

Previous Application

Rejected Application

<b>s.12A Application No.</b>	<b>Proposed Amendment</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
Y/NE-KTS/9	Rezoning from "REC" and "CDA" to "OU" annotated "Integrated Development with Residential, Farming and Community Facilities" with a maximum PR of 3.6, a maximum BH of 17 storeys (63.5mPD) and a maximum GFA of 74,520m <sup>2</sup>	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.

**Similar Application**

**Approved s.12A Application**

Application No.	Proposed Amendment	Date of Consideration
Y/NE-KTS/5	Rezoning from "REC" to "CDA" with a maximum PR of 0.4 and a maximum BH of 3 storeys	7.12.2012
Y/NE-KTS/12	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	20.9.2019

**Rejected s.12A Application**

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)" with a maximum PR of 2.1, a maximum SC of 37% and a maximum BH of 60mPD	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.12A Application To be considered**

Application No.	Proposed Amendment
Y/NE-KTS/13	Mainly to relax the development restrictions of the "CDA" zone – increase PR from 0.4 to 1.645 and BH from 3 storeys to 12 storeys

**Detailed Departmental Comments**

- (a) Comments of the Director of Environmental Protection on the Noise Impact Assessment (NIA) with provision of mitigation measures to achieve 100% compliance with the noise criteria under HKPSG including road traffic noise standard to the satisfaction of DEP/the Board in the future s.16 application:
- (i) Section 2.4 – the applicants should be reminded to check with Civil Engineering and Development Department (CEDD) on the latest alignment and mitigation measures of proposed road improvement works under the Kwu Tung North and Fanling North New Development Area;
  - (ii) Section 2.4.2 – Transport Department (TD)’s agreement on the traffic forecast data adopted for road traffic noise assessment shall be provided. Should TD only express no comment on the methodology for traffic forecast, the applicants should provide written confirmation from respective competent party (e.g. traffic consultant) that TD’s endorsed methodology has been strictly adopted in preparing the traffic forecast data and hence the validity of traffic data can be confirmed;
  - (iii) Section 2.7 – the traffic data under peak hour with worst traffic noise impact should be adopted in the assessment, the applicants should review whether AM peak or PM peak should be adopted in future submissions;
  - (iv) Appendix 2.2:
    - (1) the predicted noise level of NA05-03 4/F and NA05-07 5/F under mitigated scenario (Fin) comply with 70 dB(A) criterion, the applicants should review whether acoustic balconies are still required for these dwellings;
    - (2) it seems the predicted noise level at NA07-10 9/F is incorrect under the mitigated scenario. The applicants should further review;
  - (v) Appendix 2.4:
    - (1) should the extent of acoustic windows at NA07-02 be “3/F - 13/F and 20/F”; and
    - (2) should the extent of acoustic windows at NA07-15 and NA07-16 be “3/F -6/F.
- (b) Comments of the Chief Engineer/Construction, Water Supplies Department (WSD):
- (i) the applicants are required to submit water supply impact assessment (WSIA) at the future s.16 planning application stage which should contain the following:

- (1) a detailed demand assessment for potable water and flushing water;
  - (2) an estimated annual water demand build-up trend covering the period from initial completion to full development;
  - (3) proposal of connection points to the existing water main network and new mains to be laid from the connection points to the development. The preliminary feasibility of the alignment of any new water mains should be established;
  - (4) assessment of the impacts of the additional water demand generated by the proposed development on the existing/planned waterworks infrastructure;
  - (5) proposed measures to improve the water supply system in case it is found that the proposed development will lead to deficiency in the existing/planned waterworks infrastructure;
  - (6) the applicants are required to provide detailed calculations and hydraulic assessment if appropriate to support the WSIA.
- (ii) furthermore, existing water mains inside the site will be affected. The applicants are required to either divert or protect the water mains found on the site;
- (iii) if diversion is required, existing water mains inside the Site 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 grantee/applicants; and the applicants shall submit all the relevant proposal to his department for consideration and agreement before the works commence;
- (iv) if diversion is not required, the following conditions shall apply:
- (1) existing water mains are affected and no development which requires resiting of water mains will be allowed;
  - (2) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
  - (3) no structures shall be build or materials stored within 1.5m from the centre

line(s) of water main(s). Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;

- (4) no trees 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 the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the 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 the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains.