

**TPB Paper No. 10983
For Consideration by the
Town Planning Board on 18.10.2024**

DRAFT KWU TUNG SOUTH OUTLINE ZONING PLAN NO. S/NE-KTS/21

**CONSIDERATION OF
REPRESENTATIONS NO. TPB/R/S/NE-KTS/21-R1 TO R9**

DRAFT KWU TUNG SOUTH OUTLINE ZONING PLAN NO. S/NE-KTS/21
CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/NE-KTS/21-R1 TO R9

Subject of Representations (Amendment Items)	Representers (No. TPB/R/S/NE-KTS/21-R1 to R9)
<p><u>Item A</u> Rezoning of a site to the south of Kam Hang Road and east of Hang Tau Road from “Recreation” (“REC”) and “Agriculture” (“AGR”) to “Residential (Group B)” (“R(B)”) with stipulation of building height (BH) restriction.</p> <p><u>Item B</u> Rezoning of a site to the north of Kam Hang Road from “REC” to “Government, Institution or Community (1)” (“G/IC(1)”) with stipulation of BH restriction.</p> <p><u>Amendments to the Notes of the Plan</u> (a) Incorporation of a set of Notes for “R(B)” zone.</p> <p>(b) Incorporation of ‘Shop and Services (on ground floor in “G/IC(1)” only)’ under Column 1 of the Notes for “G/IC” zone; and incorporation of Remarks for the “G/IC(1)” sub-zone.</p> <p>(c) Incorporation of ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 1 of the Notes for “Village Type Development” (“V”) zone; and corresponding deletion of ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 2 of the Notes for “V” zone.</p> <p>(d) Incorporation of ‘Field Study/Education/Visitor Centre’ under Column 2 of the Notes for “V” zone.</p> <p>(e) Deletion of the Remarks of the Notes for “Open Space” zone.</p> <p>(f) Deletion of the clause on excavation of land in the Remarks of the Notes for “REC” zone.</p>	<p>Total: 9</p> <p><u>Supports Item A and Amendments to Notes (a)</u> R1: Kyland Investments Limited represented by KTA Planning Limited</p> <p><u>Supports Item B and Amendments to Notes (b)</u> R2: Elmtree Worldwide Limited represented by KTA Planning Limited</p> <p><u>Oppose Items A and B</u> R3 to R5: Representatives of Kam Tsin Village Affairs Committee (金錢村村務委員會) R6 and R7: Representatives of Hang Tau Village Affairs Committee (坑頭村(原居民)村務委員會)</p> <p><u>Opposes Items A and B and Amendments to the Notes (b) to (f)</u> R8: Individual</p> <p><u>Provides views on Items A and B</u> R9: The Hong Kong and China Gas Company Limited</p>

Note: The names of all representers are attached at **Annex III**. Soft copy of the submissions is sent to Town Planning Board (the Board) Members via electronic means; and is also available for public inspection at the Board’s website at https://www.tpb.gov.hk/en/plan_making/S_NE-KTS_21.html and the Planning Enquiry Counters of the Planning Department (PlanD) in North Point and Sha Tin. A set of hard copy is deposited at the Board’s Secretariat for Members’ inspection.

1. Introduction

- 1.1 On 31.5.2024, the draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/21 (the OZP) (**Annex I**) was exhibited for public inspection under section (s.) 5 of the Town Planning Ordinance (the Ordinance). The Schedule of Amendments setting out the amendments to the OZP and its Notes is at **Annex II** and the locations of the amendment items are shown on **Plan H-1**.
- 1.2 During the two-month exhibition period, nine valid representations were received. On 19.9.2024, the Board agreed to consider all the representations collectively in one group.
- 1.3 This Paper is to provide the Board with information for consideration of the representations. The list of representers and their submissions are at **Annexes III and IV** respectively. The representers have been invited to attend the meeting in accordance with s.6B(3) of the Ordinance.

2. Background

Item A – Proposed Private Residential Development to the south of Kam Hang Road and East of Hang Tau Road

- 2.1 To take forward the Rural and New Town Planning Committee (the RNTPC) of the Board's decision on 27.10.2023 to agree to a s.12A application No. Y/NE-KTS/17 for a proposed private residential development, the site to the south of Kam Hang Road and east of Hang Tau Road (i.e. representation site under Item A (Item A Site)) has been rezoned from "REC" and "AGR" to "R(B)" subject to a maximum plot ratio (PR) of 2.4 and a maximum BH of 72mPD on the OZP.

Item B – Proposed Privately-operated Residential Care Home for the Elderly to the north of Kam Hang Road

- 2.2 To take forward the RNTPC's decision on 27.10.2023 to agree to a s.12A application No. Y/NE-KTS/16 for a proposed privately-operated 150-bed residential care home for the elderly (RCHE) with retail shops on the ground floor, the site to the north of Kam Hang Road (i.e. representation site under Item B (Item B Site)) has been rezoned from "REC" to "G/IC(1)" subject to a maximum BH of 8 storeys (excluding basement) on the OZP.

Amendments to the Notes and Explanatory Statement of the OZP

- 2.3 In relation to the above amendment items, a new set of Notes for "R(B)" zone has been incorporated, and the Notes for "G/IC" zone have been revised to incorporate 'Shop and Services (on ground floor in "G/IC(1)" only)' under Column 1 and the Remarks for the new "G/IC(1)" sub-zone.

- 2.4 Opportunity has been taken to revise the other parts of the Notes based on the latest Master Schedule of the Notes to Statutory Plans (MSN), which include moving ‘Government Refuse Collection Point’ and ‘Public Convenience’ uses from Column 2 to Column 1 and adding ‘Field Study/Education/Visitor Centre’ under Column 2 in the Notes for the “V” zone.
- 2.5 Review has been undertaken on the need for ‘filling of pond or excavation of land’ clause in the remarks of the Notes for non-conservation-related zonings. Since there is currently no pond in the “Open Space” (“O”) zone and the Drainage Services Department (DSD) has no concern on excavation of land within the “O” zone from drainage perspective, the Remarks of the “O” zone is deleted. For the “REC” zone, due to DSD’s concern on filling of pond, but not on excavation of land, from drainage perspective, the ‘excavation of land’ portion was deleted in the Remarks of the “REC” zone.
- 2.6 The Explanatory Statement (ES) has also been suitably revised in view of the above amendments as well as to update the general information for various land use zones to reflect the latest planning circumstances of the Planning Scheme Area and to incorporate certain technical revisions.

The Draft OZP

- 2.7 On 10.5.2024, the RNTPC agreed that the proposed amendments to the approved Kwu Tung South OZP No. S/NE-KTS/20 were suitable for exhibition under s.5 of the Ordinance for public inspection. The relevant RNTPC Paper No. 3/24 is available at the Board’s website¹ and the extract of minutes of the said RNTPC meeting is at **Annex V**. Subsequently, the draft Kwu Tung South OZP No. S/NE-KTS/21 was gazetted on 31.5.2024.

3. Local Consultation

Prior to Submission of the Proposed Amendments to the RNTPC

- 3.1 During the processing of the respective s.12A applications relating to Items A and B, the applications were published for public comments in accordance with the provisions of the pre-amended Ordinance². In considering the two s.12A applications on 27.10.2023, the RNTPC had taken into account the public comments received during the respective publication periods.
- 3.2 The Sheung Shui District Rural Committee (SSDRC) was consulted on 6.3.2024 on the OZP amendments. While SSDRC did not raise any specific comment on the proposed amendments in general, the Village Representatives of Hang Tau and Kam Tsin had expressed grave concerns on the potential adverse traffic impacts on the capacity of

¹ The RNTPC Paper No. 3/24 is available at the Board’s website at:
https://www.tpb.gov.hk/en/meetings/RNTPC/Agenda/741_rnt_agenda.html

² The “pre-amended Ordinance” refers to the Town Planning Ordinance as in force immediately before 1.9.2023.

existing road network and adverse feng shui impacts to be brought about by the proposed developments under Items A and B. These concerns were similar to those expressed in the comments/views received during the respective public inspection periods of the two s.12A applications mentioned in paragraph 3.1 above.

Upon Gazettal of the Draft OZP

- 3.3 On 31.5.2024, the draft OZP was gazetted for public inspection under s.5 of the Ordinance. North District Council (NDC) Members and SSDRC Members were also notified on the same day that members of the public can submit representations on the amendments in writing to the Secretary of the Board during the exhibition period of the OZP. An Information Paper on the OZP amendments was also circulated to the Committee on Land Development, Housing and Works of NDC. While there are representations from the representatives of Kam Tsin Village Affairs Committee and Hang Tau Village Affairs Committee (see paragraph 5 below), no representation from NDC or SSDRC has been received.

4. The Representation Sites and the Surrounding Areas

Representation Site under Item A

- 4.1 Item A Site, with a total area of about 10,072m², is situated at the south of Kam Hang Road and east of Hang Tau Road (**Plan H-2**). It is mainly occupied by plant nursery and active farmland, with open storage of vehicles at the southern portion (**Plan H-3 and H-4a**). The surrounding areas are predominantly rural in nature with low-density and low- to medium-rise existing/planned residential developments, domestic structures and tree groups. To the north across Kam Hang Road is a “Comprehensive Development Area (2)” (“CDA(2)”) zone (subject to a maximum PR of 3 and a maximum BH of 75mPD) which is currently occupied by cultivated agricultural land, domestic structures, trees and vehicle park. To the east is an “AGR” zone mainly occupied by domestic structures and vegetated land and Item B Site (detailed at paragraphs 4.3 to 4.4 below) (**Plan H-3**). To the south are low-density and low-rise residential developments, including Casas Domingo in a “Residential (Group C)1” zone (subject to a maximum PR of 0.43 and a maximum BH of 3 storeys). To the west across Hang Tau Road is a “CDA(3)” zone (subject to a maximum PR of 2 and a maximum BH of 70mPD) which is currently mainly occupied by vegetated land with trees. To the further northeast are domestic structures and a site zoned “CDA(1)” under construction for a comprehensive residential development with a maximum PR of 3.059 and a maximum BH of 81.5mPD as approved under application No. A/NE-KTS/506 (**Plan H-1**). To the further north across Fanling Highway is the Kwu Tung North New Development Area (KTN NDA) (**Plan H-1**).
- 4.2 Item A Site is zoned “R(B)” subject to a maximum PR of 2.4 and a maximum BH of 72mPD. According to the applicant’s indicative scheme under the s.12A application No. Y/NE-KTS/17, the proposed development comprises two residential blocks of 19 storeys over one level of basement carpark with a total gross floor area (GFA) of about

23,732m² providing about 360 flats. The indicative master layout plan (MLP) and landscape master plan (LMP) are at **Drawings H-1a and H-1b**. The major development parameters of the indicative scheme are summarised below:

Site Area	10,072m ² (about)
Development Area*	9,888m ² (about)
PR [#] (based on the Development Area)	2.4
GFA [#]	23,732m ² (about)
Maximum BH	72mPD
Number of Storeys	19 storeys (over 1 level of basement carpark)
Maximum Site Coverage (SC)	33.3%
Number of Residential Blocks	2
Number of Flats	360
Average Flat Size	65.9m ² (about)
Private Open Space	Not less than 1,228m ²
Greenery Coverage	not less than 30% (3,038m ²)
Anticipated Population [@]	972 (about)
Private Car Parking Space	134 (including 10 for visitors)
Private Car Parking Space for Disabilities	2
Motor Cycle Parking Space	4
Loading/Unloading Space (L/UL) for Heavy Goods Vehicle	2

* The development area excludes the government land reserved for junction improvement and bus lay-by (**Drawing H-1a**). It is indicative and subject to change at the land exchange application stage to reflect departmental requirements, e.g. carriageway and footpath widening.

[#] The floor area of the proposed clubhouse, which will be not more than 5% of the total domestic GFA, is not included in the GFA/PR calculation and the exemption of which is subject to approval by the Building Authority.

[@] Assuming an average household size of 2.7.

Representation Site under Item B

- 4.3 Item B Site, with a total area of about 1,710m², is located to the north of Kam Hang Road (**Plan H-2**). It is partly vacant and partly occupied by a village-type refuse collection point and temporary structures for storage purpose (**Plans H-3 and H-4b**). The surrounding areas are predominantly rural in nature with low-density and low- to medium-rise existing/planned residential developments, domestic structures, cultivated agricultural land and vegetated lands. To the further north and northwest are the “CDA(1)” and “CDA(2)” zones respectively, and to the west are the “AGR” zone and Item A Site as described in paragraphs 4.1 and 4.2 above (**Plan H-1**).
- 4.4 Item B Site is zoned “G/IC(1)” subject to a maximum BH of 8 storeys (excluding basement). According to the applicant’s indicative scheme under the s.12A application No. Y/NE-KTS/16, the proposed 150-bed privately-operated RCHE will be of eight storeys (roof at about 36.7mPD) in height with supporting facilities and retail shops on ground floor and a sewage treatment plant (STP) in basement. The indicative MLP

and LMP are at **Drawings H-2a and H-2b**. The major development parameters of the indicative scheme are summarised below:

Site Area	1,710m ² (about)
PR	2.94 (about)
Total GFA	5,025m ² (about)
- RCHE	4,154m ² (about)
- Shop	645m ² (about)
- Carpark	226m ² (about)
BH	about 27.1m/36.7mPD
Number of Storeys	8 storeys (over one level of basement STP)
Maximum SC	46% (about) (above one-storey podium)
Number of Block	1
Number of Bed	150* (about)
Private Open Space	Not less than 155m ²
Green Coverage	Not less than 20% (342m ²)
Private Car Parking Space	9 (including 1 accessible space)
- RCHE	4
- Retail	5
Motorcycle Parking Space	1
L/UL Space for	3
- Heavy Goods Vehicle	1
- Ambulance	1
- Light Bus/Maxicab	1

* Based on not less than 9.5m² of area per resident

Planning Intentions

4.5 The planning intentions of the zones in relation to the above representation sites are as follows:

- (a) the “R(B)” zone under Item A is intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board; and
- (b) the “G/IC” zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments. The sub-zone “G/IC(1)” under Item B is intended primarily for the provision of a private RCHE with retail shops on the ground floor. Development within this sub-zone is restricted to a maximum building height of 8 storeys (excluding basement), or the height of the existing building, whichever is the greater.

5. The Representations

5.1 Subject of Representations

5.1.1 Amongst the nine representations received, two (**R1 and R2**) from the applicants of the s.12A applications in relation to Items A and B supporting Items A and B and the corresponding amendments to the Notes of the OZP respectively; three representing Kam Tsin Village Affairs Committee (金錢村村務委員會) (**R3 to R5**) and two representing Hang Tau Village Affairs Committee (上水區坑頭村(原居民)村務委員會) (**R6 and R7**) opposing Items A and B; one from an individual (**R8**) opposing Items A and B and the amendments (b) to (f) to the Notes of the OZP; and one from a public utilities company (Hong Kong and China Gas Company) (**R9**) providing views on Items A and B.

5.1.2 The major grounds and views of representations, and PlanD's responses in consultation with the relevant government departments are summarised in paragraphs 5.2 to 5.4 below.

5.2 Supportive Representations

Item A

Major Ground/Comment(s)/Suggestion(s)	Representation No.
(1) The proposed development which will provide 360 residential units is a proactive approach in support of the Policy Addresses and the long-term housing strategy in providing more housing supply to the market.	R1
(2) The proposed development intensity and BH are in line with the development profile descending from KTN town centre and respect the development context in Kwu Tung South (KTS).	R1
(3) The indicative development scheme put forward during the s.12A application stage has taken into account of different design merits. Various technical assessments conducted under the approved s.12A application concluded that, with the implementation of the proposed mitigation measures and provision of new public transport routes, the proposed development would have no significant adverse impacts on landscape, visual, traffic, drainage and sewerage aspects on the surrounding areas. The representer, as one of the land owners and project proponents of the proposed development under Item A and "CDA(2)" development, would coordinate with owners of nearby developments to minimise	R1

the traffic and environmental impacts on the neighbourhood during the construction period.	
Responses	
(a) In response to (1) to (3) The supportive views are noted.	

Item B

Major Ground/Comment(s)/Suggestion(s)	Representation No.
(4) The proposed development is in line with the Government's policy to alleviate the surging demand for RCHE bed places and provide quality living environment for the elderly.	R2
(5) The proposed development with G/F retail shops could cater for the daily shopping needs of the RCHE users/visitors and the neighbourhood.	R2
(6) The proposed development can be implemented immediately as the private land within Item B Site is owned by the representer and another company, and is ready for land exchange upon completion of the statutory planning procedures.	R2
(7) The proposed development is small in scale. With landscape treatment implemented, the proposed development would improve the streetscape of the area and would not bring about adverse visual impact.	R2
(8) Various technical assessments conducted under the approved s.12A application concluded that, with the implementation of the proposed mitigation measures and provision of new public transport routes, the proposed development would have no significant adverse impact on landscape, visual, traffic, drainage and sewerage aspects on the surrounding areas. The improved village access arrangement would also benefit the adjoining communities.	R2
Responses	
(b) In response to (4) to (8) The supportive views are noted.	

5.3 Adverse Representations

5.3.1 *Planning Intention, Proposed Uses and Development Intensity*

Item A

Major Ground/Comment(s)/Suggestion(s)	Representation No.
(1) Hang Tau, Kam Tsin, The Hong Kong Jockey Club, La Regent Park, The Royal Oaks, Ascot Park, Casas Domingo and Valais in vicinity of Item A Site are all low-density developments. It is unconvincing that medium-density developments could be allowed in the area. Besides, the private housing to be developed at Item A Site would unlikely be affordable by the general public. It is doubted whether the development could help alleviate housing shortage.	R3 to R5
(2) Compared with the previous s.12A application No. Y/NE-KTS/14 ³ (involving Item A Site), reduction in PR is merely 0.6 and there is no amendment to BH of 75mPD.	R8
(3) The proposed amendment will create a new community and there will be a need of recreational facilities. The original “REC” zone was intended to meet the need. However, there is no detail on how the rezoning of Item A Site from “REC” to “R(B)” could meet such need.	R8
Responses	
<p>(a) In response to (1):</p> <p>Item A is to take forward the RNTPC’s decision to agree to the s.12A application No. Y/NE-KTS/17 for private residential development and Item A Site is rezoned from “REC” and “AGR” to “R(B)”, subject to a maximum PR of 2.4 and a maximum BH of 72mPD, for a proposed medium-density residential development.</p> <p>Kwu Tung area is undergoing transformation in both land use and planning context in recent years. Further north across Fanling Highway is the KTN NDA which will be developed as a mixed development node with medium- to high-density public and private housings, and supporting facilities. Locating to the south of KTN NDA across Fanling Highway, the northern part of KTS is also gradually transformed into a medium-density residential</p>	

³ A s.12A application No. Y/NE-KTS/14 was submitted by the same applicants of the s.12A application No. Y/NE-KTS/17 in 2020 to rezone Item A site and a site to its north (i.e. the current “CDA(2)” site) from mainly “REC” and “AGR” to “CDA” with a maximum PR of 3 and a maximum BH of 75mPD to facilitate two proposed residential developments (**Plans H-1 and H-2**)(details at paragraph 5.3.1(b)).

neighbourhood. The development intensity and BH profile of Kwu Tung area is gradually descending from the north at sites in KTN NDA (PR 4.2 to 7.8 and BH 80mPD to 180mPD upon approval of the s.16 application No. A/KTN/93) to the “CDA(1)”, “CDA(2)” and “CDA(3)” zones (PR 2 to 3.059 and BH over 70mPD) in KTS area which have recently been rezoned for medium-rise and medium-density residential developments. Given the intended stepped PR/BH profile descending from the KTN NDA town centre in the north towards the rural setting in the southern part of KTS area, the development intensity and BH restriction at Item A Site is considered in line with this regional context. Provision of private housings could also offer varieties to the market.

The technical assessments submitted by the applicants in support of the s.12A application also demonstrated that the proposed development with the intended intensity would not cause insurmountable adverse impacts on the surrounding areas from landscape, visual and urban design, traffic, environmental, drainage and sewerage perspectives with the implementation of the proposed mitigation measures. Concerned government departments have no objection to/adverse comment on the application. In considering and agreeing the application, the RNTPC has taken into consideration the technical assessments as well as public and departmental comments.

(b) In response to (2):

Item A Site forms part of a previous s.12A application No. Y/NE-KTS/14 (submitted by the same applicants of the s.12A application No. Y/NE-KTS/17) for rezoning Item A Site and a site to its north from mainly “REC” and “AGR” to “CDA” with a maximum PR of 3 and a maximum BH of 75mPD to facilitate two proposed residential developments (**Plans H-1 and H-2**). In 2020, the RNTPC partially agreed to the application No. Y/NE-KTS/14 to rezone the northern part of the application site (i.e. the current “CDA(2)” site) to “CDA” subject to the development parameters as proposed by the applicants and incorporation of the requirement for provision of social welfare facilities, whilst considered that the development intensity of the southern part of the application site (i.e. Item A Site) should be further reviewed. Subsequently, the same applicants sought the Board’s agreement to rezone Item A Site to “R(B)” subject to a reduced PR of 2.4 and a reduced BH of 72mPD under application No. Y/NE-KTS/17. Having considered the technical assessments submitted by the applicants as well as public and departmental comments, the RNTPC agreed to the application No. Y/NE-KTS/17 mainly on the grounds that the proposed residential use is not incompatible with the surrounding land uses; the proposed PR and BH are considered in line with the regional planning context and the BH profile of KTN and KTS; there is no insurmountable technical issues; and there is no adverse departmental comment.

(c) In response to (3):

Owing to private land ownership and the private-led development mode in the KTS area, there was no intention for government-initiated large-scale recreational use.

The proposed development will provide about 360 flats accommodating about 972 population. A private open space of not less than 1,228m² with leisure landscape provision (**Drawing H-1b**) is proposed in compliance with the requirements of the Hong Kong Planning Standard and Guidelines (HKPSG) and to meet the need of the residents. The overall provision of open space is considered generally adequate to meet the demand for the proposed development.

There is currently surplus of local open spaces (LOS) and no shortfall of recreational facilities in the KTS area in accordance with HKPSG. For district open space (DOS), while there will be a deficit of about 2.3ha of planned DOS in KTS area, there is a surplus of about 6.9ha of planned LOS within the planning area. The overall provision of open space is considered generally adequate to meet the demand of the planned population. The Director of Leisure and Cultural Department (DLCS) was consulted and has no adverse comment on the Item A as there is no planned project, existing leisure venues or amenity areas under the jurisdiction of Leisure and Cultural Department are identified to be affected.

Item B

Major Ground/Comment(s)/Suggestion(s)	Representation No.
(4) While Item B Site is rezoned to “G/IC”, no government and/or institutional use (「政府機構」) was proposed. Instead, the proposed development at the Site is initiated by the private sector and it is uncertain why the Site is so zoned.	R3 to R5
(5) A multi-welfare services complex with provision of about 2,000 residential care places for the elderly in KTN will open next year. It is not necessary to build a private RCHE in this rural area where transportation is inconvenient and supporting facilities are not yet improved.	R3 to R5
(6) While noting that the proposed RCHE would be standalone, it is doubtful why the GFA of it is to be exempted. There is also objection to the inclusion of a shopping mall on the ground floor of the proposed RCHE.	R8

<p>Approval of such proposal with significant percentage of GFA dedicated for commercial use would set a precedent that leads to reduction in the amount of GFA for community services in “G/IC” zone. This is unacceptable, in particular in districts like KTS with significant shortfalls in multiple services. The entire RCHE building should be dedicated for Government, institution and community (GIC) uses.</p>	
<p>(7) The SC of 46% for the proposed RCHE is doubtful and the proposed dormitory on 7/F is not permitted under the restriction of “24m” for RCHE as stipulated under relevant regulations.</p>	<p>R8</p>
<p>Responses</p>	
<p>(d) In response to (4) and (5)</p> <p>“G/IC” zone is intended primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.</p> <p>Item B is to take forward the RNTPC’s decision to agree to the s.12A application No. Y/NE-KTS/16 for a proposed 150-place privately-operated RCHE with retail shops on the ground floor. RCHE, be it government-run or privately-operated, is regarded as a community facility which could serve the needs of the local residents or a wider district. It is in line with the planning intention of the “G/IC” zone.</p> <p>The RCHEs located at KTN Multi-Welfare Services Complex commenced services in August 2023, providing both subsidised and non-subsidised places to the elders in need of residential services. With a view to addressing the demand for residential care homes, enabling market diversity and offering alternative choices for different users in the community, the Director of Social Welfare (DSW) has no objection to the proposed RCHE on privately-operated mode at Item B Site from the service provision perspective, provided that the design and construction of the RCHE would meet the community need and comply with all relevant licensing and statutory requirements enforcing in Hong Kong. DSW considers that the proposed privately-operated RCHE could provide an alternative choice for the elderly who could afford the market price.</p>	
<p>(e) In response to (6):</p> <p>It is the private initiative for develop a privately-operated RCHE with retail facilities at Item B Site. The private land within Item B Site is owned by the</p>	

applicants and is ready for land exchange upon completion of the statutory planning procedures. DSW has no objection to the proposed RCHE with retail facilities at Item B Site.

According to the Notes of the OZP of the “G/IC” zone, there is no provision for GFA exemption for the proposed RCHE under “G/IC(1)” sub-zone for Item B Site. Besides, according to the s.12A application No. Y/NE-KTS/16, the proposed RCHE with retail facilities complies with the conditions of the “Incentive Scheme to Encourage Provision of RCHE Premises in New Private Development”, under which payment of land premium for various types of land transactions might be exempted. The representer’s argument on GFA exemption is irrelevant.

According to the indicative scheme under the s.12A application No. Y/NE-KTS/16, only the ground floor of the proposed RCHE is dedicated for retail facilities and the GFA of which is about 645m² or 12.8% of total GFA, which is not considered out of proportion. To take forward this agreed s.12A application, the Notes of the OZP is revised to incorporate ‘Shop and Services (on ground floor in “G/IC(1)” zone only)’ under Column 1 of the “G/IC” zone as mentioned in paragraph 2.3 above. Since the existing market shopping centre in KTS is not within convenient walking distance to serve the local community, the proposed retail facilities could serve the needs of the neighbourhood.

The planned provision of GIC facilities in the KTS area are generally sufficient to meet the demand of the existing/planned population, except for hospital bed, child care centre, community care services facilities for elderly and RCHE (**Annex VI**). The provision of GIC facilities are long-term target and the actual provision would be subject to the consideration of the relevant government departments during the planning and development process. PlanD and the concerned departments will work closely together to ensure that additional GIC facilities will be included in new development proposals in KTS.

(f) In response to (7):

According to the indicative scheme under the s.12A application No. Y/NE-KTS/16, SC of 46% refers to the seven-storey building on top of the one-storey podium. In accordance with s.20 of the Residential Care Homes (Elderly Persons) Regulation (Cap. 459A), no part of a RCHE shall be situated at a height more than 24m above the ground floor, measuring vertically from the ground of the building to the floor of the premises in which the RCHE is to be situated. DSW had no objection to the indicative RCHE scheme submitted under the s.12A application No. Y/NE-KTS/16. In any case, the design and construction of the proposed RCHE will have to be comply with all relevant licensing and statutory requirements in the future.

Items A and B

Major Ground/Comment(s)/Suggestion(s)	Representation No.
(8) A considerable percentage of Item A and Item B Sites is government land (about 2,500m ² in total). It is unclear how the community would benefit from the ceding of government land for the two proposed developments.	R8
Responses	
<p>(g) In response to (8):</p> <p>Under the two s.12A applications, the applicants had included pieces of unallocated government land (Plan H-2) adjoining the private lots which are irregular if not scattered and difficult for independent developments into the proposed development sites for more comprehensive development and efficient use of land resources. The Director of Lands has no objection to the two applications from land administration point of view and advised that the land exchanges at premium is required for the implementation of the proposed developments.</p>	

5.3.2 Traffic Aspect**Items A and B**

Major Ground/Comment(s)/Suggestion(s)	Representation No.
(1) The development of KTN have already increased the traffic flows along Castel Peak Road – Kwu Tung, and the transport infrastructure in the area is very inadequate. Traffic congestion occurs frequently (especially on the section of Castle Peak Road – Kwu Tung near Eden Manor), and the local residents of Kam Tsin, Hang Tau and Kwu Tung areas are suffering from the congestion problems. The proposed developments of housing, RCHE and retail shops under Items A and B will further increase pedestrian/traffic flows and worsen the traffic condition in the area.	R3 to R5
(2) With some 7,000 residents, there are 12 mini buses (during AM peak) and over a thousand of private cars (daily) using the local roads in Hang Tau area. The traffic capacity of the roads and junctions has reached saturation, causing severe congestions in the area. The proposed developments at Item A and B Sites will bring along additional traffic that the existing road network would not	R6 to R7

	be able to cope with. In particular, the two Sites are located at the junction of the major roads in the area, i.e. Kam Hang Road, Hang Tau Road and Kwu Tung Road. Insurmountable traffic issues caused by the proposed developments are anticipated.	
(3)	Hang Tau Road is two-lane two-way road, however, only reaches the entrance of Hang Tau. Accesses within Hang Tau village area are all one-lane two-way roads and thus there is daily traffic congestion within the village. Besides, there is a site for open storage of construction materials with an area of some 30,000 sq.ft in Hang Tau owned by the Gammon Construction since 1960s, resulting in dozens trips of heavy goods vehicles passing through Hang Tau every day.	R6 to R7
(4)	The Government has proposed to construct a transportation link connecting between Kam Hang Road and nearby highways. It is appropriate to wait for the Government to implement the supporting infrastructure and improve the transportation network before considering the proposed amendment.	R3 to R5
Responses		
(a)	<p>In response to (1) to (4):</p> <p>Traffic Impact Assessments (TIAs) have been conducted by the applicants for the proposed developments under the s.12A applications No. Y/NE-KTS/17 and No. Y/NE-KTS/16 in respect of Item A Site and Item B Site respectively. Both TIAs concluded that, with the implementation of road improvement works at the Sites and in their vicinity, traffic trips generated by the proposed developments can be absorbed by the nearby road network and no significant traffic impact will be induced. The Commissioner for Transport (C for T) had no adverse comment on the TIAs as well as the improvement works identified in the TIAs:</p> <ul style="list-style-type: none"> under the s.12A applications No. Y/NE-KTS/17, the applicants have proposed to improve the junction of Kam Hang Road/Hang Tau Road, and to provide a bus lay-by at the westbound of Kam Hang Road and a green mini bus lay-by within Item A Site. These measures could help improve road capacity of Kam Hang Road and enhance public transport services. under the s.12A applications No. Y/NE-KTS/16, the applicants have proposed to set back the southern boundary of the Site along Kam Hang Road for future widening. The applicants also proposed to provide a new junction to the southeast of Item B Site for additional village access 	

to Kam Hang Road. This would improve the accessibility of the eastern cluster of domestic structures.

Besides, the applicants of the proposed residential development at the nearby “CDA(1)” site will implement certain improvement works, including upgrading and widening Kam Hang Road from existing width to 7.3m wide; upgrading the road junction of Kam Hang Road and Kam Tsin Road into a roundabout; and widening the pedestrian footpath along the northern side of Kam Hang Road to 2m wide to enhance the pedestrian walkability. These improvement works will also enhance the traffic capacity of the area in vicinity of Item A and Item B Sites.

For traffic impacts on Hang Tau area, it is envisaged that traffic generated from the proposed developments at Items A and B sites will use Kam Hang Road or go via the junction of Kam Hang Road/Hang Tau Road or the junction of Kwu Tung Road/Kam Hang Road for travelling between the developments and urban areas. Since there is no major attraction in the direction at Hang Tau, there will be insignificant traffic load added to Hang Tau Road near Hang Tau. According to the TIA submitted under the s.12A application No. Y/NE-KTS/17, the traffic performance at the junction of Kam Hang Road/Hang Tau Road is satisfactory after completion of the associated junction improvement works. In addition, new roadside laybys will be added by nearby residential project proponents along Kam Hang Road and Hang Tau Road for pick-up/drop-off activities in order to avoid road blockage.

In a wider context, the Civil Engineering and Development Department (CEDD) is implementing the site formation and engineering infrastructure works at KTN and Fanling North NDAs to cope with the new population intake in the NDAs as well as the North District which comprises widening of Fanling Highway (for target completion in 2031), improvement works at Tai Tau Leng interchange (for target completion in 2031) as well as the transportation link between Kam Hang Road and Fanling Highway as mentioned by the representer (for target completion in 2031). Before its completion, there will be commissioning of other major transport project to support developments in Kwu Tung area, such as the Kwu Tung Station on the East Rail Link which is target for commissioning in 2027.

The concerned government departments, including CEDD and Transport Department (TD), have no objection to Item A and B in respect of traffic and transport infrastructure and will monitor the traffic situation of existing road network and adopt appropriate traffic management measures, including interim measures during construction stage, where necessary.

Item B

Major Ground/Comment(s)/Suggestion(s)	Representation No.
(5) Item B is located at the main access that serves a cluster of domestic structures. The proposed development at the Item B site will block the access to “東園” and result in detouring for the villagers.	R3 to R5
Responses	
<p>(b) In response to (5) :</p> <p>As mentioned in paragraph 5.3.2 (a) above, the applicants have proposed to provide a new junction to the southeast of Item B site under the s.12A application No. Y/NE-KTS/16. With the implementation of this junction, there will be direct connection between the village access to the east of Item B Site and Kam Hang Road and hence, the accessibility of the cluster of domestic structures to the east as well as “東園” area will be improved (Plans H-2 and H-3). C for T had no objection to the permanent closure of the existing village access followed by reprovisioning of the new junction for village access as proposed by the applicant.</p>	

5.3.3 Landscape Aspect**Item A**

Major Ground/Comment(s)/Suggestion(s)	Representation No.
(1) There is no detail about the number and location of trees at Item A Site.	R8
Responses	
<p>(a) In response to (1):</p> <p>The applicants have submitted LMP and Tree Preservation Plan (TPP) in support of the s.12A application No. Y/NE-KTS/17 in relation to Item A Site. According to the LMP and TPP, there are 167 trees surveyed including 166 within Item A Site and one immediately adjacent to the Site. No Old and Valuable Tree is found on site. Amongst the 166 trees within the Site, 54 are proposed to be retained and 112 are proposed to be felled. The tree immediately adjacent to the Site will be retained. The trees to be felled are mostly common species, except for one <i>Aquilaria sinensis</i> (土沉香) which is of poor structural condition and one relatively large <i>Ficus elastic</i> (印度橡樹) with peculiar form and size, both of them are considered not feasible for transplantation. Not less than 112 new trees of good quality heavy standard and large palm trees would be planted for compensation.</p>	

Various landscape components are also proposed, including a strip of 2m to 5m wide landscape buffer with screen planting along the site boundary, retention of existing tree groups for landscape screening, setback from Kam Hang Road for landscaping of the road verge, and provision of not less than 1228m² of communal private open space around the preserved large tree in the southern portion of the Site.

In view of the above, Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from landscape planning perspective. The development details and other technical aspects, including the LMP and TPP, of the proposed development would be subject to the scrutiny of concerned government departments in the subsequent development stages of land exchange application and/or building plan submission.

5.3.4 Environmental and Infrastructural Aspect

Items A and B

Major Ground/Comment(s)/Suggestion(s)	Representation No.
(1) Since Item A and B Sites are located in a rural area, large-scale construction will lead to air and noise pollution, bringing along serious adverse impacts on the daily life of the local residents.	R3 to R5
(2) The retail shops at Item B Site would attract vehicles and parking that would have negative impact on the RCHE regarding air pollution and noise disturbance.	R8
(3) There has been frequent flooding problem at Kam Hang Road. If new developments are to be constructed, there should have been comprehensive drainage and sewage systems in the area as a prerequisite. While the existing infrastructural facilities are designed for rural environment only, there is yet to be any enhancement to accommodate larger-scale developments in the area.	R3 to R5
(4) Item A and B Sites are located near the century-old ancestral graves and other feng shui features of the indigenous villagers of Hang Tau. Large-scale constructions will adversely affect the feng shui of the village and the well-being of the villagers.	R6 to R7

Responses	
(a)	<p>In response to (1) to (4):</p> <p>Technical assessments (including TIA, Environmental Assessment (EA), Noise Impact Assessment (NIA), Sewerage Impact Assessment (SIA) and Drainage Impact Assessment (DIA), etc.) on various aspects including environmental, drainage and sewerage were conducted in support of the two s.12A applications (No. Y/NE-KTS/17 and Y/NE-KTS/16) in relation to Item A and Item B respectively. The assessments indicate that the proposed developments with implementation of appropriate drainage/sewer upgrading works are technically feasible in terms of environmental, drainage, sewerage aspects. The Director of Environmental Protection (DEP) and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that there would be no insurmountable problem and had no objection to the proposed development. Also, according to the two s.12A applications, no ancestral graves or feng shui features of, or obstruction to, the nearby villages would be affected.</p>

5.3.5 *Adverse Impacts related to Amendments to the Notes*

Major Ground/Comment(s)/Suggestion(s)		Representation No.
(1)	The amendments to the Notes in relation to the “G/IC(1)” zone for Item B and the “V” zone based on the latest MSN deprive the community of having a say in both the location and design of the concerned facilities, i.e. ‘Shop and Service’ in the “G/IC(1)” zone and ‘Government Refuse Collection Point’, ‘Public Convenience’ and ‘Field Study/Education/Visitor Centre’ in the “V” zone.	R8
(2)	Deletion of the Remarks of the Notes for “O” zone and deletion of the clause on excavation of land in the Remarks of the Notes for “REC” zone will allow unfettered excavation of land within both “O” and “REC” zones.	R8
Responses		
(a)	<p>In response to (1):</p> <p>Amendments to the Notes of “G/IC” zone in relation to Item B is to take forward the RNTPC’s decision to agree to the s.12A application No. Y/NE-KTS/16 for a proposed RCHE with retails shops on the ground floor. The Notes of the “G/IC” zone is revised as mentioned in paragraph 2.3 above to reflect such intention as agreed by the Board.</p> <p>Amendments to the Notes of the “V” zone to allow flexibility for more uses</p>	

are to take forward the Board's consideration and agreement on 8.3.2024 and 22.3.2024 to refine, amongst others, the MSN for "V" zone as set out below:

- considering that 'Public Convenience' and 'Government Refuse Collection Point' are essential public facilities constructed and managed by government departments (such as the Food and Environmental Hygiene Department (FEHD)) which are intended to serve the villagers and visitors, it was proposed to revise the MSN for "V" zone by putting the two uses under Column 1 to streamline the development process. Relevant government departments such as FEHD would consult the local residents/DCs/RCs, as appropriate;
- given the popularity of the rural tourism in recent years, it was proposed to add the provision of 'Field Study/Education/Visitor Centre' in the MSN for "V" zone. To ensure that such uses within "V" zone would not have insurmountable impacts on the surrounding areas, and to minimise the possible nuisance to the village environment, it was proposed to put such use under Column 2 that planning permission from the Board would be required and any application for such proposal would be published for public comments in accordance with the provisions of the Ordinance.

(b) In response to (2):

As mentioned in paragraph 2.5 above, a review has been undertaken in consultation with DSD on the need for 'filling of pond or excavation of land' clause in the Remarks of the Notes for non-conservation-related zonings from drainage impact perspective. The "O" and "REC" zonings are primarily intended for development. Having taken into account that there is currently no pond within the "O" zone and that DSD has no concern on land excavation activities within the "O" and "REC" zones from drainage perspective, it is considered that these activities would no longer pose a significant threat on the local environment in the said zones. Thus, it is considered suitable to delete the relevant Remarks from the Notes for the "O" zone and 'excavation of land' from the Remarks (c) of the Notes for the "REC" zone. Deletion of these clauses could help streamline planning control. As DSD has concern on filling of pond within "REC" zone, 'filling of pond' is retained in Remarks (c) of the Notes for the "REC" zone.

5.4 Representation Providing Views

Items A and B

Major Ground/Comment(s)/Suggestion(s)	Representation No.
(1) Since the proposed developments at Items A and B Sites	R9

<p>are in the close vicinity of the high-pressure pipeline (Plan H-2) at Kam Hang Road, the project proponents are required to conduct Quantitative Risk Assessment (QRA) to evaluate the potential risk based on the forecasted ultimate population and determine the necessary mitigation measures if required. The project proponents should consult Hong Kong and China Gas Company in the design stage and closely coordinate with the company during construction stage and provide protective measures.</p>	
<p>Responses</p>	
<p>(a) Response to (1):</p> <p>The views are noted. QRAs were conducted in support of the two s.12A applications (No. Y/NE-KTS/17 and Y/NE-KTS/16) in relation to Item A and Item B respectively. The QRAs indicate that the predicted individual risk levels are well below the individual risk criteria, and the societal risks of proposed developments are within “acceptable” region based on Hong Kong Risk Guidelines, therefore no mitigation measure is required. The Director of Electrical and Mechanical Services (DEMS) has no comment on the QRAs from regulatory services perspective, and advises the project proponents to liaise with The Hong Kong and China Gas Company Limited during the planning, design and construction stages of the proposed developments. The development details and other technical aspects of the proposed developments would be subject to the scrutiny of concerned government departments in the subsequent development stages of land exchange application and/or building plan submission.</p>	

6. Departmental Consultation

6.1 The following government departments have been consulted and their comments, if any, have been incorporated in the above paragraphs where appropriate:

- (a) C for T;
- (b) CE/MN, DSD;
- (c) DSW;
- (d) DEP;
- (e) DLCS;
- (f) Project Manager/North, CEDD;
- (g) District Lands Officer/North, Lands Department;
- (h) Chief Engineer/Construction, Water Supplies Department;
- (i) DEMS;
- (j) Chief Architect/Advisory and Statutory Compliance, Architectural Services Department;

- (k) Director of Food and Environmental Hygiene;
- (l) Director of Agricultural, Fisheries and Conservation;
- (m) Chief Highway Engineer/New Territories East, Highways Department;
- (n) CTP/UD&L, PlanD; and
- (o) District Officer (North), Home Affairs Department.

7. **Planning Department's Views**

- 7.1 The supportive views of **R1** on Item A and **R2** on Item B are noted. The views provided by **R9** on Items A and B are also noted and it is considered that the development details and other technical aspects of the proposed developments under the two Items would be subject to the scrutiny of concerned government departments in the subsequent land exchange application and building stage.
- 7.2 Based on the assessments in paragraph 5.3 above, PlanD does not support **R3** to **R8** and considers that the OZP should not be amended to meet the representations for the following reasons:
- (a) Items A and B are to take forward two section 12A applications which were agreed by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) taking into consideration the compatibility of the proposed developments with the surrounding areas in terms of land use and development intensity, findings of relevant technical assessments, comments from the relevant government bureau/departments, and all the public comments received. The proposed amendments are considered appropriate (**R3 to R8**);
 - (b) relevant technical assessments on traffic, environmental, drainage, sewerage, water supply, landscape, visual aspects and quantitative risk have been conducted under the two section 12A applications and confirmed that there is no insurmountable technical impacts arising from the proposed developments with the implementation of appropriate mitigation/improvement measures. The development details and other technical aspects of the proposed developments would be subject to the scrutiny of concerned government departments in the subsequent development stages of land exchange application and/or building plan submission (**R3 to R8**);
 - (c) the planned provision of Government, institution and community facilities in Kwu Tung South are generally sufficient to meet the demand of the planned population except for some Government, institution and community (GIC) facilities. The provision of GIC facilities will be closely monitored by the relevant government bureaux/departments. The Government would continue adopting a multi-pronged approach to further enhance the provision of GIC facilities to serve the district needs (**R8**);
 - (d) amendments to the Notes of "G/IC" zone is to take forward the RNTPC's decision to agree to a section 12A application for a proposed RCHE with retail shops on the ground floor. The Notes of the "G/IC" zone is revised to reflect such intention as agreed by the Board. The proposed amendments are considered appropriate (**R8**);

- (e) incorporation of ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 1 and ‘Field Study/Education/Visitor Centre’ under Column 2 for the Notes of the “Village Type Development” zone will streamline the provision of these common and essential facilities in village areas. The provisions of these facilities will also have to follow the relevant design guidelines and/or require planning permission from the Board (**R8**); and
- (f) the “Open Space” (“O”) and “Recreation” (“REC”) zonings are primarily intended for development. Having taken into account that there is currently no pond within the “O” zone and that the Drainage Services Department has no concern on land excavation activities within the “O” and “REC” zones from drainage perspective, it is considered that these activities would no longer pose a significant threat on the local environment in the said zones. Deletion of these clauses could help streamline planning control (**R8**).

8. **Decision Sought**

- 8.1 The Board is invited to give consideration to the representations taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendment to the OZP to meet/partially meet the representations.
- 8.2 Should the Board decide that no amendment should be made to the OZP to meet the representations, Members are also invited to agree that the OZP, together with the Notes and updated ES, are suitable for submission under s.8(1)(a) of the Ordinance to the Chief Executive in Council for approval.

9. **Attachments**

Annex I	Draft Kwu Tung South OZP No. S/NE-KTS/21 (reduced size)
Annex II	Schedule of Amendments to the Draft Kwu Tung South OZP No. S/NE-KTS/21
Annex III	List of Representers
Annex IV	Submission of Representers
Annex V	Extract of Minutes of RNTPC Meeting held on 10.5.2024
Annex VI	Provision of Major G/IC Facilities and Open Space in Kwu Tung South Area
Drawings H-1a and 1b	Indicative Development Scheme of Amendment Item A
Drawings H-2a and 2b	Indicative Development Scheme of Amendment Item B
Plan H-1	Location Plan of the Representation Sites
Plan H-2	Site Plan of the Representation Sites
Plan H-3	Aerial Photo of the Representation Sites
Plans H-4a and H-4b	Site Photos of the Representation Sites