

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

APPLICATION NO. Y/NE-KTS/17

- Applicants** : Kyland Investments Limited and Elmtree Worldwide Limited represented by KTA Planning Limited
- Site** : Lots 959 RP, 998 RP (Part), 999 RP (Part), 1005 RP, 1006 to 1009, 1011, 1012, 1013 RP and 2272 in D.D. 92 and Adjoining Government Land, Kam Hang Road, Kwu Tung South, New Territories
- Site Area** : 10,072m² (about) (including about 1,954m² of Government Land (GL), (about 19.4% of the Site))
- Lease** : (a) Block Government Lease (demised for agricultural use)
Lots 959 RP, 998 RP, 999 RP, 1005 RP, 1006 and 1007 in D.D. 92
(b) New Grant Lot
Lots 1008, 1009, 1011, 1012, 1013 RP and 2272 in D.D. 92
- Plan** : 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]
- Zonings** : “Agriculture” (“AGR”) (about 82.4%)
“Recreation” (“REC”) (about 17.6%)
[restricted to a maximum plot ratio (PR) of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
- Proposed Amendment** : To rezone the application site from “REC and “AGR” to “Residential (Group B)” (“R(B)”) subject to a maximum PR of 2.4 and a maximum BH of 72mPD

1. The Proposal

- 1.1 The application proposes to rezone the application site (the Site) from “AGR” and “REC” to “R(B)” with a proposed maximum PR of 2.4 and maximum BH of 72mPD, on the draft KTS OZP No. S/NE-KTS/19 to facilitate the proposed residential development. A set of the proposed Notes for the “R(B)” zone is attached at **Appendix Ib**.

- 1.2 The Site forms part of a previous s.12A application No. Y/NE-KTS/14 (**Plans Z-1**) to rezone an area to the north of the Site (i.e. the “Comprehensive Development Area (2)” (“CDA(2)”) zone) from “REC” and “CDA” to “CDA(2)” and the Site from “REC” and “AGR” to “CDA(3)”, both with a maximum PR of 3 and a maximum BH of 75mPD. The Rural and New Town Planning Committee (the Committee) of Town Planning Board (the Board) partially approved the application by rezoning the northern part of the site to “CDA(2)” with the development parameters as proposed, but decided not to agree to the proposed rezoning of the Site to “CDA(3)” for the reason that suitable development parameters for the site should be further reviewed.
- 1.3 The Site is located to the south of Kam Hang Road and is accessible via Hang Tau Road in the northwest connecting Kam Hang Road (**Plans Z-1 and Z-2**). According to the indicative development scheme submitted by the applicants, the proposed development consists of two 19-storey residential blocks (including a single-storey club house) over a single-storey basement car park. The anticipated completion year of the proposed development is 2027. The Master Layout Plan (MLP), Landscape Master Plan (LMP), section plans, design merits plans, and photomontages of the indicative scheme are at **Drawings Z-1 to Z-16**. The proposed development parameters of the indicative scheme are as follows:

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

[#] The floor area of the proposed clubhouse, which will be not more than 5% of total domestic gross floor area (GFA), is not included in the GFA calculation in

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

the rezoning proposal and the exemption of which is subject to the approval by the Building Authority.

@ Assuming an average household size of 2.7.

- 1.4 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), Water Supply Impact Assessment (WSIA), Quantitative Risk Assessment (QRA) for High Pressure Towngas Pipeline, Visual Impact Assessment (VIA) and LMP with Tree Preservation Proposal (TPP).

Traffic Aspect

- 1.5 According to the applicants, the vehicular run in/out point will be provided at Hang Tau Road. The applicants proposed to improve the junction of Kam Hang Road/Hang Tau Road (**Drawing Z-1**). Besides, as the public transport services in this area is not adequate, a bus lay-by along westbound carriageway of Kam Hang Road and a GMB lay-by within the Site are proposed (**Drawing Z-1**). Internal transport facilities, including private and visitor car parking spaces as well as L/UL bays, will be provided in compliance with the Hong Kong Planning Standards and Guidelines (HKPSG). The TIA concludes that traffic trips generated by the proposed development can be adsorbed by the nearby road network and no significant traffic impact will be induced.
- 1.6 The applicants propose that a condition could be imposed under lease during the land exchange stage 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 the Transport Department at the implementation stage.

Environment Aspect

- 1.7 According to the EA, local roads near the Site including Kam Hang Road and Hang Tau Road are considered to be the major noise source. Noise mitigation measures such as acoustic window/door/balcony (baffle type) and fixed glazing will be adopted as appropriate. The applicants will consider conducting mock-up tests in the land exchange stage when detailed design of the window system for construction purpose is determined. Bedrooms and living rooms are oriented away from the major traffic noise source. With the implementation of the above noise mitigation measure, the proposed development would not be subject to any adverse road traffic noise impact. All design of the proposed mitigation measures will be clearly stated in the Deed of Mutual Covenant and sales brochure.
- 1.8 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 and Hang Tau Road, which satisfy the buffer separation requirement in HKPSG.

Sewerage, Drainage and Water Supply Aspects

- 1.9 According to the applicants, the capacity of the existing sewers serving the area would not be sufficient to cater for the sewage generation from the proposed development. On top of the proposed sewer upgrading works under the approved s.16 application No. A/NE-KTS/506 for the “CDA(1)” zone by different applicant, further sewer upgrading works are proposed. In case of program mismatch with the planned development of application No. A/NE-KTS/506, the applicants will be responsible to implement the upgrading work prior to operation. An underground holding tank is proposed onsite to contain sewage discharge from the proposed development so as to minimize the impact on Tsung Pak Long Sewage Pumping Station during peak flow. With the proposed sewer upgrading works in place, the SIA confirms the feasibility of the proposed development from sewerage impact point of view.
- 1.10 The DIA shows that in addition to the proposed pipeline along Kam Hang Road under application No. A/NE-KTS/506, drainage diversion works (including the both channels along Kam Hang Road and Hang Tau Road within the Site) and pipes upgrading works are proposed. In case of programme mismatch with the planned development of application No. A/NE-KTS/506, the applicants will implement the proposed drainage works. With the proposed upgrading works in place, the DIA confirms that the proposed development is feasible from drainage impact point of view.
- 1.11 According to the WSIA, a freshwater service reservoir at Tong Hang will be completed in 2024. As a transitional measures and to minimise the freshwater demand of the Site, the applicants propose to provide storage tank of larger size to act as a buffer. Water saving measure such as rainwater recycling system will also be adopted.

Landscape and Visual Aspects

- 1.12 As stated in the LMP and TPP, there are 167 trees surveyed including 166 within the Site and one immediately adjacent to the Site. Amongst the 166 trees within the Site, 54 trees would be retained and 112 trees would be felled. One tree immediately adjacent to the Site would be retained. No Old and Valuable Tree (OVT) is found within the Site. The trees to be felled comprise a combination of native and exotic species including common, self-sown pioneers and fruit tree species, except one *Aquilaria sinensis* (土沉香) (protected under the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)) and a relatively large *Ficus elastic* (印度橡樹). According to the applicants, the *Aquilaria sinensis* is of poor structural condition, which is not suitable for transplantation. As for the *Ficus elastic*, its main stem is formed largely by a number of aerial and lignified roots and the canopy has an asymmetrical branching architecture. It would not be feasible to transplant it to a new location given the size and form of the tree. Not less than 112 new trees of good quality heavy standard and large palm trees would be planted for compensation.
- 1.13 Furthermore, various landscape design components (**Drawings Z-4 to Z-7**) are proposed, including a strip of 2m to 5m wide landscape buffer with screen planting

along the site boundary, retention of existing tree groups for landscape screening effect, setback from Kam Hang Road for landscaping of the road verge, and provision of not less than 1,228m² of communal private open space around the preserved large tree in the southern portion of the Site.

- 1.14 According to the VIA, with the incorporation of stepped building height profile as well as 30m width visual corridor with the adjoining development; and 15m width visual corridor, setback of the residential blocks, optimal disposition and orientation of the residential towers, as well as avoidance of large development frontages (**Drawings Z-7 to Z-16**), the predicted visual impacts due to the proposed development would be negligible to moderate adverse in general.

Town Gas Safety

- 1.15 In view of the underground high pressure town gas pipeline in the vicinity of 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.
- 1.16 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[@], 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]

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 residential development is in line with the Government policy and Long Term Housing Strategy to increase housing supply and to increase development intensity of some of the planned, yet-to-be developed housing sites. The rezoning application could contribute to additional private housing supply of 360 units, with variety in housing mix and diverse community profile. The private lots within the Site are solely owned by the applicants and the Site is immediately available for development.
- (b) The Site being close to the Kwu Tung North New Development Area (KTN NDA) has potential to be further developed and capitalise the development opportunities

brought by the Northern Metropolis Development Strategy.

- (c) The proposed development is not only respecting the development context in Kwu Tung South, but also in line with the development intensity and building height of future developments in the KTN NDA, which will be progressively descending from the town centre towards the periphery of the NDA. 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 residential developments.
- (d) As compared to the previous application (No. Y/NE-KTS/14), the proposed PR and BH have been decreased, however, the design merits of the previous scheme will be retained. Technical assessments in terms of traffic, environment, sewerage, drainage, water supply, landscape, visual and quantitative risk have concluded that, with the proposed mitigation and improvement measures, there would be no insurmountable problems to upzone the Site.
- (e) The applicants have submitted another application (No. Y/NE-KTS/16) (**Plan Z-1**), which is for consideration by the Committee at the same meeting, for rezoning a site in the vicinity from “REC” to “Government, Institution or Community (1)” for residential care home for the elderly (RCHE) to address the acute demand for RCHE places.

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

The applicants are the sole “current land owners” of the private lots in the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the Government land (about 19.4% 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 Application

The current applicants submitted a s.12A application (No. Y/NE-KTS/14) in 2020 to rezone the Site and a site to its north (i.e. the “CDA(2)” site) from mainly “REC” and “AGR” to “CDA” with a maximum PR of 3 and BH of 75mPD. Besides, as requested by Social Welfare Department (SWD), the applicants agreed to provide a RCHE (150 places) cum Day Care Unit (DCU) (30 places) with internal floor area of 3,195m² within the Site, although the applicants considered it more suitable to locate the facility on a stand-alone site owned by the applicants in the vicinity of the Site. The application was

partially approved by the Committee in 2020 to rezone the northern site to “CDA(2)” with the development parameters as proposed, subject to incorporation of the requirement for provision of social welfare facilities, but not to rezone the Site on the consideration that suitable development parameters should be further reviewed. To take forward the partially approved s.12A application in respect of the northern site, the site has been rezoned to “CDA(2)” in 2021. Details of the previous application is summarized at **Appendix II** and its location is shown on **Plan Z-1**.

6. Similar Application

- 6.1 There are seven similar s.12A applications involving four sites for comprehensive developments within various zones in Kwu Tung South. Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan Z-1**.

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

- 6.2 Apart from application No. Y/NE-KTS/14 as mentioned in paragraph 5 above, the current applicants submitted an application (No. Y/NE-KTS/9) for proposed 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. The application was not approved 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 applicants 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.

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

- 6.3 Two similar rezoning applications are on the same site to the northeast of the Site. Application No. Y/NE-KTS/6 for rezoning the site from “CDA” to “CDA(1)” with a maximum PR of 2.1, SC of 37% and BH of 60mPD (14 storeys) to facilitate a proposed residential development was not approved by the Committee in 2016 for mainly for reasons that the 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.
- 6.4 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 approved 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.

- 6.5 Subsequently, the applicant submitted a s.16 application (No. A/NE-KTS/506) for proposed comprehensive residential development with commercial and social welfare facilities (including a centre for home care services for frail elderly persons (2-team size kitchen-based) and a 40-place day care centre for the elderly as required by SWD and minor relaxation of PR and BH restrictions to 3.059 and 81.5mPD respectively. The application was approved by the Committee on 26.8.2022 mainly on the considerations that the proposed use was generally in line with the planning intention of the “CDA(1)” zone; the proposed increase in PR and BH was minor and acceptable in terms of technical aspects; and the proposed minor relaxation could bring forth additional planning merits as well as optimise land resource to meet housing need.

“CDA(3)” site to the west of the Site

- 6.6 Two similar rezoning applications are on the same site to the west of the Site across Hang Tau Road. Application No. Y/NE-KTS/3 for rezoning the site from “AGR” to “OU” annotated “Rural Uses” or “CDA” for a proposed low-rise and low-density residential development of 34 3-storey houses with PR of 0.4 and BH of 3 storeys including car park was considered by the Committee on 23.9.2011. The Site was then rezoned from “AGR” to “CDA” in 2013.
- 6.7 Application No. Y/NE-KTS/15 for rezoning the site 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 was partially approved by the Committee in 2022 for retaining the site as “CDA” with the PR and BH as proposed by the applicant. Members had concerns on the ecological impact and compensatory planting of the proposed development in relation to the surrounding context and decided that the Board could scrutinise the future development through the submission of planning application.

“CDA” to the southwest of the Site at Hang Tau Tai Po

- 6.8 Two similar rezoning applications are on the same site at Hang Tau Tai Po to the southwest of the Site. Application No. Y/NE-KTS/5 for rezoning the site from “REC” to “CDA” with a maximum PR of 0.4 and a maximum BH of 3 storeys to facilitate a proposed residential development (30 houses) was approved by the Committee in 7.12.2012 mainly on the considerations that the proposed residential use was compatible with the surrounding land uses and the proposed residential use and development intensity were consistent with the character of the neighbourhood.
- 6.9 Application No. Y/NE-KTS/13 for intensifying the “CDA” site by increasing PR

from 0.4 to 1.23/1.41 and BH from 3 storey to 40.3mPD (6-8 storeys) was approved 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 Their Surrounding Areas (Plan Z-2 to Plans Z-4)

7.1 The Site is:

- (a) generally flat, occupied by plant nursery, active farmland and temporary vehicles park ; and
- (b) accessible from Hang Tau Road and Kam Hang Road.

7.2 The surrounding area is predominantly rural in nature with low to medium-rise and low-density existing/planned residential developments, domestic structures, and tree groups with the following characteristics:

- (a) to the north across Kam Hang Road is the “CDA(2)” zone with PR of 3 and BH of 75mPD. It is currently occupied by cultivated agricultural land, domestic structures, vehicle park and trees;
- (b) to the east are mainly domestic structures and unused/vegetated land;
- (c) to the south are low-rise and low-density residential developments (including Casas Domingo, zoned “Residential (Group C)1” with PR of 0.43 and BH of 3 storeys), active farmland and storage;
- (d) to the west across Hang Tau Road is the “CDA(3)” zone with PR restriction of 2 and BH of 70mPD. It is mainly unused land with trees;
- (e) to the further northwest of the Site are domestic structures and site of the approved application No. A/NE-KTS/506 for comprehensive residential development (“CDA(1)” zone) with PR of 3.059 and BH of 81.5mPD which is currently under construction;
- (f) to the further north across Fanling Highway is the KTN NDA with an area zoned “OU” annotated “Business and Technology Park” subject to a maximum PR of 3 and BH of 40 to 55mPD on the draft Kwu Tung North OZP No. S/KTN/3.

8. Planning Intention

- 8.1 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.
- 8.2 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the application and/or the public comments received 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 of various private lots in D.D. 92 and adjoining GL. Lot 959 RP, 998 RP, 999 RP, 1005 RP, 1006 and 1007 in D.D. 92 are held under Block Crown Lease demised for agricultural purposes. Lot 1008, 1009, 1011, 1012, 1013 RP and 2272 in D.D. 92 are held under New Grant and the New Grant documents cannot be obtained and ascertained from the Land Registry;
- (b) according to the indicative MLP, there would be a lay-by along the westbound carriageway of Kam Hang Road and also improvement works at junction of Kam Hang Road/Hang Tau Road. Noting that they are proposed outside the Site and on public road being managed and maintained by Transport Department and Highways Department, such requirements would not be incorporated into the lease. Notwithstanding this, as the necessity of such traffic and related provisions are outside the purview of her office, she has no particular comment on it if it is to be provided at the applicants’ initiatives and not under the lease purview.
- (c) DLO/N, LandsD’s detailed comments are at **Appendix IV**.

Traffic

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

- (a) no adverse comment from traffic engineering point of view; and
- (b) 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.

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

The sites under application No. Y/NE-KTS/14 and A/NE-KTS/506 will have road improvement works and drainage improvement works on Kam Hang Road near the Site. The applicants are advised to coordinate detailed design for the relevant improvement works.

Environment and Sewerage

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

- (a) 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. He has no objection to the rezoning application; and
- (b) no environmental complaint concerning the Site received in the past three years.

Urban Design and Visual

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

- (a) according to the submitted indicative scheme, the applicants have proposed several design measures, such as a building separation of not less than 15m wide to avoid wall effects; disposition of buildings at the northern part and landscape garden at the southern part to reduce abrupt transition with the surrounding existing/planned low to medium-rise developments, as well as 3 to 5m-wide peripheral planting to serve as visual buffer.
- (b) according to the VIA submitted by the applicants, the magnitude of

visual impact due to the proposal is ranging from negligible to moderate adverse among the selected viewpoints. Whilst the proposed rezoning would inevitably bring forth changes to the visual context of the low to medium-rise low-density village settlements and residential developments of 1 to 2 storeys to its immediate east and south; the proposed maximum BH of 72mPD is considered not incompatible to the planned residential developments in the immediate north and west with maximum BHs of 75mPD and 70mPD respectively.

9.1.6 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

the proposed residential development consists of two towers with BH of about 72mPD (19 storeys). Since the adjacent “CDA(1)” and “CDA(2)” areas with BH of 75mPD are permitted in the OZP, he has no comment from architectural and visual impact point of view.

Landscape

9.1.7 Comments of the CTP/UD&L, PlanD:

- (a) no objection to the application from landscape planning perspective, since 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-rise residential developments, tree groups, etc. According to the OZP, medium-rise comprehensive developments (i.e. “CDA(1)” and “CDA(2)”) with a maximum building height of 75mPD are located to the north of the site. The proposed rezoning to medium-rise residential block 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; and
- (c) according to the submission, part of the Site is currently use as a plant nursery and a minor portion is hard paved for temporary use. A total of 54 trees are proposed to be retained and 112 trees are proposed to be felled. Not less than 112 new trees, with details of species, size and spacing, are proposed within the site, and not less than 3,038m² (30.16%) coverage of greenery is proposed. Besides, not less than 1,228m² of local open space would be provided for the estimated 972 residents. Landscape provisions with hard and soft landscape treatments, e.g. 2m to 3m and 5m landscape buffer planting, grand lawn, children’s play area, pavilion, pocket gardens, tranquillity

garden, BBQ and party garden, etc. are proposed on G/F and podium garden.

9.1.8 Comments of the Chief Landscape Architect/Landscape Division, Highways Department:

- (a) the trees proposed to be felled are common or undesirable species with fair / poor form, health and structural conditions, and in conflict with the proposed development, and there will still be buffer tree planting along the periphery of the Site as shown in the LMP. Therefore he has no particular view on the proposed tree felling from highways landscape and slope vegetation maintenance point of view; and
- (b) the proposed retained trees and new trees on the SIMAR Slope No. 2SE-B/F110 will be maintained by the applicants subject to the planning application and land exchange procedure. Approval on the related Tree Preservation and Removal Proposal should be obtained from the appropriate authority.

Agriculture

9.1.9 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

the Site currently comprises of plant nurseries, temporary structures and an abandoned land. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the rezoning application is not supported from agricultural point of view.

Fire Safety

9.1.10 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.

Water Supply

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

- (a) no objection to the application; and
- (b) it is understood that rainwater recycling system is proposed to collect rainwater for flushing and irrigation purpose. Therefore, he has no comments on the application. CE/C, WSD's detailed comments are at **Appendix IV**.

Gas Safety

9.1.12 Director of Electrical and Mechanical Services (DEMS):

- (a) 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
- (b) DEMS' detailed comments are at **Appendix IV**.

Building Matter

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

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

District Officer's Comments

9.1.14 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) the proposed rezoning to “R(B)” will increase the population density, and the sewage generated would pollute the environment and affect hygiene. A comprehensive proposal should be provide to resolve the problems;
- (ii) the proposed 19-storeys development is considered incompatible to the surrounding, which is rural in character with low-density houses. The construction work would also adversely affect the building structures of the nearby developments; and
- (iii) the developments in Kwu Tung North have already increased the traffic flow along Kam Hang Road and Kwu Tung Road. The proposed development would further introduce increase the traffic flow and worsen the traffic congestion in the area.

9.2 The following Government departments have no objection/comment on the application:

- (a) Project Manager (North), Civil Engineering and Development Department (PM (N), CEDD);
- (b) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD); and
- (c) Commissioner of Police (C of P).

10. Public Comments Received During Statutory Publication Period (Appendix V)

10.1 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, a total of 38 public comments were received, including 26 raising objection/expressing adverse comments, four providing views and the remaining eight (submitted by the same person) indicating no comment.

Providing Views (four comments)

10.2 Three comments submitted by one individual opines that the cumulative effect of approving such similar applications would result in adverse environmental impact in the area and it is necessary to conduct a district review on the development parameters; and the application should not be approved until the provision of the RCHE is guaranteed. 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 (26 comments)

- 10.3 Objections/adverse comments were received from Kadoorie Farm & Botanic Garden Corporation (submitted 7 comments), SSDRC (submitted 2 comments), villagers/nearby residents (including one submission with 104 signatures) and individuals. Their major views are summarised as follows:
- (a) the northern portion of the Site has been leased out for plant nursery uses and “AGR” zoning is suitable for this portion of land from arable land protection perspective;
 - (b) the proposed residential development might not be compatible with the surrounding land uses which are rural in character with low-density domestic structures;
 - (c) the developments in Kwu Tung North have already increased the traffic flows along Castle Peak Road – Kwu Tung. The transport infrastructure and public transport services (with only one green mini bus route) are insufficient. Additional traffic brought about by the development will exceed the capacity of existing road network and worsen the traffic congestion;
 - (d) the sewage generated by the proposed development would pollute the environment and streams nearby and would cause adverse impacts on air, noise, sewerage, drainage and hygiene of nearby residents and students;
 - (e) although in the 2014 Policy Address, the Government announces its policy to increase number of flats through increasing development intensity, it is unrealistic to ignore the impact on the environment and infrastructure in the area;
 - (f) SSDRC and nearby villages (i.e. Kam Tsin Village and Hang Tau) should be consulted to resolve traffic, sewerage and fung shui-related issues; and
 - (g) 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, thereby destroying the tranquil environment and damaging the building structures of houses/squatters nearby.

11. Planning Considerations and Assessments

- 11.1 The application is for rezoning the Site from “AGR” and “REC” to “R(B)” with a proposed maximum PR of 2.4 and maximum BH of 72mPD to facilitate a proposed residential development. According to the indicative scheme submitted by the applicants, the proposed development comprises two

residential towers providing a total of 360 residential units. According to the applicants, the anticipated completion year of the proposed development is 2027.

Land Use Compatibility, Development Intensity and Urban Design

- 11.2 The Site is located in the northern part of Kwu Tung South abutting Kam Hang Road and Hang Tau Road. Its immediate surroundings is predominantly rural in nature, with existing and planned/permitted low to medium-rise low-density residential developments, tree groups and agricultural land in the vicinity (**Plan Z-2**). The proposed residential use is not incompatible with the surrounding land uses.
- 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. The Site is about 0.8km away from Kwu Tung Station at KTN NDA to the northwest. Locating to the south of the KTN NDA across Fanling Highway, northern part of KTS 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)”, “CDA(2)” and “CDA(3)” zones in Kwu Tung South area which have recently been rezoned for medium-rise and medium density residential developments.
- 11.4 The “CDA(1)” and “CDA(2)” sites which are located at the northern part of KTS abutting Fanling Highway and to the northeast and north of the Site are to be developed with a PR of 3.059 and BH of 81.5mPD under the approved scheme of A/NE-KTS/506; and PR of 3 and BH of 75mPD respectively. For the “CDA(3)” site to its west at Hang Tau Road and the “CDA” site at Hang Tau Tai Po at the southern part of Kwu Tung South, the PR are 2 and 1.23 respectively, with a BH of 70mPD and 40.3mPD respectively (**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 Kwu Tung South area, the proposed PR of 2.4 and BH of 72mPD at the Site at the northern part of Kwu Tung South is considered in line with this regional context.
- 11.5 The applicants have submitted VIA (**Drawings Z-9 to Z-16**) to illustrate the visual compatibility of the proposed development with the surrounding developments and land uses. CA/CMD2, ArchSD have no comment from visual impact point of view, and CTP/UD&L advises that the applicants have proposed several design measures, such as a building separation of not less than 15m wide to avoid wall effects; disposition of buildings at the northern part and landscape garden at the southern part to reduce abrupt transition with the surrounding existing/planned low to medium-rise developments, as well as peripheral planting to serve as visual buffer. Whilst the proposed rezoning would inevitably bring forth changes to the visual context of the village settlements and residential

developments of 1 to 2 storeys to its immediate east and south, the proposed maximum BH of 72mPD is considered not incompatible to the planned residential developments in the north and west with maximum BHs of 81.5mPD.

- 11.6 To ensure implementation of the design of the indicative development scheme and to maintain the stepped BH profile with gradual transition towards the southern area, consideration should be given to stipulate the maximum BH in metres above the Principal Datum (mPD) as proposed by the applicants on plan for the proposed “R(B)” zone, should the application be approved by the Committee.
- 11.7 Although AFCD does not support the application due to potential for agricultural rehabilitation in the Site, it should be noted that the Agricultural Park of about 80ha in Kwu Tung South is being implemented by phases by the Government, and an extensive area of about 83ha of land in KTN covering Long Valley (zoned “OU(Nature Park)”) and adjoining areas (zoned “AGR” and “AGR(1)”) has been retained for agricultural use. Rezoning of the “AGR” would unlikely have significant impact on the agricultural activities in the Kwu Tung South area.

Landscape and Tree Preservation

- 11.8 The applicants have submitted LMP and TPP to support the application. Although 112 trees are proposed to be felled within the Site, they are common species and the *Aquilaria sinensis* is of poor structural condition. Transplantation of the *Ficus elastic* is considered not feasible given the size and form of the tree. No OVT is found on site. A total of 112 new heavy standard trees would be planted for compensation. CTP/UD&L, PlanD advises that significant adverse landscape impacts arising from the development is not anticipated. Landscape provisions with hard and soft landscape treatments including 2m to 3m and 5m landscape buffer planting along the site boundary, and retention of existing tree groups are proposed to improve the landscape quality of the development. In view of the above, CTP/UD&L, PlanD has no objection to the application from landscape planning perspective.

Provision of Open Space and GIC Facilities

- 11.9 While there will be a slight deficit of planned district open space in Kwu Tung South area, there is a surplus of planned local open space. The proposed development will provide about 360 flats accommodating about 972 population. A private open space of not less than 1,228m² is proposed in compliance with the Hong Kong Planning Standard and Guidelines’ requirement and to meet the need of the residents. The overall provision of open space is considered generally adequate to meet the demand.
- 11.10 There is a shortfall of RCHE bedspaces in the Kwu Tung South area. The applicants have submitted another application (No. Y/NE-KTS/16), which is for consideration by the Committee at the same meeting, for rezoning a site in the vicinity from “REC” to “Government, Institution or Community (1)” for

provision of privately operated RCHE. The current applicants will also provide a RCHE (150 places) cum DCU (30 places) under the partially approved application No. Y/NE-KTS/14 to the north of the Site (i.e. the “CDA(2)” site). SWD has not requested for provision of additional RCHE at the Site.

Traffic, Environmental and Other Technical Aspects

- 11.11 The applicants have submitted technical assessments, including TIA, EA, SIA, DIA, WSIA and QRA. For transport facilities, the applicants have proposed to improve the junction of Kam Hang Road/Hang Tau Road, as well as to provide a bus lay-by at the westbound of Kam Hang Road and a green mini bus lay-by within the Site (**Drawing Z-1**). These measures could help improve road capacity of Kam Hang Road and public transport services. C for T has accepted the TIA as well as the traffic improvement measures proposed therein and that such measures are to be implemented by the applicants. DEP considers that there is no insurmountable environmental problem for the application. Other concerned departments including CBS/NTW of BD, PM(N) of CEDD, CE/C of WSD and D of FS have no objection to or adverse comment on the application.

Public Comments

- 11.12 There are 38 public comments received during the statutory publication periods as summarised in paragraph 10 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 and it could be addressed during the detailed design stage. As regards the existing plant nursey, according to the applicants, it is leased as a temporary commercial plant nursey and has always been anticipated that they would be replaced by other permanent use(s). For other concerns expressed in the public comments received, government department's comments in paragraph 9 as well as planning considerations and assessments in paragraphs 11.1 to 11.12 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraphs 10, the Planning Department (PlanD) has no in-principle objection to the application.
- 12.2 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.

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

- (a) the Site mainly comprises plant nurseries and vegetated area and agricultural activities are active in the vicinity with agricultural infrastructures. The Site possesses potential for agricultural rehabilitation. Approval of the rezoning application would lead to a permanent loss of agricultural land for agricultural rehabilitation in the area. The current "AGR" zoning for the Site is appropriate; and
- (b) there is no strong justification in the submission to justify for the proposed rezoning to "R(B)" with the proposed 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 to the application.
- 13.2 Should the Committee decide to partially agree or not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicants.

14. Attachments

Appendix I	Application Form received on 1.4.2022
Appendix Ia	FI received on 19.10.2023 including a Consolidated Planning Report
Appendix Ib	A set of Notes and Explanatory Statement for the "R(B)" Zone Proposed by the Applicants
Appendix II	Previous Application
Appendix III	Similar Application
Appendix IV	Detailed Departmental Comments
Appendix Va	Public Comments received (Objecting)
Appendix Vb	Public Comments Providing Views
Appendix Vc	Public Comments received (No Comment)
Drawing Z-1	Indicative Master Layout Plan
Drawings Z-2 and Z-3	Indicative Sections
Drawing Z-4	Indicative Landscape Master Plan
Drawing Z-5	Proposed Open Space
Drawing Z-6	Proposed Green Coverage
Drawing Z-7	Diagram of Design Merits of the Proposed Development
Drawing Z-8	Urban Design Considerations
Drawings Z-9 to Z-16	Photomontages
Plans Z-1	Location Plan
Plans Z-2	Site Plan
Plan Z-3	Aerial Photo

Plan Z-4

Site Photos

**PLANNING DEPARTMENT
OCTOBER 2023**