

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

APPLICATION NO. Y/YL-KTN/2

- Applicant** : Bloom Famous Investment Limited represented by Vision Planning Consultants Limited
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Application Site** : Lots 153 S.B, 153 RP, 236 S.A ss.1, 236 S.A ss.2, 236 S.A ss.3 and 236 S.A RP in D.D.110 and Adjoining Government Land, Southwest of Tsat Sing Kong Village, Kam Tin North, Yuen Long
- Site Area** : 3,853 m² (including about 364 m² of Government land (GL) (about 9.4%))
- Lease** : Block Government Lease (demised for agricultural use)
- Zoning** : “Agriculture” (“AGR”)
- Proposed Amendment** : Rezoning from “AGR” to “Residential (Group C)2” (“R(C)2”)

1. The Proposal

- 1.1 The applicant submitted the current application to rezone the application Site (the Site) (**Plan Z-1**) from “AGR” to “R(C)2” on the approved Kam Tin North OZP No. S/YL-KTS/9. The “R(C)2” zone on the OZP is subject to a maximum plot ratio (PR) of 0.4 and building height (BH) of 3 storeys (9m) including car park, and ‘House’ or ‘Flat’ is always permitted use within the zone. The Site is not subject to any previous rezoning application or S.16 application and is currently vacant and covered with vegetation and vacant structures (**Plans Z-2 and Z-4a and 4b**).
- 1.2 According to the applicant, the proposed “R(C)2” zone is to facilitate a proposed residential development with PR of not more than 0.4 and a maximum BH of 3 storeys (9m), providing 6 houses. The Site is accessible from Kam Tai Road via a local track. The target completion date of the proposed development is 2023.

1.3 The development parameters of the indicative development proposal are as follows:

	Development Parameters
Site Area (m ²)	3,853 (including about 364 of GL)
Maximum Total Gross Floor Area (GFA) (m ²)	1,541
Total PR	Not more than 0.4
Site Coverage (SC)	30%
BH	3 storeys (9m)
Number of Houses	6
Estimated Population	26
Average House Size (m ²)	257
Car Parking Provision - Private car	14 (including 1 disabled parking space and 1 visitor parking space)
Loading/Unloading Bay (L/UL)	1
Private Open Space (m ²)	28

* The non-domestic use, including the stand-alone E&M and refuse building (4m high), is proposed to be exempted from PR calculation.

1.4 The indicative Master Layout Plan (MLP), floor plans, section plan, Landscape Master Plan (LMP), photomontages and proposed road widening plan submitted by the applicant are shown at **Drawings Z-1 to Z-10**. In support of the application, the applicant has submitted Tree Preservation and Landscape Proposal, Traffic Impact Assessment (TIA), Noise Impact Assessment (NIA), Air Quality Impact Assessment (AQIA), Brief Report on Water Quality During Construction Phase, Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA) and Visual Impact Assessment (VIA).

Traffic

1.5 Sufficient internal transport facilities will be provided on-site. According to the TIA, the proposed development will not induce significant traffic impact on the surrounding road network and is acceptable from traffic engineering point of view.

1.6 To support the proposed development, a substandard section of Kam Tai Road will be widened from 3.1m to 7.3m on GL (**Drawing Z-10**) to improve the turning space for long vehicles to enter the local track leading to the Site. The improvement works will be designed and constructed by the applicant. The applicant is willing to undertake the management and maintenance of the widened track, and the Government can take over the management and maintenance responsibilities for the concerned area in the future if considered necessary. Besides, a footpath on private land along the southern boundary within the Site is proposed for public use (**Drawing Z-1**). The future management and

maintenance of the footpath will be undertaken by the future management office of the proposed development.

Environment

- 1.7 On noise aspect, the proposed development will not be affected by any road traffic or industrial noise from its surrounding area and can fully comply with the noise standards in the Hong Kong Planning Standards and Guidelines. Also, no adverse air quality and water quality impacts are anticipated.

Sewage and Drainage

- 1.8 No public sewer is serving the Site and its vicinity. An underground on-site sewage treatment plant is proposed at the Site to treat the sewage from the proposed development before discharging to the existing drainage system to the east of the Site. The proposed underground sewage treatment plant will be fully enclosed and equipped with silencers to reduce noise generated from its ventilation system. No adverse sewerage impact is anticipated.
- 1.9 Drainage channels and pipes will be provided to discharge the surface runoff to an existing nullah to the east of the Site. The arrangement of the drainage system will be dealt with at the detailed design stage. No adverse drainage impact is anticipated.

Landscape and Visual

- 1.10 Out of the 5 existing trees within or near the Site, 3 will be felled and 2 will be retained, while 35 compensatory planting will be provided. The VIA concludes that no significant adverse impact due to the proposed development on local or district context is anticipated. Photomontages of the proposed development are at **Drawings Z-7 to Z-9**.
- 1.11 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 15.7.2019 and supplementary (Appendix I) information received on 23.7.2019
 - (b) Supplementary Planning Statement (Appendix Ia)
 - (c) Further Information (1) (FI(1)) received on 6.12.2019 (Appendix Ib) providing responses to departmental comments*
 - (d) FI(2) received on 13.2.2020 providing responses to (Appendix Ic) departmental comments*
 - (e) FI(3) received on 9.4.2020 and 14.4.2020 providing responses (Appendix Id) to departmental comments*
 - (f) FI(4) received on 24.7.2020 providing responses to (Appendix Ie) departmental comments#
 - (g) FI(5) received on 28.9.2020 providing responses to (Appendix If)

departmental comments#

** Not exempted from publication requirement*

Exempted from publication requirement

1.12 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) agreed to defer consideration of the application on 4.10.2019 and 26.6.2020 to allow time for the applicant to prepare FI to address the departmental comments. After the deferral requests, the applicant had submitted FI including revised technical assessments in response to departments' comments.

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 FIs at **Appendices Ib to If**. They can be summarized as follows:

- (a) The proposed development is in line with the Government's objectives to adopt a multi-pronged approach to increase land supply to meet the pressing housing demand and unleash the development potential of the brownfield site. The rezoning application is intended to make best use of limited and under-utilized land resource for housing supply. The proposed development offers a choice of low-rise and low-density housing to meet the need of the community and to cope with the future socio-economic development in the area.
- (b) The proposed maximum PR of 0.4 and BH of 3 storeys (9m) is fully compatible with the surrounding low-rise and low-density developments which fall within an area zoned "R(C)2" to the south of Kam Tai Road, i.e. Seasons Villas and Seasons Monarch (**Plan Z-1**). The Site is also surrounded by village type development such as Tsat Sing Kong and Cheung Kong Tsuen comprising 3-storey houses. The VIA has demonstrated that the overall visual effects is acceptable in both local and district-wide contexts.
- (c) The proposed development would be a positive precedent for other similar cases. It will stimulate other land owners in the vicinity of the Site to give up the economic activities at or around the brownfield site to upgrade the living quality.
- (d) Technical assessments have been conducted and concluded that the proposed development would not cause adverse traffic, visual, sewerage, drainage and noise impacts.

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

The applicant is the sole "current land owner" for the private land portion of the Site. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion (about 9.4%), the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable.

4. **Background**

The Site is not the subject of active planning enforcement case.

5. **Previous Application**

The Site is not involved in any previous rezoning request/ rezoning application or s.16 application.

6. **Similar Application**

There is no similar rezoning request/rezoning application for rezoning from “AGR” to “R(C)” zone on the Kam Tin North OZP.

7. **The Site and Its Surrounding Areas (Plans Z-2 to Z-4b)**

7.1 The Site is:

- (a) currently vacant and covered with vegetation and vacant structures¹;
- (b) part of the Tsat Sing Kong Site of Archaeological Interest (24% of the Site) lies within the northern part of the Site (**Plan Z-1**); and
- (c) accessible from Kam Tai Road via a local track.

7.2 The surrounding areas are mainly rural in character predominated by agricultural land, plant nursery, residential dwellings/structures, open storage yard and vacant/unused land:

- (a) to the north are cultivated/ fallow agricultural land, unused land and scattered residential structures/dwellings. Tsat Sing Kong village within the “Village Type Development” (“V”) zone is located to the further north;
- (b) to the west and south are residential structures/dwellings, vacant/unused land, plant nursery and animal boarding establishment. To the further south across Kam Tai Road and a nullah is a residential development (i.e. Seasons Villas) zoned “R(C)2”; and
- (c) to the immediate east is a nullah. Across the nullah are a plant nursery, temporary open storage yard covered by planning permission (No. A/YL-KTN/704) and vacant/unused land.

¹ According to the applicant, the vacant structures were in support of livestock and poultry farming activities.

8. Planning Intentions

- 8.1 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.
- 8.2 The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. According to the Notes of the “R(C)” zone, ‘Flat’ and ‘House’ uses are always permitted. The “R(C)2” zone is subject to a maximum PR of 0.4 and a maximum BH of 3 storeys (9m) including car park.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises 6 private lots all in D.D. 110 and adjoining GL. The private lots are old schedule agricultural lots held under Block Government Lease and no structure is allowed to be erected without the prior approval of the Government. Lot No. 236 s.A ss.3 in D.D. 110 is subject to a Modification of Tenancy for erection and maintenance of a private residential structure with dimensions 20' x 20' x 13' (about 37m²) while Letters for Approval of agricultural structures had also been issued for the owner to maintain 12 structures namely an agricultural store, a porch, an agricultural kitchen and 8 chicken sheds. 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 by the applicant to the LandsD.
- (b) The private lots within the Site are owned by Bloom Famous Investment Limited, i.e. the applicant. The ownership particulars of the private lots forming the Site have to be examined in details at the land exchange application stage.
- (c) The Site is subject to a maximum height of 69mPD under the relevant plan for the Shek Kong Airfield Height Restriction. The height of the proposed development as shown in the applicant's submission is about 18.6mPD. Although the height of the rooftop structures has not been indicated, it is envisaged that the proposed development would unlikely exceed the above height restriction.
- (d) If rezoning application is acceded to, the applicant has to apply to 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 would be subject to such terms and conditions, including, among other things, the payment of premium and administrative fee, as may be imposed by the LandsD at its sole discretion.

Traffic

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) The Site is connected to the public road network via a section of a local access road which is not managed by his department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) His department is not/shall not be responsible for the maintenance of any access between the Site and Kam Tai Road. The road, including the section of Kam Tai Road along the northern side of the stream is not and will not be maintained by his department. The proposed road widening work at Kam Tai Road will not be implemented and maintained by his department.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.

Agriculture and Nature Conservation

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

- (a) He does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation.
- (b) The Site is currently fallow land occupied by some temporary structures. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water sources are also available. The Site can be used for agricultural activities such as open field cultivation, greenhouse, etc.
- (c) He has no comment on the application from nature conservation perspective noting that the Site is largely disturbed.

Environment

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

- (a) He has no objection to the application from environmental planning perspective.
- (b) Regarding the proposed road widening at Kam Tai Road, it is noted that the applicant would, upon the Board's agreement on the rezoning application, prepare a detailed engineering design drawings of the road widening works to seek approvals from relevant government departments. If the applicant finally decides to carry out road widening works, the applicant is reminded to observe the legislative requirements under relevant environmental ordinance (such as Water Pollution Control Ordinance, Air Pollution Control Ordinance, Waste disposal Ordinance, etc.); and provide EPD the confirmation from Transport Department on the road classification of the widened road after the proposed widening works.

Urban Design, Visual and Landscape

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

Urban Design and Visual

- (a) The Site is located in Kam Tin North and is surrounded by farmlands, open storage/workshops, scattered rural structures and village houses of 1 to 3 storeys. A low-rise residential development, namely Seasons Villas, with maximum BH of 2 storeys is located in a "R(C)2" zone to the south of the Site across Kam Tai Road. The proposed development with maximum PR of 0.4 and BH of 3 storeys (9m) is considered not incompatible with the surrounding rural setting. Judging from the submitted photomontages, significant adverse visual impact is not anticipated.

Landscape

- (b) She has some reservations on the rezoning application from the landscape planning perspective.
- (c) According to the aerial photo of 2018, the Site is situated in an area of rural landscape character comprising clustered tree groups and farmlands with a few temporary structures to the north, southwest and northeast of the Site. To the southeast of the Site, there is a nullah running from northeast to southwest, and then connecting to Kam Tin River at southwest. Further across the nullah, there are clustered tree groups and some temporary open storages. No similar rezoning applications were previously approved by the Board within the same "AGR" zone. The proposed development is considered not entirely compatible with the landscape setting in proximity.
- (d) With reference to the submitted planning statement, the Site was abandoned

farmland with derelict structures. Part of the Site was covered with self-seeded vegetation and 3 existing trees of common species (2 within the Site and 1 outside the Site) would be affected by the proposed development, which are proposed to be felled. To compensate for the loss of existing trees, 35 compensatory trees are proposed.

- (e) Although significant adverse landscape impact arising from the proposed development is not anticipated, approval of the application would encourage similar piecemeal rezoning applications within the same “AGR” zone. The cumulative effect of similar rezoning applications would lead to piecemeal encroachments into the abandoned agricultural land, which forms part of the landscape character of the area, and undermine the integrity of the existing “AGR” zone.

Drainage

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

He has no comment on the submitted DIA and the proposed road widening at Kam Tai Road.

Building Matters

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

- (a) Noting that the Site does not abut any specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building Planning Regulation (B(P)R) at the building plan submission stage.
- (b) Based on the limited information, the current use of the piece of GL is not clear. If that piece of GL is currently being used as an existing footpath or access to the adjoining lots, it may be excluded from the site area under B(P)R 23(2)(a).
- (c) The Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided for all the buildings to be erected on the Site in accordance with the requirement under B(P)R 41D.
- (d) Any parking spaces to be disregarded from GFA calculation under B(P)R 23(3)(b) shall be subject to the requirements laid down in Appendix C of Practice Notes for Authorised Persons (PNAP) APP-2.
- (e) For features to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes (JPN) and PNAPs including APP-151 as appropriate. If the applicant applies for the GFA concession, building set back, building

separation and SC of greenery as required under PNAP APP-152 shall also apply.

- (f) Detailed checking of plans will be carried out upon formal submission of building plans.
- (g) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (h) The applicant's attention is also drawn to the following points:
 - (i) 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 the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (ii) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any proposed use under the application.
 - (iii) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.

Fire Safety

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

- (a) He has no objection in-principle to the proposal subject to 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 provision of Emergency Vehicular Access in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D which is administered by the BD.

Heritage Conservation

9.1.10 Comments from Antiquities and Monuments Office, Development Bureau (AMO, DEVB);

- (a) He has no adverse comment on the application from cultural heritage viewpoint provided that the following requirements will be strictly observed and complied with by the applicant:
- (i) Prior to the commencement of any site formation and construction works within the Site, the applicant is required to engage a qualified archaeologist to apply for a licence under the Antiquities and Monuments Ordinance (Cap. 53) to conduct an Archaeological Survey for the part of the Site situated within the Tsat Sing Kong Site of Archaeological Interest (SAI) to gather archaeological data to evaluate the archaeological impact arising from the proposed development. A proposal of the Archaeological Survey shall be submitted to AMO for agreement prior to applying for the licence under the Antiquities and Monuments Ordinance. Subject to the findings of the Archaeological Survey, appropriate mitigation measures, if needed, shall be implemented by the applicant in consultation with AMO.
 - (ii) Regarding the part of the Site outside of the SAI, the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered in the course of the proposed development.
- (b) It is mentioned in the submission that surface collection was not conducted within the Site or areas at its close proximity under the Archaeological Survey in 2009. The applicant is advised that it would be more accurate to mention no cultural remains were collected within the Site or areas at its close proximity during the Archaeological Survey in 2009.

Others

9.1.11 Comments of the Director-General of Civil Aviation (DG of CA):

He has no comment from aircraft noise perspective. He noted that a qualitative noise assessment on aircraft and helicopter noise has been carried out in the revised NIA which concluded that there will be no adverse aircraft/ helicopter noise impact. The undertaking of alerting all future house buyers of the development of the potential aircraft/ helicopter noise impact due to the operation at Shek Kong Airfield was also mentioned in the revised NIA.

9.1.12 Comments of the Secretary for Security (S for Security):

There is no objection to the application. The applicant should take note of the noise and potential risk from aircraft flying as the proposed development is in proximity to the Shek Kong Airfield.

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

He has no adverse geotechnical comment on the application. It is noted that a retaining wall of approximately 2.0m in height would be proposed as stated in the applicant's submission. The applicant is reminded to submit necessary slope/ site formation works to the BD for approval as required under the BO.

District Officer's Comments

9.1.14 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any locals' comment on the application and he has no comment from departmental point of view.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Project Manager (West), Civil Engineering and Development Department;
- (c) Chief Architect/Central Management Division 2, Architectural Services Department;
- (d) Director of Electrical, Mechanical and Services; and
- (e) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

10.1 On 26.7.2019, the application was published for public comment for three weeks. FI(1), FI(2) and FI(3) were also published subsequently for three weeks each. A total of 22 public comments were received (**Appendices V-1 to V-22**).

10.2 Among the comments received, 6 comments (**Appendices V-1 to V-6**) submitted by individuals support the application mainly on the grounds that the proposed development is compatible with the surroundings; it can improve local environment and public security and transport facilities; better utilize land resources and prevent idling agricultural land; increase the supply of private housing and the Site is a suitable location for housing development; and reduce unauthorized change of land uses and brownfield site.

10.3 The remaining 16 comments (**Appendices V-7 to V-22**) from World Wide Fund for Nature (Hong Kong) (4 identical comments), the Hong Kong Bird Watching Society (4 identical comments), Kadoorie Farm and Botanic Garden Corporation (3 similar comments), Designing Hong Kong (3 similar comments) and individuals object to the application mainly on the grounds that the proposed development is not in line with the planning intention of the "AGR" zone; approval of the application would set an undesirable precedent for similar applications in the "AGR" zone; the applicant fails to demonstrate that the proposed development would not generate adverse environmental and ecological impacts on the surrounding areas; the proposed development would encourage "destroy first; development later"; the Site has agricultural rehabilitation potential and there is active farmland nearby; and the agricultural land should be conserved.

11. Planning Considerations and Assessments

- 11.1 The application is for rezoning the Site (3,853m²) from “AGR” to “R(C)2” subjecting to a maximum PR of 0.4 and maximum BH of 3 storeys (9m) including carparks to facilitate a proposed residential development. According to the indicative scheme submitted by the applicant, the proposed residential development (PR of 0.4) will provide six 3-storey (9m) houses.

Site Suitability

- 11.2 The Site falls within a large area zoned “AGR” which is segregated from the Kam Tin rural township by Kam Tai Road/ Drainage Reserve. The “AGR” zone is intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agricultural point of view noting that the Site possesses potential for agricultural rehabilitation and agricultural activities in the vicinity are active.
- 11.3 The Site is currently vacant and covered with vegetation and vacant structures. The private lots in the Site are old schedule agricultural lots held under the Block Government Lease. The Site is mainly surrounded by agricultural land, scattered residential dwellings/structures and vacant/unused land. The nearest residential clusters, i.e. Tsat Sing Kong village and Seasons Villas, are respectively located to the further north of the Site and to its further south across a nullah and Kam Tai Road.
- 11.4 The general planning intention for the Kam Tin North (KTN) area is to channel suburban type developments to appropriate areas. Existing or planned low-density residential development (other than the “Village Type Development” zone) in KTN are in the vicinity of Kam Tin Road and San Tin Highway. The “R(C)1” (subject to maximum PR of 0.8, maximum SC of 40% and maximum BH of 4 storeys (12m)) and the “R(C)2” zones in KTN are both sandwiched between Kam Tin Road and Kam Tai Road/ Drainage Reserve, whereas the Site is segregated from the Kam Tin rural township by Kam Tin Road/ Drainage Reserve. Rezoning of the Site amidst a large “AGR” zone to “R(C)2” will result in piecemeal housing development away from the main roads and create haphazard development pattern. CTP/ UD&L of PlanD also considered that the proposed development is not entirely compatible with the landscape setting in proximity. In view of the above, there is no strong planning justification in the submission to support the rezoning of the Site from “AGR” to “R(C)2”.

Technical Considerations

- 11.5 Technical assessments including Tree Preservation and Landscape Proposal, TIA, NIA, AQIA, Brief Report on Water Quality During Construction Phase, SIA, DIA and VIA have been submitted by the applicant.
- 11.6 On traffic, drainage, sewerage and environmental aspects, C for T, CE/MN of DSD and DEP have no objection to the application. While the northern portion of the Site (about 24%) falls within the Tsat Sing Kong SAI, AMO has no adverse comment on the application.

Previous and Similar Application

- 11.7 The Site is not subject to any previous rezoning request/ rezoning application or S.16 applications. There is no similar application for rezoning from “AGR” to “R(C)” on the KTN OZP. Approval of the rezoning application would set an undesirable precedent for similar rezoning applications in the “AGR” zone. The cumulative effect of approving such similar applications would lead to piecemeal housing development in the agricultural land and undermine the integrity of the “AGR” zone.

Public Comments

- 11.8 A total of 22 comments were received during the statutory publication periods, with 6 supporting and 16 objecting the application as detailed in paragraph 10 above. In this regard, the departmental comments as well as planning assessments and considerations above 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 above, the Planning Department does not support the rezoning application for the following reason:

the Site is situated in the middle of a large “AGR” zone away from the main road and agricultural uses are found in the surrounding area. Approval of the application would result in piecemeal residential development, encroaching onto “AGR” zone as well as setting an undesirable precedent for similar applications. There is no strong planning justification in the submission for the proposed rezoning.

- 12.2 Alternatively, should the Committee decide to agree / partially agree to the application, the appropriate proposed amendment to the Kam Tin North OZP would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning 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

Appendix I Application Form received on 15.7.2019 and supplementary information received on 23.7.2019

Appendix Ia Planning Statement

Appendix Ib	FI(1) received on 6.12.2019
Appendix Ic	FI(2) received on 13.2.2020
Appendix Id	FI(3) received on 9.4.2020 and 14.4.2020
Appendix Ie	FI(4) received on 24.7.2020
Appendix If	FI(5) received on 28.9.2020
Appendices II-1 to II-22	Public Comments received during the statutory publication period
Drawing Z-1	Master Layout Plan
Drawings Z-2 to Z-4	Floor Plans
Drawings Z-5	Section Plan
Drawing Z-6	Landscape Master Plan
Drawing Z-7 to Z-9	Photomontages
Drawing Z-10	Proposed Road Widening Plan
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plan Z-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2020**