

Proposed Schedule of Uses for the Proposed “CDA(1)” Zone submitted by the Applicant

COMPREHENSIVE DEVELOPMENT AREA (1)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
	<ul style="list-style-type: none"> <li>Barbecue Spot</li> <li>Eating Place</li> <li>Flat</li> <li>Government Refuse Collection Point</li> <li>Government Use (not elsewhere specified)</li> <li>House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)</li> <li>Library</li> <li>Market</li> <li>Picnic Area</li> <li>Place of Entertainment</li> <li>Place of Recreation, Sports or Culture</li> <li>Private Club</li> <li>Public Clinic</li> <li>Public Convenience</li> <li>Public Transport Terminus or Station</li> <li>Public Utility Installation</li> <li>Public Vehicle Park (excluding container vehicle)</li> <li>Religious Institution</li> <li>Residential Institution</li> <li>Rural Committee/Village Office</li> <li>School</li> <li>Shop and Services</li> <li>Social Welfare Facility</li> <li>Utility Installation for Private Project</li> </ul>

Planning Intention

This zone is intended 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.

(Please see next page)

COMPREHENSIVE DEVELOPMENT AREA (1) (Cont'd)

Remarks

- (a) Pursuant to section 4A(2) of the Town Planning Ordinance, and except as otherwise expressly provided that it is not required by the Town Planning Board, an applicant for permission for development on land designated "Comprehensive Development Area" shall prepare a Master Layout Plan for the approval of the Town Planning Board and include therein the following information:
- (i) the area of the proposed land uses, the nature, position, dimensions, and heights of all buildings to be erected in the area;
  - (ii) the proposed total site area and gross floor area for various uses, total number of flats and flat size, where applicable;
  - (iii) the details and extent of Government, institution or community (GIC) and recreational facilities, public transport and parking facilities, and open space to be provided within the area;
  - (iv) the alignment, widths and levels of any roads proposed to be constructed within the area;
  - (v) the landscape and urban design proposals within the area;
  - (vi) programmes of development in detail;
  - (vii) an environmental assessment report to examine any possible environmental problems that may be caused to or by the proposed development during and after construction and the proposed mitigation measures to tackle them;
  - (viii) a drainage and sewerage impact assessment report to examine any possible drainage and sewerage problems that may be caused by the proposed development and the proposed mitigation measures to tackle them;
  - (ix) a traffic impact assessment report to examine any possible traffic problems that may be caused by the proposed development and the proposed mitigation measures to tackle them; and
  - (x) such other information as may be required by the Town Planning Board.
- (b) The Master Layout Plan should be supported by an explanatory statement which contains an adequate explanation of the development proposal, including such information as land tenure, relevant lease conditions, existing conditions of the site, the character of the site in relation to the surrounding areas, principles of layout design, major development parameters, design population, types of GIC facilities, and recreational and open space facilities.

(Please see next page)

COMPREHENSIVE DEVELOPMENT AREA (1) (Cont'd)

Remarks (Cont'd)

- (c) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 3, and a maximum building height of not more than *75mPD*.
- (d) In determining the maximum plot ratio for the purposes of paragraph (c) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded. Any floor space that is constructed or intended for use solely as public transport facility, may also be disregarded.
- (e) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/building height restrictions stated in paragraph (c) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.



Previous Applications

Approved s.16 Applications

Application No.	Proposed Use / Development	Date of Consideration	Approval Conditions
A/NE-KTS/6	Proposed Low-density Residential Development with Ancillary Clubhouse and Associated Open Space	4.11.1994	A1 to A7 & A15
A/NE-KTS/75	Proposed Comprehensive Residential and Recreational Development	19.6.1998	A1, A5 to A12, & A15
A/NE-KTS/220	Proposed Comprehensive Residential Development	25.11.2005	A1, A4, A6 to, A8, A13 & A15
A/NE-KTS/267	Proposed Comprehensive Residential Development	19.12.2008	A1, A4 to A8 & A13 to A15

**Approval Conditions**

- A1 the submission and implementation of a revised master layout plan (MLP)
- A2 the submission of a traffic impact assessment and road improvement proposals
- A3 the setting back of the northern boundary of the application site to allow for a proposed road
- A4 the provision/implementation of noise mitigation measures
- A5 the provision/submission/implementation of sewage treatment and disposal facilities or a revised Sewerage Impact Assessment
- A6 the submission of a drainage impact assessment and/or implementation/design and provision of drainage facilities/ improvement measures
- A7 the submission and implementation a master landscape plan, including tree preservation proposals/landscape proposals/ quarterly tree monitoring reports
- A8 the design and provision of vehicular ingress/egress, parking and loading/unloading facilities

- A9 the submission of a revised traffic impact assessment and implementation of the traffic improvement measures
- A10 the provision of non-building area for a proposed new road
- A11 the improvement of the existing van track along the south-western boundary of the proposed development
- A12 the submission and implementation of tree felling and planting proposals, including a detailed tree survey and compensatory planting, and preservation of the existing orchard
- A13 the submission of an implementation programme
- A14 the design and provision of water supplies for fire-fighting and fire service installations
- A15 commencement clause

**Rejected Applications**

s.12A Application No.	Proposed Amendment	Date of Consideration	Rejection Reasons
Y/NE-KTS/6	Rezoning from "CDA", "REC", "G/IC" and an area shown as 'Road' to "CDA(1)"	29.7.2016	R1 & R2

**Rejection Reasons**

- R1 The proposed development parameters 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.
- R2 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 adverse traffic impact on the surrounding areas, as well as infrastructure provisions in the Kwu Tung South area.

s.16 Application No.	Proposed Use / Development	Date of Consideration	Rejection Reasons
A/DPA/NE-KTS/125	Proposed Low-density Residential Development with Ancillary Facilities and a Memorial Garden	27.5.1994 (on review)	R1 to R6
A/NE-KTS/5	Proposed Low-density Residential Development with Ancillary Clubhouse and Associated Open Space	10.3.1995 (on review)	R1, R2, R7 & R5

**Rejection Reasons**

- R1 The proposed development was not in line with the general planning intention for the area
- R2 The scale and/or intensity of the proposed development were excessive in the rural setting
- R3 The layout of the proposed development was not sympathetic to the existing orchards and other vegetation and would result in extensive tree felling
- R4 There was insufficient information on landscaping proposals, including a detailed tree preservation plan, in the submission
- R5 The traffic impact assessment was not satisfactory

- R6 The proposed development would adversely affect a strategic road proposal
- R7 The proposed development would aggravate the traffic condition on the existing substandard Kam Tsin Road and no road improvement works had been included in the submission.



Similar Application

Rejected s.12A Application

Application No.	Proposed Amendment	Date of Consideration	Rejection Reasons
Y/NE-KTS/9	Rezoning from "REC" and "CDA" to "Other Specified Uses" annotated "Integrated Development with Residential, Farming and Community Facilities"	8.4.2016	R1 to R3

**Rejection Reasons**

- R1 The proposed development parameters including plot ratio and building height are significantly higher than the surrounding areas and are considered incompatible with the low-rise and low-density character of Kwu Tung South area.
- R2 The applicants have failed to demonstrate that the proposed rezoning for the proposed development is acceptable from the perspective of traffic, drainage, sewerage, environmental, geotechnical, landscape and risk impacts.
- R3 The 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 adverse impacts such as traffic and sewerage impacts on the surrounding areas.



Detailed Departmental Comments

- (a) Comments of the Director of Environmental Protection:
- (i) should the application be approved, the applicant is requested to submit the following in the future s.16 application:
    - (1) 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
    - (2) 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;
  - (ii) the applicant is reminded to address the following comments in the future Noise Impact Assessment and the Road Traffic Noise Impact Assessment submissions when the actual Master layout Plan/General Building Plan and detailed design of road widening works on Kam Hang Road are developed:
    - (1) s.3.9.7, Figure 10 and noise model – the length of LNRS in s.3.9.7 (~301m), Figure 10 (~333m) and noise model (~312m) do not tally with each other. Please review;
    - (2) s.3.3.3 and Appendix 2 (RtoC item 5.8) – Transport Department's endorsement and confirmation letter from consultant on the traffic data are not yet provided; and
    - (3) general – please provide scale for the figures.
- (b) Comments of the Chief Engineer/Construction, Water Supplies Department (WSD):
- (i) existing water mains are inside the lot and will be affected. The applicant is required to either divert or protect the water mains;
  - (ii) if diversion is required, existing water mains inside the subject lot are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the applicant; and the applicant shall submit all the relevant proposal to his department for consideration and agreement

before the works commence;

(iii) if diversion is not required, the following conditions shall apply:

- (1) existing water mains are affected as indicated on the site plan and no development which requires resiting if water mains will be allowed;
- (2) details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
- (3) no structures shall be built or materials stored within 1.5m from the centre line(s) of water mains. Free access shall be made available at all times for staff of DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
- (4) no tree or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without prior agreement of DWS. Rigid root barriers may be required if the clear distance between the proposed tree and pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
- (5) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
- (6) tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water mains;

(c) Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- (i) before any new buildings/building works are to be carried out on the Site, the prior approval and consent of the Building Authority should be obtained. An Authorised Person should be appointed as the co-ordinator for the proposed buildings/building works in accordance with the Buildings Ordinance;
- (ii) presumably the Site abuts on a specified street – Kam Hang 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);
- (iii) the Site shall be provided with emergency vehicular access in accordance with the B(P)R 41D;

(iv) the sustainable building design requirements and pre-requisites under the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 and 152 would be applicable to the proposed development if gross floor area concessions are claimed;

(v) detailed consideration will be made at the building plan submission stage.

(d) Comments of the Director of Electrical and Mechanical Services:

in the interests of public safety and ensuring the continuity of electricity supply; the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines

