

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

**APPLICATION NO. Y/KTN/2**

<b><u>Applicant</u></b>	: The Light Corporation Limited represented by Lanbase Surveyors Limited
<b><u>Site</u></b>	: Lots 684 RP, 705RP, 706RP, 709RP (Part), 711 RP (Part), 712, 713RP, 714RP, 715, 716, 717 RP(Part), 718 RP (Part), 719, 721 RP (Part) and 2158 RP (Part) in D.D. 92 and adjoining Government Land, Kwu Tung North, New Territories
<b><u>Site Area</u></b>	: 15,409m <sup>2</sup> (about) (including about 340 m <sup>2</sup> of Government land (about 2%))
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural and/or house uses) (except for Lots 706 and 2158 which original grant cannot be traced in the Land Registry record)
<b><u>Plan</u></b>	: Approved Kwu Tung North Outline Zoning Plan (OZP) No. S/KTN/2
<b><u>Zoning</u></b>	“Comprehensive Development Area” (“CDA”) [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 (9m) including one storey of car park]
<b><u>Proposed Amendment</u></b>	: Rezoning from “CDA” to “Residential (Group B) 1” (“R(B)1”) for the southern portion (about 6,757m <sup>2</sup> ) [Restricted to max. PR of 3 and max. BH of 55mPD] and “Residential (Group C)1” (“R(C)1”) for the northern portion (about 8,652m <sup>2</sup> ) [Restricted to max. PR of 1.1 and max. BH of 3 storeys (8.23m)]

**1. The Proposal**

- 1.1 The applicant applies for rezoning the southern portion of the application site (the Site) (**Plan Z-1**) from “CDA”<sup>1</sup> to “R(B)1” with the maximum PR of 3 and BH of 55mPD and rezoning the northern portion of the Site from “CDA” to “R(C)1” with maximum PR of 1.1 and BH of 3 storeys (8.23m) to facilitate proposed residential developments. The southern portion is currently used by a self-finance drug treatment and rehabilitation centre operated by Dacars Limited (‘Dacars’). The northern portion is mainly fallow agricultural land with a few vacant structures.
- 1.2 Majority of the Site was covered by an approved s.16 application No. A/NE-KTN/131 (**Plan Z-1**) which was approved on 6.11.2009 for a proposed residential development with

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<sup>1</sup> The Site covers the majority of the current “CDA” site, and the remaining part of the “CDA” sites, i.e. a strip of land along the western boundary, is for the widening of Yin Kong Road by the Government.

PR of 0.47 for 38 3-storey houses, and the time limit for commencement of development was extended in 2013 up to 6.11.2017. As the proposed development had not commenced by that time, the planning permission lapsed on 7.11.2017. A Grade 2 historic building namely Enchi Lodge (the Lodge) comprising a Main Building and an Ancillary Block is within the Site. Under the approved application, the Main Building would be preserved while the Ancillary Block would be demolished.

- 1.3 According to the indicative scheme in the application, 49 houses (3 storeys) are proposed in the northern portion (proposed “R(C)1” zone). Three residential blocks (9-14 storeys) over basement carpark are proposed in the southern portion (proposed “R(B)1” zone) with the main building of the Lodge (2 storeys) to be retained as club house (**Drawings Z-1 and Z-2**). The completion year of the both proposed developments is assumed to be 2026.

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

	<b>Southern Portion</b>	<b>Northern Portion</b>
Proposed Zoning	“R(B)1”	“R(C)1”
Site Area	6,757m <sup>2</sup> (about)	8,652m <sup>2</sup> (about)
PR	3	1.1
Gross Floor Area (GFA)	20,271m <sup>2</sup> (about)	9,517.2m <sup>2</sup> (about)
Max. BH	55mPD (3 blocks of 13, 14 and 9 storeys above one common basement level) + 1 block of 2-storey existing building to be retained (Enchi Lodge Main Building)	3 storeys (8.23m)
Number of Residential Blocks	3	49
Number of Housing Unit	478 flats	49 houses
Average Flat Size	42.4m <sup>2</sup> (about)	194.2m <sup>2</sup> (about)
Estimated Population	1,434	294
Car Parking Space	Private Car: 105 Motorcycle: 5 Bicycle: 32	Private Car: 95
Loading/Unloading (L/UL) Spaces	3	2
Private Open Space	1,434m <sup>2</sup>	294m <sup>2</sup>

- 1.5 The Master Layout Plan (MLP), basement floor plan, section plans, Landscape Master Plan (LMP) and photomontages of the indicative scheme are at **Drawings Z-1 to Z-10**.
- 1.6 Similar to the previously approved application, the Main Building of Enchi Lodge within the southern portion of the Site is proposed to be preserved for residents’ clubhouse use while its Ancillary Block mainly within the southern portion with a small corner within the northern portion of the Site will be demolished to make way for an internal access within the proposed “R(B)1” zone at southern portion (**Plan Z-2b**). The applicant has committed to submit a Conservation Management Plan (CMP) concerning the conservation and management of the Grade 2 historic building for Antiquities and Monument Office’s (AMO) approval as one of the lease conditions in land exchange

process.

- 1.7 The proposed vehicular access to the southern portion is from Yin Kong Road to its west connecting Castle Peak Road – Kwu Tung, and that for the northern portion is through the internal access road in the southern portion (**Drawing Z-1**) by reserving a right of way for the residential development at the northern portion. The applicant proposes to incorporate the right-of-way requirement in the future lease of the southern portion (**Appendix Ih**).
- 1.8 According to the submission, the proposed BH for the “R(C)1” zone (3 storeys (8.23mPD)) is the same as the adjoining “Village Type Development” (“V”) zone to its north. There will be stepped BH from the “V” and “R(C)1” zones to “R(B)1” zone with maximum BH of 55mPD. The indicative scheme also shows stepped BH within the proposed development in southern “R(B)1”. The Visual Impact Assessment (VIA) submitted by the applicant (**Appendix Ib**) includes photomontages of the proposed development (**Drawings Z-7 to Z-10**).
- 1.9 According to the submitted LMP and Tree Survey Report (**Appendices Ia & Ib**), there are 90 trees within the Site, and none of them are registered Old and Valuable Trees nor rare or protected tree species. Among these 90 trees, 4 trees are proposed to be preserved while the remaining will be felled. A total of 88 compensatory trees are proposed to be planted. A minimum of 1m<sup>2</sup> per person of local open space within the Site is proposed based on the Hong Kong Planning Standards and Guidelines (HKPSG) to meet the need of future residents. The indicative LMP is at **Drawing Z-6**.
- 1.10 To demonstrate technical feasibility of the development, the applicant has submitted Traffic Impact Assessment (TIA), Environment Assessment (EA), Sewerage Impact Assessment (SIA) and Ecological Impact Assessment (EcoIA) (**Appendices Ia to Ii**). The northern boundary of the Site is about 60m-100m away from the southern boundary of the proposed Long Valley Nature Park (LVNP) (**Plan Z-1**). According to the EcoIA (**Appendix Ii**), mitigation measures such as good construction site practice, erection of noise/visual barrier along the frontage of any development zone abutting or within line of sight on ground level of LVNP, as well as consider adoption of glass that reflect UV light to prevent bird collision are recommended. As stated in the EA (**Appendix Id**), noise mitigation measures such as building stepping, vertical fin, acoustic window/ balcony and internal design are proposed to mitigate traffic noise from Fanling Highway. The required sewerage upgrading work will be implemented by the applicant if needed. As stated in the TIA (**Appendices Ih and Ii**), Civil Engineering and Development Department (CEDD) is planning to widen Yin Kong Road. The applicant will implement the road widening scheme if it is not implemented by CEDD. In additional, the applicant will construct the proposed improvement scheme at the eastbound bus stop at Castle Peak Road – Kwu Tung near the Site.
- 1.11 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form received on 16.12.2020 and supplementary information dated 12.12.2020 (**Appendix I**)
  - (b) Supplementary Planning Statement (**Appendix Ia**)
  - (c) 8 submissions of Further Information (FI) dated 11.5.2021, 27.7.2021, 30.9.2021, 15.10.2021<sup>#</sup>, 18.10.2021<sup>#</sup>, 21.1.2022, 6.4.2022<sup>#</sup> and 27.4.2022<sup>#</sup> in response to departmental comments with revised assessments and/or replacement pages. (**Appendices Ib to Ii**)

*# exempted from publication requirement*

- 1.12 The application was originally scheduled for consideration by the Committee on 12.3.2021. On 12.3.2021, 24.12.2021 and 1.4.2022, 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. On 28.4.2022, upon receipt of the applicant's FI, the application is scheduled at this meeting.

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 5 of the Supplementary Planning Statement at **Appendix Ia** and FIs in **Appendices Ia to Ii**. They are summarized as follows:

- (a) Almost the whole "CDA" zone is under a previously approved s.16 application No. A/NE-KTN/131 for a proposed residential development. The northern portion of the approved scheme falls within the 'Village Environs' ('VE') of Yin Kong Village (**Plan Z-1**). Land exchange could not be proceeded with under the current land policy for implementation of the approved residential development. Only land not within 'VE' is eligible for land exchange application. The approved scheme cannot be implemented. The current rezoning application for the "CDA" site is therefore submitted.
- (b) It is proposed to rezone the southern portion from "CDA" to "R(B)1" zone for facilitating residential development and to rezone the northern portion from "CDA" to "R(C)1" for reserving land within the 'VE' for future village type development or potential low-density residential development. This arrangement will not only be able to make development of the southern portion feasible by way of land exchange, but will also make the northern portion developable either for village type development or low-development in future if there is a change in land policy.
- (c) The proposed amendment would release precious land resources and utilize the development potential for housing supply which is in line with the Government's housing policy. It is able to provide more residential units to meet the future housing demand.
- (d) The Lodge located within the Site is a Grade 2 historic building, according to the Explanatory Statement of the OZP, it should be incorporated in the design of the development. Same as the previously approved scheme in A/NE-KTN/131, the Main Building of the Lodge would be retained for accommodating the residents' clubhouse and to be opened for public enjoyment with arrangement to be worked out. The Ancillary Block will not be retained in future. It would be more appropriate to discuss the feasible preservation-cum-development option during the land exchange process rather than the current rezoning stage.
- (e) The proposed development would not be incompatible with the surrounding developments including Yin Kong Village to its immediate north. In addition the proposed BH restriction of 3 storeys (8.23m) at the northern portion and 55mPD at the southern portion are the same as the village type development at Yin Kong and the nearby "Other Specified Uses" annotated "Business and Technology Park" ("OU(BTP)") zone in Kwu Tung North New Development Area (KTN NDA).
- (f) The TIA indicates that with the planned road widening at Yin Kong Road, the proposed development will not induce significant traffic impact on the surrounding road network.

- (g) The SIA shows that upgrading works of one of the existing sewers, if required before occupation of the proposed development, will be implemented by the applicant to cater for the proposed development and the nearby catchments.
- (h) The EcoIA shows that the cumulative impacts to the ecology within the Site and 500m distance from the boundary of the Site (including the LVNP located at the north of the Site) anticipated to be insignificant with proposed mitigation measures. The habitat lost within the Site is the only direct impact and the overall disturbance should be low.
- (i) The visual impact assessment, and environmental, including air quality and noise, assessments demonstrate that the proposed development will not cause significant adverse impacts to the Site and its surrounding areas.
- (j) For CEDD's comment regarding the small strip of land falling within the proposed future realigned Castle Peak Road, no building will be erected in the concerned 5m area.

### **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is one of the "current land owners" of the private lots within the Site. In respect of the other "current land owner(s)", the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by publishing newspaper notice and posting site notices. Detailed information would be deposited at the meeting for Members' inspection. For the Government land, the requirements as set out in the TPB PG-No. 31A is not applicable.

### **4. Background**

4.1 The Site covers majority of the "CDA" zone. In 1990, the "CDA" site was designated as "Unspecified Use" on the Interim Development Permission Area (IDPA) Plan No. IDPA/NE-KTN/1. On 12.7.1991, the southern part of the "CDA" site covering Enchi Lodge was zoned "Government, Institution or Community" ("G/IC") on the Development Permission Area (DPA) Plan No. DPA/NE-KTN/1 to reflect the drug treatment centre on site. On 27.5.1994, the "G/IC" zone was expanded northwards and it was intended for long-term GIC use and serving as a buffer between Yin Kong Village and the drug treatment centre. Owner of Enchi Lodge (i.e. Dacars Limited) raised objection to the "G/IC" zoning, and proposed to rezone his lots (mainly covering the southern portion of the Site) to either residential use or "CDA". On 25.10.1996, when giving further consideration to the objection, the Town Planning Board (the Board) noted the land use history and the development right of Dacars' site and generally agreed to rezone it. Considering that it might not be feasible for the remaining northern "G/IC" site to be developed for other GIC development if Dacars' site alone was rezoned to "CDA", the Board decided to propose rezoning the entire "G/IC" site to "CDA". The "CDA" zoning was subsequently confirmed on 29.8.1997. The "CDA" zoning of the Site generally remains unchanged since then. The Enchi Lodge including the Main Building and the Ancillary Block was a proposed Grade 2 historic building before it was confirmed as Grade 2 historic building in 2010.

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

## 5. Previous Application

- 5.1 There is no previous s.12A rezoning application relating to the “CDA” site.
- 5.2 The Site was the subject of a previous s.16 application No. A/NE-KTN/131 submitted by the two owners of the site and one of which is the current applicant. Details of the previous application are summarized at **Appendix II** and its location is shown on **Plan Z-1**. The previous application with a MLP covering almost the whole “CDA” site is for a proposed residential development with 38 3-storey houses, with minor relaxation of PR from 0.4 to 0.47 and SC from 20% to 22.4%. It was approved by the Committee on 6.11.2009 mainly on grounds that the proposed development was in line with the planning intention of the site; landed interest of the owners of the unacquired lots within the “CDA” site would not be undermined; the Main Building of Enchi Lodge was proposed to be preserved whilst its Ancillary Block to be demolished; Enchi Lodge should be open to the public at least one day a week; and no significant traffic, environment, drainage and landscape impact was anticipated. The Lodge was a proposed Grade 2 historic building at that time. The validity of the planning permission was extended for 4 years until 6.11.2017. As the proposed development had not commenced by that time, the planning permission lapsed on 7.11.2017.

## 6. Similar Application

There is no similar rezoning application on the KTN OZP but there are two similar applications (No. Y/NE-KTS/12 and Y/NE-KTS/14 (**Plan Z-1**)) for rezoning two sites to the southwest across Fanling Highway on Kwu Tung South OZP from mainly “CDA”/ “Recreation” (“REC”)/ “Agriculture” (“AGR”) to “CDA(1)”/ “CDA(2)”/ “CDA(3)” with maximum PR 3 and BH 75mPD for residential developments. Application No. Y/NE-KTS/12 was agreed by the Committee on 20.9.2019 and Site A of application No. Y/NE-KTS/14 was agreed on 18.12.2020, mainly on the grounds that the proposed residential use was compatible with the surrounding land uses; the proposed development intensity was considered acceptable due to changes in the planning context. The two sites were rezoned to “CDA(1)” and “CDA(2)” respectively on 5.3.2021.

## 7. The Site and Its Surrounding Areas (Plans Z-1, Z-2a, aerial photo on **Plan Z-3** and site photos on **Plans Z-4a to 4c**)

- 7.1 The southern portion of the Site:
- (a) is mainly occupied by an existing drug treatment and rehabilitation centre (DTRC) accommodated in the Main Building and Ancillary Block of Enchi Lodge (a Grade 2 historic building as a whole) which are located in the middle of the southern portion (except that the north-eastern tip of the Ancillary Block is outside the southern portion and falls in the northern portion), an outdoor sports ground and fallow and active agricultural land in the western part, and a garden in the eastern part;
  - (b) has some vacant structures in the eastern part; and
  - (c) is accessible from Castle Peak Road – Kwu Tung via Yin Kong Road to its west.

- 7.2 The northern portion of the Site falls within the 'VE' of Yin Kong which is mainly fallow agricultural land with a few vacant structures.
- 7.3 The surrounding area is predominantly rural in nature and has the following characteristics:
- (a) to its north is Yin Kong Village which is zoned "V" subject to maximum BH of 3 storeys (8.23m);
  - (b) to the further north is the proposed Long Valley Nature Park (LVNP) which is zoned "Other Specified Use" ("OU") annotated "Nature Park";
  - (c) to its east are mainly domestic structures, workshops and open storage yards;
  - (d) to its south is Castle Peak Road – Kwu Tung and Fanling Highway; and
  - (e) to its west and northwest across Yin Kong Road are mainly warehouses, vehicle park and logistics centre intermixed with some domestic structures. The area to the west of the Site will be cleared for the NDA development. It is planned for an open space.

## **8. Planning Intention**

- 8.1 The planning intention of the "CDA" zone is primarily for comprehensive development/redevelopment of the area for residential use 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.
- 8.2 It is stated in the Explanatory Statement of the OZP that Enchi Lodge (a Grade 2 historic building) should be incorporated in the design of the development in the "CDA" site.

## **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 Chief Estate Surveyor/New Development Area, Lands Department (CES/NDA, LandsD):
- (a) The Site involves portions or whole of 15 private lots all in D.D.92 and a pieces of Government land (GL) subject to a Short Term Tenancy No.1219. All private lots except Lots 706RP and 2158RP both in D.D.92 are old schedule agricultural lots or agricultural and house lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The original grant in respect of Lots 706 and 2158 both in D.D. 92 cannot be traced in the Land Registry record.
  - (b) The actual site area and building entitlements of the private lots involved

will be subject to verification.

- (c) He has no comment on the application from land acquisition point of view.

9.1.2 Comments of the District Land Officer/ North, LandsD (DLO/N, LandsD):

- (a) The northern portion of the Site falls within 'VE' of Yin Kong. He advises that 'VE' boundary is primarily reserved for development of New Territories Exempted House (NTEH) by indigenous villagers under the New Territories Small House Policy. Hence, non-NTEH land exchanges/ modification would not normally be entertained within defined 'VE' boundary. In view of the above, he has reservation to the proposed "R(C)1" zone.
- (b) The southern portion comprises of private lots. A land exchange is required to effect the subject proposal if rezoning is approved.
- (c) The right of way reserved to the northern portion, if required, may be considered in the land exchange stage when situation warrants.
- (d) Her detailed comments are in **Appendix III**.

**Future Development**

9.1.3 Comments of the Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD):

A 5m wide area at the southern tip of the Site encroached upon the proposed future realigned Castle Peak Road. It is noted that no building will be erected in the said area. His other comments are in **Appendix III**.

**Traffic**

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

She has no objection to the application from traffic perspective.

**Environment**

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

He has no objection to the application from environmental perspective.

**Drainage**

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



Drainage Impact Assessment (DIA) is required for the proposed development. He has no objection to applicant's proposal of submitting the DIA at land exchange stage. Flood mitigation measures proposed in the DIA and any other storm-water drainage facilities should be provided and maintained to the satisfaction of the department.

### **Urban Design, Visual and Landscape**

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

(a) The application for a maximum PR of 3 and a maximum BH of 55mPD would result in change in the existing visual character of Yin Kong. Nevertheless, since the Site is close to the KTN NDA to the west and the two sites zoned "CDA(1)" and "CDA(2)" (in Kwu Tung South OZP) across Fanling Highway, the potential visual impact of the proposed development up to BH 55mPD is considered not substantial in the wider context.

(b) She has no objection to the application from landscape planning perspective.

### **Nature Conservation**

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

(a) The Site is located in the vicinity of the planned LVNP which is highly ecologically sensitive and is intended to protect and enhance existing wetland habitats for the benefit of local ecology (especially avifauna, including various species of conservation importance) and promotion of nature conservation and education, is an ecological mitigation measure for the development of the KTN and Fanling North NDA. It is noted that the scale of development will be increased substantially under the proposed rezoning from "CDA" to "R(B)1" and "R(C)1".

(b) She has no comment on the revised Ecological Impact Assessment submitted by the applicant (**Appendix II**) from LVNP perspective.

### **Heritage Conservation and Archaeological Issue**

#### **9.1.9 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (AMO):**

(a) Enchi Lodge (the Lodge), consists of both the Main Building and the Ancillary Block, accorded with a Grade 2 historic building status collectively by the Antiquities Advisory Board in August 2010. Heritage value of the Lodge should be considered in its entirety. By definition, a Grade 2 historic building refers to a building of special merit; efforts should be made to selectively preserve. The grading system is administrative in nature and does not affect the ownership, usage, management and development rights of the historic buildings. The applicant is strongly advised to preserve both the Main Building and Ancillary Block for

adaptive reuse in the new development.

- (b) Despite his office's appeal to the applicant to preserve both the Main Building and the Ancillary Block of the Lodge, it is noted that the applicant maintains his intention to demolish the Ancillary Block to make way for an access road. His office strongly encourage the applicant to explore alternative layout, in particular the alignment of the access road, with a view to preserving both the Main Building and the Ancillary Block of the lodge in the new development.
- (c) Under the prevailing heritage conservation policy, the Government recognises the need to provide economic incentives to encourage and facilitate private owners to preserve their historic buildings. In implementing this policy, it is aimed to strike a balance between preservation of historic buildings and respect of private property rights. The requisite economic incentive to achieve the policy objective would be considered on a case-by-case basis. To encourage heritage conservation as far as possible, the Government is willing to explore with the owner any possible economic incentives commensurate with the heritage value of the Lodge. To this end, the Commissioner for Heritage's Office and AMO of the Development Bureau stand ready to discuss with the applicant on the preservation of the Lodge and explore feasible preservation-cum-development options to achieve a balance between heritage conservation and development.
- (d) For future adaptive reuse of the Lodge, the applicant has committed to submit a Conservation Management Plan (CMP) to address how the changes to the Lodge arising from the development proposal will be properly managed so as to minimise the impact to the heritage value of the Lodge. Please consider to impose a requirement for applicant to prepare a CMP as a planning control at appropriate juncture.
- (e) According to the Explanatory Statement of the OZP for the "CDA" zone, the Lodge should be incorporated in the design of the development on the "CDA" for the approval of the Board. Although the Main Building of the Lodge will be preserved in situ and be incorporated into the new development, planning control for preservation of the Lodge is necessary and should be properly addressed in the new zoning if the s.12A application is approved.
- (f) A Grade 2 historic building, namely Earth God Shrine of Kam Tsin (the "Shrine"), (**Plan Z-2b**) is in close proximity to the Site. The applicant should ensure that the proposed development will not cause any disturbance(s) or damage(s) to the Shrine.
- (g) The Site is located within the areas with low archaeological potential in the Final Environmental Impact Assessment (EIA) Report for North East New Territories NDAs Planning and Engineering Study – Investigation. As a recommended mitigation measure set out in the EIA report, pursuant to the Antiquities and Monuments Ordinance, the construction contractor should inform AMO immediately in case of the discovery of antiquities or supposed antiquities in the course of soil excavation works during the construction stage.

- (h) Besides the Lodge, if there are any buildings / structures both at grade level and underground which were built in or before 1969, which would likely be affected by the proposed development, AMO should be alerted in an early stage or once identified.

### **District Officer's Comments**

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

- (a) She consulted the locals on the application and the applicant's FIs. The Chairman of Sheung Shui District Rural Committee, the incumbent North District Council member of the subject constituency and the Resident Representative of Yin Kong objected to the application mainly on the grounds that the proposed development would have impact to the villager, in particular traffic concerns where the development will increase the population and number of vehicles in Castle Peak Road, which is the trunk road for residents in rural Sheung Shui, and worsen the traffic congestion. There are also concerns on the public transport, living environment, drainage, greening and feng shui issues.
- (b) The Chairman of Fung Shui Area Committee has no comment on the application.

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

- (a) Commissioner of Narcotics
- (b) Director of Social Welfare
- (c) Chief Highway Engineer/New Territories East, Highways Department
- (d) Head of Geotechnical Engineering Office, CEDD
- (e) Commissioner of Police
- (f) Director of Fire Services
- (g) Chief Engineer/Construction, Water Supplies Department
- (h) Chief Building Surveyor/New Territories West, Buildings Department
- (i) Director of Electrical and Mechanical Services

## **10. Public Comments Received During Statutory Publication Period (Appendix IV)**

- 10.1 The application and the FIs were published for public inspection. During the statutory public inspection periods, a total of 16 public comments were received. 11 comments (**Appendices IV-1 to IV-11**) object to the application. They were submitted by Kadoorie Farm and Botanic Garden, Central & Western Concern Group, a NDC member, Indigenous Inhabitant Representative (IIR) of Yin Kong and Resident Representative of Yin Kong and 2 individuals. 4 comments (**Appendices IV-12 to IV-15**) submitted by IIR of Yin Kong and 1 individual indicate no comment. The remaining comment submitted by the Hong Kong and China Gas Co. Ltd. provided advice.
- 10.2 The main reasons of the 11 objecting comments are:

- (a) The current scale of the proposed development is too large and not in line with the current “CDA” zoning intended for low-rise low-density development. The proposed development would cause adverse environmental impact such as noise, greening and conservation. It is not in harmony with the surrounding environment. No community facility is to be provided in the Site despite increase in population.
  - (b) The proposed development would bring about new population and vehicles and cause adverse traffic impact to the local road, which is narrow and busy. The Castle Peak Road – Kwu Tung is often congested in peak hour, the proposed development will worsen the traffic problem.
  - (c) The existing historical buildings, including the Grade 2 Enchi Lodge in the Site should be retained. More space should be provided around the Lodge and the heritage building should be accessible to the public.
  - (d) The Site is in close proximity to the LVNP. The impact to the LVNP should be assessed. Approval of the application would set a precedent for similar applications. The potential cumulative impacts on LVNP should be considered.
  - (e) The proposed high-rise development would cause adverse impact in Feng Shui aspect for the villagers in Yin Kong.
  - (f) The proposed village houses will occupy about 41% of the Site but provide only 46 units.
- 10.3 The Hong Kong and China Gas Co. Ltd advises that the applicant should conduct a quantitative risk assessment to evaluate the potential risk and determine the necessary mitigation measures if required (**Appendix IV-16**). The applicant should consult and closely coordinate with the Hong Kong and China Gas Co. Ltd at design and construction stage respectively and provide protective measures to the high pressure pipeline near Fanling Highway.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for rezoning the Site from “CDA” to “R(B)1” (southern portion) and “R(C)1” (northern portion) with increase in development intensity to facilitate the intended residential use. For the “R(B)1” zone, the proposed maximum PR is 3 and BH is 55mPD, and for the proposed “R(C)1” zone, the proposed maximum PR is 1.1 and BH is 3 storeys (8.23m). According to the submitted indicative scheme, the proposed development within the “R(B)1” zone comprises 3 residential blocks of 9-14 storeys (maximum 55mPD) with a total GFA of 20,271m<sup>2</sup> and 478 flats. The proposed development within the proposed “R(C)1” zone comprises 49 houses of maximum 3 storeys (8.23m) with a total GFA of 9,517.2m<sup>2</sup>.

### **Implementation of the Northern Portion**

- 11.2 Under the current “CDA” zoning, a planning application No. A/NE-KTN/131 for residential development was approved in 2009. The applicant failed to implement the approved scheme because the land exchange application was not accepted by LandsD as the northern portion of the site is within the ‘VE’ of Yin Kong which is reserved for Small House development. According to the applicant, rezoning the “CDA” zone to individual residential zones is necessary to allow separate implementation of the southern

and northern portions. Although DLO/N, LandsD has reservation to the proposed “R(C)1” zone, the zoning may allow flexibility for village type house or low-density residential development in future.

#### Development Intensity and Urban Design

- 11.3 The proposed “R(C)1” zone with a PR of 1.1 and BH 3 storeys (8.23m) is comparable with the village setting in the “V” zone in Yin Kong to its immediate north. The proposed “R(B)1” zone with a PR of 3 and BH of 55mPD is comparable with the planned density (PR of 3) and building height profile in the future development of the KTN NDA to the west (**Plan Z-1**). The proposed PR is also the same as the two committed CDA developments to the southwest of the Site across Fanling Highway which are both subject to a PR of 3 (**Plan Z-1**). There will be stepped BH descending from the “R(B)1” zone towards the “V” and “R(C)1” zones to the north. Taking into account the surrounding context and BH profile (120 to 55mPD) descending from KTN NDA Town Centre toward the Site, and two sites zoned “CDA(1)” and “CDA(2)” across Fanling Highway, CTP/UD&L, PlanD considers the potential visual impact of the proposed development up to a BH of 55mPD not substantial in the wider context. The proposed PR (1.1 and 3) and BH (3 storeys and 55 mPD) of the two divided zones are therefore considered in line with this district planning context, facilitating separate developments while allowing preservation of the Grade 2 historic buildings at the same time.

#### Heritage Conservation

- 11.4 It is stated in the Explanatory Statement of the OZP for the current “CDA” zone that the Lodge (a Grade 2 historic building) should be incorporated in the design of the development in the “CDA” site. In the previous scheme approved in 2009, the Main Building of the Lodge was proposed to be retained while its Ancillary Block was proposed to be demolished. However, approval of the previous scheme was given before the Lodge is confirmed as Grade 2 historic building in 2010. In the current application, the applicant proposed the same treatment, i.e. preserving the Main Building in-situ as a clubhouse while demolishing the Ancillary Block to make way for an internal access road. The AMO considers the heritage value of the Lodge (i.e. both the Main Building and the Ancillary Block) should be considered in its entirety. The AMO strongly encourages the applicant to explore alternative layout in particular the alignment of the internal road with a view to preserving the Ancillary Block as well. The Commissioner for Heritage and AMO are willing to discuss with the applicant to explore feasible preservation-cum-development options to achieve a balance between heritage conservation and development. Besides, AMO considers there should be adequate planning control in the new zoning for preservation of the Lodge and submission of a CMP to govern the management and adaptive reuse of the Lodge. Should the application be approved, it should be specified in the Notes for the “R(B)1” zone that the whole Lodge (both Main Building and Ancillary Block) should be preserved while the requirement of submission of CMP could be included as a lease condition to allow flexibility in the management and adaptive re-use of the historic building.

#### Natural Conservation

- 11.5 The LVNP is an ecological mitigation measure for the development of the KTN and FLN NDA. It is highly ecologically sensitive and is intended to protect and enhance existing wetland habitats for the benefit of local ecology and promotion of nature conservation and education. Although the northern boundary of the Site is about 60-100m away from the southern boundary of LVNP, it is located more than 200m away from the Biodiversity Agriculture Zone of LVNP (at northern part of LVNP), which is of higher ecology value. Besides, the Site is separated from LVNP by Yin Kong Village. The Ecological Impact Assessment has concluded that the cumulative impacts from the

proposed rezonings are not anticipated to be significant and the overall disturbance should be low. AFCD has no major comment to the assessment.

Traffic, Environment and Other Technical Aspects

11.6 The TIA submitted by the applicant was accepted by TD.

11.7 EPD and other departments consulted have no objection to the application while advising that some technical requirements should be addressed/ to be submitted by the applicant during lease exchange/lease modification stage should the application be approved.

Previous and Similar Applications

11.8 There is no previous rezoning application relating to the “CDA” zone. The Site is the subject of a previous s.16 application under the current “CDA” zoning as stated in paragraph 5.2 for a proposed residential development, and the planning permission lapsed on 7.11.2017. Regarding the similar applications No. Y/NE-KTS/12 and Y/NE-KTS/14 to the southwest of the Site across Fanling Highway, the Committee agreed/partially agreed to intensify the development intensity to 75mPD in 2019/2020 as stated in paragraph 6.

Public Comments

11.9 A total of 11 out of 16 public comments object to the application. In this regard, relevant Government departments’ comments and planning assessments as stated above are relevant.

**12. Planning Department’s Views**

12.1 Based on the assessment made in paragraph 11 and having taken into account the local views and public comments mentioned in paragraphs 9.1.13 and 10, the Planning Department has no in-principle objection to the proposed amendments to the “CDA” zone by dividing it into “R(B)1” and “R(C)1” with the respective development restrictions proposed by the applicant subject to preservation of the whole Enchi Lodge under the Notes for the “R(B)1” zone.

12.2 Should the Committee decide to agree/partially agree to the application, 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 Explanatory Statement for Committee’s agreement prior to gazetting under Section 5 of the Town Planning Ordinance.

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

- (a) there is no strong justification in the submission to justify the rezoning of the Site from “CDA” to “R(B)1” and “R(C)1” with higher development intensity; and
- (b) the applicant fails to demonstrate the preservation of the Enchi Lodge in its entirety.

**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**

<b>Appendix I</b>	Application Form received on 16.12.2020 and supplementary information dated 12.12.2020
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI dated 11.5.2021
<b>Appendix Ic</b>	FI dated 27.7.2021
<b>Appendix Id</b>	FI dated 30.9.2021
<b>Appendix Ie</b>	FI dated 15.10.2021
<b>Appendix If</b>	FI dated 18.10.2021
<b>Appendix Ig</b>	FI dated 21.1.2022
<b>Appendix Ih</b>	FI dated 6.4.2022
<b>Appendix Ii</b>	FI dated 27.4.2022
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Detailed Departmental Comments
<b>Appendices IV1-16</b>	Public Comments
<b>Drawing Z-1</b>	Master Layout Plan
<b>Drawing Z-2</b>	Landscape Master Plan
<b>Drawing Z-3</b>	Basement Plan
<b>Drawings Z-4 to Z-6</b>	Section Plans
<b>Drawings Z-7 to Z-10</b>	Photomontages
<b>Plan Z-1</b>	Location Plan
<b>Plans Z-2a and Z-2b</b>	Site Plans
<b>Plan Z-3</b>	Aerial Photo
<b>Plans Z-4a to Z-4c</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2022**