

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

APPLICATION NO. Y/NE-KTS/16

<u>Applicant</u>	:	Kyland Investments Limited and Elmtree Worldwide Limited represented by KTA Planning Limited
<u>Site</u>	:	Lot No. 953 RP (Part) in D.D. 92 and adjoining Government Land, Kam Hang Road, Kwu Tung South, New Territories
<u>Site Area</u>	:	1,710m ² (about) (including about 510m ² of Government Land (GL), (about 29.8% of the Site))
<u>Lease</u>	:	Block Government Lease (demised for agricultural purposes)
<u>Plan</u>	:	Approved Kwu Tung South (KTS) Outline Zoning Plan (OZP) No. S/NE-KTS/18 at the time of submission of the application Draft KTS OZP No. S/NE-KTS/19 currently in force [the zoning and development restrictions of the application site remain unchanged]
<u>Zonings</u>	:	“Recreation” (“REC”) [restricted to a maximum plot ratio (PR) of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
<u>Proposed Amendment</u>	:	To rezone the application site from “REC” to “Government, Institution or Community (1)” (“G/IC(1)”) subject to a maximum building height (BH) of 8 storeys (excluding basement)

1. The Proposal

- 1.1 The applicants propose to rezone the application site (the Site) from “REC” to “G/IC(1)” with a maximum BH of 8 storeys on the draft KTS OZP No. S/NE-KTS/19 to facilitate a proposed residential care home for the elderly (RCHE) with retail shops on the ground floor. According to the Notes of the OZP for “G/IC” zone, ‘Shop and Services (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The applicants have provided a tailor-made Notes for the proposed “G/IC(1)” zone at the Site to add ‘Shop and Services (on Ground Floor in “G/IC(1)” only)’ use as

Column 1 use. It is also proposed to stipulate in the Remarks of the Notes that in determining the relevant maximum number of storeys, any basement floor(s) may be disregarded. The proposed set of Notes is attached at **Appendix Ib**.

- 1.2 The Site is located to the north of Kam Hang Road and is accessible via Kam Hang Road (**Plans Z-1 and Z-2**). According to the indicative development scheme submitted by the applicants, the proposed development consists of one 8-storey RCHE (36.7mPD) with retail shops and sewage treatment plant (STP) on ground floor and basement respectively. The proposed RCHE will provide about 150 bedspaces with supporting facilities, sick bay/nurse station and office under private operation. The anticipated completion year of the proposed development is 2027. The Master Layout Plan (MLP), Landscape Master Plan (LMP), section plans, floor plans, urban design consideration plan, and photomontages of the indicative scheme are at **Drawings Z-1 to Z-13**. The proposed development parameters of the indicative scheme are as follows:

	Proposed Scheme
Site Area	1,710m ² (about)
Plot Ratio	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 (excluding one basement STP)
Site Coverage (SC)	46% (about)
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
Loading/Unloading Space (L/UL) for	3
- Heavy Goods Vehicle	1
- Ambulance	1
- Light Bus/Maxicab	1

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

- 1.3 In support of the rezoning application, the applicants have submitted Traffic Impact Assessment (TIA), Environmental Assessment (EA), Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA), Quantitative Risk Assessment (QRA) for High Pressure Towngas Pipeline, Visual Impact Assessment (VIA), and LMP

with Tree Preservation Proposal (TPP).

Traffic Aspect

- 1.4 According to the applicants, the vehicular run in/out of the proposed development will be provided at Kam Hang Road. The southern boundary of the Site along Kam Hang Road is setback for future widening. The Kam Hang Road outside the boundary of the Site will be widened from about 6m wide to 7.3m wide with a 2m wide footpath under the approved s.16 application No. A/NE-KTS/506¹ for “CDA(1)” zone by a different applicant. The proposed access to the subject development, which will meet the requirements of the Transport Planning and Design Manual and the latest Highways Department (HyD)’s standards, will be managed and maintained by the Transport Department (TD) and HyD respectively. The local village access to the east of the Site, which falls outside the Site on GL is currently being blocked off, will be re-opened to provide a new junction for village access to Kam Hang Road. To cater for the public transport needs of the proposed development, it is proposed to provide a new bus route and a new green mini-bus route to Kwu Tung Station. The details and final public transport arrangements are subject to the local consultation and decision of TD. The TIA concludes that the traffic trips related to the proposed development can be absorbed by the nearby road network and no significant traffic impact will be induced.
- 1.5 The applicants propose that the details of the public transport service enhancement plan and the design of the relevant required facilities could be further considered and confirmed through submission of a revised Transport Impact Assessment and/or “Proposed Enhancement to Public Transport Services” at the land exchange stage.

Environment Aspect

- 1.6 According to the EA, there is no rail/industrial noise source nearby, and Kam Hang Road is considered to be the major noise source. The traffic noise could be mitigated with noise mitigation measures such as acoustic window (baffle type) and fixed glazing. With the implementation of the noise mitigation measure, the proposed development would not be subject to any adverse road traffic noise impact.
- 1.7 Regarding air quality issues, air sensitive uses of the proposed development will maintain an adequate buffer distance (at least 5m) from the kerb side of the nearby carriageway, i.e. Kam Hang Road, which satisfy the buffer separation requirement in the Hong Kong Planning Standards and Guidelines.

¹ The approved application (No. A/NE-KTS/506), which falls within the “CDA(1)” zone, is for a proposed comprehensive residential development with commercial and social welfare facilities (including a centre for home care services for frail elderly persons and a 40-place day care centre for the elderly) as required by the Social Welfare Department at the site, as well as minor relaxation of PR from 3 to 3.059 and BH from 75mPD to 81.5mPD.

Sewerage and Drainage Aspects

- 1.8 According to the applicants, there is no existing sewerage system serving the Site, a STP is therefore proposed in a dedicated room at basement level (**Drawings Z-2 and Z-4**) and the treated effluent will be discharged to the stormwater system. The applicants will be responsible for the construction, operation and maintenance of the proposed STP.
- 1.9 The DIA shows that with a 10% increase in green coverage as compared with the existing (i.e. from 10% to not less than 20%), the surface runoff will decrease and the effluent flow is negligible. No adverse drainage impact is therefore anticipated.

Landscape and Visual Aspects

- 1.10 According to the LMP with TPP, there are 28 trees surveyed including 13 common fruit trees within the Site and 15 immediate outside the site boundary. Due to site constraints, all 13 trees within the Site would be felled while all 15 trees adjacent to the Site would be retained. No less than 14 new trees of good quality heavy standard and large palm trees will be planted for compensation.
- 1.11 Furthermore, various landscape design components (**Drawing Z-5**) are proposed, including not less than 155m² of uncovered private open space at 1/F podium; outdoor landscape garden at 5/F and 7/F; urban farming and entertainment garden at R/F; not less than 20% green coverage; and 2m-wide landscape stripe fronting the proposed shops on ground floor along the southern and eastern façade of the proposed development.
- 1.12 According to the VIA, with the adoption of a compatible BH profile with the surrounding context; incorporation of stepped building height profile on an east-west axis ranging from 15mPD to 36.7mPD; setback of the upper levels of the building block on a north-south axis; and setback at ground level of 2m from the southern and eastern peripheries of the Site, the predicted visual impact due to the proposed development would be slight to moderate adverse from close local viewpoints but in general fits comfortably with the increasingly urbanised context (**Drawings Z-6 to Z-12**).

Town Gas Safety

- 1.13 In view of the underground high pressure town gas pipeline is aligned along Kam Hang Road adjacent to the Site (**Plan Z-2**), the applicants have submitted a QRA, which indicates that the risk associated with the pipelines are in the compliance with the Hong Kong Risk Guidelines.

Relocation of Refuse Collection Point (RCP)

- 1.14 A village-type RCP (about 10m²) is located on the proposed run-in/out of the development at Kam Hang Road (**Plans Z-2 to Z-4b**). The RCP would be relocated slightly northward to the GL within the application site boundary due to the proposed drainage works under the approved s.16 application No. A/NE-KTS/506 for "CDA(1)" zone. Against this background, the applicants will work out an ultimate solution of relocation to the satisfaction of the Food and

Environmental Hygiene Department. The applicants will obtain consent from local community through consultation, and bear the cost of relocating/reprovisioning/altering the RCP.

1.15 In support of the application, the applicants have submitted the following documents:

- (i) Application Form received on 1.4.2022 (Appendix I)
- (ii) Further Information (FI) received on 19.10.2023 (Appendix Ia)
including a Consolidated Planning Report*
**exempted from publication and recounting requirements*

[Supporting Planning Statement received on 1.4.2022 as well as FIs received on 15.6.2022@, 18.7.2022@, 24.8.2022@, 5.10.2022@, 12.12.2022@, 13.1.2023, 24.2.2023@, 21.4.2023@, 25.5.2023@, 7.6.2023@, 3.7.2023@, 21.8.2023@ and 11.9.2023* were superseded and not attached.*

@ not exempted from publication and recounting requirements]

1.16 The applicants have submitted another application (No. Y/NE-KTS/17) (**Plan Z-1**), which is for consideration by the Committee at the same meeting, for rezoning a site in the vicinity from “REC” and “Agriculture” (“AGR”) to “Residential (Group B)” with a maximum PR of 2.4 and a maximum BH of 72mPD.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Consolidated Planning Report at **Appendix Ia**. They can be summarized as follows:

- (a) The proposed development is in line with the Government’s policy to increase RCHE bedspace supply in new development/redevelopment projects, which would alleviate the shortfall of RCHE in Kwu Tung South. The proposed development will provide comfortable and caring living environment with up-to-standard RCHE places.
- (b) The proposed development complies with the conditions of the “Incentive Scheme to Encourage Provision of RCHE Premises in New Private Development”, which would be exempted from payment of land premium for various types of land transactions. As the private land within the Site is owned by the applicants, the proposed development could be implemented immediately.
- (c) There are insufficient retail shops serving the existing and planned residential developments nearby. The proposed retail shops could cater for the needs of the RCHE users and visitors as well as future residents in close proximity.
- (d) The recent approval of applications for upzoning/rezoning of four sites in Kwu Tung South demonstrates that Kwu Tung South has the potential for more medium

density developments. The proposed RCHE and retail shops will be in close proximity to and complement the development of the future residential neighbourhood.

- (e) The proposed new junction to the southeast of the Site could improve accessibility as the village access to the east would directly connect to Kam Hang Road.
- (f) Technical assessments demonstrates that the proposed development would not result in insurmountable visual, traffic, environmental, sewerage and drainage impacts on its surroundings.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are the sole “current land owners” of the private lot in the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the Government land (about 29.8% 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 currently not subject to any planning enforcement action.

5. Previous and Similar Application

The Site is not involved in any previous rezoning or s.16 application. There is no similar rezoning application for social welfare facilities with minor relaxation of PR and BH restrictions within the “REC” zone in the vicinity of the Site.

6. The Sites and Their Surrounding Areas (Plans Z-2 to Z-4)

6.1 The Site is:

- (a) formed and partly fenced off;
- (b) partly vacant and partly occupied by temporary structures, and a refuse collection point; and
- (c) accessible from Kam Hang Road.

6.2 The surrounding area is predominantly rural in nature with low to medium-rise and low-density residential developments, domestic structures and open storages with the following characteristics:

- (a) to the north, east and northwest are domestic structures and unused land;
- (b) to the south and southeast across Kam Hang Road are domestic structures, unused land and warehouse within the same “REC” zone;
- (c) to the southwest is cultivated land, open storage of construction materials and car park within an area zoned “AGR”; and
- (d) to its further north and northwest are the “Comprehensive Development Area (1)” (“CDA(1)”) zone with PR of 3.059 and BH of 81.5mPD; and “CDA(2)” zone with PR of 3 and BH of 75mPD respectively.

7. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

8. Comments from Relevant Government Departments

8.1 The following government departments have been consulted and their views are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/North (DLO/N), LandsD:

- (a) the Site comprises of (i) Lot No. 953 RP (part) in D.D. 92, (ii) adjoining unallocated GL and (iii) portion of the Government Land Allocation No. GLA – TDN 542 allocated to the Director of Food and Environmental Hygiene Department for refuse collection point. Lot No. 953 RP(part) in D.D. 92 is held under Block Crown Lease demised for agricultural purposes;
- (b) land exchange at premium is required to implement the proposed rezoning scheme that comprises RCHE, shops, services and carpark uses. If the applicants wish to proceed the land exchange in accordance with policy laid down in LandsD Practice Notice No. 4/2003 on “Incentive Scheme to Encourage Provision of Residential Care Home for the Elderly Permits in New Private Development”

and seek premium exemption for the RCHE portion, comment and policy support from the Social Welfare Department (SWD) are required. Land exchange for the uses other than RCHE is to be considered and processed at premium.

- (c) DLO/N, LandsD's detailed comments are at **Appendix II**.

Traffic

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

- (a) no adverse comment from traffic engineering point of view;
- (b) no objection to take up the management of the 2m wide footpath along Kam Hang Road as well as closure of the village access followed by reprovision as proposed by the applicants; and
- (c) no objection to impose a condition under lease during the land exchange stage as proposed by the applicants to request for the submission of a revised Transport Impact Assessment and/or "Proposed Enhancement to Public Transport Services" so that the public transport service enhancement plan and the design of the relevant required facilities could be further fine-tuned and agreed with TD at the implementation stage.

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

- (a) no comment on the application; and
- (b) regarding the proposed 2m wide footpath along Kam Hang Road, in general, his department will only consider taking over the maintenance responsibility of the proposed roads if TD agrees to take up its management responsibility and it is designed and constructed up to HyD's standards.

Environment and Sewerage

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

- (a) no objection to the rezoning application;
- (b) having reviewed the revised EA (including noise impact assessment) and SIA, he considers that there is no insurmountable environmental problem for the proposed rezoning application; and

- (c) no environmental complaint concerning the Site received in the past three years.

Urban Design and Visual

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

according to the VIA submitted by the applicants, the applicants conclude overall visual impact with the design measures as slight to moderate adverse. Taking into account the surrounding existing and planned visual context as well as the proposed design measures, such as stepped BH profile, building setback, planting at various levels to soften the built form, etc., the proposed RCHE cum retail development with a PR of 2.94 and a BH of 8 storeys (up to about 36.7mPD) is unlikely to induce significant adverse impacts on the visual character of the area.

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

no comment from the architectural and visual impact point of view as the adjacent “CDA(1)” and “CDA(2)” areas with BH restriction of 75mPD are permitted in the OZP.

Landscape

8.1.7 Comments of CTP/UD&L, PlanD:

- (a) no objection to the application from landscape planning perspective as significant adverse landscape impacts arising from the development is not anticipated and landscape provisions are proposed to improve the landscape quality of the development;
- (b) the Site is situated in an area of rural fringe landscape character dominated by village houses, temporary structures, low to medium-rise residential developments, “G/IC” facilities, tree groups, etc. According to the OZP, medium-rise comprehensive developments (i.e. “CDA(1)” and “CDA(2)” with a maximum BH of 75mPD) are located in the vicinity of the site. The proposed rezoning from low-rise recreational use to medium-rise “G/IC” facility is considered not entirely 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;
- (c) according to the LMP with TPP, 13 existing trees of fruit trees / common species in fair condition are identified within the application site, and would be felled due to the proposed

development. Not less than 14 new trees are proposed within the site. Besides, not less than 155m² of private open space would be provided for about 150 bedspaces in the RCHE. Landscape provisions with hard and soft landscape treatments, e.g. landscape terrace, contemplative garden, geriatrics garden, tranquillity garden, urban farming etc. are proposed on various levels; and

- (d) CTP/UD&L, PlanD's detailed comments are at **Appendix II**.

Social Welfare Facility

8.1.8 Comments of the Director of Social Welfare (DSW):

- (a) in view of the ageing population and to meet the ongoing demand for residential care services for the elderly, subject to the views from other government departments on town planning and other development considerations, she has no objection in principle for the development of the proposed RCHE from the service perspective, which she assumes that the proposed RCHE is a non-subsidised RCHE with no financial implication, both capital nor recurrent to the Government;
- (b) whether the adjoining GL could be included in the application, it is subject to the comments from LandsD and other concerned parties; and
- (c) DSW's detailed comments are at **Appendix II**.

Fire Safety

8.1.9 Comments of the Director of Fire Services (D of FS)

- (a) no in principle objection to the application subject to water supplies and fire service installations being provided to the satisfaction of D of FS;
- (b) emergency vehicular access (EVA) provision shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department. The EVA provision of the nearby buildings shall not be affected by the proposed work. Shall the proposed work affect any EVA provision of nearby buildings or licensed premises in the area, such as petrol filling station or dangerous goods store, the applicants should make separate enquiry to his department to ensure work feasibility; and

- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Food and Environmental Hygiene

8.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) no adverse comment on the application; and
- (b) in case of relocation of RCP at Kam Hang Road is required, the proposed location should be up to the satisfaction of the government representative and the waste collection service by government vehicle or contractor vehicle can be satisfied. Consent for the relocation of RCP to the new position should be obtained by applicants via local consultation. Any cost for relocation/reprovision/alteration to the RCP for its functioning should be borne by the applicants.

Gas and Electricity Safety

8.1.11 Director of Electrical and Mechanical Services (DEMS):

- (a) no particular comment on the application from electricity supply safety aspect at this stage;
- (b) there is a high pressure town gas pipeline running along Kam Hang Road in close vicinity of the Site. He has no comment on the QRA from regulatory services perspective; and
- (c) DEMS' detailed comments are at **Appendix II**.

Building Matter

8.1.12 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

CBS/NTW, BD's detailed comments under Buildings Ordinance are at **Appendix II**.

District Officer's Comments

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

- (a) the Chairman of Sheung Shui District Rural Committee (SSDRC) and the Chairman of Fung Shui Area Committee have no comment; and
- (b) the incumbent North District Council member of N11 Constituency and one Resident Representative of Kwu Tung (South) objected to the application mainly on the following grounds:
 - (i) a comprehensive development scheme including assessments on traffic, drainage, sewerage, environment and waste management should be provided and the affected residents living in the vicinity should be considered;
 - (ii) the proposed development is within private land. A detailed operation plan of the proposed RCHE should be provided;
 - (iii) the proposed development together with the developments in Kwu Tung North (KTN) would increase both pedestrian and traffic flows, which would aggravate the traffic congestion problem in the area; and
 - (iv) the proposed 8-storeys building is considered incompatible with the surrounding areas, which are rural in character with low-density houses.

8.2 The following government departments have no comment on / no objection to the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (d) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (e) Commissioner of Police (C of P); and
- (f) Director of Leisure and Cultural Services (DLCS).

9. Public Comments Received During Statutory Publication Period (Appendix III)

- 9.1 On 22.4.2022, the application was published for public inspection. Subsequently, relevant FIs submitted by the applicants were published 10 times for public inspection. During the statutory public inspection periods, 27 public comments were received, including 14 raising objection/expressing adverse comments, five providing views and the remaining eight (submitted by the same person) indicating no comment.

Providing Views (five comments)

- 9.2 Three comments submitted by one individual opines that while supporting the proposed RCHE, the entire building should be devoted to GIC use and there needs to be more stringent supervision of how GIC zoning is used. The siphoning off of significant percentage of GFA for commercial use should not be permitted. Besides, the dormitory on 7/F (over 24m) is not permitted. The remaining one submitted by The Hong Kong and China Gas Company Limited (Towngas) advises that the applicants should conduct QRA as well as consult and closely coordinate with Towngas during the construction stages and provide protective measures to nearby high pressure gas pipeline.

Objections/Adverse Comments (14 comments)

- 9.3 Objections/adverse comments were received from, SSDRC (submitted 2 comments), villagers/nearby residents (including one submission with 106 signatures) and individuals. There major views are summarised as follows:
- (a) the proposed RCHE development is incompatible with the surrounding areas which are rural in character with low-density domestic structures;
 - (b) the developments in KTN have already increased the traffic flows of the area. The transport infrastructure and public transport services are insufficient. Additional traffic brought about by the development will exceed the capacity of existing road network and worsen the traffic congestion;
 - (c) there will be a multi-welfare services complex in Planning Area 29 of KTN and there is an existing market shopping centre at Kwu Tung South. The proposed RCHE will overlap with or resemble one another in function and the Government should enhance the existing facilities instead;
 - (d) the proposed development would generate adverse impacts on drainage, sewerage as well as environment, and SSDRC and nearby villages (i.e. Kam Tsin Village and Hang Tau) should be consulted with a view to resolving the problems;

- (e) during construction period, many large vehicles with large construction machinery to and from the Site would worsen the traffic in the area. The construction works at the Site will also create noise and dust, thereby destroying the tranquil environment, damaging the building structures of houses/squatters nearby and adversely affecting local residents' health; and
- (f) the proposed wall-liked building design will adversely affect sunlight penetration and air ventilation. The transformer room of the proposed RCHE in the immediate vicinity of some village houses will create nuisance to residents nearby.

10. Planning Considerations and Assessments

- 10.1 The application is for rezoning the Site from "REC" to "G/IC(1)" subject to a maximum BH of 8 storeys to facilitate a proposed RCHE cum retail development. Under the proposed Notes of the OZP, 'Shop and Services (on Ground Floor in "G/IC(1)" only') is added as Column 1 use where planning permission for the retail shops on ground floor is not required. According to the indicative scheme submitted by the applicants, the proposed RCHE will have 150 bedspaces (**Drawing Z-1**). According to the applicants, the anticipated completion year of the proposed development is 2027.

Land Use Compatibility, Development Intensity and Urban Design

- 10.2 The Site is located in the northern part of Kwu Tung South abutting Kam Hang Road. Its immediate surroundings is predominantly rural in nature, with existing and planned/permitted low to medium-rise low-density residential developments, tree groups, village houses and temporary structures, etc. in the vicinity (**Plan Z-2**). The proposed RCHE and retail uses, with a PR of 2.94 (i.e. GFA of about 5,025m²) are not incompatible with the surrounding land uses.
- 10.3 For the proposed retail use, it is of relatively small scale which may serve the daily supporting needs of the existing/planned residential developments in the immediate neighbourhood. Furthermore, the existing market shopping centre at Kwu Tung South, about 0.9km to the west (**Plan Z-1**), is not within convenient walking distance to serve and support the local community. Although commercial facilities are proposed within the "CDA(1) zone" to the north of the Site, they are of 1,000m² only. In view of the expected increase in population due to the future developments in this area, the proposed retail use is of appropriate scale and could satisfy the needs of the neighbourhood.
- 10.4 The applicants have submitted VIA to illustrate the visual compatibility of the proposed development with the surrounding developments and land uses. CA/CMD2, ArchSD has no comment from visual point of view and CTP/UD&L, PlanD advises that the proposed development, with the incorporation of various

design measures, would unlikely induce significant adverse impacts on the visual character of the area. CTP/UD&L, PlanD also has no objection to the application from landscape planning perspective as significant adverse landscape impacts arising from the development is not anticipated and landscape provisions are proposed to improve the landscape quality of the development. As planned residential developments in the vicinity of the Site are of BHs ranging from 81.5mPD (the “CDA(1)” site to the north) to 75mPD (the “CDA(2)” site to the northwest), the proposed BH of 8 storeys (36.7mPD) is considered not incompatible with the surrounding developments.

- 10.5 To ensure implementation of the design measures of the indicative development scheme, the design and mitigation measures proposed therein could be incorporated as lease conditions as requested by concerned government department(s) where appropriate. Consideration should also be given to stipulate the maximum BH, in terms of number of storeys, as proposed by the applicants on plan for the proposed “G/IC(1)” zone, should the application be approved by the Committee.

Provision of Social Welfare Facilities

- 10.6 There is a shortfall of RCHE bedspaces in the Kwu Tung South area. Despite the proposed RCHE is privately-operated, it could help address the shortfall for elderly facilities with residential care services and cater for the increasing demand arising from the ageing population in the community and territory. DSW raises no objection to the application in view of the ageing population and the RCHE is to meet the ongoing demand for residential care services for the elderly. DLCS has no comment on rezoning from “REC” to “G/IC(1)” for the proposed RCHE cum retail development.

Traffic, Environmental and Other Technical Aspects

- 10.7 The applicants have submitted technical assessments, including TIA, EA, SIA, DIA and QRA. C for T has no objection to address the traffic improvement schemes during land exchange stage. Other concerned departments including DEP, CBS/NTW of BD, PM(N) of CEDD, CE/C of WSD, CE/MN of DSD and D of FS have no objection to or adverse comment on the application.

Public Comments

- 10.8 There are 27 public comments received during the statutory publication periods as summarised in paragraph 9 above. Regarding the concern of Hong Kong and China Gas Company Limited on the high pressure gas pipeline along Kwu Tung Road, DEMS has no comment on the QRA submitted by the applicant, and it could be addressed during the detailed design stage. As regards the height of the dormitory on 7/F (over 24m), the applicants have already reduced the height to 24m to meet the requirement. For other concerns expressed in the public comments received, government department’s comments in paragraph 8

as well as planning considerations and assessments in paragraphs 10.1 to 10.6 above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comments mentioned in paragraphs 9, the Planning Department (PlanD) has no in-principle objection to the application.
- 11.2 Should the Committee decide to agree or partially agree to the subject application, PlanD would work out the appropriate amendments to the OZP, including the zoning boundaries, as well as the development parameters and restrictions 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.
- 11.3 Alternatively, should the Committee decide not to agree the subject application, the following reason is suggested for Members' reference:

there are still other areas in Kwu Tung that could accommodate RCHE which is either a use always permitted or a use that may be permitted upon application to the Board under various residential related zones as well as "G/IC" zone. Retail use will be provided in The Kwu Tung North NDA to the north. There is no strong planning justification to rezone the site to "G/IC(1)" and the proposed increase in BH to enable RCHE cum retail development.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree the application.
- 12.2 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 applicants.

13. Attachments

Appendix I	Application Form received on 1.4.2022
Appendix Ia	Further Information (FI) received on 19.10.2023 including a Consolidated Planning Report
Appendix Ib	A set of Notes and Explanatory Statement for the "G/IC(1)" Zone Proposed by the Applicant
Appendix II	Detailed Departmental Comments
Appendix IIIa	Public Comments received (Objecting)
Appendix IIIb	Public Comments Providing Views

Appendix IIIc	Public Comments received (No Comment)
Drawing Z-1	Indicative Master Layout Plan
Drawing Z-2	Indicative Ground Floor Plan
Drawing Z-3	Indicative Typical Floor Plan
Drawing Z-4	Indicative Sections
Drawing Z-5	Indicative Landscape Master Plan
Drawings Z-6 to Z-12	Photomontages
Drawing Z-13	Urban Design Consideration Plan
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plan Z-4a and Z-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2023**