meet the imminent housing demand. It is in line with Government’s housing policy to provide more residential flats.
- (b) The proposed development would phase out the brownfield activities and temporary structures in the Site for providing residential flats, beautifying the environment and enhancing the living quality of the area. It is in line with the intention of “CDA” zone.
- (c) The intensity and scale of the proposed development are compatible with the planned residential developments in the KTN NDA. In addition, with regard to the visual impact and air permeability, the proposed development with stepped building height design is compatible with the surrounding environment.
- (d) The Site is close to Fanling Highway. With the planned railway station, it is convenient for the residents to and from urban area. Moreover, the proposed widening of Kam Hang Road and provision of roundabouts would improve the traffic in the area.
- (e) The Site is away from Fanling and Sheung Shui new town. The proposed development will help alleviate population concentration in the existing town centre and would not impose burden on the saturated town centre.
- (f) The proposed development would attract economic activities to the area and create job opportunities.
- (g) There is no special conservation and ecological value in the Site. The proposed development would not cause adverse impact on ecology and environment. Development in the Site is better than that in Country Park.

Objecting/Adverse Comments

10.3 The 26 objecting/adverse comments are submitted by the NDC member of the subject Constituency, a NDC member, Indigenous Inhabitant Representative of Yin Kong Village, Village Representatives of KTS and Kwu Tung, a nearby resident with 61 signatures, individuals, 土地正義行動中心, Green Sense and Hong Kong Bird Watching Society (**Appendices VI-14 to VI-37**). Major objecting views are summarised as follows:

- (a) Although the 2014 Policy Address states increase in number of flats through increasing development intensity, it is unrealistic to ignore the impact on environment and infrastructure in the area.

- (b) The development intensity and scale of the proposed development are excessive. The proposed 12 towers of high-rise development would change the existing rural character and natural environment of the area. The proposed development may affect the local agricultural activities. It is not in line with the intention of “CDA” zone and incompatible with the surrounding rural setting.
- (c) Traffic congestion is frequently found in Kam Hang Road and Castle Peak Road – Kwu Tung. A number of residential developments near Tai Tau Leng roundabout will be completed and additional traffic to Castle Peak Road is anticipated. Moreover, local roads are narrow, and traffic infrastructure and public transport services (with only one green minibus route) are insufficient. The road system cannot cater for the proposed development. Since the worst traffic spots are at the junctions of Castle Peak Road-Kwu Tung/Fan Kam Road and Po Shek Wu Road and Fan Kam Road, the proposed improvement works along Kam Hang Road cannot address the traffic issue in the district. The proposed development would cause adverse impacts on traffic. Additional population from the proposed development would worsen the situation of vehicle-pedestrian conflicts.
- (d) The proposed high-rise buildings are highly visible over the Long Valley area. It is incompatible with surrounding areas and cause significant visual impact. There is a need to reduce the BH and revise the layout to avoid the potential visual impact in both daytime and nighttime.
- (e) The proposed development would pollute streams nearby and cause adverse impacts on sewerage, ecology and hygiene.
- (f) The development proposes to remove many original trees while a small number of trees is proposed to be retained.
- (g) Villages in the vicinity have concern on fung shui issue.
- (h) The rejection reasons of the previous application No. Y/NE-KTS/6, such as substantial increase in development parameters and incompatible with the character of the KTS area etc, are still valid. Approval of the application would set an undesirable precedent to other applications for high-rise developments in the KTS area and around ecological sensitive area like the Long Valley.
- (i) During construction period, many large vehicles with large construction machinery to and from the Site would worsen the saturated traffic and traffic congestion in Kwu Tung Road and Kam Hang Road. The construction workers of the Site would impose burden on the public transport services in rush hours. Moreover, the construction works of Site will create noise destroying the tranquil environment and damage the buildings/squatters nearby.

- (j) The golf course and its adjoining land should be developed for public housing and community facilities.

11. Planning Considerations and Assessments

11.1 The application is for rezoning the Site which is mainly zoned “CDA” (97.1%) to “CDA(1)” to increase the maximum PR from 0.4 to 3 and BH from 3 storeys to 75mPD to facilitate the proposed residential development. A set of Notes of the proposed “CDA(1)” zone submitted by the applicant is at **Appendix II**. There is no change to the user schedule. According to the indicative scheme submitted by the applicant, the proposed development comprises 12-residential blocks of 16-19 storeys above ground (max. 75mPD) with a total GFA of 112,680m² and 1,573 flats. Lower BHs of 65.55mPD and 71.85mPD are proposed for the 3 blocks at the southern part to form stepped BHs with the remaining blocks in the north with BH of 75mPD (**Drawings Z-1 and Z-2**).

Development Intensity and Urban Design

11.2 The Site is located in an area predominantly rural in nature, with low-rise and low-density residential developments, village houses, G/IC facilities, plant nursery, car park and fallow agricultural land in the vicinity (**Plan Z-2**). While the proposed residential use is compatible with the surrounding land uses, with regard the proposed increase in PR and BH, ArchSD comments that as the BH of the proposed development is about 500% higher than adjacent “R(C)2” developments, it is undesirable from visual impact point of view and may not be compatible with adjacent “R(C)2” developments. CTP/UD&L, PlanD considers that given the surrounding context and the planned stepped PR and BH profile descending from the KTN NDA Town Centre towards the rural setting in the KTS area (**Plan Z-1b**), the proposed rezoning subject to a maximum PR of 3 and a maximum BH of 75mPD would bring some changes to the existing low-rise low-density character of the KTS to the south of Fanling Highway. Nevertheless, as the Site is located in close proximity to the KTN NDA, the potential visual impact of the proposed development at a BH of 75mPD is considered not substantial in the wider context. To minimize its possible visual impact on the neighbourhood, the applicant is advised to incorporate suitable height variations or other architectural articulation in the design for enhancing the visual permeability at the subsequent s.16 planning application stage for the “CDA” zone should the rezoning application be approved. In terms of development intensity, the proposed PR of 3 and BH of 75mPD (stepped BHs of 65.55mPD to 75mPD) are not entirely incompatible with the developments in the KTN NDA on the other side of Fanling Highway.

Traffic, Environment and Other Technical Aspects

11.3 The applicant has submitted technical assessments, including TIA, EA, SIA, DIA, WSIA and QRA. For traffic aspect, C for T has no comment on the application, but reminds the applicant that all traffic improvement measures required for alleviating the traffic impact of the proposed development shall be implemented

prior to the population intake and that in case those proposed traffic improvement measures would not be carried out by the relevant Government department(s) and/or party(ies) in time, the applicant is required to reassess traffic impact and to implement appropriate traffic improvement works to the satisfaction of the C for T.

- 11.4 For environmental aspect, DEP considers the air quality and noise impact assessments acceptable but requests that Noise Impact Assessment and Road Traffic Noise Impact Assessment should be submitted in s.16 application stage should the Site be rezoned. For sewerage treatment, DEP has no comment on the application and the SIA report but requests that the upgrading sewerage works as mentioned in the SIA should be carried out in the future s.16 application stage. For drainage aspect, CE/MS, DSD has no objection to the application but requests that a proposal of sewerage connections works and drainage proposal should be submitted in s.16 application stage. WSD and EMSD have no comment on the WSIA and QRA respectively. The detailed requirements or concerns of relevant departments could be addressed at the s.16 planning application stage for the CDA development.

Cumulative Impact

- 11.5 As stated in paragraph 5.6 above, in considering a previous s.12A application no. Y/NE-KTS/6 in 2016, the Committee raised concern on possible cumulative traffic impact and infrastructure provisions in the KTS area should the proposed increase in development intensity be adopted in other similar sites in KTS. To address the Committee's previous concerns, the submitted TIA and SIA have included a sensitivity test to take into account the possible increase in development intensity in other three undeveloped "CDA" sites in KTS (PR assumed to be increased from 0.4 to 3). Concerned departments consider that the cumulative traffic and sewage impacts are acceptable.

Landscape and Tree Preservation

- 11.6 The applicant has submitted Landscape Design Proposal, and Tree Survey and Preservation Proposal. Of the 212 number of trees in the Site, 42 will be retained and 639 new trees are proposed to be planted. According to the ES of the OZP, the current "CDA" zoning is to encourage a comprehensive residential development with the preservation of the existing orchard at the north-eastern part of the Site. Under the indicative scheme submitted by the applicant, a group of existing trees would be preserved as an Orchard Garden within the future development (**Drawing Z-3**). CTP/UD&L, PlanD advises that the proposed rezoning is considered not incompatible with the landscape setting in proximity.

Air Ventilation

- 11.7 CTP/UD&L, PlanD advises that with the proposed mitigation measures, i.e. 3 strips of 15m wide building separation within the Site and at least 4m building set back from the site boundary, significant adverse air ventilation impact on the overall pedestrian wind environment is not anticipated.

Provision of Open Space and GIC Facilities

11.8 The proposed development will provide about 1,573 flats accommodating about 4,562 population. Private local open space of not less than 4,562m² is proposed in the Site according to the requirement in Hong Kong Planning Standards and Guidelines (HKPSG) to meet the need of the residents. Besides, there is generally sufficient provision of district open space in the KTS area to meet the new demand. For other GIC facilities, the existing and planned facilities in the KTS area or North District are sufficient to meet the need of the additional population of the proposed development. In response to SWD's suggestion for incorporation of some other social welfare facilities in the development, the applicant will incorporate an IHCST (assuming exemption from GFA calculation) in the proposed development in the future s.16 planning application.

Flat Supply

11.9 In view that the proposed development is acceptable from urban design, infrastructure and other technical aspects, the proposed increase in development intensity could optimize the use of scarce land resources to meet the pressing housing demand of the community.

Previous and Similar Applications

11.10 The Site was rezoned from "REC" to "CDA" with a maximum PR of 0.4, SC of 20% and BH of 3 storeys in 1997. A s.16 planning application (No. A/NE-KTS/267) for comprehensive residential development by the same applicant, which is in line with the permitted development intensity, was approved in 2008, but a s.12A application (No. Y/NE-KTS/6) for rezoning the Site to "CDA(1)" with a higher PR of 2.1 and BH of 60mPD was not agreed by the Committee mainly on grounds of traffic and infrastructure constraints and the possible cumulative impacts from other development sites in the area. A similar s.12A application (No. Y/NE-KTS/9) for proposed rezoning of a site to the west of the current Site from "REC" and "CDA" to "Other Specified Uses" annotated "Integrated Development with Residential, Farming and Community Facilities" with a maximum PR of 3.6 and BH of 16 storeys (63.5mPD) was not agreed in 2016 for similar consideration as mentioned in paragraph 6 above. As stated in paragraph 11.5 above, the possible cumulative traffic and sewage impacts are assessed by the applicant in the current application and acceptable to concerned departments. Besides, since the rejection of the previous s.12A application in 2016, the planning and infrastructure development for the Kwu Tung area have further proceeded. The site formation and infrastructure works (including road improvement works) for First Phase of the KTN NDA have obtained funding approval in May 2019 and will commence soon, and the Government is actively considering the development scheme of Northern Link submitted by the Mass Transit Railway Company Limited in 2017. To capitalize on the envisaged infrastructure improvement, a s.16 planning application (No. A/KTN/54) was submitted by CEDD for minor relaxation of the maximum PR/BH of 8 development sites (up to maximum PR of 6 for sites near KTN Town Centre) (**Plan Z-1b**) in the KTN/Fanling North NDA to optimize their development intensity, and Committee's approval was obtained in November 2018. Taking

into account the changes in the planning context and the departmental comments and planning assessments above, the proposed rezoning is considered acceptable.

Local Views and Public Comments

11.11 There are 22 local views conveyed by DO(N) and 276 public comments received (as stated in paragraphs 9.1.16 and 10), of which 48 object to the application mainly on grounds of excessive development intensity and scale, being not in line with the intention of “CDA” zone, adverse impacts on traffic, visual, sewerage, ecology, hygiene and trees, construction works damaging the building structures nearby, fung shui issue, and setting undesirable precedent. Relevant Government departments’ comments and planning considerations set out in paragraphs 11.2 to 11.8 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 9.1.16 and 10, the Planning Department has no objection to the proposed rezoning of the Site, which is mainly zoned “CDA” with minor portions in “REC” and “G/IC” zones and area shown as ‘Road’, to “CDA(1)” to facilitate the proposed residential development.

12.2 Should the Committee decide to agree/partially agree to the application for rezoning the Site to “CDA(1)” for the proposed residential development, PlanD would work out the appropriate amendments to the OZP including zoning boundaries, as well as the development restrictions and requirements to be set out in the Notes and/or Explanatory Statement for Committee’s agreement prior to gazetting under Section 5 of the Town Planning Ordinance upon reference back of the OZP for amendment by the Chief Executive in Council.

12.3 Alternatively, should the Committee decide not to agree to the subject application, the following reasons are suggested for Members’ reference:

- (a) the development parameters of the proposed “CDA(1)” zone including plot ratio and building height are significantly higher than the surrounding areas and incompatible with the present low-rise and low-density character of Kwu Tung South area; and
- (b) approval of the rezoning application would set an undesirable precedent for similar rezoning applications. The cumulative effect of approving such similar applications would result in incompatible developments and general degradation of the character and environment of the Kwu Tung South area.

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 with 2 Letters of 15.8.2018 and 29.8.2018 received on 30.8.2018
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI of 14.9.2018
Appendices Ic(i) and Ic(ii)	FI of 7.12.2018
Appendices Id(i) and Id(ii)	FI of 15.2.2019
Appendix Ie	FI of 19.2.2019
Appendices If(i) and If(ii)	FI of 18.4.2019
Appendices Ig(i) and Ig(ii)	FI of 25.6.2019
Appendices Ih(i) and Ih(ii)	FI of 18.7.2019
Appendices Ii(i) and Ii(ii)	FI of 19.8.2019
Appendix Ij	FI of 30.8.2019
Appendices Ik(i) and Ik(ii)	FI of 5.9.2019
Appendices Il(i) and Il(ii)	FI of 10.9.2019
Appendix Im	FI of 12.9.2019
Appendix II	Proposed Schedule of Uses for the Proposed “CDA(1)” Zone submitted by the Applicant
Appendix III	Previous Applications
Appendix IV	Similar Application
Appendix V	Detailed Departmental Comments
Appendix VI-1	Public Comment Providing Views
Appendices VI-2 to VI-13	Samples of Supporting Public Comments
Appendices VI-14 to VI-37	Samples of Objecting/Adverse Public Comments
Drawing Z-1	Master Layout Plan
Drawing Z-2	Section Plan
Drawing Z-3	Landscape Master Plan
Drawings Z-4 to Z-8	Photomontages
Drawing Z-9	Proposed Traffic Mitigation Measures along Kam Hang Road
Drawing Z-10	Proposed Air Ventilation Mitigation Measures
Plans Z-1a and Z-1b	Location Plan
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plans Z-4a to Z-4c	Site Photos