

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

APPLICATION NO. Y/NE-TKL/5

<u>Applicant</u>	: Bergeron (Hong Kong) Co. Ltd. represented by Arup Hong Kong Ltd.
<u>Site</u>	: Lots 796 and 1008 RP in D.D. 77 and Adjoining Government Land (GL), Ping Che, Ta Kwu Ling, New Territories
<u>Site Area</u>	: About 17,821.2m ² (including GL of about 9,938.5m ² or 56% of the Site)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
<u>Zonings</u>	(i) “Open Storage” (“OS”) (about 56% of the Site) : (ii) “Agriculture” (“AGR”) (about 30% of the Site) (iii) Area shown as ‘Road’ (about 14% of the Site)
<u>Proposed Amendment</u>	: To rezone the application site from “AGR”, “OS” zones and area shown as ‘Road’ to “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) zone

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “OS”, “AGR” and an area shown as ‘Road’ to “OU(MU)” on the OZP to facilitate a mixed use development comprising residential and commercial (including retail, office and hotel) uses, government, institution or community (GIC) facilities and a public transport terminus (PTT) (**Plan Z-1**). The Site is currently partly used as open storage of construction materials and partly occupied by temporary structures and domestic structures.
- 1.2 According to the indicative scheme submitted by the applicant (**Drawings Z-3 to Z-14**), six towers are proposed within the Site. Among them, there will be four residential towers (i.e. T3 to T6) and one composite tower for residential and retail use (i.e. T2), providing 2,205 flats. A commercial tower (i.e. T1) comprising office and hotel uses on a podium with retail, social welfare facilities (including a Day Care Centre for the Elderly (DE) and a Child Care Centre (CCC)) and a PTT is proposed in the northeastern part of the Site abutting Ping Che Road. The towers will sit on a one- to three-storey basement carpark providing 725 private car parking spaces and 33 motorcycle parking spaces. A standalone one-storey clubhouse is also proposed in the Site. The existing local access road along the eastern boundary of the Site (which

partly falls within the Site) (**Plan Z-2**) will be upgraded by the applicant to serve as an access road to the Site. The target completion year of the proposed development is 2032.

1.3 Major development parameters of the indicative scheme are summarised below:

Key Development Parameters (for indicative purpose only)		
Site Area	17,821.2m ² (including GL of about 9,938.5m ²)	
Gross Floor Area (GFA) and Plot Ratio (PR) ⁽¹⁾	GFA	PR
Total	124,748 ⁽²⁾	7
Domestic	About 105,145m ²	About 5.9
Non-domestic	About 19,603m ²	About 1.1
	- Retail: about 2,400m ²	
	- Office: about 11,500m ²	
	- Hotel: about 5,703m ²	
Number of Blocks	6 - T1: Retail, office, hotel, social welfare facilities and PTT - T2: Residential and retail - T3 to T6: Residential	
Building Height (BH)	T1	169.7mPD (35 storeys excluding basement)
	T2	175.0mPD (48 storeys excluding basement)
	T3 and T4	171.85mPD (47 storeys excluding basement)
	T5 and T6	171.83mPD (47 storeys excluding basement)
No. of Basement Floors	1 to 3 storeys	
Number of Flats	2,205	
Average Flat Size	About 47.7m ²	
Anticipated Population	About 6,174	
Social Welfare Facilities ⁽³⁾	- A 60-place DE (GFA of about 787.6m ²) - A 100-place CCC (GFA of about 1,166m ²)	
No. of Hotel Rooms	About 70	
Local Open Space	Not less than 6,174m ²	
Green Provision	Not less than 3,564m ² (20%)	
Provision of Parking Spaces at Basement Carpark ⁽⁴⁾	Private Cars	725 (including 6 for disabled users)
	Motorcycle	33
Loading/Unloading (L/UL) Bays	Light Goods Vehicles	8
	Heavy Goods Vehicles	10
	Taxis and Private Cars	2
	Single Deck Tour Bus	1

Remarks:

- (1) Excluding GFA of the social welfare facilities (about 1,953.6m²), PTT (about 1,246 m²) and clubhouse which are exempted from the GFA/PR calculations, as proposed by the applicant.
- (2) The total GFA is calculated by adding up the domestic and non-domestic GFA.

- (3) The social welfare facilities will be privately owned and to be operated by the owner of the proposed development, as proposed by the applicant.
 - (4) 100% disregarded from GFA/PR calculation, as proposed by the applicant.
- 1.4 The applicant proposes a set of Notes for the “OU(MU)” zone (**Appendix II**), with Schedule I (for non-domestic building or non-residential portion of a building upon development/ redevelopment/ conversion) and Schedule II (for residential building or residential portion of a building upon development/ redevelopment conversion). The proposed planning intention of the “OU(MU)” zone is primarily for high-density residential development and commercial development. Development within the zone is restricted to a maximum total PR of 7 (of which the domestic PR should not exceed 5.9) and a maximum BH as stipulated on the OZP (i.e. 175mPD). The applicant also proposes to disregard any floor space for use solely as GIC facilities and PTT or station as stipulated in the Notes of the proposed “OU(MU)” zone¹.
- 1.5 In addition, the applicant proposes an Explanatory Statement (ES) for the “OU(MU)” zone (**Appendix III**). In particular, it is proposed to stipulate in the ES the provision of a PTT (GFA of about 1,246m²), a 60-place DE (GFA of about 787.6m²) and a 100-place CCC (GFA of about 1,166m²) which will be disregarded from GFA/PR calculation; the upgrading of the local access road to the east of the Site; and the adoption of suitable design and wind enhancement measures to enhance visual permeability and air ventilation.
- 1.6 The location plan, lot index plan, block plan, floor plans, schematic section plan, access plan, photomontages and Landscape Master Plan (LMP) submitted by the applicant are shown in Drawings **Z-1 to Z-20**. Technical assessments including Traffic Impact Assessment (TIA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), Water Supply Impact Assessment (WSIA), Environmental Assessment (EA), Visual Impact Assessment (VIA), Air Ventilation Assessment – Expert Evaluation (AVA-EE), Landscape Master Plan (LMP) and Tree Preservation and Removal Proposal (TPRP) submitted by the applicant to demonstrate the technical feasibility of the indicative scheme are at **Appendix Ia** and are summarised in paragraphs 1.7 to 1.16 below.

Traffic Aspect

- 1.7 The Site abuts Ping Che Road on its northeastern boundary and is served by a local access road along the eastern boundary connecting to Ping Che Road. The applicant proposes to improve Ping Che Road by upgrading it into a 10.3m carriageway and upgrade the local access road (part of it falls within the Site) to a standard 7.3m single carriageway with footpaths on both sides (**Drawing Z-14**). The proposed PTT on the G/F of the commercial tower at the northeastern part of the Site will include a double width bus bay and a green minibus bay and will be accessed via Ping Che Road and the proposed access road. As the Site is anticipated to be located close to the future Ping Che railway station under planning by the Government (**Drawing Z-21**), the PTT could provide feeder services complementary to the Ping Che Station, and connection from the PTT to the future station will be reserved. The applicant will be responsible for the construction of the proposed PTT and intends to hand over the management and maintenance (M&M) responsibilities of the proposed PTT to the Government.

¹ The applicant also proposes to disregard any floor space for use solely as car park, L/UL bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefits of all the owners or occupiers of the domestic building or domestic part of the building in the Notes of the “OU(MU)” zone.

- 1.8 The TIA concludes that the proposed development will not induce significant traffic impact on the surrounding road network. The provision of car parking spaces is in accordance with the high-end requirement of the Hong Kong Planning Standards and Guidelines (HKPSG). According to the TIA, the development proposal is considered acceptable from traffic engineering point of view.

Drainage, Sewerage and Water Supply Aspects

- 1.9 The DIA submitted concludes that with the implementation of relevant mitigation measures, including installation of U-channels, upgrading works of existing drainage system, provision of greenery, usage of pervious material, rainwater harvesting system and retention pond, etc., drainage impact arising from the proposed development should be acceptable. The applicant will be responsible for the construction of all necessary drainage system, including the proposed pipe connected to the public storm water drain as well as other internal drainage infrastructure within the Site. Further study will be conducted at detailed design stage taking into consideration the planned drainage facilities under the New Territories North (NTN) New Town development when relevant information is available.
- 1.10 For sewerage, an on-site underground sewage treatment plant (STP) (**Drawing Z-10**) will be provided to treat the wastewater generated from the proposed development. The treated sewage will be discharged to the public drainage system. No sewage generated will be discharged to the public sewerage system, hence, according to the SIA, adverse sewerage impact is not anticipated. The applicant will be responsible for the construction, operation and maintenance of the proposed STP.
- 1.11 According to the WSIA, significant water supply impact arising from the proposed development on the existing water supply system is not expected.

Environmental Aspect

- 1.12 According to the EA, no significant adverse air quality impact is anticipated. Besides, no construction works will take place on any identified watercourse and impact on water quality is not anticipated during construction and operation phases. Further land contamination assessment will be conducted and remediation works will be completed prior to the commencement of construction works, if necessary.
- 1.13 For traffic noise impact, according to the EA, with the implementation of mitigation measures such as building setback, acoustic window, fixed glazing, etc., relevant traffic noise standard stipulated in the HKPSG will be complied with and no significant adverse traffic noise impact is anticipated. Besides, industrial noise impact is not expected.

Visual and Landscape Aspects

- 1.14 A VIA has been conducted to assess the visual impact of the indicative scheme against the baseline scenario (i.e. the existing condition under the provision of the OZP) (**Drawings Z-15 to Z-19**)². The proposed development will induce slightly-to-moderately adverse visual impacts. With design measures such as appropriate

² Visual impacts taking into account the completion of developments proposed under the Preliminary Feasibility Study on Developing the New Territories North completed in 2017 are also assessed in the VIA.

building disposition/ layout, integrated landscape design, compatible scale and building density with the surrounding residential development, the proposed development is considered acceptable from visual perspective according to the VIA.

- 1.15 According to the LMP (**Drawing Z-20**), 130 existing trees within the Site will be in direct conflict with the proposed development. All of the trees will be felled and the same number of new trees will be planted to compensate for the loss³. The compensation ratio in terms of quantity will be 1:1. A total of 20% green coverage (i.e. not less than 3,564m²) will be achieved. Private open space of not less than 6,174m² (i.e. not less than 1m² per resident) will be provided.

Air Ventilation Aspect

- 1.16 An AVA-EE has been conducted to assess the air ventilation impact on the pedestrian wind environment within and in the vicinity of the Site. According to the AVA-EE, with various design measures such as permeable design, building orientation aligning with wind directions, building separation and building setback, etc., significant wind deterioration on district level after the construction of proposed development is not anticipated.

- 1.17 In support of the application, the applicant has submitted the following documents:

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|-----|---|----------------------|
| (a) | Application Form received on 27.10.2023 | (Appendix I) |
| (b) | Consolidated supplementary planning statement received on 6.9.2024 ⁴ | (Appendix Ia) |

- 1.18 On 16.2.2024 and 7.6.2024, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board agreed to the applicant's requests to defer making a decision on the application each for a period of two months.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix Ia** and are summarised below:

- (a) located in the centre of the future NTN New Town and near the potential Ping Che Station, the rezoning proposal is in line with the Government's initiatives as stated in the Northern Metropolis Development Strategy (NMDS), Northern Metropolis (NM) Action Agenda, Hong Kong Major Transport Infrastructure Development Blueprint, the Policy Address 2022, etc., and the proposed development scale aligns with the Government's guiding principles of maximum development intensity in NM;

³ Except four *Leucaena leucocephala* (銀合歡) which is undesirable species. According to Development Bureau Technical Circular (Works) (DEVB TC(W)) no. 4/2020, it is not necessary to include them in compensatory tree planning proposal.

⁴ A total of eight previous further information (FI) submissions (received on 14.12.2023 and 19.12.2023*, 27.12.2023*, 29.2.2024*, 16.4.2024*, 14.6.2024*, 8.7.2024*, 30.7.2024* and 7.8.2024*) were received in response to departmental comments with relevant technical assessments, of which five (marked with *) were accepted and not exempted from recounting and publication requirement and three were accepted and exempted from recounting and publication requirement. The consolidated supplementary planning statement in **Appendix Ia** supersedes the original supplementary planning statement and all FIs and hence they are not attached to this paper.

- (b) the application is a proactive response to the Government's calling for private sector participation in fulfilling housing supply. The proposed development helps meeting the territorial housing need as it speeds up private housing supply with the provision of more than 2,200 flats, which is in line with the Government's housing policy;
- (c) the proposed development improves connectivity in the area, supports community needs and improves quality of life of the future population in the area as it includes a PTT, road improvement works, social welfare facilities and other commercial and retail floor spaces;
- (d) the tailor-made "OU(MU)" zone is appropriate for the Site as it allows creative and innovative design for a building cluster at the future centre of the NTN New Town, while providing flexibility to respond to changing market needs, evolving socio-economic aspirations and the interface with the on-going detailed planning for the NTN New Town by the Government;
- (e) the proposed rezoning is compatible with the surrounding environment considering the maximum BH, the adoption of a rhythmic building height profile and visual mitigation measures, etc.;
- (f) the rezoning proposal is considered a spearhead development which helps phasing out the brownfield uses at the Site and encourages other brownfield uses in the vicinity to be phased out by private initiatives. Besides, the Site will be readily available for development if the rezoning application is approved as the private lots within the Site are under sole ownership of the applicant. This will set a desirable precedent to showcase a model of public-private partnership in the NTN New Town development;
- (g) the proposal has taken into account the latest railway alignments published by the Government and flexibility has been reserved in the layout of the indicative scheme for connection to the future Ping Che Station of the planned railway lines; and
- (h) the proposed development is technically feasible. No adverse impacts at the Site and on the surrounding environment are anticipated with the implementation of the proposed mitigation measures and improvement works.

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 will be deposited at the meeting for Members' inspection. For the GL within the Site, the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/ Notification Requirements under Sections 12A and 16 of the Town Planning Ordinance" (TPB PG-No.31B) are not applicable.

4. Background

- 4.1 The Site was zoned "OS", "AGR" and shown as 'Road' on the draft Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/1 gazetted on 1.7.1994. The zonings of the Site have remained the same since then.
- 4.2 The Civil Engineering and Development Department (CEDD) and the Planning Department (PlanD) jointly commissioned the "Remaining Phase Development of the NTN – Planning and Engineering Study for NTN New Town and Man Kam To –

Investigation” (the P&E Study) on 29.10.2021. The Site falls within the NTN New Town under the P&E Study in Ping Che.

4.3 The Hong Kong Major Transport Infrastructure Development Blueprint was promulgated by the Transport and Logistics Bureau (TLB) in December 2023, which recommends new railways projects in the vicinity of the Site including the Northern Link Eastern Extension (NOLE) which will extend the Northern Link (NOL) from Kwu Tung Station to Ping Che, and the Northeast New Territories Line (NENTL) which will run between Heung Yuen Wai and Fanling Station passing through Ping Che (**Drawing Z-21**).

4.4 The Site is not subject to any active planning enforcement action.

5. Previous Application

The Site is not subject to any previous s.12A or s.16 applications.

6. Similar Application

There is no similar application involving rezoning of a site from “OS” and “AGR” zones and an area shown as ‘Road’ to mixed use zoning within the same OZP.

7. The Site and its Surrounding Areas (Plans Z-1 to Z-4)

7.1 The Site is:

- (a) used as open storage of construction materials at the central part;
- (b) occupied by temporary structures, domestic structures and agricultural land at its northern and southern parts; and
- (c) abutting Ping Che Road at the northeast and a local access road at the east, a part of which falls within the Site.

7.2 The surrounding areas have the following characteristics:

- (a) considerably low-rise with a rural character;
- (b) to the northwest, further northeast and east are “OS” zones comprising mainly warehouses, open storage yards, site offices, workshops and domestic structures. An “Industrial (Group D)” zone (subject to a maximum PR of 1.0, a maximum site coverage of 60% and a maximum BH of 13m) is located to the immediate northeast comprising temporary structures, a logistic centre and an open storage yard;
- (c) to the south and southwest is “AGR” zone comprising mainly temporary domestic structures and warehouses;
- (d) to the further north is a “Government, Institution or Community” (“G/IC”) zone where the village houses of Ping Che New Village, the three-storey Ping Che Nursing Home and the three-storey Ta Kwu Ling Rural Centre Government

Offices are located. Another “G/IC” zone for the Baptist Convention of H.K. Baptist Assembly with a maximum BH of about 30.7mPD is located further to the east; and

- (e) dense tree clusters zoned “Green Belt” (“GB”) are found to the further north and further northeast. Tsung Shan zoned “GB” is located to the further southwest (highest spot height about 105.5mPD) (**Plan Z-3**).

8. Planning Intentions

- 8.1 The planning intention of the “OS” zone is intended primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.
- 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.
- 8.3 According to the ES of the OZP, in order to improve the accessibility within the “OS” zones, new roads should be constructed and the existing van tracks have to be widened to standard roads of 7.3m wide with 2m wide footpaths on both sides.

9. Comments from Relevant Government Bureau/Departments

- 9.1 The following government bureau/departments have been consulted and their views on the application are summarised as follows:

Long-Term Planning

9.1.1 Comments of the Secretary for Development (SDEV):

- (a) she does not support the application;
- (b) the Site lies within the boundary of the on-going P&E Study. The on-going study carries out a holistic planning of the land use in the NTN New Town to create synergy and enhance development potential with the various land parcels; and
- (c) considering that the shape of the Site is irregular and noting that the Site will encroach onto the preliminary railway alignment of the NOLE, the piecemeal rezoning would affect the development potential of the adjacent sites and impose major constraints on the overall land use planning of the Ping Che and Ta Kwu Ling areas, thus, pre-empting the on-going P&E Study and the final land use recommendations.

9.1.2 Comments of the Chief Town Planner/Studies and Research 1, PlanD (CTP/SR1 of PlanD) and Project Manager (North), CEDD (PM(N) of CEDD):

- (a) the Site falls within the proposed NTN New Town under the P&E Study commenced on 29.10.2021. The P&E Study will guide the detailed

planning and implementation of the future developments of the proposed NTN New Town. The public will be consulted on the proposals under the P&E Study in due course; and

- (b) based on the NM Action Agenda 2023, the NOLE and the NENTL will be proposed to promote the development of the eastern part of the NM with the possible railway alignments/ stations passing through Ping Che and Ta Kwu Ling areas. The proposed NOLE and NENTL connecting to NTN New Town (including Lo Wu and Man Kam To) have also been announced in the Hong Kong Major Transport Infrastructure Development Blueprint released by the TLB in December 2023. From the studies and research perspective, the development potential of the Ping Che and Ta Kwu Ling areas including the Site, supporting transport and other infrastructures and community facilities should be holistically reviewed under the P&E Study given the Ping Che and Ta Kwu Ling areas will be the key development nodes within the proposed NTN New Town and their strategic location along possible railway corridors. Approval of the rezoning application would pose major constraints in formulating land use proposals under the P&E Study and undermine the development potential for the area.

9.1.3 Comments of the Principal Government Engineer/Railway Development, Highways Department (PGE/RD of HyD):

the Site will encroach onto the preliminary alignment of NOLE and is located in the vicinity of the preliminary alignment of the NENTL, both railways are now under planning as mentioned in the Hong Kong Major Transport Infrastructure Development Blueprint which was promulgated by the Government in December 2023. The applicant should take into account the minimum 40m wide railway reserve corridor along the alignment of NOLE in the application.

Land Administration

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

- (a) the Site comprises the entire two old schedule agricultural lots held under Block Government Lease and some unleased and unallocated GL. It also comprises fully or partly two Short Term Tenancies (STT), one Short Term Waiver (STW) (including right of way granted to STT or STW) as well as seven Government Land Licences/Permits;
- (b) her office has not verified the site area figures quoted by the applicant. More importantly, no agreement has been given for inclusion of the concerned GL in the rezoning application, which amounts to about 56% of the entire site in terms of site area. The inclusion of GL is subject to application and approval for a land exchange. There is no guarantee that the land exchange application (if submitted) will be approved and such application will be considered by LandsD acting in the capacity of the Landlord at its sole discretion. The rezoning application or approval (if given) shall not pre-empt the consideration and decision of the approving authority for the land exchange, if submitted by the applicant. There should be no assumption that the inclusion of GL in the land exchange application would be approved;

- (c) regarding the proposed access road (by upgrading and realignment of the unnamed local access road along the eastern side of the Site), as it is proposed to be for public use, its M&M responsibility must be properly addressed. It is noted that the applicant deferred the M&M responsibilities of the access road to later stage. There should be no commitment on using GL for vehicular access for the proposed development. In addition, comments from Transport Department (TD) and Highways Department (HyD) should be sought on (i) the design, construction and implementation of the proposed access road for public use and (ii) the future village access arrangement noting that the portions of the existing local access road falling outside the application boundary would be substituted by the said proposed access road. Without in-principle agreement from relevant departments, the proposed access road may not be able to realise and rezoning becomes premature;
- (d) it is noted that the proposed CCC and DE will be privately-owned and to be operated by the owner of the proposed development. Unless these facilities are required by the Government and monitored by the relevant departments, the requirements for GIC facilities (and the PTT) will not be imposed in the lease conditions;
- (e) according to the applicant, the ‘residual’ part of Lot 796 in D.D. 77 which would be ‘isolated’ from the major part of the private development by the proposed access road (**Drawings Z-2 and Z-3**) would remain under private land ownership and could serve as a works area / amenity area for future access road. TD and HyD’s agreement to the arrangement is required;
- (f) the subject two private lots (Lots 796 and 1008 RP in D.D. 77) do not directly front onto Ping Che Road. There should be no assumption that the inclusion of GL in the land exchange application (if submitted) would be approved;
- (g) it appears that some road works are proposed along Ping Che Road (**Drawing Z-14**). Noting that the works are outside the Site and along Ping Che Road which is a public road, such requirement would not be incorporated under lease. Notwithstanding this, as the necessity of such provision falls outside the purview of her office, she has no particular comment on it if it is to be provided at the applicant’s initiatives;
- (h) it is noted that a total of 130 trees are proposed to be felled and 126 new trees will be planted within the Site. The applicant is reminded that compensatory plantings should be provided within private lot(s) and no GL should be involved. Unless otherwise specified, LandsD will not process the TPRP submitted for planning application and therefore comments are reserved; and
- (i) her detailed comments are at **Appendix IV**.

Agriculture and Nature Conservation

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

- (a) the proposed rezoning is not supported from agricultural perspective;
- (b) the Site falls within the “AGR” zone amongst other zonings, and is generally used as an open storage. 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, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation; and
- (c) it is noted that the trees to be affected are all common species. He has no comment on the rezoning application from nature conservation perspective.

Traffic

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

- (a) the applicant has not provided sufficient information to demonstrate that the proposed development would not generate adverse traffic impact on the area;
- (b) the applicant shall demonstrate the proposed upgrading of Ping Che Road is feasible, viable and can be implemented by the applicant. It is premature to consider the rezoning request without ensuring the proposal suggested by the applicant is feasible and viable;
- (c) she does not agree with the applicant’s proposal on handing over the PTT to the Government for M&M; and
- (d) her detailed comments on the submitted TIA yet to be addressed by the applicant are at **Appendix IV**.

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

- (a) the proposed access arrangement and the TIA for the run-in/out at Ping Che Road should be commented and approved by TD;
- (b) the run-in/out should be designed and constructed in accordance with prevailing HyD Standard Drawings to the satisfaction of HyD and TD; and
- (c) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Drainage

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

- (a) it is noted that the DIA concludes that upgrading works of the existing downstream drainage system is required to mitigate the drainage impacts

arising from the proposed development. However, the applicant intends to further review the required upgrading works of the drainage system in conjunction with the future implementation details of the NTN New Town development;

- (b) she has no in-principle objection to the application given that the proposed development shall only be proceeded when the downstream drainage system is upgraded by the applicant/relevant stakeholder; and
- (c) her detailed comments on the submitted DIA are at **Appendix IV**.

Environment

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

- (a) he has no objection to the application;
- (b) the proposed on-site STP is likely a Designated Project (DP) under item F.2(b), Part I, Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO) (Cap. 499), which Environmental Permit is required for its construction and operation. The applicant is required to double check the submitted EA report on the EIAO implication of the proposed STP. Should the project be confirmed to be a DP, the requirements stipulated under the EIAO shall be followed; and
- (c) his detailed comments are at **Appendix IV**.

Urban Design and Landscape

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

Urban Design, Visual and Air Ventilation

- (a) the Site is situated in a rural locality predominantly comprising temporary structures/open storages interspersed with some vegetated land. In a wider context to its further southwest is Tsung Shan, and there are low-rise GIC facilities and village settlements including the Ta Kwu Ling Rural Centre Government Offices, Ping Che and Ping Che New Village to its further north and the Baptist Convention of H.K. Baptist Assembly to its further east (with BHs ranging from about 13mPD to 35mPD). The proposed high-rise mixed use development (with maximum BH of 175mPD) is not fully in keeping with the existing surrounding rural and low-rise character;
- (b) to substantiate the application, the consultant may consider exploring further design measures with respect to the existing low-rise and rural setting (e.g. by lowering the BHs, allowing greater variation in BHs, optimising the proposed domestic site coverages and BHs, etc.) or provide justifications otherwise;
- (c) according to the applicant's submitted information, various design measures including building separations, permeable design of the ground

level of PTT, landscape treatment along the boundary, etc. are proposed to mitigate the visual and/or air ventilation impacts;

- (d) notwithstanding the above, as shown in the NM Action Agenda released in October 2023, the NENTL will pass through Ping Che where the Site is located in. In fact, the Site falls within the study area of P&E Study. The planning (and hence urban design context) of the Site and its surrounding area is subject to the recommendations of P&E Study; and
- (e) her detailed comments on the submitted VIA and AVA-EE yet to be addressed by the applicant are at **Appendix IV**.

Landscape

- (a) according to the submission, it is anticipated that the Site is positioned as high-density residential development with residential and mixed uses in its vicinity. However, the land use proposals of the P&E Study is still under review. The proposed rezoning for high density mixed use development will bring significant change to the existing rural landscape character of “AGR” zone; and
- (b) her detailed comments are at **Appendix IV**.

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

from architectural and visual impact point of view, it is noted that a total of six building blocks of 35 to 48 storeys with BH ranging from about 169.7mPD to 175mPD are proposed at the Site. The proposed BH, according to the photomontages (**Drawings Z-15 to Z-19**), is notably higher than the existing neighbouring low-to-medium-rise buildings in the surrounding areas, hence there may be considerable visual impact on the existing neighbourhood.

Social Welfare

9.1.12 Comments of the Director of Social Welfare (D of SW):

- (a) no comment from welfare point of view;
- (b) it is noted that the proposed CCC and DE will be privately owned and to be operated by the owner of the proposed development;
- (c) she has no in-principle objection to the applicant’s proposal of setting up a 100-place CCC on the condition that there will be no financial implication, both capital and recurrent, to the Government;
- (d) while a subvented 60-place DE is not recommended in view of the considerable bids in the district, she has no adverse comments on the applicant’s proposed private DE; and
- (e) her detailed comments on the proposed CCC are at **Appendix IV**.

Fire Safety

9.1.13 Comments of the Director of Fire Services (D of FS):

- (a) he has no comment on the rezoning application. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (b) the Emergency Vehicular Access provision shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the Buildings Department (BD).

Water Supply

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

he has no objection to the application and his detailed comments are at **Appendix IV**.

Leisure and Cultural Services

9.1.15 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) the Site is adjacent to the roadside amenity area maintained by his department. Should the proposed development affect the existing trees and soft landscape in the roadside amenity area concerned, the applicant shall seek his department's prior comment and consent at the early investigation and planning stages and act in accordance with LandsD's Lands Administration Office Practice Notes No. 6/2023 and DEVB TC(W) No. 4/2020 - Tree Preservation;
- (b) his department reserves the right to provide further comments until the revised TPRP is provided;
- (c) his department would not take up the future maintenance of vegetation until all concerns are fully addressed; and
- (d) it is noticed that the proposed open space is located within the development site boundary. Since no issues related to his department, he has no specific comment.

Food and Environmental Hygiene

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

- (a) she has no adverse comment on the application; and
- (b) it is noted that retail facilities, clubhouse and swimming pool will be provided in the proposed development. Her detailed comments are at **Appendix IV**.

Electricity Safety

9.1.17 Comments of the Director of Electrical, Mechanical Services (DEMS):

- (a) no particular comment on the application from electricity supply safety aspect; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Building Matters

9.1.18 Comments of Chief Building Surveyor/New Territories West Section, BD (CBS/NTW of BD):

he has no adverse comment on the application and his detailed comments are at **Appendix IV**.

Local Views

9.1.19 District Officer (North) of the Home Affairs Department (DO(N), HAD) has relayed the following local views and comments on the application:

the Indigenous Inhabitant Representative of Ha Shan Kai Wat objects to the application mainly on the grounds that villagers and their vehicles will be unable to enter/leave the village and Ping Che Road will be congested due to the proposed development; and the adverse traffic impact and environmental pollution arising from the long period of construction will cause pressure to the villagers.

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

- (a) Commissioner of Police (C of P); and
- (b) Head of Geotechnical Engineering Office, CEDD (H(GEO) of CEDD).

10. Planning Considerations and Assessments

The Proposal

- 10.1 The application is for rezoning the Site from “OS”, “AGR” and an area shown as ‘Road’ to “OU(MU)” to facilitate a mixed use development comprising residential and commercial uses, social welfare facilities and a PTT. The applicant proposes an

indicative scheme comprising six towers with a domestic PR and non-domestic PR of not exceeding 5.9 and 1.1 respectively and a maximum BH of 175mPD, providing 2,205 flats. The commercial tower will contain retail, office, hotel, a 60-place DE, a 100-place CCC and a PTT. In addition to stipulation of a maximum total PR of 7 (of which the domestic PR should not exceed 5.9) and a maximum BH of 175mPD in the Notes of the proposed “OU(MU)” zone, the applicant also proposes to disregard the floor space for the provision of GIC facilities and PTT from GFA/PR calculation. The applicant further proposes to state in the ES the requirements of the provision of the DE, CCC and PTT which will be disregarded from GFA/PR calculation; and proposed upgrading of the local access road to the east of the Site.

- 10.2 It should be noted that, in general, the provision of GIC facilities and PTT could only be disregarded from GFA/PR calculation as stipulated in the Notes of the OZP on the condition that they are facilities requested by the Government. However, D of SW and C for T have not requested for such facilities to be provided at the Site.

Long-term Planning

- 10.3 While the current planning intentions for the Site is primarily for the provision of land for appropriate open storage uses under the “OS” zone; and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes under the “AGR” zone, the Site and the surrounding areas fall within the proposed NTN New Town under the P&E Study. CTP/SR1 of PlanD and PM(N) of CEDD advise that the P&E Study will guide the detailed planning and implementation of the future developments of the proposed NTN New Town. The development potential of the Ping Che and Ta Kwu Ling areas including the Site, supporting transport and other infrastructures and community facilities should be holistically reviewed under the P&E Study given the Ping Che and Ta Kwu Ling areas would be the key development nodes within the proposed NTN New Town and their strategic location along possible railway corridors. CTP/SR1 of PlanD and PM(N) of CEDD consider that approval of the rezoning application would pose major constraints in formulating land use proposals under the P&E Study and undermine the development potential for the area.
- 10.4 PGE/RDO of HyD advises that the Site would encroach onto the preliminary alignment of NOLE and is located in the vicinity of the preliminary alignment of the NENTL. Both of the railways are now under planning. While the applicant considers that the indicative scheme has already taken into account the latest proposed railway alignments and allowed flexibility for connection to the future Ping Che Station, PGE/RD of HyD points out that the applicant should take into account the minimum 40m wide railway reserve corridor along the alignment of NOLE in the application.
- 10.5 SDEV advises that the on-going P&E Study carries out a holistic planning of the land use in the NTN New Town to create synergy and enhance development potential with the various land parcels. Considering the irregular shape of the Site and noting that the Site will encroach onto the preliminary railway alignment of the NOLE, SDEV is of the view that the piecemeal rezoning would affect the development potential of the adjacent sites and impose major constraints on the overall land use planning of the Ping Che and Ta Kwu Ling areas, thus pre-empting the on-going P&E Study and the final land use recommendations. In this regard, SDEV does not support the rezoning application.

Land Use Compatibility and Development Scale

- 10.6 The Site and its surrounding areas are generally low-rise with a rural character comprising mainly warehouses, open storage yards, site offices, workshops and domestic structures with some GIC facilities (**Plan Z-2**). No large-scale residential, commercial, or mixed use development is found in the vicinity. The proposed high-rise mixed use development at the Site is considered incompatible with the existing environment in the surrounding areas, including the interface with the adjoining “OS” zones.
- 10.7 The tallest feature in the vicinity of the Site is Tsung Shan with a spot height of about 105.5mPD located to the further southwest of the Site. CTP/UD&L of PlanD considers that the proposed high-rise mixed use development (with maximum BH of 175mPD) is not fully in keeping with the existing surrounding rural and low-rise character, and the planning (and hence urban design context) of the Site and its surrounding area is subject to the recommendations of P&E Study. Her comments on the VIA and AVA-EE are not fully addressed by the applicant (**Appendix IV**). CA/CMD2 of ArchSD also notes that the proposed development is notably higher than the existing neighbouring low-to-medium-rise buildings in the surrounding areas, hence it is considered that there may be considerable visual impact to the existing neighbourhood.

Technical Aspects

- 10.8 On traffic aspect, C for T considers that the applicant has not provided sufficient information to demonstrate that the proposed development would not generate adverse traffic impact on the area. She considers that the applicant has not yet demonstrated the proposed upgrading of Ping Che Road is feasible, viable and can be implemented by the applicant, thus it is premature to consider the rezoning application from traffic engineering perspective. Besides, C for T does not agree with the applicant’s proposal on handing over the M&M responsibility of the PTT to the Government.
- 10.9 For the social welfare facilities including a 100-place CCC and a 60-place DE proposed by the applicant, while a subvented 60-place DE is not recommended in view of the considerable bids in the district, D of SW has no adverse comments from welfare point of view noting that the facilities will be privately owned and operated by the owner of the proposed development.
- 10.10 On drainage aspect, CE/MN of DSD notes that the applicant intends to further review the required upgrading works of the drainage system in conjunction with the future implementation details of the NTN New Town development. CE/MN of DSD has no in-principle objection to the application given that the proposed development shall only be proceeded when the downstream drainage system is upgraded. DEP has no objection to the application and points out that the proposed on-site STP is likely a DP under the EIAO, which an Environmental Permit will be required for its construction and operation. Other concerned departments including D of FS, CE/C of WSD, DLCS, DFEH, DEMS, C of P and H(GEO) of CEDD have no objection to or no adverse comments on the rezoning application.
- 10.11 Regarding the local comment conveyed by DO(N) of HAD on the application as detailed in paragraph 9.1.19 above, government bureau and departments’ comments and planning assessments above are relevant.

11. Planning Department's Views

11.1 Based on the assessments made in paragraph 10 and having taken into account the local views conveyed by DO(N) of HAD in paragraph 9.1.19 above, the Planning Department does not support the application for the following reasons:

- (a) the Site falls within the study area of the ongoing “Remaining Phase Development of the New Territories North (NTN) – Planning and Engineering Study for NTN New Town and Man Kam To – Investigation” (the P&E Study) and will encroach onto the preliminary railway alignment of the Northern Link Eastern Extension under planning. Approval of the rezoning application will impose major constraints on the overall land use planning of the Ping Che and Ta Kwu Ling areas, pre-empting the on-going P&E Study and its final land use recommendations, and thus undermine the development potential of the area; and
- (b) the applicant fails to demonstrate that the proposed rezoning would not have adverse traffic impact on the surrounding areas.

11.2 Alternatively, should the Committee decide to agree/partially agree to the subject application, PlanD will recommend zoning amendments to the OZP for the consideration of the Committee. The proposed amendments to the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14, together with revised Notes and Explanatory Statement, will be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the OZP.

12. Decision Sought

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

12.2 Should the Committee decide not to agree to the application, Members are invited to advise what reasons for the decision should be given to the applicant.

13. Attachments

Appendix I	Application form received on 27.10.2023
Appendix Ia	Consolidated Supplementary Planning Statement received on 6.9.2024
Appendix II	Revised Notes for “OU(MU)” zone proposed by the applicant
Appendix III	Revised Explanatory Statement for “OU(MU)” zone proposed by the applicant
Appendix IV	Detailed Departmental Comments
Drawing Z-1	Site Location Plan
Drawing Z-2	Land Status Plan
Drawings Z-3	Indicative Block Plan
Drawing Z-4 to Z-12	Indicative Floor Plans
Drawing Z-13	Indicative Section Plan
Drawing Z-14	Proposed Access Arrangement
Drawings Z-15 to Z-19	Photomontages

Drawing Z-20

Indicative LMP

Drawing Z-21

Indicative Location of NOLE and NENTL

Plan Z-1

Location Plan

Plan Z-2

Site Plan

Plan Z-3

Aerial Photo

Plans Z-4a to Z-4c

Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**