

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

**APPLICATION NO. Y/NE-KTS/15**

- Applicant** : Hinying Limited represented by Llewelyn-Davies Hong Kong Limited
- Site** : Lots 1027, 1029, 1030, 1034A, 1034B, 1039 (Part), 1040, 1042 RP, 1043 RP, 1044 RP (Part), 1045, 1047, 2233 (Part), 2251 S.A RP, 2256 RP, 2315 (Part) and 2316 RP (Part) in D.D. 92 and Adjoining Government Land (GL) , Kwu Tung South, Sheung Shui, New Territories
- Site Area** : 19,700m<sup>2</sup> (about) (including about 5,441m<sup>2</sup> of Government Land (GL), 28%)
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plan** : Draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/17 at the time of submission of the application
- Approved Kwu Tung South OZP No. S/NE-KTS/18 currently in force [the zoning and development restrictions of the application site remain unchanged]
- Zonings** : “Comprehensive Development Area” (“CDA”) (about 98.9%) [restricted to a maximum plot ratio (PR) of 0.4, a maximum site coverage (SC) of 25%, and a maximum building height (BH) of 3 storeys including carpark]
- “Agriculture” (“AGR”) (about 0.1%) and an area shown as ‘Road’ (about 1%)
- Proposed Amendment** : Rezoning from “CDA”, “AGR” and an area shown as ‘Road’ to “Residential(Group B)” (“R(B)”) with a maximum PR of 2 and a maximum BH of 70mPD

## 1. The Proposal

- 1.1 The applicant applies for rezoning the application site (the Site) (**Plan Z-1**) from “CDA”, “AGR” and an area shown as ‘Road’ to “R(B)” with a maximum PR of 2 and a maximum BH of 70mPD to facilitate a proposed residential development. The proposed Schedule of Uses for “R(B)” zone is at **Appendix Ia**. The Site is currently vacant and vegetated.
- 1.2 The Site is the subject of a s.12A application No. Y/NE-KTS/3 which was approved by the Rural and New Town Planning Committee (the Committee) of Town Planning Board (the Board) in 2011 for rezoning the Site from “Agricultural” (“AGR”) to “CDA”, and subsequently two approved s.16 applications under the “CDA” zone (**Plan Z-1**). Application No. A/NE-KTS/364 was approved with conditions by the Committee in 2015 for a proposed residential development of 33 houses with PR of 0.4 and BH of 3 storeys and the time limit for commencement of development was extended in 2019 up to 22.5.2023. The latest s.16 application No. A/NE-KTS/484 was approved with conditions by the Committee in 2021 for a proposed residential development of 37 houses with PR of 0.4 and BH of 3 storeys.
- 1.3 According to the indicative scheme (**Drawing Z-1**) submitted by the applicant, the proposed development comprises six residential blocks (i.e.T1 to T6) with building height variation where the tower height descends from the north (16 storeys, maximum 70mPD at main roof) to the south (15 storeys, 67.75mPD at main roof), excluding one-storey basement carpark. The completion year of the proposed development is assumed to be 2027. The major development parameters of the indicative scheme are as follows:

Site Area	About 19,700m <sup>2</sup>
Maximum PR	Not more than 2
Total Gross Floor Area (GFA)	Not more than 39,400m <sup>2</sup>
SC	Not more than 33.33%
BH	67.75mPD – 70mPD (15 to 16 storeys)
Number of Blocks	6
Number of Flats	About 909
Average flat size	About 43m <sup>2</sup>
Designed Population	About 2,455
Communal Private open space	Not less than 2,455m <sup>2</sup>
Parking Facilities	
- Private Car Parking Spaces	138
- Motorcycle Parking Spaces	10
- Bicycles Parking Spaces	59
- Loading/Unloading bays (L/UL) for residential development	6

- 1.4 The Master Layout Plan (MLP), floor plans, section plan, Landscape Master Plan (LMP) and photomontages of the indicative scheme submitted by the applicant are at **Drawings Z-1 to Z-8d** respectively.

#### Traffic and Transport

- 1.5 The Site is accessible from Hang Tau Road and its vehicular access point will be provided at Hang Tau Road running along the eastern side of the Site (**Plan Z-2a**). The applicant proposes to widen the existing Hang Tau Road from 6.2m carriageway (at the narrowest point) into 7.3m carriageway with 2m footpath abutting the Site. A GMB lay-by and pedestrian crossing are proposed on Hang Tau Road to enhance the public transport and pedestrian accessibility (**Drawing Z-1**).
- 1.6 According to the Traffic Impact Assessment (TIA) conducted by the applicant, the Site is served by the GMB routes No. 50K running along Hang Tau Road and Sheung Shui MTR station. With the proposed road widening, double decker buses would be viable to serve the future residents at the northern part of Kwu Tung South. The public transport demand from the proposed development can be supplemented by the potential feeder bus service along Kam Hang Road, connecting to the future Kwu Tung Station of the Northern Link (NOL) Phase 1 with anticipated completion by 2027.

#### Visual and Air Ventilation

- 1.7 The applicant indicates that the building height will descend from the north of the Site to the south, with 16 storeys of 70mPD descending to 15 storeys of 67.75mPD to ensure the proposed development could blend in well with the surrounding environment. The six residential blocks are divided into three clusters with building gaps (25m and 15m respectively) to reduce the building mass, enhance visual permeability and serve as ventilation corridor to allow effective wind penetration (**Drawing Z-7**). Permeable fence wall will also be provided along the site boundary. According to the Visual Impact Assessment (VIA) conducted by the applicant, the magnitude of visual change due to the proposed development at the selected viewing points would be negligible/ slightly adverse.
- 1.8 The applicant has also conducted an Air Ventilation Assessment (AVA) to examine the air ventilation impact of the proposed development. The AVA concluded that the proposed development would not induce a significant impact to the nearby areas in air ventilation terms. The proposed building gaps can also minimise the visual impact of taller buildings.

#### Landscape and Tree Preservation

- 1.9 According to the submitted LMP (**Drawing Z-5**) and Tree Preservation Proposal, there are 275 trees within the Site. Amongst them, 10 trees would be

retained, 2 would be transplanted, and 263 (including 24 dead trees) would be felled. A total of 239 new heavy standard trees would be planted for compensation. A 4m-wide tree buffer zone is proposed along the western boundary and a 3m-wide landscape strip is proposed to form buffer area at the east. A total of not less than 2,455 m<sup>2</sup> private open space will be provided to serve the future residents.

#### Compensatory Planting Areas

- 1.10 Two pieces of the existing planting areas (total area: about 610m<sup>2</sup>) currently managed by Agriculture, Fisheries and Conservation Department (AFCD), which are located at the northern and southern parts of the Application Site, will form part of the Proposed Development in the future under the re-grant lot (**Drawing Z-7** and **Plan Z-2a**). The planting areas which were created under the Rural Drainage Rehabilitation Scheme for Sheung Yue River are not of conservation importance. To compensate the loss of the planting areas, four pieces of land (total area: about 649 m<sup>2</sup>)<sup>1</sup> (**Drawing Z-7** and **Plan Z-2a**) are proposed to be re-provided on the applicant's land outside the Site as well as the adjoining strips of Government Land to form holistic compensatory planting areas by the Applicant to the satisfaction of AFCD for hand-over to the Government for future management and maintenance. The compensation arrangement was carried forward from the previous application No. A/NE-KTS/484. The detailed setting-out of the compensatory planting area has already commenced in accordance with approval condition (e) of that application.

#### Environment

- 1.11 According to the submitted Environmental Assessment (EA), with the adoption of the proposed noise mitigation measures (i.e. the use of acoustic window (baffle type), buffer distance from the residential blocks to adjoining roads (**Drawings Z-9 and Z-10**), and orientation of residential blocks non-parallel to Fanling Highway), the proposed development will not be subject to traffic noise impact.
- 1.12 For air quality, the proposed scheme can meet the Hong Kong Planning Standard and Guidelines (HKPSG)'s requirement of recommended buffer distance of 5m between the proposed residential blocks and adjoining roads, i.e. Hang Tau Road to the east, Kwu Tung Road to the north and Kam Hang Road to the northeast of the Site.

#### Sewerage, Drainage and Water Supply

- 1.13 According to the submitted Sewerage Impact Assessment (SIA), the upgraded capacity of Shek Wu Hui Sewage Treatment Works (SWHSTW) is expected to

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<sup>1</sup> The total compensatory planting area of 649 m<sup>2</sup> and its configuration are subject to detailed design and setting-out.

be commissioned before or by the time of population intake of the proposed development. The sewage generated from the Site would be discharged directly to SWHSTW via a proposed new sewer connecting to the existing public sewer. Segments of existing sewers would operate near and slightly above capacity and sewer pipe upgrading works are proposed to mitigate the impact.

- 1.14 According to the submitted Drainage Impact Assessment (DIA), the runoff from the Site would be discharged into the existing drainage channel outlet along the southern toe of Kwu Tung Road embankment to Sheung Yue River. Peripheral channels will be provided along the perimeter of the Site.
- 1.15 The Water Supply Impact Assessment (WSIA) submitted by the applicant indicates that the proposed development is located within the supply zone of Kwu Tung Fresh Water Service Reservoir (KTFWSR). The water demands for the proposed development can be catered by the KTFWSR. The proposed development is considered technically feasible from water supply point of view.
- 1.16 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and Supplementary Planning (**Appendix I**) Statement (SPS) received on 1.12.2021
  - (b) Nine submission of Further Information (FI) received on 31.1.2022, 10.2.2022, 14.4.2022, 13.6.2022, 28.6.2022, 13.9.2022, 12.10.2022 and 19.10.2022 in response to departmental comments with revised assessments and/or replacement pages
  - (c) FI-10 received on 21.10.2022 providing a (**Appendix Ia**) consolidated SPS<sup>#</sup>

*Remark:*

*# accepted and exempted from publication and recounting requirements*

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

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix I**. They are summarised as follows:

- (a) The proposed rezoning is in line with the prevailing policy on enhancing housing and land supply through optimisation of the existing land resources and the latest Northern Metropolis Development Strategy. The proposed rezoning would offer about 909 housing units, which could help meet the acute demand for private housing. The secured landholding status of the Site can allow early realisation of the residential development.

- (b) With the committed Kwu Tung North New Development Area (KTN NDA) development, and the changing planning and development contexts in the immediate surrounding of the Site for medium-rise residential development, it is a prime time to review and optimize the Site's development potential.
- (c) The indicative scheme involves design merits such as the adoption of a stepped building height profile, sensible building disposition with the provision of building gaps to facilitate wind penetration and visual permeability (**Drawing Z-7**).
- (d) The proposed development would bring forth traffic improvement measures for the benefit of both future residents and the local community.
- (e) The proposed rezoning is compatible with the development setting of its surrounding area and KTN NDA.
- (f) Relevant technical assessments indicate that the proposed rezoning is technically feasible in terms of landscape, visual, air, traffic, engineering and environmental aspects.

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

The applicant is the sole "current land owner" of the private lots in the Site. Detailed information would be deposited at the meeting for Members' inspection. For the Government land (about 28% of the Site), the "owner's consent/notification" 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) are not applicable.

### **4. Background**

The Site is not subject to any active enforcement action.

### **5. Previous Applications**

- 5.1 The Site is the subject of one s.12A application (**Plan Z-1**) and two previous s.16 applications submitted by the current applicant.

#### S.12A application

- 5.2 Application No. Y/NE-KTS/3 for rezoning from "Agriculture" ("AGR") to "Other Specified Uses" annotated "Rural Uses" ("OU(RU)") or from "AGR" to "CDA" for a proposed low-rise and low-density residential development of 34 three-storey houses with PR of 0.4 and BH of 3 storeys including car park was considered by the Committee on 23.9.2011. Subsequently, the Town Planning Board agreed to rezone the Site from "AGR" to "CDA" on 4.10.2013. Since

then, the “CDA” zoning and development restrictions for the Site remain unchanged.

#### S.16 applications

- 5.3 Application No. A/NE-KTS/364 in a smaller development site within the “CDA” zone (**Plan Z-2b**) for proposed 33 houses with PR of 0.4 and BH of 3 storeys was approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2015. Subsequently, the validity of the permission was extended to 22.5.2023. In the course of processing the land exchange in relation to the approved development, parcels of Government land of about 3,580m<sup>2</sup> mostly within the “CDA” zone but outside the development site is proposed to be included in the development for better utilisation of land resources and rationalisation of boundary (**Plan Z-2b**). Application No. A/NE-KTS/484 (37 houses, PR of 0.4 and BH of 3 storeys) seeking to amend the approved scheme under Application No. A/NE-KTS/364 to include the aforesaid Government land for development with corresponding increase in GFA was approved by the Committee on 5.2.2021.
- 5.4 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan Z-1**.

### **6. Similar Applications**

- 6.1 There are five similar s.12A applications mainly involving two sites currently zoned “CDA(1)” and “CDA(2)” in the northern part of KTS and one site zoned “CDA” at Hang Tau Tai Po. Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan Z-1**.

#### “CDA(1)” site to the further northeast of the Site

- 6.2 Application No. Y/NE-KTS/6 for rezoning the site from “CDA” to “CDA(1)” for increasing the PR from 0.4 to 2.1 and BH from 3 storeys to 60mPD (14 storeys) to facilitate a proposed residential development was not agreed by the Committee in 2016 mainly for reasons that the proposed development parameters were significantly higher than the surrounding areas and incompatible with the low-rise and low-density character of the area; the applicant failed to demonstrate that the proposed rezoning was acceptable from the perspective of traffic, drainage, sewerage, environmental, geotechnical, landscape and risk impacts; and approval of the rezoning application would set an undesirable precedent.
- 6.3 Application No. Y/NE-KTS/12 for rezoning the “CDA” site to “CDA(1)” for increasing PR from 0.4 to 3 and BH from 3 storeys to 75mPD (19 storeys) to facilitate a proposed residential development (1,573 flats) was agreed by the Committee in September 2019 mainly on the considerations that the proposed residential use was compatible with the surrounding land uses; the proposed development intensity was not entirely incompatible with the developments in

KTN NDA; and the proposed rezoning was considered acceptable due to changes in the planning context.

“CDA(2)” site to the northeast of the Site

- 6.4 Application No. Y/NE-KTS/9 for rezoning of the site from “REC” and “CDA” to “Other Specified Uses” (“OU”) annotated “Integrated Development with Residential, Farming and Community Facilities” with a maximum PR of 3.6, BH of 16 storeys above ground (63.5mPD) and 538 flats to facilitate a proposed integrated development with residential, farming and community facilities was not agreed by the Committee in 2016 mainly for reasons similar to those for Y/NE-KTS/6 mentioned in paragraph 6.2 above.

- 6.5 Application No. Y/NE-KTS/14 for rezoning of two sites ( “CDA(2)” site and a site to its south) from mainly “REC” and “AGR” to “CDA” with a maximum PR of 3 and BH of 75mPD was partially agreed by the Committee on 18.12.2020 for rezoning the northern site to “CDA(2)” and not to rezone the southern site. Members had reservation on the proposed development parameters of the southern site and decided that suitable development parameters for it should be further reviewed together with its adjoining area.

“CDA” site to the south of the Site

- 6.6 Application No. Y/NE-KTS/13 for increasing PR (from PR 0.4 to PR 1.23/1.41) and BH (from 3 storey to 40.3mPD (6-8 storeys) for a “CDA” site at Hang Tau Tai Po was agreed by the Committee on 10.12.2021 mainly on the consideration that the proposed residential development was compatible with the surrounding land uses; the proposed development intensity was in line with the regional context while providing comprehensive development and providing local road and public transport improvement; and the proposed increase in development intensity is not unacceptable from urban design and infrastructural capacity.

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

- 7.1 The Site is:

- (a) vacant and fenced off;
- (b) accessible via Hang Tau Road;
- (c) mostly covered by weeds, with a small portion in the north being paved and trees along the periphery; and
- (d) two pieces of existing mitigation woodland at the northern and southern part of the Site.



- 7.2 The surrounding area is predominantly rural in nature with low-rise and low-density residential developments, abandoned meander and mitigation woodland with the following characteristics:
- (a) to the east across Hang Tau Road are low-rise and low-density residential developments, i.e. Casas Domingo within “Residential (Group C)1” (“R(C)1”) (PR 0.43) zone as well as Shui Ming Villa and other domestic structures within “Recreation” (“REC”) zone, active farmland, plant nursery and storages;
  - (b) to the south and southeast are the Hong Kong Girl Guides Association Jockey Club Beas River Lodge and domestic structure;
  - (c) to the immediate west are Sheung Yue River and an abandoned meander and mitigation woodland areas under the Rural Drainage Rehabilitation Scheme for Sheung Yue River maintained by AFCD (**Plan Z-2a**);
  - (d) to the further west and northwest across Sheung Yue River is a large scale low-rise and low-density residential development known as Valais within “R(C)2” zone (PR 0.4); and
  - (e) to the north are Kwu Tung Road and to the further north across Fanling Highway is the KTN NDA.

## **8. Planning Intention**

- 8.1 The planning intention of the “CDA” zone is for comprehensive development of the area for residential uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.
- 8.2 As stated in the Explanatory Statement of the OZP, the western boundary of the “CDA” site encroaches upon a mitigation woodland and an abandoned meander currently maintained by AFCD under the Rural Drainage Rehabilitation Scheme for Sheung Yue River. Any development at the site should not adversely affect the ecological, amenity and landscape value of the mitigation woodland and the meander. If the development on site would unavoidably affect the existing mitigation woodland and meander, the applicant should also submit a compensatory proposal with implementation arrangements to mitigate the potential impacts on the mitigation woodland and meander. The site abutting Hang Tau Road is subject to traffic noise impacts and potential vehicular emissions impact as well as other constraints such as inadequate drainage and sewerage facilities.

## 9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views are summarised as follows:

### Land Administration

- 9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) The Site comprises 17 private lots (or parts thereof) and Government land (GL). Some of the Government leases cannot be found in the Land Registry.
- (b) His office had received a land exchange application in respect of the Site to effect a s.16 planning application No. A/NE-KTS/484 approved in 2021. The salient land issues (including the fragmented parcels of GL to be regranted) together with the subject proposed re-grant lot boundary have been submitted to North District Lands Conference (NDLC) for consideration. While advising that “the proposed inclusion of GL had to be well justified and could be triggered or initiated through s.16 application in first place, the NDLC agreed to explore the possibility of granting an ‘in-principle approval’ for the applicant’s request.
- (c) It is noted that a private lot (Lot No. 998 RP in D.D. 92) (**Plan 2-2b**) located at the northern side of the Site is neither within the “CDA” zone nor owned by the applicant. This lot is held under Block Government Lease as demised for agricultural use and there is no restriction / provision for access under lease. However, the subject proposed re-grant lot boundary may physically affect the access to this private lot (**Plan Z-2b**). A right of way may be required.
- (d) Having noted that (i) the applicant would continue to liaise with AFCD and relevant Government departments on the detailed implementation arrangements of the compensatory planning areas proposal; (ii) AFCD would be responsible for the vegetation maintenance on the compensatory planting areas; and (iii) the applicant has provided an undertaking letter in relation to the compensatory planting area, his office has no further comment and reiterate there is no guarantee that the compensatory planting areas will be incorporated in the land exchange conditions.
- (e) DLO/N’s detailed comments are at **Appendix IV**.

### **Traffic**

9.1.2 The Commissioner for Transport (C for T) has no comment on the application.

9.1.3 Comments of the Chief Highway Engineer/New Territories East, Highway Department (CHE/NTE, HyD):

(a) He noted that the subject lot falls partly on “Road” zone and there is no road widening programme for the section of Hang Tau Road concerned.

(b) HyD will take up the maintenance responsibility of the proposed 2m widened footpath and the bus layby.

9.1.4 Comments of the Commissioner of Police (C of P):

The applicant should provide sufficient parking facilities for the proposed residential households to prevent further deterioration of the current illegal parking problem in the area.

### **Environment**

9.1.5 The Director of Environmental Protection (DEP) has no objection to the application from environmental perspective.

### **Sewerage**

9.1.6 The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no comment on the submitted SIA.

### **Drainage**

9.1.7 The CE/MN, DSD has no comment on the DIA submitted by the applicant.

### **Water Supply**

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

(a) He has no objection to the application.

(b) Detailed hydraulic assessment with proposed connection point and hydraulic model is required in the detailed design stage to cater the water demand and hydraulic impact arising from the

proposed development. The assessment submission should be included in the future land title document.

### **Urban Design and Visual**

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

- (a) The applicant proposed to rezone the Site from an area mainly zoned “CDA” (subject to a maximum PR of 0.4, a maximum SC of 25% and a maximum BH of 3 storeys including car park) to proposed “R(B)” (subject to a maximum PR of 2 and a maximum BH of 70mPD).
- (b) The Site abuts Sheung Yue River and vegetation along western boundary. Low-rise low-density residential developments of 1 to 2 storeys (up to about 25mPD) are founded to its east and further south and west. There are two sites zoned “CDA(1)” and “CDA(2)” subject to a maximum PR of 3 and maximum BH of 75mPD on the OZP to its northeast. The “CDA(1)” site is subject to a planning application No. A/NE-KTS/506 approved with conditions by RNTPC on 26.8.2022 for proposed comprehensive residential development with PR of 3.059 and BH of 81.5mPD.
- (c) According to the submitted indicative scheme, the applicant has proposed several design measures to soften the development bulk and to blend in with the surroundings, such as building setbacks from the northern and southern boundaries, variation in BHs ranging from 67.75mPD to 70mPD, not less than 15m wide building gaps (between T-2 and T-3, and T-4 and T-5) to facilitate air penetration and terraced design in the upper floors of each tower. In relation to the immediate riverside setting, the provision of a 4m-wide tree buffer along the western site boundary and the disposition of buildings closer to the eastern site boundary have been proposed by the applicant to allow a better interfacing with the Sheung Yue River.
- (d) According to the revised VIA, the magnitude of visual change due to the proposal is negligible to slightly adverse among the selected medium and long-ranged viewpoints and moderately adverse for the selected short ranged viewpoint at the riverside. Whilst the proposed rezoning would inevitably bring forth changes to the visual context of the surrounding low-rise low-density residential developments of 1 to 2 storeys, as well as the adjacent riverside setting; the proposed maximum BH of

70mPD (not more than 16 storeys according to indicative scheme) is considered not incompatible to the adjacent “CDA(2)” site with a maximum BH of 75mPD on the OZP and “CDA(1)” site with proposed BH of 81.5mPD under approved scheme.

9.1.10 Comments of the Chief Architect/CMD2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) The proposed residential development mainly consists of 6 residential towers with BH ranging from 15 to 16 storeys (about 67.75 to 70 mPD), which are about 400% to 433% higher than adjacent “R(C)2” developments with 3 numbers of domestic storeys. It is undesirable from visual impact point of view and may not be compatible to adjacent developments.
- (b) His detailed comments are at **Appendix IV**.

**Landscape**

9.1.11 Comments of CTP/UD&L, PlanD:

- (a) With reference to the aerial photos of 2021, the site is situated in an area of rural fringe landscape character dominated by low-rise residential developments, village houses, river channel, temporary structures, farmlands, and scattered tree groups. According to the OZP, medium-rise comprehensive developments (i.e. “CDA(1)” and “CDA(2)” zone with maximum building height of 75 mPD) are located in the vicinity of the site. The proposed rezoning from low-rise comprehensive development to medium-rise residential development is considered not incompatible with the existing and planned landscape setting in the proximity, although it would bring forth noticeable changes to the landscape character of the surrounding area.
- (b) Comparing the proposed scheme with the Approved Scheme (AS) of previous s.16 application (No. A/NE-KTS/484), tree preservation proposal generally follows that of the AS with minor changes, i.e. 275 existing trees of invasive and common species in fair to poor conditions are identified, of which 239 trees and 24 dead trees are proposed to be felled and 239 new trees are proposed within the Site. The open space provision would not be less than 2,455m<sup>2</sup> for the estimate population of 2,455 residents in the proposed scheme. Besides, the current landscape proposal also generally incorporates the landscape considerations and provisions committed in the AS, e.g. tree

buffer zones, landscape garden, passive sitting area, swimming pool, viewing deck, communal play area, feature pavilion, open lawn etc.

- (c) In view that significant adverse landscape impacts arising from the development is not anticipated and landscape provisions are proposed to improve the landscape quality of the development, she has no objection to the application from landscape planning perspective.
- (d) Her detailed comments are at **Appendix IV**.

### **Nature Conservation**

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

- (a) He has no comment on the rezoning application from nature conservation point of view as the proposed compensatory planting areas committed under the approved s.16 application A/NE-KTS/484 would be retained.
- (b) AFCD will consider to take up the vegetation maintenance of the proposed compensatory planting area subject to i) the compensatory planning areas are on unallocated and unleased government land (UUGL); ii) the proposed development is approved by all relevant authorities; and iii) the plantings are well-established and up to satisfaction in terms of species composition, design, and health and structure conditions of the plants.

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

#### **9.1.13 Comments of the District Officer(North), Home Affairs Department:**

- (a) She consulted the locals regarding the application from 16.12.2021 to 30.12.2021.
- (b) The Chairman of Fung Shui Area Committee has no comment on the application
- (c) The Chairman of the Sheung Shui District Rural Committee (SSDRC), the North District Council (NDC) member of the subject constituency, two Indigenous Inhabitant Representative (IIRs) of Hang Tau and two Resident Representatives (RRs) of Hang Tau and Kwu Tung (South) object to the application mainly on the following grounds:

- (i) The area is mainly occupied by a low-density residential buildings with villages in the vicinity. The proposed development with high-rise buildings is not compatible to the surrounding area and creates adverse visual impact.
- (ii) The proposed development would introduce dramatic increase in both population and vehicles. The approval of the application would deteriorate the traffic congestion in the area and adversely affect the traffic safety. Prior to addressing the traffic congestion, any development that would cause adverse traffic impact should not be approved.
- (iii) The utilization and development of GL should be for the villager's welfare instead of developers to make profit.

9.2 The following Government departments have no comment on/ no objection to the application and their detailed comments, if any, are at **Appendix IV**:

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Chief Building Surveyor/New Territories West, Buildings Department;
- (c) Project Manager (North), Civil Engineering and Development Department; and
- (d) Director of Fire Services (D of FS)

## **10. Public Comments**

10.1 The application and its FIs were published for public inspection. During the statutory public inspection periods, a total of 111 public comments were received, including 102 supporting comments from individuals, 3 objecting comments from two individuals, 1 comment from Hong Kong and China Gas Company Limited providing views on the proposal and one North District Council member offering no comment on the application (**Appendix V9**).

10.2 The major supporting grounds are summarized as follows (samples at **Appendices V1 to V3**):

- (a) The proposed development can increase the housing supply and meet the housing demand.
- (b) The proposed development can make better utilization of vacant land and improve the living environment.
- (c) The proposed development is compatible to the surrounding environment and will not cause adverse impact on air ventilation, natural environment, existing infrastructure and landscape.

- 10.3 Two individuals object to the application (**Appendices V4 to V6**) mainly on the grounds that the proposed development is incompatible to the surrounding low-rise development and the increase in development intensity will set precedent to all the development in KTS.
- 10.4 The Hong Kong and China Gas Company Limited (**Appendix V7**) advises the applicant to consult and close coordinate with his company at design and construction stages respectively and provide protective measures. An individual provides views on building density, road works, traffic and environmental issue (**Appendix V8**).

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

- 11.1 The application is for rezoning the Site from mainly “CDA” to “R(B)” with an increase in maximum PR from 0.4 to 2 and BH from 3 storeys to 70mPD to facilitate the proposed residential development. According to the indicative scheme submitted by the applicant (**Drawing Z-1**), future development comprises 6 residential blocks (909 flats) of 15-16 storeys (maximum 70mPD).

### **Land Use Compatibility, Development Intensity and Urban Design**

- 11.2 The Site is located in the northern part of KTS abutting Hang Tau Road. Its immediate surroundings is predominantly rural in nature, with low-rise and low-density residential developments, an abandoned meander, mitigation woodland, village houses, G/IC facilities, plant nursery, car park and fallow agricultural land in the vicinity (**Plan Z-2a**).
- 11.3 Kwu Tung as a whole is undergoing transformation in both land use and planning context in recent years. Further north across Fanling Highway is the KTN NDA. It would be developed as a mixed development node providing medium to high density public and private housing, commercial and research & development uses, as well as land for ecological conservation. Locating to the south of the KTN NDA across Fanling Highway, northern part of Kwu Tung South is also gradually transformed into a medium-density residential 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 over 100mPD upon approval of the s.16 application No. A/KTN/93) to the “CDA(1)” and “CDA(2)” zones in Kwu Tung South area which have recently been rezoned for medium-rise and medium density residential developments subject to PR and BH of 3 and 75mPD respectively.
- 11.4 The application site is about 0.8km away from Kwu Tung Station at KTN NDA to the north (**Plan Z-1**). The “CDA(1)” and “CDA(2)” sites at the northern part of KTS abutting Fanling Highway and to the northeast of the Site are to be developed with a PR 3.059 and BH 81.5mPD under the approved scheme of



A/NE-KTS/506 and a PR 3 and BH 75mPD respectively. For a site at Hang Tau Tai Po at the southern part of KTS, the Committee has agreed a s.12A application No. Y/NE-KTS/13 to raise the domestic PR to 1.23 and BH to 40.3mPD (7/8 storeys) (**Plan Z-1**). 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 proposed PR of 2, BH of 70mPD at the Site at the northern part of KTS is considered in line with this regional context.

- 11.5 With regard the proposed increase in BH, CA/CMD2, ArchSD considers that it is undesirable from visual impact point of view and may not be compatible to adjacent developments. As aforementioned, the planning context of Kwu Tung South area and the surrounding area has been changing, which is gradually transformed into a medium-density residential neighbourhood. CTP/UD&L, PlanD also advises that the applicant has proposed several design measures including variation in building heights, building setbacks, as well as provision of 15m and 25m building gaps, peripheral planting and tree buffer zone (**Drawing Z-7**) along the site boundary could help enhance the visual quality and permeability of the proposed development, as well as allow a better interface with the Sheung Yue River. In this connection, the proposed maximum BH of 70mPD (not more than 16 storeys according to indicative scheme) is not considered incompatible to the adjacent “CDA(2)” site with a maximum BH of 75mPD on the OZP and “CDA(1)” site with proposed BH of 81.5mPD under approved scheme.

#### Land Use Zone

- 11.6 In 2011, the Committee agreed to a s.12A application submitted by the same applicant to rezone the site from “AGR” to “CDA” on the grounds that the Site was subject to various development constraints and close to areas of ecological importance. As the applicant is the sole current land owner of the private lots in the Site and she also demonstrated in the current submission that various development constraints could be adequately addressed, rezoning the application site from “CDA” zone to “R(B)” zone is considered appropriate.
- 11.7 To ensure implementation of the design, consideration may be given to stipulate the maximum building height as proposed by the applicant on plan for the proposed “R(B)” zone, should the application be agreed by the Committee. Other design and mitigation measures proposed therein would be incorporated as lease conditions as requested by concerned government departments. Given these proposed mechanism, the proposed rezoning from “CDA” to “R(B)” could generally achieve the planning control without necessitating the submission of a MLP under the “CDA” zone.

### Landscape and Tree Preservation

- 11.8 The applicant has submitted LMP and Tree Preservation Proposal to support the application. A total of 239 new heavy standard trees would be planted for compensation. A 4m-wide tree buffer zone is proposed along the western boundary and a 3m-wide landscape strip is proposed to form buffer area at the east. The proposed development will provide about 909 flats accommodating about 2,455 population. Private local open space of about 2,455m<sup>2</sup>, in line with the HKPSG requirement, is proposed to serve the residents. CTP/UD&L, PlanD has no objection to the application from landscape planning perspective.

### Compensatory Planting Mitigation Woodland

- 11.9 Two pieces of mitigation woodland managed by DAFC under the Rural Drainage Rehabilitation Scheme for River Beas are within the Site. The applicant has proposed four compensatory planting areas (total area: 649 m<sup>2</sup>) outside the Site including private land owned by the applicant and adjoining GL. The compensatory planting arrangement was carried forward from the previous approved application and is already in the process of implementation. DAFC has no strong view on the application from nature conservation point of view.

### Traffic, Environmental and Other Technical Aspects

- 11.10 The applicant has submitted technical assessments, including TIA, AVA, EA, SIA, DIA and WSIA. For transport facilities, the applicant has proposed to provide a NBA at the eastern part of the Site along Hang Tau Road to allow room for future possible widening of Hang Tau Road (**Drawing Z-7**). The applicant has also proposed to provide a GMB lay-by and pedestrian crossing on Hang Tau Road and to widen its footpath (**Drawing Z-7**). These measures could help improve road capacity of Hang Tau Road, public transport services, road safety and pedestrian accessibility.
- 11.11 EPD and other departments consulted advise that some technical requirements should be addressed/ to be submitted by the applicant during land exchange/lease modification stage should the application be approved. Other government departments consulted, including DEMS, CBS/NTW of BD and PM(N) of CEDD have no adverse comment on or objection to the application.

### Public Comments

- 11.12 Local views conveyed by DO/N, HAD object to the application as stated in paragraph 9.1.13. There are 111 public comments received during the statutory publication period with supportive and objecting views, as mentioned in paragraph 10 above. In this regard, the departmental comments and planning assessments above are relevant. Regarding the concern of Hong Kong and China Gas Company Limited on the high pressure gas pipeline along Kwu Tung Road could be addressed during the detailed design stage.

## **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 rezoning of the Site from mainly "CDA" to "R(B)" to facilitate the proposed residential development.
- 12.2 Should the Committee decide to agree/partially agree to the application for rezoning the Site to "R(B)", PlanD would work out the appropriate amendments to the OZP including zoning boundaries, as well as the development restrictions and requirements to be set out in the Notes and/or Explanatory Statement for Committee's agreement prior to gazetting under Section 5 of the Town Planning Ordinance upon reference back of the OZP for amendment by the Chief Executive in Council.
- 12.3 Alternatively, should the Committee decide not to agree the subject application, the following reason is suggested for Members' reference:

There is no strong justification in the submission to justify the proposed rezoning to "R(B)" and the proposed increase in development intensity and BH.

## **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree 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 1.12.2021 and SPS
<b>Appendix Ia</b>	Consolidated SPS received on 21.10.2022
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Detailed Departmental Comments
<b>Appendices V1 to V9</b>	Public comments
<b>Drawing Z-1</b>	Master Layout Plan
<b>Drawings Z-2 and Z-3</b>	Floor Plans
<b>Drawing Z-4</b>	Section Plan
<b>Drawing Z-5</b>	Landscape Master Plan

<b>Drawing Z-6</b>	Communal Private Open Space Demarcation Plan
<b>Drawing Z-7</b>	Urban Design Consideration Plan
<b>Drawings Z-8a and Z-8d</b>	Photomontages
<b>Drawings Z-9 and Z-10</b>	Proposed Noise Mitigation Measures Plans
<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>Plan Z-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2022**