

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

**APPLICATION NO. Y/YL-NTM/4**

- Applicant** : Bonus Plus Company Limited represented by Llewelyn-Davies Hong Kong Limited
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
- Application Site** : Various Lots in D.D. 105 and adjoining Government Land (GL), Shek Wu Wai, Yuen Long
- Site Area** : About 143,171 m<sup>2</sup> (including GL of about 20,756 m<sup>2</sup> (about 14.5%))
- Lease** : (a) New Grant No. 2091 (restricted for private residential purpose)  
(b) Remaining Lots: Block Government Lease (demised for agricultural purposes)
- Zoning** : (i) “Comprehensive Development Area” (“CDA”) (96.5%); and [restricted to maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys including car park]  
(ii) “Green Belt” (“GB”) (3.5%)
- Proposed Amendment** : To rezone the application site from “CDA” and “GB” to “Residential (Group A)” (“R(A)”), “CDA(1)” and “Government, Institution or Community” (“G/IC”)  
- “R(A)” (about 38,810m<sup>2</sup> (27.1%) of the Site): restricted to a maximum total PR of 5.5 (of which domestic PR should not exceed 5) and a maximum BH of 152mPD;  
- “CDA(1)” (about 85,011m<sup>2</sup> (59.4%) of the Site): restricted to a maximum total PR of 5.5 (of which domestic PR should not exceed 5) and a maximum BH of 165mPD; and  
- “G/IC” (about 19,350 m<sup>2</sup> (13.5%) of the Site)

**1. The Proposal**

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1a**) from “CDA” and “GB” to “R(A)”, “CDA(1)” and “G/IC” (**Drawing Z-1**) on the approved Ngau Tam Mei OZP No. S/YL-NTM/12 (the OZP). The applicant proposes a maximum PR of 5.5 (same for both “R(A)” and “CDA(1)” with domestic PR not exceeding 5) with a maximum BH of 152mPD and 165mPD (**Drawings Z-4 and Z-5**) respectively for the proposed “R(A)” and “CDA(1)” zones to facilitate a high-density comprehensive residential development; while the two “G/IC” zones at

the northeast and southwest corners are proposed for reserved school sites. A proposed set of Notes for the “R(A)” and “CDA(1)” zones are attached at **Appendix II** and a plan showing the proposed zonings submitted by the applicant is at **Drawing Z-1**.

- 1.2 The Site is the subject of six previous applications (no. A/DPA/YL-NTM/21, A/YL-NTM/6, 19, 52, 61 and 178) for low-rise low-density residential development submitted by the same applicant which were approved by the Rural and New Town Planning Committee (the Committee) or Town Planning Board (the Board) between 1995 and 2014 (**Plan Z-1b**). The latest application (no. A/YL-NTM/178-2) for a proposed 300-houses development with a PR of 0.4 and BH of 3 storeys (**Plan Z-7**), which was approved with conditions by the Committee in 2014, has commenced with building plan approval and lease execution. The Site is vacant and vegetated, and falls within the boundary of the San Tin/Lok Ma Chau Development Node (ST/LMC DN) (**Plan Z-5a**) currently under study jointly commissioned by the Civil Engineering and Development Department (CEDD) and Planning Department (PlanD).
- 1.3 According to the indicative scheme (**Drawing Z-2**) submitted by the applicant, the proposed development comprises 25 residential blocks of 31-42 storeys including two commercial podiums of 2-3 storeys for commercial and GIC facilities, with a total PR and GFA of not more than 5.5 and 547,900 m<sup>2</sup> respectively. Regarding the GIC provision at the Site, the applicant proposes to include two Neighbourhood Elderly Centres (NEC) and a 100-place Residential Care Home for the Elderly cum 30-place Day Care Unit (RCHE cum DCU) within the commercial podiums, and proposed three reserved school sites (two primary schools and one secondary school) at the two “G/IC” portions. The indicative Master Layout Plan (MLP), Landscape Master Plan (LMP), section plans of the proposed development are shown at **Drawings Z-2 to Z-5**.
- 1.4 A two-phased development is proposed by the applicant (**Drawing Z-6**). Phase 1 (comprising Phase 1A and 1B) includes the “R(A)” and the western “GIC” portion with a target completion year of 2025, while the Remaining Phase includes the “CDA(1)” and the eastern “GIC” portion which will be implemented in parallel with the San Tin/Lok Ma Chau Development Node (ST/LMC DN) with an anticipated completion year of 2032. The major development parameters of the proposed indicative scheme are summarised as follows:

	Phase 1		Remaining Phase	Total
	Phase 1A	Phase 1B		
Site Area (m²)	143,171			
Development Site Area <sup>(1)</sup>	17,910	20,900	62,815	101,625
Reserved School Site	6,200 -			
- Primary School			6,200	12,400
- Secondary School			6,950	6,950
Total PR <sup>(2)</sup>	5.47	5	5.5	5.39
- Domestic PR	5	5	5	5
- Non-Domestic PR	0.47	-	0.5	0.39
Total GFA (m²)	97,917	104,500	345,483	547,900
- Domestic GFA	89,550	104,500	314,075	508,125
- Non-Domestic GFA	8,367	-	31,408	39,775

	Phase 1		Remaining Phase	Total
	Phase 1A	Phase 1B		
<i>Commercial</i>	5,767		31,408	37,175
<i>Covered Bus lay-by</i>	2,600		-	2,600
<i>NEC <sup>(3)</sup></i>	667		667	1,334
<i>RCHE cum DCU <sup>(3)</sup></i>	-		3,674	3,367
- Club House GFA <sup>(4)</sup>	3,134	3,134	7,330	13,598
<b>Maximum BH</b>				
- mPD	135mPD	151.05mPD	165mPD	165mPD
- No. of Storeys <sup>(5)</sup>	33	40	42	42
<b>No. of Residential Towers</b>	5	5	15	25
<b>No. of Units</b>	1,990	1,990	7,312	11,292
<b>Average Flat Size (m<sup>2</sup>)</b>	45	52.5	43	43 – 52.5
<b>Anticipated Population <sup>(6)</sup></b>	5,293	5,293	19,450	30,036
<b>Private Open Space</b>	5,293	5,293	19,450	30,036
<b>Site Coverage (SC)</b>	Not more than 30%			
<b>Target Completion Year</b>	2025		To be implemented in parallel with ST/LMC DN (estimated to be 2032)	

- (1) Development site area excludes public roads and the three reserved school sites.
- (2) PR calculations are based on development site area.
- (3) The non-domestic GFA excludes the two NECs (with a NOFA of about 330m<sup>2</sup> each, equivalent to a GFA of about 667m<sup>2</sup> each) and the 100-place RCHE cum 30-place DCU (with a NOFA of about 1,670m<sup>2</sup>, equivalent to a GFA of about 3,674m<sup>2</sup>). Details to be confirmed at detailed design stage.
- (4) The clubhouse GFA is proposed to be exempted from PR calculation.
- (5) The no. of storeys excludes transfer plate, refuge floor and one level of basement carpark.
- (6) Assuming a Person-Per-Flat ratio of 2.66.

- 1.5 In support of the rezoning application, the applicant has submitted Traffic Impact Assessment (TIA), Environmental Assessment (EA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), Water Supply Impact Assessment (WSIA), Visual Impact Assessment (VIA), Landscape Master Plan, Tree Survey and Preservation Proposal and Air Ventilation Assessment (AVA).

#### Traffic Aspect

- 1.6 According to the applicant, Phase 1 development will be served by the proposed Access Road West (single 2-lane carriageway of 7.3m wide) at the northwest of the Site connecting San Tam Road (**Drawing Z-7**) and the proposed covered bus lay-by at the commercial podium. Junction improvement works at Shek Wu Wai Road/Castle Peak Road – San Tin Section and San Tam Road/Access Road West are proposed for Phase 1 development (**Drawings Z-8a and 8b**).
- 1.7 For the Remaining Phase, two options for Access Road East (either a 7.3m new single carriageway connecting Mai Po Lung Road or local widening of existing Shek Wu Wai Road to a 7.3m single carriageway) are proposed by the applicant to connect the Site with San Tin Highway through slip roads which are assumed to be implemented by the Government in connection with the ST/LMC DN (**Drawings Z-9 to Z-10 and Plans Z-5a to Z-5b**). Road reserve and setback will be provided for the possible upgrading works for the ST/LMC DN, if necessary. The proposed development could be served by the future road network connecting the Northern

Link (NOL) San Tin Station.

Environmental Aspect

- 1.8 According to the applicant, the proposed development would not be subject to unacceptable noise impact by complying with the Hong Kong Planning Standards and Guidelines (HKPSG) and standards of relevant Ordinances with sufficient buffer distance and mitigation measures to be provided. The proposed development would not be subject to railway noise impact as the NOL, which is a Designated Project (DP) under EIAO, will have to be designed with sufficient noise mitigation measures against the existing and planned noise sensitive uses including the Site with an approved application (no. A/YL-NTM/178-2) for residential development.
- 1.9 According to the applicant, there is no ecologically sensitive habitat identified within the Site and the immediate surroundings. The nearest ecologically sensitive areas are the Mai Po Lo Wai egretries and Mai Po Nature Reserve which are situated over 800m and 2km away respectively. Insignificant light glare impact due to the proposed development are anticipated.

Sewerage, Drainage and Water Supply Aspects

- 1.10 The Site is not served by existing public sewerage system. According to the applicant, an independent interim sewage treatment plant (STP) is proposed at each of Phase 1A and Phase 1B development that no implication on Environmental Impact Assessment Ordinance (EIAO) would be anticipated (**Drawing Z-11**). Sewerage connections for Remaining Phase are assumed to be carried out by the Government in connection with the ST/LMC DN. If the public sewerage system is yet to be available, another interim STP will be provided at the Remaining Phase.
- 1.11 As there is no existing public drainage system available for connection, a temporary stormwater storage tank is proposed at each of Phase 1A, Phase 1B and Remaining Phase (**Drawing Z-11**). Fresh water for the proposed development shall be supplied by the Ngau Tam Mei Fresh Water Primary Service Reservoir (FWPSR). New fresh water pipes and diversion of existing water pipes are proposed to serve the proposed development (**Drawing Z-12**).

Visual, Air Ventilation and Landscape Aspects

- 1.12 According to the applicant, Phase 1 development will be largely screened off by the existing vegetation or village houses such that the visual impact is insignificant. For the entire proposed development, including both Phase 1 and Remaining Phase, given that the proposed development scale generally aligns with the overall urban design principle and visual context of the ST/LMC DN, the proposed development is considered compatible with the surrounding environment (**Drawings Z-13 to Z-17**).
- 1.13 According to the AVA, the overall ventilation performance is generally comparable with the ST/LMC DN for Phase 1 Development. A breezeway of 15m and building separations of not less than 10m are proposed to enhance the wind penetration (**Drawing Z-18**). The Remaining Phase shall be further studied by separate assessments under the future studies of the ST/LMC DN.

- 1.14 According to the LMP and tree survey and preservation proposal, there are about 1,356 existing trees within the Site with majority of them in fair to poor condition and low amenity value. 118 trees are proposed to be retained, 1,227 trees are proposed to be felled, 11 trees are proposed to be transplanted and 1,834 new trees are proposed for compensation. Not less than 30,036m<sup>2</sup> open space will be provided with recreational and amenity areas within the Site (**Drawing Z-3**).
- 1.15 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 8.7.2019 **(Appendix I)**
  - (b) Supplementary Planning Statement (SPS) received on 8.7.2019<sup>1</sup>
  - (c) 10 submissions of Further Information (FI) received on 6.12.2019, 27.2.2020, 4.5.2020, 17.7.2020, 10.12.2020, 16.2.2021, 5.5.2021, 14.7.2021, 20.7.2021 and 24.9.2021 in response to departmental comments with revised assessments and/or replacement pages
  - (d) FI-11 received 19.5.2022 and 23.5.2022 providing a consolidated SPS and clarifications of background information\* **(Appendix Ia)**
- Remark: \* accepted and exempted from publication*
- 1.16 On 21.2.2020 and 7.8.2020, the Rural and New Town Planning Committee (the Committee) agreed to adjourn consideration of the application as the special work arrangement for Government departments due to the then COVID-19 situation. On 4.10.2019, 9.10.2020 and 24.12.2021, the Committee agreed to defer a decision on the application as requested by the applicant. Subsequently, 11 sets of FI were received as detailed in para. 1.15 above. On 18.3.2022, the Committee agreed to adjourn consideration of the application in light of the situation of COVID-19. The application is now scheduled for consideration by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the consolidated SPS at **Appendix Ia**. They can be summarised as follows:

### *Optimise Land Resources and Compatible with ST/LMC DN*

- (a) The rezoning application concurs with the Government's policy to boost housing and land supply through optimisation of scarce land resources. The Site falls within the ST/LMC DN which would be served by the planned NOL San Tin Station. Upzoning the Site to unleash its development potential is necessary as residential development with a PR of 0.4 is not in line with the Government's intention for a high-density development for the ST/LMC DN and the transit-oriented development (TOD) approach. By making reference to the new development areas along the NOL in Kwu Tung North, Fanling North and Hung Shui Kiu with a permissible total PR

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<sup>1</sup> The consolidated SPS received on 19.5.2022 at **Appendix Ia** has incorporated all previous FIs. The applicant has confirmed in his letter dated 23.5.2022 that the original SPS and previous FIs could be superseded by the consolidated SPS. Hence, the original SPS and the superseded FIs are not attached.

ranging from 5 to 6.5, it is reasonable for the Site to be optimised with a total PR of 5.5. The proposed development would blend in well with the planned residential developments in ST/LMC DN in terms of development intensity and scale. The proposed development also serves to provide a quality living for talents in the Lok Ma Chau Loop which helps minimising their daily cross-border commuting trips.

*Previous Planning Approval for Residential Development*

- (b) The Site is not a rural green field site that is subject to comprehensive planning by the Government. Instead, it is a residential site subject to a previous planning application (no. A/YL-NTM/178-2) (**Plan Z-7**) approved by the Committee in 2014, and the applicant has executed the land exchange with full premium payment in 2019. The proposed development aims at optimising the entitled development right of the Site for a more comprehensive development that could be implemented in parallel with the Government's long-term planning proposal for the ST/LMC DN. Also, the proposed road widening works connecting the Site with San Tin Highway under A/YL-NTM/178-2, which is the same as the proposed Access Road West under the current application, has been reflected on the lease plan that offers readily available connections for the Site and the rest of the ST/LMC DN.

*Flexibility of Proposed OZP Amendments*

- (c) To expedite housing supply and demonstrate the flexibility of proposed OZP amendments that could cater for any changing circumstances, the applicant has further explored two development schemes for the Board's consideration (**Drawings Z-19 to Z-21**)

*(1) "Partially-Agree Development Scheme" – Rezone Phases 1A and 1B Only*

- (d) The Board can consider partially agreeing to rezone Phases 1A and 1B (**Drawing Z-19**) as it can be self-sustainable in technical terms where the infrastructure capacity has been carefully assessed. This is an expedited development scheme for immediate provision of housing supply totalling 3,980 units in a short run. The applicant also indicates that, if the Board considers it more appropriate to impose greater development control on future developments in Phases 1A and 1B, the Board could consider rezoning the proposed Phase 1 portion into other more appropriate zonings, such as "CDA" instead of the proposed "R(A)" zone. The Remaining Phase would remain unchanged as the extant "CDA" zone with a PR of 0.4.

*(2) "Hypothetical Development Scheme" – More Commercial Uses*

- (e) In view of the spatial imbalance of jobs being mostly concentrated in urban areas, it is intended to develop a balance level of population and employment within the future ST/LMC DN to reduce the need of commuting. Under the proposed maximum total PR of 5.5, the proposed "CDA(1)" zone in the Remaining Phase allows for adjustment in the development mix for more commercial uses to serve the long-term needs of the San Tin Area and the NTN. The applicant has provided an indicative MLP (**Drawing Z-21**) and proposed key parameters of the "Hypothetical Scheme" for more commercial and office uses, with proposed domestic PR of 3.47, non-domestic PR of 2.03 and flat production of 5,069 units under the Remaining Phase. A technical review has also been submitted that the "Hypothetical Development Scheme" remains technically feasible.

Technically Feasible and No Insurmountable Impacts

- (f) Technical assessments, including TIA, EA, SIA, DIA, VIA, WSIA, AVA and landscape and tree preservation proposals, have been conducted and confirmed the technical acceptability of the proposed development under all development schemes. It is concluded that there would be no insurmountable problem to rezone the Site with incorporation of mitigation and improvement measures proposed. Phase 1 has been demonstrated to be implementable based on a self-sustained technical approach and the proposed infrastructural improvement works will be implemented by the applicant; while the Remaining Phase is planned to be developed in tandem with the ST/LMC DN and the proposed infrastructural improvements works under the Remaining Phase shall be implemented by the Government in connection with the NTN development.

Encroachment onto Existing Burial Ground

- (g) In response to District Office (Yuen Long)'s comments regarding the existing graves in the Burial Grounds, the site boundary has largely respected Burial Grounds, except for minor overlapping between the Burial Ground YL/13 and the developments at the Remaining Phase (**Drawing Z-22**). If required, the development site boundary of the Remaining Phase and the future detailed scheme layout can be fine-tuned at the subsequent s16 planning application stage and detailed design stage to avoid encroachment into the permitted burial grounds and/or to provide a right of way to those affected permitted burial grounds.

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

The applicant is one of the “current land owners” of the Site and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/ Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notices in local newspapers and site notice. Detailed information would be deposited at the meeting for Members’ inspection. The remaining part of the Site is GL, and the “owner’s consent/notification” requirements are not applicable.

**4. Background**

Zoning History

- 4.1 Major portion of the Site (currently zoned “CDA”) has been included in the boundaries of the Plan since the Ngau Tam Mei Interim Development Permission Area (IDPA) Plan gazetted in 1990, while the small portion of the Site at the northeast (currently zoned “GB”) was a former military site which was only included in the boundaries of the Plan since the draft Ngau Tam Mei OZP No. S/YL-NTM/4 gazetted in 2000. That major portion of the Site was zoned “Open Storage” and “Unspecified Use” on the IDPA Plan No. IDPA/YL-NTM/1 gazetted in 1990. It was then zoned “Unspecified Use” on the Development Permission Area (DPA) Plans No. DPA/YL-NTM/1 and 2 gazetted in 1991 and 1994 respectively, and subsequently “GB” on the draft OZP No. S/YL-NTM/1 gazetted in 1994.

- 4.2 With a view to facilitate consideration of objections to the draft OZP No. S/YL-NTM/1 as well as to provide a basis for the extension of the OZP to cover the former military site in Mai Po Training Area, a Land-Use Review for the Northern Part of the Draft Ngau Tam Mei OZP No. S/YL-NTM/1 was completed in 1999. One of the land-use proposals was to rezone the then “GB” zone (including the major portion of the Site) to “CDA” mainly to reflect the approved low-density comprehensive residential development (no. A/YL-NTM/52) submitted by the same applicant as the current application, while the former military site was recommended to zone “GB” to respect the topography and preserve existing vegetation. Based on the findings of the land-use review and the Board’s consideration of objection, the amendments, including (1) to rezone the major portion of the Site from “GB” to “CDA” with a maximum PR of 0.4 and BH of 3 storeys including carpark and (2) to include the small portion of Site at the northeast as “GB” zone, were incorporated in the draft Ngau Tam Mei OZP No. S/YL-NTM/4 gazetted in 2000.

Long-Term Development of ST/LMC DN

- 4.3 A Broad Land Use Concept Plan under the Preliminary Feasibility Study on Developing the New Territories North (the Preliminary NTN Study) covering the Site was published in 2017, before the subject application was received in July 2019. According to that Broad Land Use Concept Plan, the Site was proposed for commercial, residential, G/IC and green belt uses under the then study scenarios. However, it was still subject to further studies on planning and engineering feasibility.
- 4.4 In September 2019, the Government commissioned the “Study on Phase One Development of New Territories North – San Tin / Lok Ma Chau Development Node – Feasibility Study” (Feasibility Study) and an initial land use plan was proposed and made available for consultation in March 2021. Under the initial land use plan (**Plan Z-5a**), the Site falls within the areas proposed for residential, open space, G/IC and road at the ST/LMC DN. Yuen Long District Council and San Tin Rural Committee were consulted on the initial land use plan for ST/LMC DN on 17.3.2021 and 9.7.2021 respectively. On 16.7.2021, the Finance Committee of the Legislative Council (LegCo) approved the funding application for an investigation study and detailed design for ST/LMC DN. The 24-month Investigation Study to finalise the land use proposals for the ST/LMC DN subsequently commenced in October 2021. The proposed land uses in the initial land use plan covering the Site is being reviewed under the Investigation Study. It is targeted to commence construction works by phases starting from 2024.
- 4.5 In October 2021, the Government released the Northern Metropolis Development Strategy (NMDS) in the 2021 Policy Address. Under the NMDS, the San Tin/Lok Ma Chau area, within which the Site is located, is proposed to be developed as “San Tin Technopole” focusing on innovation and technology (I&T) development of significant scale. It functions as a focal point for converging the industry, academia and research sectors for in-depth integration between Hong Kong and Shenzhen. To carry forward the proposal, the Government proposes to substantially increase land for I&T development by making an optimal use of the nearly 60 hectares of land already proposed for Enterprise and Technology Park in the ST/LMC DN together with surrounding areas for I&T industries to achieving clustering effect.



The Site falls within the development portion of the San Tin Technopole (**Plan Z-6**).

*New s12A Applications Submitted by the Applicant*

- 4.6 The Site is also subject to two other on-going s12A applications (no. Y/YL-NTM/6 and 7) (**Plan Z-1a**) for rezoning the subject “CDA” site for proposed comprehensive residential developments submitted by the same applicant in April 2022 with proposed maximum total PR of 7 to 7.5, BH of 180mPD (about 45 storeys) and flat production of 1,990 and 12,575 respectively. The applications are tentatively scheduled for consideration by the Committee on 15.7.2022.

Planning Enforcement

- 4.7 The Site is not a subject of any active enforcement case. Should a material change of use be identified on Site, which constitutes an unauthorised development (UD) under the Ordinance, enforcement action would be instigated subject to sufficient evidence collected.

**5. Previous Applications**

Section 16 Applications

- 5.1 The Site is the subject of six previous applications no. A/DPA/YL-NTM/21, A/YL-NTM/6, 19, 52, 61 and 178) for low-rise low-density residential developments (with PR of about 0.4 and BH of 3 storeys) submitted by the same applicant which were approved between 1995 and 2014.
- 5.2 Application no. A/DPA/YL-NTM/21 was approved with conditions on review by the Board in 1995 when the Site was within the then “Unspecified Use” on DPA Plan No. DPA/YL-NTM/2. In the first approved application, covering the Site, it proposed a PR of about 0.4 with a production of around 250 houses. Applications no. A/YL-NTM/6, 19, 52 and 61 were approved with conditions by the Committee/the Board in 1996, 1997, 1999 and 2000 respectively when the Site was then zoned “GB”. These subsequent applications were largely amendment to the first approved scheme with similar flat production of around 200 to 300 houses.
- 5.3 Application no. A/YL-NTM/178 for proposed residential development with a PR of 0.4 and BH of 3 storeys with recreational facilities was approved with conditions by the Committee in 2006, and an application for extension of time for commencement (no. A/YL-NTM/178-1) was agreed by the Director of Planning in 2010 to extend the validity of the planning permission until 2014. Subsequently, an application (no. A/YL-NTM/178-2) for Class B Amendments to the Approved Scheme with flat production of 300 houses was approved with conditions by the Committee in 2014. The approved development under application no. A/YL-NTM/178-2 (**Plan Z-7**) has commenced with building plan approved in 2014 and lease executed in 2019.
- 5.4 Locations and details of the previous Section 16 applications are summarised at **Plan Z-1b** and **Appendix III**.

**6. Similar Application**

There is no similar rezoning application within the same “CDA” or “GB” zone on the OZP.

**7. The Site and Its Surrounding Areas (Plans Z-1 to Z-5)**

7.1 The Site is:

- (a) vacant and is a piece of undulating land covered with trees, vegetation and woodland;
- (b) accessible to San Tam Road via an existing local access road at the northwest of the Site; and
- (c) falls within the boundary of the ST/LMC DN currently under Study.

7.2 The surrounding areas are intermixed with low-density residential dwellings, storages, warehouses, open storage yards and vehicle parks. Some of these uses are suspected Unauthorized Developments (UDs) subject to enforcement action by Planning Authority:

- (a) to its north is a woodland with some graves; and further north is an “Open Storage” zone comprising open storage yards, container vehicle parks and some scattered residential dwellings;
- (b) to its east are open storage yards, warehouses, container vehicle parks and some scattered residential dwellings;
- (c) to its south is a woodland with some graves; and further south across the hill is the Tam Mei Barracks; and
- (d) to its west is a “R(C)” zone comprising vacant land, agricultural land, open storage yards and low-rise low-density residential developments (i.e. Rolling Hills).

**8. Planning Intention**

The planning intention of the subject “CDA” zone is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. The Explanatory Statement of the OZP stipulates that the subject “CDA” zone is intended to reflect an approved development scheme and to provide land for residential development.

## **9. Comments from Relevant Government Departments**

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

### **Long-Term Planning**

9.1.1 Comments of the Secretary for Development (SDEV):

- (a) The subject planning application is not supported as the approval would pre-empt the finalisation of the land use of the ST/LMC area.
- (b) According to the initial land use plan formulated under the Feasibility Study for the ST/LMC DN (**Plan Z-5a**), the Site falls within an area proposed for residential use, GIC use, open space and road. An Investigation Study was commenced in October 2021 to, amongst others, finalise the land use proposals based on the initial land use plan and take into account the San Tin Technopole proposed in the NMDS.

9.1.2 Comments of the Chief Town Planner/Studies and Research 1 of PlanD (CTP/SR1, PlanD):

- (a) She has reservation on approving the captioned application as the proposal would significantly compromise the comprehensive planning for ST/LMC DN.
- (b) The Site falls almost entirely within the ST/LMC DN. The ST/LMC DN is positioned as part of the San Tin Technopole which is a major initiative under the NMDS announced in the 2021 Policy Address. The initial land use plan formulated under the Feasibility Study is currently being reviewed in light of the initiatives of the NMDS and the latest circumstances. The public will be consulted on the revised land use proposals in due course.
- (c) The southern part of the Site encroaches onto a section of the proposed NOL alignment near the San Tin Station, which would affect the construction and implementation of NOL. Its implication on the implementation of NOL would affect the overall implementation of the ST/LMC DN. RDO of HyD should be consulted on the potential conflict.

### **Implications on the Planning for the ST/LMC DN**

- (d) Making reference to the initial land use plan, the Site would take up the western portion of the future Town Centre near the San Tin Station and the proposed scheme would affect housing sites, GIC site, open space and road.
- (e) The proposed scheme would preclude opportunities for comprehensive planning of the ST/LMC DN in the following aspects:

- i. conflict with major road layout – the distributor and major access road leading to the Town Centre would be blocked, of which the scope for rerouting the major roads is highly limited by physical constraints.
- ii. the major open space leading to the Town Centre will be cut off.
- iii. inefficient use of land resource – it will leave irregular residual land parcels adjacent to the south-western ST/LMC DN boundary which could hardly be utilised for development.

#### Mismatch of Programme and Implementation

##### *Mismatch with major transport infrastructure*

- (f) The implementation of the ST/LMC DN should be in tandem with that of the NOL. According to the consolidated planning statement, Phase 1A and Phase 1B (with 3,980 units) would be implemented by 2025; and the remaining Phase will be implemented by 2032. This proposed implementation timeframe will be well advance of that of the NOL. The impacts of such mismatch would need to be carefully assessed.

##### *Mismatch with the comprehensive planning*

- (g) The current application was first submitted after the promulgation of the recommendations of Preliminary NTN Study in October 2016, rounds of further information were subsequently submitted. The applicant has not taken into account the comprehensive planning of the ST/LMC DN reflected in the Broad Land Use Concept Plan promulgated in October 2016 nor the initial land use plan promulgated in March 2021.
- (h) While the initial land use plan is being reviewed under the Investigation Study commenced in October 2021, the proposal would significantly compromise the comprehensive planning for ST/LMC.

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

The Site is within the proposed boundary of ST/LMC DN. According to the latest tentative development programme of ST/LMC DN, the construction work and land resumption will commence after the funding approval from Finance Committee tentatively by 2024.

#### Land Administration

#### 9.1.4 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises various private lots which, by the terms of the Block Government Lease or New Grant under which they are held, are demised as agricultural ground or restricted for private residential

purpose and adjoining GL, particularly Government Land Licences restricted to be used for domestic, agriculture and erection of some structures, all in D.D. 105. The actual site area, land status and land holding details of the lots under application have to be verified at the land exchange stage if any land exchange is applied for by the applicant to the LandsD.

- (b) The private lots within the Site are owned by different owners. The ownership particulars of the lots forming the Site have to be examined in details at the land exchange application stage.
- (c) A new road for the Remaining Phase encroaches onto land of difference land status, including but not limited to private lots. LandsD is not prepared to recommend invoking the relevant Ordinance for resumption of any private lots or creation of any rights for implementation of the proposed private development. His office reserves comments on the matter and any project interface with the proposed land exchange will be considered at the land exchange application stage, if any land exchange is applied for by the applicant to the LandsD
- (d) If rezoning application is acceded to, the applicant has to apply to the LandsD for a land exchange to effect the proposed development. Such application will be considered by the LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange for the proposed development including the grant of any additional GL, will be approved. In the event that the land exchange application is approved, it will be subject to such terms and conditions including among others, the payment premium and administrative fee, as may be imposed by LandsD.

### **Traffic**

#### **9.1.5 Comments of the Commissioner for Transport (C for T):**

- (a) TD's comments on the TIA from traffic engineering point of view have not been fully addressed and the full TIA (including both Phase 1 and Remaining Phase developments) should be re-submitted. The TIA is also not agreeable from public transport perspective and further justification from the applicant is required.
- (b) The design of the proposed improvement works for junction of Castle Peak Road – San Tin and Shek Wu Wai Road shall be reviewed as staggered pedestrian crossing is considered less desirable facility as pedestrian will have to wait and cannot cross the road in one go.
- (c) The location and details for loading/unloading facilities, motorcycle and bicycle parking spaces, and swept path analysis to demonstrate sufficient space for vehicles manoeuvring within the proposed development should be shown clearly on the layout plan.

- (d) It is always the applicant's responsibility to propose enhancement of existing public transport (PT) services and/ or new PT services to cater for the new PT demand generated from the proposed new property demand.
- (e) The applicant should elaborate with a detailed analysis on the PT services to be provided for the Site. The analysis should include PT utilization surveys carried out at the bus stops/ GMB stops to review the spare capacity of the PT services near the Site. The analysis should also include any enhancement of existing services and/or proposed new services for further assessment. The request has been ignored.

9.1.6 Comments of the Chief Highway Engineer/New Territories West, HyD (CHE/NTW, HyD):

- (a) Subject to the agreement from TD, any traffic improvement measures proposed by the applicant shall be implemented by the applicant at their own cost to TD/HyD's satisfaction
- (b) It is noted that apart from the proposed Access Road West connecting San Tam Road and the Site, there is another proposed Access Road East connecting the Site. More details of Access Road East shall be provided and the proposal shall be described in the TIA.

9.1.7 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD (CE/RD2-2, RDO, HyD):

- (a) The Site falls within the administrative route protection (ARP) boundary for the proposed NOL, which is a recommended railway scheme under the Railway Development Strategy 2014 (RDS-2014). Although the programme and the alignment of the proposed NOL are still under review, those areas within the ARP boundary may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL. The applicant should review its planning in view of the above requirement, and contact MTR Corporation Limited (MTRCL) regarding the NOL project.
- (b) In relation to NOL ARP boundary, the development layout in any development scheme shall comply with the Non-building area as defined in the executed lease for Lot 2091 in D.D. 105. When called upon by the Director of Lands, the lot owner shall at his own expense surrender the area with vacant possession to the Government free of costs and free from incumbrances to the satisfaction of the Director of Lands.
- (c) Regarding the railway noise impact assessment in the EA:
  - i. As the proposed residential development is in close proximity to the proposed NOL, the applicant shall conduct proper railway noise assessment at this planning stage. The applicant shall implement

appropriate noise mitigation measures (e.g. at-receiver mitigation measures) to ensure the railway noise level at the property development complies with the statutory requirements.

- ii. No at-source mitigation measures along NOL should be assumed for railway noise assessment by the applicant. NOL will conduct a detailed noise assessment in the EIA stage to review and confirm its own noise mitigation measures.

## **Environment**

### 9.1.8 Comments of the Director of Environmental Protection (DEP):

- (a) He is unable to lend support on the proposed rezoning application on either Phase 1 development only or the full development.

#### EIAO Implication

- (b) 3,980 flats will be occupied under Phases 1A and 1B by year 2025. If the Site is not served by public sewerage networks at that time and on-site STP will be used to treat sewage flow of 3,193m<sup>3</sup> per day generated from 3,980 flats as proposed by the applicant, the proposed development (for Phases 1A and 1B) will constitute a DP under Item P.2, Part 1, Schedule 2 of the EIAO (i.e. a residential development (a) of not less than 2,000; and (b) not served by public sewerage networks by the time a flat is occupied) and an environmental permit is required before its construction and operation.
- (c) EPD does not agree with the applicant's claim that the respective developments under Phase 1A and 1B should not be considered as DP as each Phase is providing 1,990 nos. of residential units which is in fact two individual residential developments to be implemented separately under individual development programme with each phase having its own STP / individual access / entrances as well as independent ancillary clubhouse facilities. Applicant's attention should be drawn to Section 4(4) of the EIAO regarding contiguous projects.

#### Railway Noise Impact from NOL

- (d) Considering the relevant configuration and design information of NOL is not yet available at this stage, many yet-to-be-confirmed assumptions are built-in to the railway noise assessment, which are critical to noise assessment, e.g. operating parameters and proposed at-source noise mitigation measures at NOL. The agreement with the project proponent of NOL on the commitment of at-source mitigation measures is crucial to the suitability of the Site in terms of railway noise impact. The applicant should provide agreement from the project proponent of NOL regarding implementation of at-source mitigation measures at NOL, in particular on the practicality and availability of at-source mitigation measures.

### Sewerage and Water Quality Impact

- (e) According to the submitted SIA, sewerage generated from Remaining Phase could be well over 7,000m<sup>3</sup>/d, and the sewage disposal relies on future sewerage infrastructure development in NTN which is not committed at this juncture. He does not support the rezoning for Remaining Phase development unless there are concrete information that future sewage can be collected by public sewerage network.

### Air Quality

- (f) The 20m-buffer distance requirement from the proposed roads is not met for the Remaining Phase. It is unclear that the proposed uses for the Remaining Phase would not be subject to unacceptable vehicular emission impact.

### Land Contamination

- (g) The applicant shall obtain relevant information (e.g. dangerous good stores, fire incident, chemical spillage records etc.) and review the contamination potential of the Site based on the records.

## **Urban Design and Landscaping**

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

### Visual Aspect

- (a) The Site is located within an area that comprises scattered residential dwellings and low-rise low-density residential developments of maximum 3 storeys in height and exhibits essentially a rural character. According to the respective OZP, developments in the locality are in general subject to a maximum PR of 0.4 and BH of 3 storeys. With reference to the Original Scheme, the proposed residential development has a maximum total PR of 5.5 and a maximum BH of 152mPD and 165mPD for “R(A)” and “CDA(1)” zones respectively mainly for accommodating 25 residential blocks of 30-39 storeys with some on top of 2-3 podium levels.
- (b) The applicant also put forward a flexible approach by proposing two additional development schemes – 1) to rezone Phase 1 development (including Phases 1A and 1B) to “R(A)” with a maximum total PR of 5.5 and a maximum BH of 152mPD for accommodating 10 residential blocks of 30-39 storeys with some on top of two podium levels and to retain the existing “CDA” zoning for the Remaining Phase; 2) same rezoning proposal for Phase 1 development while rezoning the Remaining Phase into “CDA(1)” with a maximum total PR of 5.5 and a maximum BH of 165mPD enabling 10 residential blocks of 30-37 storeys on top of 2-3 podium levels and 2 office towers of 31-32 storeys. As claimed by the applicant, Phase 1 development can be implemented ahead of ST/LMC DN development.



- (c) The applicant has submitted a VIA with two Proposed Scheme Scenarios: (1) Phase 1 development only; and (2) full completion (including Phase 1, Remaining Phase and future NTN developments). It is reiterated that the Feasibility Study is only a preliminary study and its proposal would still be subject to further feasibility studies. Thus, it is not appropriate to adopt the preliminary proposals from the Feasibility Study as committed development for conducting the VIA at this juncture. The Proposed Scheme should only cover the entire Site upon full completion of Phase 1, Remaining Phase and GIC sites for the Original Scheme and/or “Hypothetical Scheme” with more commercial uses. However, it is noted that NTN proposals are still included in the full completion of the proposed development in the Proposed Schemes in the VIA.
- (d) Having examined the Original Scheme and “Hypothetical Scheme” with more commercial uses, both of them would result in developments markedly larger and higher than the existing developments in the locality. As such, it would inevitably bring forth considerable visual changes to the surrounding rural environment.

#### Air Ventilation Aspect

- (e) The approach of including the NTN proposals in the Base Scheme and Proposed Scheme for the submitted AVA is considered not acceptable. The applicant should adopt an OZP compliant scheme/ previously approved scheme as the Base Scheme for the AVA and the Proposed Scheme should cover the full completion of the proposed development including both the original scheme and hypothetical scheme.

#### Landscaping

- (f) In view that the northern part of the Site falls within the “GB” zone, she has concern that if the application of rezoning the whole Site is approved, it will set an undesirable precedent and encourage similar development encroaching into the “GB” zone, thus resulting in further degradation of the existing landscape quality.

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

It is noted that the proposed development with 30 to 39 storeys high towers (above podium) is about 900% to 1200% higher than adjacent village type developments with 3 nos. of domestic storeys. It is undesirable from visual impact point of view and may not be compatible to adjacent residential and village type developments.

#### Drainage

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

- (a) The DIA submitted by the applicant is considered unacceptable from drainage operation and maintenance point of view. In view of its large scale and the potential impact of the proposed development, a detailed DIA covering the whole Site with the use of hydraulic modelling technique is required.
- (b) The proposed use of storage tanks and discharge to the nearby streams is not supported in view of the flood risks of the nearby area.

### **Water Supply**

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

- (a) The technical feasibility of water supply for the proposed development has not been demonstrated including but not limited to assessment of the impacts of the additional water demand generated by the proposed development on the existing/planning waterworks infrastructure.
- (b) Without any impact assessment on the existing waterworks infrastructure, it is premature to state “the applicant will take up the design and construction cost for the proposed water works and agrees to make the necessary water pipe improvement measures” and to state “no adverse impact on water supply envisaged” in the submitted WSIA.

### **Nature Conservation**

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

- (a) The submission made reference to an Ecological Impact Assessment (EcoIA) prepared for supporting a previous application (no. Y/YL-NTM/2 which was withdrawn by the applicant) with development parameters appearing to be similar to the current application. As the impact assessment was made based on ecological surveys performed 4 or more years ago, and noting from recent aerial photos that part of the Site was cleared or disturbed in recent years, the applicability of the EcoIA concerned to the subject application appears to be questionable.
- (b) It is noted that the Site falls within the ST/LMC DN, under which broad land uses and development intensities of the ST/LMC DN with consideration of updated ecological and other information are still being studied. It may be premature at this stage to determine the development intensity and building height at the Site from an ecological point of view.

### **Building Matters**

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

- (a) Before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) Detailed checking of plans will be carried out upon formal submission of building plans.

### **Fire Safety**

#### 9.1.15 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to the water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) The emergency vehicle access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6, Part D of Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation (B(P)R) 41D which is administered by BD.

### **Other Aspects**

#### 9.1.16 Comments of the Secretary for Security (S for S):

S for S has no objection to residential development at the Site. As the Site is close to the Tam Mei Firing Range, it is suggested that height restriction on certain towers shall be controlled and noise mitigation measures shall be provided.

#### 9.1.17 Comments of the Secretary for Education:

Adequate education provision should be included in accordance with the HKPSG.

#### 9.1.18 Comments of the Director of Social Welfare (DSW):

The applicant's response that they would further study the provision of other suitable welfare facilities on top of the proposed NEC and RCHE and DCU is noted. The applicant should attempt to provide social welfare facilities on the wish list as suggested by DSW as far as practicable. Otherwise, justification should be given.

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

The feasibility study for the proposed columbarium development completed in 2014<sup>2</sup> recommended that road widening of an existing road (i.e. a section of the Access Road West connecting Sam Tam Road and subject application) would be required. The applicant should submit the road layout design, including the junction performance improvement measures, to relevant departments for comment on the interface issues with the proposed columbarium development during design stage.

9.1.20 Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD)

He has no in-principle geotechnical objection on the application. Nevertheless, based on his records, there are some man-made geotechnical slope features, which may affect or be affected by the proposed development, are found within or adjacent to the Site. Presumably, details of the investigation and/or assessment of the effects of any future development on these man-made geotechnical slope features, and vice versa, should be submitted in conjunction with the future development proposal to the Building Authority for processing.

**District Officer's Comments**

9.1.21 Comments of the District Officer (Yuen Long) (DO(YL)):

Villagers expressed great concern over the issues of the Burial Ground and existing public facilities. His office has received a total of two letters from a YLDC member objecting to the application (**Appendix IV**). These letters were also received by the Board during the statutory public inspection periods.

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

- (a) Director of Electrical and Mechanical Services;
- (b) Director of Leisure and Cultural Services; and
- (c) Commissioner of Police.

**10. Public Comments Received During the Statutory Publication Periods**

- 10.1 During the 10 statutory public inspection periods, a total of 443 public comments were received, including 245 supporting comments and 198 objecting comments. Full set of public comments will be deposited at the Board's Secretariat for Members' inspection and reference. Extracts of the comments are at **Appendix Va to Vj**. Their major views are summarized as follows:

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<sup>2</sup> A site between San Tam Road and Mai Po Lung Road in San Tin was identified as one of the potential sites in 18 districts for columbarium development. The site for San Tin columbarium has been included in the boundary of the ST/LMC DN (i.e. the GIC site to the north of the subject application site as shown on **Plan Z-5a**).

### Supporting comments

10.2 The 245 supporting comments were submitted by individuals (samples at **Appendix Va**). The main supporting reasons are summarized as follows:

- (a) the Site will be equipped with rail and road network which is suitable for high-density residential developments. The proposed development demonstrates an efficient use of land by boosting flat supply of more than 11,000 units and providing small-to-medium size units which meets the aspirations of most Hong Kong people;
- (b) it also helps diverting populations from urban areas, and provides sufficient retail facilities and creates employment opportunities which commuting journeys could be minimised; and
- (c) the proposed development will not cause adverse impacts on environment, infrastructure, visual and landscape aspects.

### Objecting Comments

10.3 The 198 objecting comments were received from three members of YLDC (**Appendix Vb**), San Tin Rural Committee (**Appendix Vc**), Village Representatives (VR) from Shek Wu Wai Village (**Appendix Vd**), Village Committee and VR from Wai Zai Village (**Appendix Ve**), VR of Mai Po Village (**Appendix Vf**), World Wide Fund for Nature Hong Kong (**Appendix Vg**), Hong Kong Bird Watching Society (**Appendix Vh**), Designing Hong Kong (**Appendix Vi**) and individuals (samples at **Appendix Vj**). Their major views are:

#### *Long-term Planning and Land Use Compatibility*

- (a) the proposed development will pre-empt the long-term planning and land uses in the San Tin and adjacent areas which is currently under study commissioned by the Government;
- (b) the proposed intensity of PR of 5.5 and BH of 39 storeys are too excessive which is incompatible with the surrounding low-rise low-density developments and will bring about adverse visual and air ventilation impacts;
- (c) the proposed development will encroach onto the burial ground of San Tin Heung which is detrimental to the Feng Shui of the village and seriously affect the living quality of the villagers;

#### *Infrastructural Capacity, Environmental and Ecological Impacts*

- (d) the existing infrastructure capacity in terms of traffic, drainage and sewerage aspects will not be able to support such a massive scale development;
- (e) habitat quality and wild life in the immediate surrounding as well as the Deep Bay wetlands will be adversely affected as the proposed development with substantial increase in scale and density is highly visible over a large area.

Also, new surveys shall be conducted as the data sets in submitted assessment were conducted in 2015; and

- (f) adverse environmental impacts will also be resulted due to the drastic increase in population, and that EPD did not agree with the applicant's idea to separate the projects into phases to avoid constituting a designated projects.

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

- 11.1 The application is for rezoning the Site from "CDA" (about 96.5%) and "GB" (about 3.5%) to "R(A)", "CDA(1)" and "G/IC" to facilitate a high-density comprehensive residential development with reserved school sites. The applicant submitted an indicative scheme with a maximum total PR of 5.5 and maximum BH of 152 to 165mPD which comprises 25 residential towers ranging from 31 to 42 storeys with retail and social welfare facilities (two NECs and 100-place RCHE cum 30-place DCU), providing a total of 11,292 units. According to the applicant, a two-phased development is proposed, with Phase 1 (Phase 1A and 1B) to be implemented by 2025 and Remaining Phase to be implemented in parallel with the ST/LMC DN.
- 11.2 The Site falls within a wider "CDA" zone restricted to a maximum PR of 0.4 and BH of 3 storeys including carpark. The proposed rezoning application involves an increase in PR from 0.4 to 5.5 and increase in BH from 3 storeys to about 42 storeys which are considered a substantial increase as compared with the permitted development parameters under the "CDA" zone of the prevailing OZP. Land use compatibility and impacts on the environment and infrastructure capacity as of the current situation must be taken into account in the planning consideration of the subject rezoning application, notwithstanding that the Site falls within the ST/LMC DN with its land use proposal being reviewed in the final stage before implementation.

### Interface with the ST/LMC DN

- 11.3 The Site falls almost entirely within the ST/LMC DN, which is positioned as part of the San Tin Technopole which is a major initiative under the NMDS announced in the 2021 Policy Address. Following the publication of the initial land use plan in March 2021, the long-term development of ST/LMC DN is being comprehensively reviewed in a 24-month Investigation Study. The 24-month Investigation Study has commenced in October 2021 with a view to confirming the technical feasibility and finalise the land use proposal in tandem with detailed planning and design of the NOL being conducted by MTRCL.
- 11.4 The Site, with an area of 14 ha, occupies a sizable portion of the ST/LMC DN of which the Site is proposed for residential, open space, G/IC and road uses according to the initial land use plan released in March 2021 (**Plan Z-5a**). Any piecemeal rezoning request at this stage would unavoidably pre-empt the on-going Investigation Study. SDEV advises that approval of the rezoning application would pre-empt the finalisation of the land use of the ST/LMC area. CTP/SR1 of PlanD has reservation on approving the application as the proposal would significantly compromise the opportunities for a comprehensive planning in ST/LMC DN. There will be conflicts with major road and open space layout as well as inefficient

use of land resource leaving irregular residual land parcels adjacent to the south-western ST/LMC DN boundary which could hardly be utilised for development.

- 11.5 Although the applicant claims that the Board could consider partially agreeing to rezone Phase 1 portion only (i.e. “Partially-Agree Development Scheme”) to expedite flat supply of 3,980 units to meet housing demand in the short-run by 2025, this would still have an implication on the timing of completion of the Investigation Study as the layout and technical assessments would need to be reviewed and conducted again. As the Government is committed to developing the ST/LMC DN covering the Site and seeks to commence the works for ST/LMC DN in 2024, approval of the rezoning application, on either the whole Site or Phase 1 portion, would render effort of conducting these studies futile and adversely affect the finalisation and implementation of the ST/LMC DN.

Land Use Compatibility

- 11.6 The Site is rural in character surrounded by woodlands, low-rise low-density developments and residential dwellings intermixed with brownfield operations including open storage yards and container vehicle parks. CTP/UD&L of PlanD is of the view that the proposed development would inevitably bring forth considerable visual changes to the surrounding rural environment, and CA/CMD2 of ArchSD considers the proposed development may not be compatible with the adjacent residential and village type developments. Although the applicant has submitted a VIA to illustrate the visual compatibility of the proposed development with the surrounding developments of the future ST/LMC DN, CTP/UD&L of PlanD considers that it is not appropriate to adopt the preliminary proposals of the ST/LMC DN as committed development as its land use proposal would still be subject to further studies.

Technical Considerations

- 11.7 The applicant failed to demonstrate the technical feasibility of the proposed development under any proposed schemes (i.e. original scheme/ “Hypothetical Scheme” with more commercial uses or the “Partially-Agree Development Scheme” on Phase 1 development only) as the submitted technical assessments on traffic, environment, ecological, sewerage, drainage, water supply and air ventilation aspects are yet to be accepted by relevant departments. As further elaborated in para. 11.8 to 11.12, failure in demonstrating the technical feasibility casts doubt on the claim that the first phase of the development could be completed for occupation in 2025, before the ST/LMC DN.
- 11.8 On traffic aspect, C for T points out that the TIA is not agreeable and TD’s comments on the TIA have not been fully addressed. The junction improvement works under Phase 1 shall be reviewed, there is inadequate information on details and location of parking facilities and swept path analysis to demonstrate sufficient manoeuvring space within the proposed development, TD’s request for a detailed analysis on public transport services has been ignored by the applicant, and a full TIA should be re-submitted.
- 11.9 On environmental aspect, DEP is unable to lend support to the rezoning application. On sewerage aspect, DEP does not support the rezoning application as the sewage disposal for the Remaining Phase relies on the future sewerage infrastructure

development in NTN which is not yet committed at this juncture. Furthermore, DEP considers that development under Phases 1A and 1B already constitutes a DP under EIAO. He disagrees with the applicant's claim that the respective development under Phases 1A and 1B is not a DP as each Phase is an individual development to be implemented separately providing 1,990 units (i.e. below the triggering point of 2,000 units). On air quality and land contamination aspects, DEP points out that it is unclear whether the proposed uses under the Remaining Phase would not be subject to unacceptable vehicular emission impact, and the land contamination potential at the Site shall be reviewed. On ecological aspect, DAFC considers that the applicability of the assessment based on an ecological survey performed in four or more years ago appears to be questionable, and it is premature to determine the development intensity and BH of the Site from ecological point of view as the broad land use and intensities of the ST/LMC DN with consideration of updated ecological and other information are still being studied.

- 11.10 On railway noise aspect, DEP could not support the proposed development due to the potential railway noise impact from NOL as the relevant configuration and design information of NOL is not yet available at this stage with many yet-to-be-confirmed assumptions adopted under the submitted railway noise assessment, and the applicant did not provide agreement with the project proponent of NOL on the commitment of at-source mitigation measures. CE/RD2-2, RDO, HyD considers that the applicant shall conduct proper railway noise assessment at this planning state and implement appropriate noise mitigation measures (e.g. at-receiver mitigation measures) to ensure the railway noise level complies with the statutory requirement, and no at-source mitigation measures along NOL should be assumed by the applicant.
- 11.11 On drainage and water supply aspects, DSD considers that the DIA submitted is unacceptable and the proposed use of storage tanks and discharge to the nearby streams is not supported in view of the flood risks of the nearby area. WSD considers that the technical feasibility of water supply for the proposed development has not been demonstrated to assess the impact of the additional water demand generated by the proposed development on the existing/planning waterworks infrastructure.
- 11.12 On air ventilation aspect, CTP/UD&L of PlanD considers that the submitted AVA is unacceptable by including the NTN proposals in the assessments and the assessment should cover the full completion of the proposed schemes.

#### Previous Planning Approval

- 11.13 The applicant claims that land exchange with full premium payment in 2019 to effect the planning approval (no. A/YL-NSM/178-2) for around 300 houses was executed and the current application was to optimise development right. The implementation mechanism of the ST/LMC DN in respect of these committed developments will be separately considered by the Government which shall not be considered as a prerequisite of whether a rezoning application should be agreed to.

#### Public Comments

- 11.14 A total of 443 public comments were received during the publication periods of the application, including 198 objections and 245 supporting comments. The grounds



of the public comments are stated in paragraph 10 above. Comments from relevant Government bureaux and departments in paragraph 9 and the planning considerations and assessments as mentioned in the above paragraphs are relevant.

## **12. Planning Department's Views**

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the rezoning application for the following reasons:

- (a) the long-term development of the general area covering the application site is being reviewed under an on-going Investigation Study for San Tin/Lok Ma Chau Development Node. Suitable zonings of the area covering the application site are yet to be determined and the approval of the application would adversely affect the comprehensive planning and implementation of the whole San Tin/Lok Ma Chau Development Node; and
- (b) the applicant fails to demonstrate that the proposed rezoning would not have adverse traffic, environmental, ecological, sewerage, drainage, water supply, visual and air ventilation impacts on the surrounding areas.

12.2 Alternatively, should the Committee decide to agree or partially agree to the subject application, PlanD would work out the proposed amendments to the Nam Sang Wai 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 the Committees' agreement prior to gazetting under Section 5 of the Ordinance.

## **13. Decision Sought**

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

13.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

## **14. Attachments**

<b>Appendix I</b>	Application Form received on 8.7.2019
<b>Appendix Ia</b>	FI-11 received on 19.5.2022 and 23.5.2022 with consolidated SPS and background clarifications
<b>Appendix II</b>	A set of Notes for "R(A)" and "CDA1" zones proposed by the Applicant
<b>Appendix III</b>	Previous Section 16 application within the Site
<b>Appendix IV</b>	Letters relayed by DO(YL)
<b>Appendix Va</b>	Public comments received (Supporting)
<b>Appendix Vb to Vj</b>	Public comments received (Objecting)
<b>Drawing Z-1</b>	Proposed Amendments to the Approved Ngau Tam Mei OZP
<b>Drawing Z-2</b>	Indicative Master Layout Plan
<b>Drawing Z-3</b>	Landscape Master Plan

<b>Drawings Z-4 to Z-5</b>	Indicative Section Plans
<b>Drawing Z-6</b>	Indicative Phasing Plan
<b>Drawing Z-7</b>	Proposed Access Road (Phase 1)
<b>Drawings Z-8a to Z-8b</b>	Proposed Junction Improvement Works under Phase 1
<b>Drawings Z-9 to Z-10</b>	Proposed Access Roads (Phase 1 and Remaining Phase) (Option A and Option B)
<b>Drawing Z-11</b>	Proposed Interim Sewage Treatment Plants and Stormwater Storage Tanks
<b>Drawing Z-12</b>	Proposed Water Supply Network and Connection
<b>Drawings Z-13 to Z-17</b>	Photomontages
<b>Drawing Z-18</b>	Proposed Building Separations and Breezeway
<b>Drawing Z-19</b>	Proposed Amendments to the Approved Ngau Tam Mei OZP (two additional schemes)
<b>Drawing Z-20</b>	Comparison of Original Scheme and Two Additional Schemes
<b>Drawing Z-21</b>	Hypothetical Development Scheme
<b>Drawing Z-22</b>	Overlaid Plan of Application Site and Permitted Burial Grounds
<b>Plan Z-1a</b>	Location Plan
<b>Plan Z-1b</b>	Previous Applications Plan
<b>Plan Z-2</b>	Site Plan
<b>Plan Z-3</b>	Aerial Photo
<b>Plans Z-4a and Z-4b</b>	Site Photos
<b>Plans Z-5a and Z-5b</b>	Application Site with Proposed Access Road (Option A/ Option B) & Initial Land Use Plan of San Tin/Lok Ma Chau Development Node
<b>Plan Z-6</b>	Application Site and Proposed San Tin Technopole under the Northern Metropolis Development Strategy
<b>Plan Z-7</b>	Master Layout Plan of Application No. A/YL-NTM/178-2

**PLANNING DEPARTMENT**  
**JUNE 2022**