

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

APPLICATION NO. Y/NE-LK/1

- Applicant** : Galaxy Rich Investment Limited represented by Aikon Development Consultancy Limited
- Plan** : Approved Luk Keng and Wo Hang Outline Zoning Plan (OZP) No. S/NE-LK/11
- Site** : Various Lots in D.D. 39 and Adjoining Government Land, Ha Wo Hang, Sha Tau Kok, New Territories
- Site Area** : About 119,602.3m² (including Government Land of about 17,581.5m²)
- Lease** : (a) Block Government Lease (demised for agricultural use) (about 85.2% of the Site)
(b) Modification of Tenancy (MOT) for erection of temporary structures for dwelling purposes for Lot 1286 in D.D. 39 (about 0.1% of the Site)
(c) Government land (about 14.7% of the Site)
- Zonings** : (i) “Agriculture” (“AGR”) (about 97% of the Site)
(ii) “Recreation” (“REC”) (about 3% of the Site)
- Proposed Amendments** : Rezoning from “AGR” and “REC” to “Comprehensive Development Area” (“CDA”)

For Proposed Residential Development at Site A

- a maximum plot ratio (PR) of 0.4
- a maximum building height (BH) of 2 storeys and 11.25m
- a maximum site coverage (SC) of 22.4%

For Proposed Nature Conservation Centre at Site B

- a maximum PR of 0.26
- a maximum BH of 3 storeys and 16.15m
- a maximum SC of 9.6%

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plans Z-1 and Z-2a**) from “AGR” and “REC” to “CDA” on the approved Luk Keng and Wo Hang OZP No. S/NE-LK/11 to facilitate a proposed residential development cum nature conservation centre. According to the indicative development scheme, the proposal involves two development portions located at the southern part along Sha Tau Kok Road – Wo Hang (i.e. Site A and Site B) (**Plan Z-1**). For Site A, the proposed residential development

mainly consists of 136 two-storey houses with a total domestic gross floor area (GFA)/plot ratio (PR) of about 32,569.9m²/0.4. For Site B, the proposed nature conservation centre mainly consists of 7 building blocks including 4 three-storey accommodation blocks providing 192 guest rooms, a natural conservation centre with retreat centre and lecture rooms, and ancillary blocks for restaurant, tea house, kitchen and toilets etc., with a non-domestic GFA/PR of about 9,926.2m²/0.26. The vehicular and pedestrian entrances are proposed at the northern boundary of both Sites A and B abutting Sha Tau Kok Road – Wo Hang (**Drawings Z-9 and Z-10**). The Master Layout Plan (MLP), floor plans, section plans, Landscape Master Plan (LMP), photomontage and proposed phasing plan submitted by the applicant are shown on **Drawings Z-1 to Z-12**.

- 1.2 Part of the Site is the subject of two previous rezoning requests No. Z/NE-LK/2 and No. Z/NE-LK/3 submitted by the same applicant for rezoning from “AGR” and “Village Type Development” (“V”) to “CDA” and from “AGR” to “CDA” respectively (**Plan Z-1**). Those rezoning requests were rejected by the Committee on 30.7.2004 and 28.1.2005. Details of the previous rezoning requests are summarised at paragraph 5 below.
- 1.3 Development parameters of the **indicative development scheme** are set out as below:

Indicative Development Parameters		
Gross Site Area	About 119,602.3m ² (including Government land of about 17,581.5m ²)	
	Site A	Site B
Site Area	About 81,424.8m ²	About 38,177.5m ²
Site Coverage (SC)	22.4%	9.6%
Maximum Domestic PR	0.4	-
Maximum Domestic GFA	About 32,569.9m ²	-
Maximum Non-Domestic PR	-	0.26
Maximum Non-Domestic GFA	1,250m ² # (Clubhouse) 10m ² # (Guard House)	About 9,926.2m ² (Guest Accommodation Blocks and other Facilities) 82.5m ² (Transformer Room)
No. of Block		
- House	136	-
- Clubhouse	1	-
- Guest Rooms	-	4
- Guest Rooms/Reception/ Retreat Centre/Lecture Rooms/ Restaurant/Tea House/Kitchen	-	3
Building Height (main roof)		
Domestic	11.25m	-
Non-Domestic	10.26m	16.15m
No. of storeys		
- House	2	-
- Clubhouse	1	-
- Guest Rooms & Reception/ Retreat Centre/Lecture Rooms	-	3
- Restaurant/Tea House/Kitchen	-	1

	Site A	Site B
No. of Unit/House	136 Houses (Average flat size of about 239m ²)	192 Guest Rooms (Average room size of about 43m ²)
Anticipated population	544 (4 occupants per house)	384 (2 guests per room)
Common Greenery	20,675.5m ² (i.e. 25.4% of Site A)	16,520.5m ² (i.e. 43.3% of Site B)
Open Space - Private Open Space	17,482m ²	9,899m ²
No. of Parking Spaces		
Private Car Parking Spaces	280	20
Visitor Car Parking Spaces	5	41
Motorcycle Parking Spaces	2	7
Coach Parking Spaces	-	1
No. of Goods Vehicle Loading/Unloading Bay	1	4
No. Lay-by for Taxi and Private Cars	-	2
Completion Year	Phase 1: 2022 Phase 3: 2025	Phase 2: 2024

Exempted from GFA calculation as claimed by the applicant.

Proposed Notes for the “CDA” Zone

- 1.4 The applicant also proposes a set of Notes for the proposed “CDA” zone at **Appendix II**. According to the Notes, there is no always permitted use. All uses including house, education centre (e.g. nature conservation centre), residential institution (e.g. guest rooms), etc. are put under Column 2 requiring planning permission from the Town Planning Board (the Board) and a Master Layout Plan should be submitted to the Board for approval.
- 1.5 The Notes also specify the following development restrictions for Sites A and B as follows:

Sub-Site	Maximum Plot Ratio		Maximum Site Coverage	Maximum Building Height (excluding basement(s))	
	Domestic	Non-Domestic		No. of Storeys	Building Height (m)
Site A	0.4	-	22.4%	2	11.25
Site B	-	0.26	9.6%	3	16.15

Technical Assessments

- 1.6 The applicant submitted various technical assessments in support of the rezoning application, including Ecological Impact Assessment (EcoIA), Environmental Assessment (EA), Traffic Impact Assessment (TIA), Drainage Impact Assessment (DIA), Sewage Impact Assessment (SIA), Water Supplies Impact Assessment (WSIA), Geotechnical Planning Review Report (GPRR) and Tree Preservation and Landscape Proposal.

- 1.7 According to the applicant, there would not be any widening/ modification works to the existing streamcourse. The proposed development at Site A and Site B would be set back by at least 3m from the streamcourse (**Appendix Ia and Drawings Z-9 to Z-10**). There will not be any adverse ecological, environmental, traffic, drainage, sewage and landscape impacts to the surrounding areas.
- 1.8 According to the Landscape Master Plan (**Drawings Z-9 to Z-10**) in the Tree Preservation and Landscape Proposal (**Appendix Ia**) submitted, out of 324 nos. of trees surveyed, 227 existing trees will be retained in-situ, 81 trees are proposed to be felled while 16 trees are proposed to be transplanted. The proposed development will also provide additional 639 heavy standard trees. Fence walls and noise barriers ranging from 1.8m to 4m in height are proposed around the Site (**Drawings Z-2 to Z-5**).
- 1.9 Since flat/house, eco-lodge and other land uses with commercial value are all proposed as Column 2 uses requiring planning permission from the Board, detailed technical assessments would be submitted to the Board at the planning application stage.

Implementation Aspect

- 1.10 The broad land ownership pattern is shown on **Plan Z-2b**. About 79,164.9m² (about 66.2%) of land is solely and partially owned by the applicant, whereas about 22,855.9m² (about 19.1%) of the Site is owned by other parties. For the remaining 17,581.5m² (about 14.7%) of the Site, it is on Government land mainly located along the streamcourse across the Site.
- 1.11 A proposed phasing plan is also submitted to support the application (**Drawing Z-12**). According to the submission (**Appendix Ia**), Phase 1 involving the proposed residential development at the central part of the Site would be completed in 2022 as a self-contained development with ancillary facilities. Phase 2 involving the nature conservation centre and rehabilitated fish ponds and natural habitats located at the eastern part of the Site would be completed in 2024. Phase 3 involving the remaining portion of the proposed residential development at western and southern parts of the Site would be an extension of Phase 1 to be completed in 2025.
- 1.12 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form **(Appendix I)**
 - (b) Further Information (FI) received on 25.4.2019 and 9.5.2019 **(Appendix Ia)** comprising a Consolidated Planning Statement which consolidate all previously submitted supplementary information dated 17.5.2017, 14.6.2017, 15.6.2017 and FIs dated 13.10.2017, 5.3.2018, 12.3.2018, 13.3.2018, 18.7.2018, 29.8.2018, 19.10.2018, 19.2.2019 and 18.3.2018 and updated and revised technical assessments including revised MLP, landscape proposal, Traffic Impact Assessment (TIA), Drainage Impact Assessment (DIA), Environmental Assessment (EA), Sewage Impact Assessment (SIA), Ecological Impact Assessment (EcoIA), Geotechnical Planning Review Report (GPRR), Water Supply Impact Assessment and proposed phasing plan

1.13 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on 25.8.2017, 12.1.2018, 18.5.2018 and 18.1.2019 on the application for two months each pending the preparation of FI to address the departmental comments. The applicant submitted FI on 13.10.2017, 5.3.2018, 12.3.2018, 13.3.2018, 18.7.2018, 29.8.2018, 19.10.2018, 19.2.2019, 18.3.2019, 25.4.2019 and 9.5.2019. The application is re-scheduled for consideration by the Committee on 17.5.2019.

2. Justifications from the Applicant

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

In line with Government Policy to Increase Housing Supply and Conserve the Natural Environment

- (a) the proposed development is in line with the latest Government's Policy Address to increase the housing supply and to conserve the natural environment. The proposed development provides a high-quality and new model of housing development. It will optimize scarce land resources by transforming vacant and unproductive agricultural land into a residential development which is able to accommodate more than 100 families and creating recreational facilities to the residents and the general public;
- (b) the proposed nature conservation centre of the proposed development will provide an institutional research base for ecology, create a new form of the recreational development allowing the residents and the public to enjoy the natural environment by various proposed facilities and education opportunities. The proposed nature conservation centre of the proposed development will stimulate Hong Kong tourism's industry to become more diversified, with a view to enhancing Hong Kong's overall attractiveness as a premier tourist destination;

Land Use Compatibility

- (c) the proposed development facilitates phasing out the non-conforming existing uses as a planning gain to the community and the overall society. It is a more sustainable practice regarding the constraints of developing agricultural activities for the Site. The design concept and principle of the proposed development is inspired by successful overseas examples which provide a showcase of a new approach to residential development. The proposed development is sustainable, harmonize with the nature environment and has design merits;

Land Administration

- (d) since the applicant owns most of the land within the Site, shorter time is needed for the land exchange application as soon as the planning approval is obtained. It would thus help the Government, in a timely manner, by increasing the provision of housing land and ease the intense demand for residential units to some extent;

No Adverse Impacts on Surrounding Areas

- (e) in accordance with the submitted technical assessments, with the provision of the related mitigation measures, the proposed development will not create adverse impacts on traffic, ecological, environmental, drainage, and sewage aspects on the surrounding area; and

- (f) the Board and the Government would have another chance to further scrutinize the proposed development and could introduce control details when the proponent submit more downstream proposal and plans for the Board to consider.

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

The applicant is one of the “current land owners”. In respect of the other “current land owner(s)”, the applicant 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 publishing newspaper notices and posting notices. For the Government land within the Site, the TPB PG-No. 31A is not applicable to the application. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site was designated as “Undetermined” use on the Luk Keng and Wo Hang Interim Development Permission Area (IDPA) Plan No. IDPA/NE-LK/1 gazetted on 12.10.1990. The Site was then designated as “Unspecified Use” on the Development Permission Area (DPA) Plan No. DPA/NE-LK/1 on 12.7.1991. Before the publication of the first statutory plan in October 1990, northeastern part of the Site had been occupied by some industrial and car park uses and such uses, which are considered as “existing use”, are tolerated under the Town Planning Ordinance (the Ordinance). Nonetheless, due to its proximity to the Sheung Wo Hang, Ha Wo Hang, Au Ha Villages and its tranquil environment, agricultural uses are encouraged so as to enhance natural conservation of countryside and to preserve natural landscape and features of ecological significance; and to promote the conservation of the rural character of the area, with a view to controlling urban sprawl and protecting and preserving agricultural land.
- 4.2 On 3.6.1994, majority of the Site was zoned “AGR” with a very minor portion at the eastern part zoned “REC” on the first draft Luk Keng and Wo Hang OZP No. S/NE-LK/1. Since then, the “AGR” and “REC” zonings of the Site have remained unchanged.
- 4.3 The Site is currently not subject of any active enforcement case. Should there be sufficient evidence to prove that the current use on the Site constitutes an unauthorized development under the Ordinance, enforcement action will be taken by the Planning Authority.

5. Previous Rezoning Requests

- 5.1 Majority of the Site A proposed for residential development is the subject of two previous rezoning requests No. Z/NE-LK/2 and Z/NE-LK/3 submitted by the same applicant for rezoning from “AGR” and “V” to “CDA” and from “AGR” to “CDA” respectively. Those rezoning requests were rejected by the Committee on 30.7.2004 and 28.1.2005 respectively. The following table is a comparison of all three indicative development schemes:

Application No.	Z/NE-LK/2 (Rejected on 30.7.2004)	Z/NE-LK/3 (Rejected on 28.1.2005)	Y/NE-LK/1 (Current application)	
			Site A (Residential Development)	Site B (Nature Conservation Centre)
Proposed Amendment	“AGR” and “V” to “CDA”	“AGR” to “CDA”	“AGR” and “REC” to “CDA”	
Site Area	68,000m ² Including 12,724m ² (18.7%) of Government land	63,700m ² Including 10,802m ² (17%) of Government land	Total Site Area: 119,602.3m ² Including 17,581.5m ² (14.7%) of Government land	
			81,424.8m ²	38,177.5m ²
Proposed Plot Ratio	0.4	0.4	0.4	0.26
Total Domestic GFA (about)	27,200m ²	25,480m ²	32,569.9m ²	N/A
Site Coverage	20% (about)	20% (about)	22.4%	9.6%
Average Unit Size (about)	242.86m ²	238.13m ²	239m ²	43m ²
Number of Units/Houses	- 112 houses	- 107 houses	- 136 houses - 1 clubhouse - 1 guard room	- 192 Guest Rooms - Reception - Retreat Centre - Lecture Rooms - Restaurant/Tea House/Kitchen - Transformer Room
Max. Building Height	2 storeys	2 storeys	House - 2 storeys Clubhouse - 1 storey	- 3 storeys (Guest Rooms/ Reception/ Retreat Centre/ Lecture Rooms) - 1 storey (Restaurant/ Tea House/ Kitchen)

- 5.2 Rezoning requests No. Z/NE-LK/2 and Z/NE-LK/3 were rejected by the Committee on 30.7.2004 and 28.1.2005 respectively mainly on the considerations that the proposed development was not in line with the general planning intention for the area which is to enhance natural conservation of countryside; to preserve natural landscape and features of ecological significance and site/structures of archaeological/historical significance; and to promote the conservation of the rural character of the area, with a view to controlling urban sprawl and preserving agricultural land; there was insufficient information in the submission on the potential ecological impacts and adverse environmental and traffic impacts arising from the proposed development; there was insufficient information in the submission to demonstrate that the existing village tracks and footpaths would not be curtailed by the proposed development; and the approval of the application would set an undesirable precedent for similar applications.
- 5.3 Details of the previous rezoning requests are at **Appendix III** and their locations are shown on **Plan Z-1**.

6. **Similar Application**

There is no similar application for amendment to the OZP covering the “AGR” and “REC” zones in the vicinity of the Site in the Luk Keng and Wo Hang area.

7. **The Site and Its Surrounding Areas** (Plans Z-1 and Z-2a, aerial photo on Plan Z-3 and site photos on Plans Z-4a to Z-4d)

7.1 The Site is:

- (a) generally flat and mainly occupied by fallow agricultural land and ponds;
- (b) traversed by a natural streamcourse running from the southwest to the northeast (**Plan Z-2a**);
- (c) found with *Ailanthus Fordii* (福氏臭椿) which is a protected tree species under the Forests and Countryside Ordinance (Cap. 96) at the southern periphery of the Site (**Plan Z-2a**);
- (d) occupied by workshop and open storage uses and parking of vehicles (about 5% of the Site) at the northern part (**Plan Z-2a**) in which some are considered as “existing use”; and
- (e) accessible from Sha Tau Kok Road – Wo Hang.

7.2 The surrounding areas have the following characteristics:

- (a) the Site is located in an area bounded by Sha Tau Kok Hoi (Starling Inlet) in the east, the Pat Sin Leng Country Park in the south, Man Uk Pin in the west and some villages and Robin’s Nest (Hung Fa Leng) in the north (**Plan Z-1**).
- (b) the Luk Keng and Wo Hang area is generally of high ecological value with mangroves found along the coast in the east and clusters of mature trees/ woodland/ fallow agricultural land on sloping ground adjoining Pat Sin Leng Country Park to

the south of the Site in which these areas are zoned “Coastal Protection Area”, “Conservation Area” (“CA”) and “AGR” zones respectively;

- (c) to the north of the Site across Sha Tau Kok Road – Wo Hang are mainly fallow agricultural land with some domestic structures and village houses, as well as open storage uses (**Plan Z-2a**);
- (d) to its east, south and southeast are a Permitted Burial Ground No. N/K/14, fung shui woods and natural lowland woodland near Ha Wo Hang Village (**Plan Z-2a**); and
- (e) to the southwest are the Sheung Wo Hang Village and an Ecological Important Stream (EIS) where it runs into the Site (**Plan Z-1**).

8. Planning Intentions

- 8.1 The general planning intention of Luk Keng and Wo Hang area is to enhance natural conservation of countryside and to preserve natural landscape and features of ecological significance and site/structures of archaeological/historical significance; and to promote the conservation of the rural character of the area, with a view to controlling urban sprawl and protecting and preserving agricultural land.
- 8.2 The planning intention of “AGR” zone (occupying about 97% of the Site) is to primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.3 The planning intention of “REC” zone (occupying about 3% of the Site), on the other hand, is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

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/North, Lands Department (DLO/N, LandsD):

- (a) according to the submission, the applicant is just one of the “current land owners”. The applicant should be advised that for any lease modification by way of land exchange application to be submitted to effect the rezoning application, if approved, should be submitted by all owners of the concerned lots. However, LandsD acting in the capacity of landlord has no obligation to approve any such land application. In any event, the land exchange, if approved, will be subject to such terms and conditions as considered appropriate including revision of site boundary and payment of premium and administrative fee. There is no guarantee that any Government land

adjoining to the Site will be granted;

- (b) the Site comprises various private lots in D.D. 39 and Government land. The private lots concerned are held under Block Government Lease demised for agricultural purposes except Lot 1286 in D.D. 39 with a building licence (**Plan Z-2b**);
- (c) in addition, some of the private lots concerned are granted with modification of tenancies for erection of temporary structures for dwelling purposes and short term waiver for vehicle repairing purpose;
- (d) since the Site includes fragmented portions of private lots, he is not able to verify proposed site area of 119,602.3m² (i.e. Site A being house development of 81,424.8m² and Site B being nature conservation centre of 38,177.5m²), including 17,581.5m² Government land;
- (e) despite the applicant's claim that the Site is outside the Village Environ ('VE') of Au Ha Village and Ha Wo Hang Village, encroachments onto 'VE' of these villages and Shek Kiu Tau Village are found (**Plan Z-2b**);
- (f) notwithstanding the above, for other private lots outside VEs, in view of the close proximity to the nearby recognised villages, comprehensive local consultation should be conducted; and
- (g) tiny portion of Lot 1223 in D.D. 39 encroaches on burial ground No. N/K/14 (**Plan Z-2b**).

Nature Conservation and Agriculture

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

- (a) she has reservation on the application from nature conservation and agriculture points of view;
- (b) the Site is largely a piece of abandoned agriculture land and most of which has become wetland in varying degrees. A natural to semi-natural stream flows through the Site from west to east and eventually leads to the Starling Inlet (**Plans Z-1 and Z-2a**). Two fung shui woodlands (i.e. one south of Ha Wo Hang Village and one west of Au Ha Village) and a lowland secondary woodland (south of the Site) which is physically and ecologically linked with the Pat Sin Leng Country Park are in the vicinity of the Site (**Plans Z-1 and Z-2a**). The secondary woodland and the mangrove to the east of the Site are zoned as "CA" on the OZP (**Plan Z-1**);
- (c) both the abandoned agricultural land and the stream are considered ecologically sensitive. They provide breeding and foraging grounds to a range of fauna, in particular, the Chinese Pond Heron (池鷺) (bird), Greater Coucal (褐翅鴉鶉) (bird), Japanese Pipistrelle (東亞家蝠) (bat) and Chinese Bullfrog (虎紋蛙) (frog) which are species of conservation importance recorded within the Site according to the preliminary Ecological Impact Assessment Report submitted by the applicant. Furthermore, there is a record of a fish species of conservation importance, Small Snakehead (Channa asiatica 月鱧) at the Site. The proposed

development would have potential adverse impact on streams and abandoned agricultural land (with most of which became wetland in varying degree) within the Site. The proposed development may also pose indirect impact and disturbance to the fung shui woods and lowland secondary woodland nearby, as well as the fauna inhabiting these areas, particularly mammals, which are sensitive to disturbance;

- (d) upstream to the stream flowing through the Site is the Sheung Wo Hang Ecologically Important Stream (**Plan Z-1**). The stream within the Site is largely natural with natural stream bed and stream bank, and covered with bank-side and riparian vegetation. Some part of the stream was semi-natural with modified stream bank. Natural lowland stream is relatively rare in Hong Kong and is ecologically sensitive. Young and semi-mature trees of mostly native species are scattered along the stream bank. A fish species, Giant Mottled Eel (*Anguilla marmorata* 花鰻鱺) and an amphibian species of conservation importance, Hong Kong Newt (*Paramesotriton hongkongensis* 香港瘰螈), have recently been recorded at immediately upstream to the stream within the Site. Giant Mottled Eel is a catadromous species (with its adults living in lowland stream/ rivers and migrate downstream to the sea during breeding season), while Hong Kong Newt requires clear water. Although it is noted that, under revised scheme, there would not be any modification/ widening of any part of the stream. However, she is of the view that the substantial development would still have potential adverse impact on the stream, in particular, in terms of a number of roads/ bridges crossing the stream, the narrow (at least 3m) buffer area for the stream, as well as pollution and other disturbance;
- (e) from agriculture point of view, the Site is largely abandoned farmland and active agricultural activities are observed in its vicinity. It is well served with road access and water supply. The agricultural rehabilitation potential of the Site is high; and
- (f) the proposed development will turn the existing rural and tranquil environment into a rather large scale private residential area. This will lead to urbanisation of the area and may cause changes in the overall rural character of the adjacent area.

Urban Design, Visual and Landscape Impacts

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

- (a) she has reservation on the rezoning application from visual and landscape viewpoints;

Urban Design

- (b) the Site is situated in a predominately rural setting near Ha Wo Hang in Sha Tau Kok with Sha Tau Kok Road at its immediate north along the Site's periphery. It is located in the central area of the Luk Keng and Wo Hang Area (the Area), with the planning intention to enhance natural conservation of countryside and to preserve natural landscape and features of ecological significance and site/structures of archaeological/historical significance;

and to promote the conservation of the rural character of the area, with a view to controlling urban sprawl and protecting and preserving agricultural land. The Site is a flat piece of vegetated and fallow farmland with three ponds located at its eastern part of the Site, a stream running across the Site and a few temporary structures scattered within the Site. Its southeast is vegetated hill zoned as “Green Belt” and “Conservation Area” whilst its west and southwest are small clusters of village settlements with 2-3 storeys high in Au Ha, Ha Wo Hang and Sheung Wo Hang respectively;

- (c) across the Sha Tau Kok Road, there are vegetated land and clusters of village developments scattered from east to west in the vicinity (e.g. Shek Kiu Tau, Ma Tseuk Leng San Uk Ha, Ma Tseuk Leng, Wo Tong Kong and Wo Hang Tai Long). Some open storage uses and vacant vegetated land are in “REC” zone at the immediate north of Sha Tau Kok Road. The area virtually exhibits a rural character. Taking into account the planning intention and the spatial arrangement for the rural setting in the area and also the Site in close proximity to the Pat Sin Leng Country Park, juxtaposition of “AGR” and “REC” zones is more desirable from urban design perspective than the proposed “CDA” zone conducive to extensive house development as the proposed development is located in the central core of the Area and would significantly alter the rural landscape although a nature conservation centre is proposed at Site B; and
- (d) having examined the FI (**Appendix Ia**) and the photomontage submitted (**Plan Z-11**), it is noted that the Site would be delineated by fence walls. Although the existing vegetation along the road embankment may mitigate the visual impact and act as a buffer to the proposed development (Photo 5 on **Plan Z-4c**), the proposal involves 136 houses which would transform the original site of vegetated land and fallow farmland into extensive rows of house development and the Site occupies about 47% of the “AGR” zone where it locates. She cannot concur with the applicant that the proposed development would be fully in harmony with the surrounding environment and would not cause any significant visual impact. Approval of the application may set an undesirable precedent for other similar developments within “AGR” zone and would lead to further loss of agricultural land and significantly alter the rural landscape of the Area;

Landscape

- (e) the proposed development is not in line with the general planning intention of the current “AGR” zone, which is to retain and safeguard good quality agricultural land/farm/fish ponds. The proposed rezoning will introduce an extensive residential development in the area, which is currently of rural landscape character dominated by woodlands and vegetation. The application will inevitably change the landscape character of the site and its surrounding environment. Further to the above, the “AGR” zone where the site is located forms a buffer for the adjoining area zoned “GB” and “CA” on the OZP, the location and extensiveness of the Site would adversely affect the continuity, causing piecemeal formation of the “AGR” zone that defeats the purpose as buffer for the adjoining “GB” and “CA” zones where highly sensitive landscape resources could be found; and

- (f) approval of the application may set an undesirable precedent to encourage similar applications in the “AGR” zone and its surroundings i.e. “GB” and “CA” zones. The cumulative impact of such approval would further degrade and cause irreversible adverse impact on the existing landscape character and landscape resources within the area, including the highly sensitive landscape resources in the adjoining “GB” and “CA” zones. In view of the above, she maintains her reservation on the captioned rezoning application from the landscape planning perspective.

Traffic

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

- (a) having reviewed the FI (**Appendix Ia**), further assessment and information is required from the applicant regarding the technical feasibility of the proposed vehicular and pedestrian access and junction assessments, details of the future public transport services, justifications of the parking provisions, etc. His detailed comments are at **Appendix IV**; and
- (b) the applicant should satisfactorily address the above concerns, and hence he cannot render support to the application at this stage.

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

- based on the submitted FI (**Appendix Ia**), it is noted that the applicant is prepared to provide 24-hour unrestricted vehicular and pedestrian accesses to public through the Site. However, a drop gate is provided near the entrance of the access road. The applicant should demonstrate how the public and local villagers of Ha Wo Hang can be aware that the access road is a 24-hour unrestricted access for vehicles and pedestrians.

9.1.6 Comments of the Divisional Commander (Sha Tau Kok Division), Hong Kong Police Force (DVC STKDIV, HKPF):

- he advises that if the rezoning application is accepted, there will be additional traffic load for Sha Tau Kok Road, the prime road for the area and Sha Tau Kok Boundary Control Point. Given there is no expansion or road widening plan for Sha Tau Kok Road so far, anticipated traffic concerns to the local area especially during the construction phase of the development should not be taken lightly.

Environment

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

- (a) he has no objection to the rezoning application;
- (b) having reviewed the application and FI (**Appendix Ia**) and noting that there would be no modification/ widening of any part of the existing stream, and that no construction of drainage channels, no river training or diversion works, and no dredging operation would be carried out, he considers that there is no insurmountable environmental issue for the rezoning application;

- (c) should the application be approved, environmental assessment including but not limited to Noise Impact Assessment, Air Quality Impact Assessment and Sewerage Impact Assessment, as part of the MLP submission for EPD's approval during planning application stage is required to demonstrate the environmental acceptability of the proposed development with more design details; and
- (d) for the past three years, there were two substantiated environmental complaint records relating to waste at the Site. In July and August 2017, signs of deposition of construction and demolition waste were found at the eastern part of the Site. No on-going dumping activity was spotted and no flytipping offender was caught red-handed during their inspections.

Drainage

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

- (a) he has no in-principle objection to the application from the public drainage viewpoint;
- (b) having examined the application and the FI (**Appendix Ia**), he has no further comment on the Drainage Impact Assessment and Sewage Impact Assessment (SIA) reports. Yet, the applicant should be advised that the DIA report has not yet been agreed by DSD;
- (c) the applicant is required to liaise closely with EPD on the facilities capacity allocation for the proposed development, including Shek Chung Au Sewage Pumping Station and the Sha Tau Kok Sewage Treatment Works; and
- (d) the SIA for the application needs to meet the full satisfaction of EPD, the planning authority of sewerage infrastructure. DSD's comments on the SIA submitted by the applicant are subject to views and agreement of EPD.

Water Supply

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

- (a) having examined the Water Supplies Impact Assessment (**Appendix Ia**), he has no objection to the application; and
- (b) existing water mains will be affected. Should the application be approved, a waterworks reserve within 1.5m from the centreline of the water main as shown on **Plan Z-2a** shall be provided to WSD's satisfaction.

Fire Safety

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

- (a) he has no comment on the application subject to fire service installations

and water supplies for firefighting being provided to his satisfaction;

- (b) EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Geotechnical

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

- (a) the Site is overlooked by steep natural terrain and meets the alert criteria for a natural terrain hazard study (NTHS). Some steep natural hillsides are present within the Site and overlook the proposed housing development according to the layout plans;
- (b) he has no in-principle objection to the application subject to the applicant's commitment to undertake a NTHS and to provide any necessary mitigation measures as part of the proposed development as stated in the Geotechnical Planning Review Report (GPRR) in the FI (**Appendix Ia**).

Public Hygiene

9.1.12 Comments of Director of Food and Environmental Hygiene (DFEH):

- (a) it is noted that the main access road to Ha Wo Hang Public Toilet in vicinity of the Site (**Plan Z-2a**) may be blocked/ isolated by the fence walls of the proposed development where the users such as the villagers & tourists as well as the cleansing/maintenance staff for the toilet will be affected. Hence, local consultation and reprovisioning of the affected road by the project proponent up to the satisfaction of all parties concerned may be required;
- (b) noting that establishment of restaurants and swimming pools are proposed in the application, the applicant should be reminded that the operation of eating place and swimming pool is under a food licence/ swimming pool licence issued by his department; and
- (c) his other comments are detailed at **Appendix IV**.

Electricity Supply and Safety

9.1.13 Comments of the Director of Director of Electrical and Mechanical Services (DEMS):

- (a) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned Site; and

- (b) the applicant should be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Building Matters

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

- (a) he has no comment on the application; and
- (b) his other comments are at **Appendix IV**.

District Officer’s Comments

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

- (a) he has consulted the locals regarding the application. The Chairman, First Vice-Chairman cum the Indigenous Inhabitant Representative (IIR) of Ha Wo Hang and Vice-Chairman of Sha Tau Kok District Rural Committee (STKDRC), the incumbent North District Council (NDC) member of Sha Ta Constituency, the IIR and Resident Representative (RR) of Tai Long, the IIRs and RR of Sheung Wo Hang, the IIR-elect and RR of Au Ha, the RR of Ha Wo Hang, the IIR of Ma Tseuk Leng Sheung object to the application mainly on the grounds that the Site are owned by different parties and the rezoning application should not be proposed by a single proponent; the villager representatives and villagers do not agree with the proposed development which greatly affect the existing village tracks and footpaths; the proposed development poses flooding risks to the surrounding area and have adverse drainage and ecological impacts; and should the application be approved, there should be a holistic plan on sewage and transport infrastructure;
- (b) the IIR of Au Ha, the RR of Ma Tseuk Leng Sheung, the IIR and the RR-elect of Ma Tseuk Leng Ha and RR of Shek Kiu Tau have no comment on the rezoning application while the RR of Ma Tseuk Leng Ha and the IIR of Shek Kiu Tau do not reply to the consultation;
- (c) it is noted that few facilities constructed and maintained by his office and the Permitted Burial Ground No. N/K/14 would be affected by the proposal development, namely the vehicular access linking Sha Tau Kok Road and Ha Wo Hang; footpath linking Sha Tau Kok Road/Ha Wo Hang Village Road and Sheung Wo Hang; footpath linking Au Ha and Ha Wo Hang; and footpath linking Ha Wo Hang and Sheung Wo Hang (**Plan Z-2a**); and
- (d) given that vehicular access and footpaths which are pertinent to the daily lives of the locals will be substantially affected in this exercise, strong objections are received from STKDRC, the incumbent NDC member of Sha Ta Constituency, the IIR and RR of Au Ha, the IIR and RR of Sheung Wo Hang, Ha Wo Hang and Tai Long towards the proposed development.

There may be a need to incorporate a right of way or require the developer to provide reasonable alternative access to areas affected by the proposed development (**Plan Z-2a**).

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

- (a) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD);
- (b) Director of Leisure and Cultural Services Department (DLCS);
- (c) Executive Secretary of Antiquities and Monuments Office, Development Bureau (ES(AMO), DEVB); and
- (d) Director of Architectural Services (D of ArchS).

10. Public Comments Received During Statutory Publication Period

10.1 The application and its further information were published for public inspection seven times. During the first three weeks of the statutory public inspection periods, a total of 365 public comments were received, in which 27 supporting comments, 324 objections, 2 expressing concerns and 12 indicating no comment to the application.

10.2 The whole set of public comments have been deposited at the meeting for Members' inspection. Samples of the public comments supporting/ objecting to the application are at **Appendix V** for Members' reference. A summary of the public comments are as follows:

Date of publication	No Comment	Concern	Supporting Comment	Objecting Comment	Total
16.6.2017	4	0	3	203	210
3.11.2017	2	0	24	59	85
23.3.2018	2	2	0	6	10
3.8.2018	1	0	0	36	37
7.9.2018	1	0	0	9	10
2.11.2018	1	0	0	4	5
1.3.2019	1	0	0	7	8
Total	12	2	27	324	365

10.3 The 12 submissions indicating no comment are submitted by the Chairman of Sheung Shui District Rural Committee, the incumbent North District Council member and individuals. The incumbent NDC member later provides objecting comments on the application which are summarised in para. 10.6 below.

10.4 The two comments expressing concerns are submitted by individuals. Their comments are summarised as follows -

- (a) since the proposed development is in close proximity to nearby village settlements, the applicant should also suggest upgrading the infrastructures in the villages and explain how the streamcourse would not be affected/polluted;
- (b) the proposed development may affect the graves located to the south of the Site. The applicant should advise future access to the Permitted Burial Ground;

- (c) the applicant should have corresponding proposal on public transportation and improving accessibility in the area; and
- (d) the applicant should advise measures to prevent potential light/ noise pollution to the nearby village settlements.

10.5 The 27 supporting comments are submitted by individuals and the main supporting reasons are summarised as follows:

- (a) not only the proposed development would ease the housing needs of Hong Kong people but also shorten the commuting time for people who work in China;
- (b) the proposed development would bring economic benefits to the area and promote the Sha Tau Kok as a new tourist attraction spot thus create job opportunities;
- (c) the proposed nature conservation centre would create more open space for the public to enjoy while preserving the environment;
- (d) the proposed low-intensity development would not have adverse ecological impacts but rather educate the public about the ecological value of the surrounding area; and
- (e) the proposed development would improve the conditions of existing streamcourse and nullah.

10.6 The 324 objecting comments were mainly from a Legislative Council member, two incumbent North District Council (NDC) members, Sha Tau Kok District Rural Committee, IIRs and RR of Sheung Wo Hang Village, villagers from Ha Wo Hang and Au Ha, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, The Hong Kong Bird Watching Society, The Conservancy Association, Green Sense and Designing Hong Kong Limited. Among these objections, 268 are standardized comments with some commenters adding extra views on the submissions. Their views are summarised as follows:

- (a) the proposed development is not in line with the planning intention of the area. The proposed CDA zoning is incompatible with the surrounding rural character;
- (b) there are no detailed information on the proposed nature conservation centre and therefore it should not regarded as an ecological gain;
- (c) The 3m buffer area at specific sections of the existing streamcourse is not adequate in protecting the stream which connects with the EIS at Sheung Wo Hang (**Plan Z-1**). An effective riparian buffer should be at least 20 to 30m in width. The EcoIA fails to adequately address the ecological concerns arising from the proposed development;
- (d) the Site is owned by different parties and the rezoning application should not be proposed by a single proponent;
- (e) the villager representatives and villagers do not agree with the proposed development which greatly affect the existing village tracks and footpaths;

- (f) the proposed development poses flooding risks to the surrounding area and have adverse drainage and ecological impacts;
- (g) there should be a holistic plan on sewage and transport infrastructure for the area;
- (h) Sha Tau Kok Road – Wo Hang is already very congested. The introduction of 200 cars and motorcycles would further worsen the traffic conditions; and
- (i) the approval of the application would set undesirable precedent for similar applications in the “AGR” area. The cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape quality of the area.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed rezoning of the Site from “AGR” (about 97% of the Site) and “REC” (about 3 % of the Site) to “CDA” on the Luk Keng and Wo Hang OZP to facilitate a proposed residential development at the western portion (Site A) and a nature conservation centre at the eastern portion (Site B) (**Drawings Z-1 to Z-5, Z-9 to Z-10**). The indicative development scheme submitted by the applicant illustrates a residential development of 136 two-storey houses at Site A, and 4 three-storey accommodation blocks providing 192 guest rooms, a nature conservation centre with retreat centre and lecture rooms at Site B.
- 11.2 According to the proposed Notes (**Appendix II**), all uses would be put under Column 2 requiring planning permission from the Board and the applicant is required to prepare a Master Layout Plan for the approval from the Board. The Notes also stipulates that Site A, occupying an area of about 8.1 ha, will be subject to a maximum PR of 0.4, site coverage of 22.4% and a maximum building height of 2 storeys (about 11.25m). Site B, with an area of about 3.8 ha, will be subject to a maximum PR of 0.26, site coverage of 9.6% and a maximum building height of 3 storeys (about 16.15m).
- 11.3 The Luk Keng and Wo Hang area is generally of high ecological value with mangroves found along the coast in the east and clusters of mature trees/ woodland/ fallow agricultural land on sloping ground adjoining Pat Sin Leng Country Park to the south of the Site. The general planning intention of the Luk Keng and Wo Hang area is to enhance natural conservation of countryside and to preserve natural landscape and features of ecological significance and site/structures of archaeological/historical significance; and to promote the conservation of the rural character of the area, with a view to controlling urban sprawl and protecting and preserving agricultural land. The Site, mostly zoned “AGR”, is generally undisturbed fallow agricultural land with a natural to semi-natural stream running through the Site. 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. According to DAFC, the Site processes high potential for agricultural rehabilitation as it is well served with road access and water supply. DAFC therefore has reservation on the rezoning application from agriculture point of view. The retention of the “AGR” zoning is considered appropriate.

Ecological Impact

- 11.4 Although there would not be any modification/ widening of any of the stream within the Site in the proposed scheme (**Drawings Z-1 to Z-5 and Z-9 to Z-10**), DAFC has reservation on the application from nature conservation point of view and advises that the fallow agricultural land (with most of which became wetland in varying degree) and the stream within the Site are considered ecologically sensitive. The fung shui woodlands and a lowland secondary woodland which is physically and ecologically linked with the Pat Sin Leng Country Park are zoned “CA” located in the vicinity of the Site. The substantial development would have potential adverse impact on the stream, in particular, in terms of a number of roads/ bridges crossing the stream, the narrow (at least 3m) buffer area for the stream, as well as pollution and other disturbance. The applicant fails to demonstrate in the EcoIA that the proposed development would have no adverse impact on the fung shui woods, lowland secondary woodland, as well as the fauna inhabiting these areas (**Plan Z-2a**).

Urban Design, Visual and Landscape Impacts

- 11.5 CTP/UD&L has reservation on the rezoning application and advises that the area virtually exhibits a rural character and the “AGR” zone is more desirable from urban design perspective than the proposed “CDA” zone conducive to extensive house development. Although the applicant submitted landscape drawings to demonstrate that the existing dense and mature vegetation along the road embankment will act as visual and physical buffer to the proposed development (**Drawing Z-11** and Photo 5 on **Plan Z-4c**), the Site would be delineated by fence walls from 1.8m to 4m in height and the proposed 136 houses at Site A would transform the original site of vegetated land and fallow farmland into extensive rows of house development and significantly alter the rural landscape character even though a nature conservation centre is proposed at Site B. She cannot concur with the applicant that the proposed development would be fully in harmony with the surrounding environment and would not cause any significant visual impact as claimed by the applicant.
- 11.6 Approval of the application may set an undesirable precedent to encourage similar applications in the “AGR” zone and its surroundings i.e. “GB” and “CA” zones. The cumulative impact of such approval would further degrade and cause irreversible adverse impact on the existing landscape character and landscape resources within the area, including the highly sensitive landscape resources in the adjoining “GB” and “CA” zones. In view of the above, she maintains her reservation on the captioned rezoning application from the landscape planning perspective.

Traffic Impact and Access to Nearby Villages

- 11.7 The applicant submitted Traffic Impact Assessment in support of the application and concluded that the road junctions would have sufficient capacity to accommodate the future traffic growth and the additional traffic generated by the proposed development. It will not induce significant traffic impact on the surrounding road network. C for T does not support the application at this stage as further assessment and information is required from the applicant regarding the technical feasibility of the proposed vehicular and pedestrian access and junction assessments, details of the future public transport services, justifications of the parking provisions, etc.

11.8 In addition, there are existing village tracks and footpaths across the Site leading to the village settlements. Those tracks and footpaths, constructed and maintained by DO/N of HAD (**Plan Z-2a**), would be affected by the proposed development. CHE/NTE of HyD and DO(N) of HAD are doubtful on how the proposed 24-hour unrestricted access for vehicles and pedestrians to the Sheung Wo Hang and Ha Wo Hang Villages and adjoining areas could be achieved. There may be a need to incorporate a right of way or require the developer to provide reasonable alternative access to areas affected by the proposed development.

Environmental Impact

11.9 DEP considers that given there would be no modification/ widening of any part of the existing stream, and that no construction of drainage channels, no river training or diversion works, and no dredging operation would be carried out, there is no insurmountable environmental issue for the rezoning application. Should the application be approved, environmental assessment including but not limited to Noise Impact Assessment, Air Quality Impact Assessment and Sewerage Impact Assessment should be submitted to EPD at planning application stage to demonstrate the environmental acceptability of the proposed development with more design details.

Implementation Aspect

11.10 It is noted that the applicant has owned about 66.2% of the Site whilst the other 19.1% and 14.7% are in the hand of other owners and the Government respectively. According to the proposed phasing plan (**Drawing Z-12**), the development of the proposed residential development and nature conservation centre would be divided into three phases to be completed between year 2022 and 2025. Considering land ownership is one of the important factors contributing to the successful implementation of the proposed development, DLO/N of LandsD advises that a land exchange application submitted by all concerned landowners is required should the rezoning request be approved.

11.11 Since each phase of the proposed “CDA” zone also covers lots not owned by the applicant, the applicant should demonstrate that the proposed phasing of the development has taken due consideration of the development potential of the lots which are not under his ownership. Nevertheless, there is insufficient information in the submission on how such issue could be addressed in the phasing proposal; and how the development potential of the unacquired lots and their access within the proposed “CDA” zone not being affected.

11.12 Other relevant Government departments consulted, including H(GEO) of CEDD, PM(N) of CEDD, CE/MN of DSD, D of FS, CE/C of WSD, DEMS, DLCS, DFEH, ES of AMO and D of ArchS have no adverse comment on / no objection to the application.

Previous Applications

11.13 Rezoning requests No. Z/NE-LK/2 and Z/NE-LK/3 for rezoning from “AGR” and “V” to “CDA” and from “AGR” to “CDA” respectively submitted by the same applicant with similar PR of 0.4 and site coverage of 20% were rejected by the Committee on 30.7.2004 and 28.1.2005 mainly on the considerations that the proposed development was not in line with the general planning intention for the area; there was insufficient information in the submission on the potential ecological impacts and adverse environmental and traffic impacts arising from the proposed development; the vehicular and pedestrian access being curtailed by the proposed development; and the approval of the application would set an undesirable precedent for similar applications. The planning circumstances of the current rezoning application are similar to those previously rejected rezoning requests.

Setting of Undesirable Precedent

11.14 Given the general planning intention of the Luk Keng and Wo Hang area, and that the Site is generally undisturbed fallow agricultural land with high rehabilitation potential, the approval of the rezoning application will set an undesirable precedent for other similar development potential within the “Agriculture” zone. The cumulative effect of approving such similar applications would result in further loss of agricultural land with high rehabilitation potential and a general degradation of the rural character and natural landscape of the area.

Public Comments

11.15 Regarding the adverse public comments as detailed in para. 10 and the local objections conveyed by DO(N) in para. 9.1.15 above, the Government departments’ comments and the planning assessment above are relevant.

12. Planning Department’s Views

12.1 Based on the assessments made in paragraph 12 and public comments in paragraph 11 above, the Planning Department does not support the application for the following reasons:

- (a) the proposed development is not in line with the general planning intention for the Luk Keng and Wo Hang area which is to enhance natural conservation of countryside and to preserve natural landscape and features of ecological significance and site/structures of archaeological/historical significance; and to promote the conservation of the rural character of the area, with a view to controlling urban sprawl and protecting and preserving agricultural land. The Site is generally undisturbed fallow agricultural land with a natural to semi-natural stream flowing through the Site. The retention of the “AGR” zoning is considered appropriate;
- (b) the applicant fails to demonstrate that the proposed rezoning would not cause adverse ecological and traffic impacts on the surrounding areas; and
- (c) the approval of the rezoning application will set an undesirable precedent for other similar development proposals within the “Agriculture” zone. The cumulative effect of approving such similar applications would result in further loss of agricultural land with high rehabilitation potential and a general degradation of the rural character and natural landscape of the area.

12.2 Alternatively, should the Committee decide to agree / partially agree to the subject application, PlanD will recommend zoning amendments to the OZP for consideration of the Committee, the proposed amendments to the Luk Keng and Wo Hang OZP together with revised Notes and Explanatory Statement will be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance after reference back of the OZP.

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 rejection should be given to the applicant.

Attachments

Appendix I	Application Form received on 1.6.2017
Appendix Ia	Further Information (FI) received on 25.4.2019 and 9.5.2019 comprising a Consolidated Planning Statement which consolidate all previously submitted supplementary information dated 17.5.2017, 14.6.2017, 15.6.2017 and FIs dated 13.10.2017, 5.3.2018, 12.3.2018, 13.3.2018, 18.7.2018, 29.8.2018, 19.10.2018, 19.2.2019 and 18.3.2018 and updated and revised technical assessments including revised MLP, landscape proposal, Traffic Impact Assessment (TIA), Drainage Impact Assessment (DIA), Environmental Assessment (EA), Sewage Impact Assessment (SIA), Ecological Impact Assessment (EcoIA), Geotechnical Planning Review Report (GPRR), Water Supply Impact Assessment and proposed phasing plan
Appendix II	Proposed Notes for the “Comprehensive Development Area” Zone submitted by the Applicant
Appendix III	Previous Rezoning Requests
Appendix IV	Detailed Comments from Government Departments
Appendix V	Public Comments
Drawings Z-1 to Z-5	Master Layout Plans
Drawings Z-6 to Z-8	Floor Plans and Section Plans
Drawings Z-9 and Z-10	Landscape Master Plan
Drawing Z-11	Photomontage
Drawing Z-12	Proposed Phasing Plan
Plan Z-1	Location Plan
Plans Z-2a and Z-2b	Site Plans
Plans Z-3	Aerial Photo
Plans Z-4a to Z-4d	Site Photos

**PLANNING DEPARTMENT
MAY 2019**