

RNTPC Paper No. A/YL-NSW/282
For Consideration by
the Rural and New Town Planning
Committee
on 18.12.2020

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/282

- Applicant** : Lands Department, the Government of the Hong Kong Special Administrative Region
- Site** : Government Land in D.D. 115 at Chung Yip Road, Nam Sang Wai, Yuen Long
- Site Area** : About 15,200 m²
- Lease** : Government Land
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
- Zoning** : “Residential (Group D)1” (“R(D)1”)
[a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m)]
- Application** : Proposed Residential Development and Minor Relaxation of Plot Ratio and Building Height Restrictions with Filling of Land and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed residential development and minor relaxation of PR restriction from 0.4 to 0.48 (+20%) and BH restriction of 3 storeys from 9m to 9.9m (+10%) with filling of land and excavation of land at the application site (the Site) which is zoned “R(D)1” on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (**Plan A-1a**). According to the Notes of the OZP, ‘Flat’ and ‘House’ (except redevelopment, addition, alteration and/or modification to existing house) are Column 2 uses within the “R(D)1” zone. Besides, filling of land and excavation of land within the “R(D)1” zone require planning permission from the Town Planning Board (the Board). Based on the individual merits of a development proposal, minor relaxation of the PR and BH restrictions may be considered by the Board on application under section 16 of the Town Planning Ordinance.

- 1.2 The Site is included in the 2020-21 land sale programme. The proposal of relaxing the PR and BH restrictions for the Site is to maximize utilization of land resources, increase flat production, provide design flexibility and enhance residents' living quality. Filling of land and excavation of land at the Site will be required for site formation and provision of utilities, subject to geotechnical investigation.
- 1.3 A notional scheme with indicative block layout plan for the proposed development has been prepared to demonstrate the effects of the proposal (**Drawings A-1 to A-8**). A comparison of the indicative development parameters of the proposed development against the OZP compliant baseline scenario is as follows:

	OZP Compliant Baseline Scheme (a)	Application No. A/YL-NSW/282 (b)	Changes (b) – (a)
Maximum PR	0.4	0.48	+0.08 (20%)
GFA (m²) ^[1]	6,080	7,296	+1,216 (20%)
No. of Units ^[2]	93	112	+19 (20%)
Estimated Population ^[2]	251	302	+51 (20%)
Maximum BH	9m	9.9m	+0.9m (10%)
No. of Storeys	3	3	No change
Site Coverage ^[2]	17.3%	20.8%	+3.5% (20%)
Open Space ^[2]	Not less than 251 m ²	Not less than 302 m ²	+51 (20%)
Car parking Spaces ^[2]			
Residential Parking	37	44	+7 (19%)
Visitors' Parking	7	8	+1 (14%)
Motorcycle Parking	1	1	No change
Bicycle Parking	13	15	+2 (15%)
Loading and Unloading Bays ^[2]	4	4	No change

Remarks:

- ^[1] The assumed club house GFA of about 365m² is to be exempted from GFA calculation.
- ^[2] The indicative parameters are based on the assumptions that the average flat size is about 65m² and number of residents per flat is 2.7. The number of units, estimated population, open space provision, parking provision and site coverage of the future residential development are subject to detailed design and/or requirements under land sale/lease conditions.

- 1.4 Based on the submitted indicative layout (**Drawing A-1**), pedestrian and vehicular access is proposed at the southern boundary of the Site abutting Lau Yip Street. The proposed residential blocks and club house are located at the northern part of the Site. The layout has taken into account the 200m buffer zone from an existing chimney stack at Nin Jiom Centre in Yuen Long Industrial Estate to the further northwest of the Site, and the 150m buffer zone from an existing Liquefied Petroleum Gas (LPG) filling station in Tung Tau Industrial Area to the south, as advised by the Environmental Protection Department (EPD) and Electrical and Mechanical Services Department (EMSD) respectively.
- 1.5 Under the lease, the small strip of land at the northern tip of the Site within the 200m buffer zone of the chimney stack will be designated for only non-air sensitive uses such as planting area. A 50m-setback at the southern portion of the Site will be

designated as non-residential area taking into account the 150m buffer zone from the LPG filling station.

- 1.6 Besides, the following requirements will be included in the land sale conditions: provision of parking and loading/unloading facilities and submission of a traffic review report to ensure that there will be no insurmountable traffic impact due to the proposed development; submission of Noise Impact Assessment (NIA) to address the potential noise problems posed by the nearby driving school, car parks, Yuen Long Industrial Estate and Tung Tau Industrial Area; submission of Drainage Impact Assessment (DIA) to ensure that the proposed development and the associated land filling/excavation works will not cause any unacceptable increase in the risk of flooding in the area; and submission of Sewerage Impact Assessment (SIA) to confirm the sewerage capacity and connection feasibility to public sewer for the proposed development.
- 1.7 An Ecological Impact Assessment (EcoIA) has been conducted. According to the EcoIA, there is a semi-natural watercourse within the Site (**Plans A-2 and A-4b**) which is heavily polluted and of low ecological value with no species of conservation interest recorded. The proposed BH of 9.9m will not be an obstacle for waterbirds as most of them were observed flying over 10m. To minimize potential adverse ecological impact on the surrounding environment, precautionary measures, such as no substantial piling works, no night time construction works, adjusting outdoor lighting to lower intensity, tree planting at the side of the Site facing the sensitive habitats and adopting good site practices to protect streams/rivers and nearby habitats from site runoff and soil erosion during construction stage, are recommended in the EcoIA.
- 1.8 In support of the application, the applicant has submitted the following documents:
 - (a) Application form of 6.11.2020 (**Appendix I**)
 - (b) Supplementary Planning Statement with an EcoIA (**Appendix Ia**)
 - (c) Further Information (FI) received on 15.12.2020 with replacement pages and clarification of EcoIA (**Appendix Ib**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I, Ia and Ib**, and are summarized as follows:

- (a) Addressing insufficient housing supply is one of the key policy priorities of the Government. Being one of the measures to increase housing supply in the short to medium term, the Government considers that except for the north of Hong Kong Island and Kowloon Peninsula, which are more densely populated, it is feasible to generally increase the maximum domestic PR currently permitted for the other “density zones” in the territory by around 20% as appropriate where planning terms permit. The proposal is in line with the Government policy and would achieve better utilization of scarce land resources by increasing flat supply. With the

proposed minor relaxation of PR restriction by 20% and assumed average flat size of 65m², the GFA of the proposed development will be increased by 1,216m² (i.e. from 6,080m² to 7,296m²), allowing 19 additional flats. The minor relaxation of BH restriction by 10% (i.e. from 9m to 9.9m) could allow for design flexibility of the proposed development and enhance residents' living quality.

- (b) The proposal is generally in line with the planning intention of the “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas and intended for low-rise and low-density residential developments. The proposed development is compatible with the surrounding land uses and rural setting of the area (**Drawing A-8**).
- (c) Buffer planting along the periphery of the Site and buffer distance from Shan Pui River in the northern portion of the Site are proposed. The proposed low-density development with site coverage of about 20.8% would allow ample opportunity for provision of at-grade open space and greening as well as retaining existing trees of considerable size and good condition within the Site. Relevant tree preservation clause will be included in the lease to address concerns on potential landscape impacts arising from the proposal.
- (d) According to the submitted photomontages (**Drawings A-3 to A-7**), the proposed development with minor relaxation of PR and BH would have no significant visual impact as compared to that of the current permissible development restrictions, and is visually compatible with the surrounding rural environment. As the proposed development is small in scale and does not fall within air path, it will unlikely cause significant air ventilation problem to the surrounding area.
- (e) The EcoIA has confirmed that the proposed development is in line with the Town Planning Board Guidelines No.12C in that there will be no net loss in wetland, no net increase in pollution load to Deep Bay and it will not cause off-site disturbance impact to the ecologically sensitive area that no adverse impact on the natural habitat (including firefly habitat and the Great Cormorant roosting site at 300m to the east and 400m to the northeast of the Site respectively) is anticipated. The EcoIA has also assessed the cumulative impacts of human disturbances with other concurrent projects. The cumulative impact of the proposed development to the surrounding area is considered insignificant.
- (f) In response to the public comments raising concerns on the survey period of the subject EcoIA and the habitat type of the Site as assessed in the subject EcoIA, the applicant explained that the data from other ecological surveys covering the area of the EcoIA are relevant, recent and sufficient for establishing the baseline of the subject EcoIA. In addition, a 5-month ecological survey has been conducted focusing on establishing a comprehensive dataset for the ecological assessment. As further verified in the EcoIA, “Developed Area/Wasteland” is an appropriate description for the Site as it is generally degraded in nature with some hard-paved ground surface dominated by exotic species, with its southern portion abandoned for some time.
- (g) With incorporation of the requirements for submission of various technical assessments and implementation of the mitigation measures recommended by the

related technical assessments by the developer under lease, the proposed residential development will not cause significant adverse landscape, environmental, geotechnical, traffic, noise, sewerage and drainage impacts on the surrounding areas.

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

As the Site involves GL only, the “owner’s consent/notification” requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under s.12A and s.16 of the Ordinance (TPB PG-No.31A) is not applicable to the application.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) are relevant to the application. According to the Guidelines, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative offsite disturbance impact on the ecological value of fish ponds;
- (b) an EcoIA would need to be submitted for application for planning permission within the WBA; and
- (c) proposals for appropriate level of residential/recreation developments on degraded sites to remove/replace existing open storage or container back-up uses and/or to restore lost wetlands may be given sympathetic consideration by the Board subject to satisfactory ecological and other impact assessments.

5. Background

The Site, together with Shan Pui Chung Hau Tsuen to its west, was zoned “R(D)” on the draft Nam Sang Wai OZP No. S/YL-NSW/1 gazetted on 3.6.1994. The planning intention of “R(D)” zone is to improve and upgrade the existing temporary domestic accommodation within the area and also for low-rise and low-density residential developments subject to planning permission from the Board. Within the “R(D)” zone, building of house other than New Territories Exempted House (NTEH) should not result in a total development in excess of a PR of 0.2 and BH of 2 storeys (6m). Subsequent to a Land Use Review of the “R(D)” Zone at Shan Pui Chung Hau Tsuen in 2002, the subject “R(D)” zone was rezoned to “R(D)1” with a maximum PR and BH of 0.4 and 3 storeys (9m) respectively to help provide greater incentive for the development and land assembly with a view to improving the development prospect subject to local infrastructure and circumstances. The “R(D)1” zone remains unchanged since it was first incorporated into the draft OZP No. S/YL-NSW/5 gazetted on 16.4.2004.

6. Previous Applications

Parts of the Site are the subject of 7 previous planning applications (No. A/YL-NSW/74, 75, 76, 77, 78, 79 and 80) for proposed NTEH (Small House), which were all rejected by the Committee on 5.5.2000 mainly for the reasons that there was no information to demonstrate that land was not available within the “Village Type Development” (“V”) zone in the district, the proposed PR of the development was considered excessive in the “R(D)” zone, approval would set an undesirable precedent for other similar applications within the “R(D)” zone and the cumulative effect of approving such applications would have adverse impacts on the environment and infrastructure provisions of the area. Details of these applications are summarized at **Appendix II**, and their locations are shown on **Plan A1-b**.

7. Similar Applications

There is no similar application for residential development and/or minor relaxation of PR and BH restrictions within the “R(D)” and “R(D)1” zones of the Nam Sang Wai OZP.

8. The Site and Its Surrounding Areas (Plans A-1a to A-4b)

8.1 The Site is:

- (a) currently vacant, partly paved and partly covered with vegetation with a semi-natural watercourse; and
- (b) at the inland fringe of the WBA; and
- (c) accessible via Lau Yip Street.

8.2 The surrounding areas are intermixed with residential dwellings, vacant/unused land and parking of vehicles:

- (a) to its immediate north and northeast are a temporary driving school (which is an approved Application No. A/YL-NSW/272 in the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone) and some vehicle parks;
- (b) to its east and southeast across Chung Yip Road are vacant/unused land, two ponds and a temporary transitional housing site approved under Application No. A/YL-NSW/281 in the “OU(CDWRA)” zone;
- (c) to its immediate west is Shan Pui Chung Hau Tsuen, and further west is Shan Pui River; and
- (d) to its immediate southwest is a sewage pumping station; to the south across Lau Yip Street are high-rise residential developments in a “Residential

(Group E)1” zone (subject to PR of 5 and BH of 85mPD) and the Tung Tau Industrial Area zoned “OU(Business)” which fall within Yuen Long New Town.

9. Planning Intention

The planning intention of the “R(D)1” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of PR and BH restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

10.1.1 Comments of the Chief Land Surveyor/Land Supply, Lands Department (CES/LS, LandsD):

The Site is at present a piece of unleased and unallocated GL and is included in the 2020-21 Land Sale Programme.

Traffic

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

(a) He has no objection to the application from traffic engineering perspective. With consideration of the planning parameters, it is agreed that the proposed residential development would not cause insurmountable traffic impact. The future developer will be required to submit a traffic review report, including but not limited to reviewing the vehicular and pedestrian traffic conditions and identifying appropriate mitigation measures to cope with the changes in traffic. The following conditions should be incorporated under the lease:

(i) the submission of a traffic review report and implementation of mitigation measures identified therein to the satisfaction of C for T;

(ii) provision of parking and loading/unloading facilities to the satisfaction of C for T; and

- (iii) the design and provision of road modification for vehicular access to the satisfaction of C for T and the Director of Highways.
 - (b) As regards the public comments on the potential traffic impacts and parking provision in paragraph 11 below, he advises that as the proposed residential development would generate minimal additional vehicular trips, no insurmountable traffic impact would be induced. Nevertheless, the Grantee is required to conduct a traffic review after the tender award, and the proposed parking provisions (including the visitor parking spaces) for the development are ancillary use only, which should be subject to the satisfaction of C for T.
- 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):
- (a) The proposed access arrangement of the Site from Lau Yip Street should be commented and approved by the Transport Department (TD).
 - (b) HyD shall not be responsible for the maintenance of any access connecting the application site and Lau Yip Street.
 - (c) If the proposed vehicular access point at Lau Yip Street is agreed by TD, the applicant should submit the details of road modification works at Lau Yip Street to TD and HyD for review. No modification works should be implemented unless approval on the modification proposal is obtained from TD and HyD.
 - (d) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

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

He has no comment on the application from railway development point of view as the Site falls outside any administrative route protection boundary, gazette railway scheme boundary or existing railway protection boundary of any railway systems, and that there is no traffic impact assessment submitted.

Environment

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

- (a) He has no objection to the planning application. He noted that the following submissions/restrictions will be incorporated under the

land lease to ensure that proper mitigation measures will be implemented by the future developer for the proposed development:

- (i) NIA is required to be undertaken by the future developer for the proposed development to address the potential noise problems (due to nearby noise sources from the Hong Kong School of Motoring; open car park/lorry park and industrial areas);
 - (ii) only non-air sensitive uses such as planting area will be allowed in the small strip of land at the northern tip of the Site (which falls within the 200m affected zone from the existing chimney) to ensure no adverse air quality impact; and
 - (iii) SIA is required to be undertaken by the future developer for the proposed development to confirm sewerage capacity and connection feasibility to the public sewer.
- (b) With implementation of mitigation measures as required in the NIA and SIA under the land lease, it is expected that the proposed development will not cause/be subject to unacceptable environmental impacts, and it will not cause net increase in pollution load to Deep Bay as required under TPB PG-No.12C.
- (c) For the proposed filling of land and excavation of land for the development and the construction site discharges, the future developer should be advised to follow the measures under Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005 and Practice Note for Professional Persons (ProPECC) PN 1/94 to avoid/minimize water quality impacts for full compliance with the Water Pollution Control Ordinance.
- (d) As regards to the proposed filling of the semi-natural watercourse, if both DSD and AFCD have no objection to the proposed filling of stream from drainage and ecological perspectives, he has no objection. In that case, the future developer should be advised to follow the Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005 to better protect natural streams/rivers from the impacts of construction works.

Nature Conservation

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

- (a) He has no objection to the application.
- (b) He notes that the Site falls within the WBA. As assessed in the EcoIA of the application, the semi-natural watercourse within the Site is heavily polluted and of very low ecological value. Although it

is considered to be a wetland habitat, its loss is not expected to result in a decline of wetland functions of the Site and the surrounding wetland. The direct impact due to filling of this watercourse would be insignificant and the proposal is in line with the principle of “no-net-loss in wetland” under TPB PG-No. 12C.

- (c) He concurs with the findings of the EcoIA that off-site disturbance impact to the ecological sensitive areas (such as the firefly habitat and Cormorant roost) was considered to be insignificant, given the low-rise and low-density of the development and the separation of the Site from the ecological sensitive areas.
- (d) He notes that the impacts rising from the proposed residential development were assessed to be ‘Insignificant’ or ‘Minor’ in the EcoIA and specific mitigation measures would thus not be necessary. Nevertheless, the EcoIA identified and suggested the implementation of measures that are precautionary in nature, and most of which to be implemented during the construction phase and before the start of the operation phase of the development, to further alleviate minor potential/indirect disturbance that may arise.
- (e) In view that the applicant may lease out the Site in future, the implementation of the precautionary measures identified in the EcoIA report shall be included in the lease condition.
- (f) Regarding the public comments in paragraph 11 below, he notes that:
 - (i) the EcoIA submitted by the applicant has adopted the ecological survey data of other studies of which the data largely cover the subject study area and are considered to provide relevant, recent and sufficient data for establishing the baseline information for the subject EcoIA, while the additional 5-month ecological survey was conducted for establishing a comprehensive data set for further assessment;
 - (ii) as identified in the EcoIA, the Site was generally degraded in nature and exotic species were commonly recorded throughout the Site with no record of flora species of conservation interest; and
 - (iii) the potential impacts from adjacent concurrent projects have been evaluated in the EcoIA based on information available at the time of reporting, and that the cumulative impacts with other concurrent projects were considered insignificant.

Urban Design and Landscape

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

Urban Design and Visual

- (a) The Site is zoned as “R(D)1” subject to a maximum PR of 0.4 and a maximum BH of 3storeys (9m) on the OZP. It is situated in a predominantly rural environment at the fringe of the WBA. It is located in a rural cluster with village type development of Shan Pui Chung Hau Tsuen (1 to 3 storeys) to its immediate west, Tung Tau Industrial Area with BH up to about 93mPD and “OU(CDWRA)” zone subject to a maximum PR of 0.4 and a maximum BH of 6 storeys under the OZP to its immediate east. To its further south across Lau Yip Street are residential developments with BH up to about 84mPD.
- (b) In the current submission, the applicant seeks minor relaxation of maximum PR from 0.4 to 0.48 (+0.08/+20%) and maximum BH from 9m to 9.9m (+0.9m/10%) or 13.2mPD to 14.1mPD (+0.9m/+6.81%) for residential development with filling and excavation of land for site formation. According to the proposed scheme provided by the applicant, 112 flats (+19 flats) would be accommodated.
- (c) Having examined the submission, the applicant has provided a visual comparison of the proposed development under the baseline scenario (PR of 0.4 and BH of 9m) and proposed scenario (PR of 0.48 and BH of 9.9m). Judging from the submitted photomontages (**Drawings A-2 to A-6**), it is unlikely that the proposed minor relaxation of PR and BH would induce significant visual impact on the surrounding uses.

Landscape

- (d) He has no objection to the application from the landscape planning perspective.
- (e) Based on the aerial photo taken on 18.10.2019, the Site is situated in an area of urban fringe landscape character within WBA. Scattered tree groups are found within the Site, while Shan Pui Chung Hau Tsuen and high-rise residential developments are observed to the west and south of the Site. Noting the proposed BH (i.e. 9.9m) and high-rise residential development is located to the south of the Site, the proposed development is not entirely incompatible to the surrounding environment of the area.
- (f) The Site is vacant and covered with self-seeded vegetation. Numbers of existing trees of invasive species *Leucaena leucocephala* (銀合歡) are found within the Site. Referring to the submitted planning statement and layout plan, groups of existing trees within the Site will be preserved and the open spaces with new plantings and buffer planting along the periphery of the Site will be

provided. Significant adverse landscape impact arising from the proposed development within the Site is not anticipated.

- (g) The applicant is reminded that approval of the planning application under the Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the lease. Noting that relevant provisions for tree preservation would be imposed under lease to require the future developer to seek the Government's prior written consent for removal of trees within the Site, the future developer should be reminded to seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.

Drainage

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

He has no objection in principle to the application from the public drainage point of view in view that the drainage impacts from the proposed development including encroachment on and/or modification to the existing watercourse would be properly addressed. Should the Board consider that the application is acceptable from the planning point of view, requirements of (i) the submission of DIA and (ii) the implementation of the mitigation measure recommended in the DIA and maintenance of the drainage facilities for the proposed development shall be included in the lease.

Building Matters

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

- (a) As the application involved Government land, he has no comment under the Buildings Ordinance (BO) at this stage.
- (b) In case the land is leased for private development in future, then the works will be subject to the control of BO.

Electricity and Gas Safety

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

Gas Safety

- (a) No comment on the application from auto-LPG gas safety aspect, subject to the condition at (b) below.
- (b) As the Site is located within the 150m buffer zone for the LPG

filling station, the southern portion of the Site falling within such a buffer zone shall be designated as “Non-residential Area” under the lease to allow separation distance of the residential units from the LPG filling station.

Electricity Safety

- (c) He has no comment on the application from electricity supply safety aspect. His detailed comments are at **Appendix V**.

Others

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

- (a) He has no adverse comment on the application.
- (b) The applicant is reminded to submit the proposed building and excavation works to BD for approval as required under the provisions of BO.
- (c) The applicant is reminded that the Site is located within the Schedule Area No. 2 and may be underlain by cavernous marble. Depending on the nature of foundation, if necessary, of the new development at the proposed area, extensive ground investigation may be required. Such investigation may require a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the Site.

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

It is noted that the proposed run in/run out of the proposed development encroaches some amenity area currently maintained by his office where some trees and vegetation may be affected. The applicant shall strictly comply with the Development Bureau Technical Circular (Works) No. 4/2020 in tree preservation matters.

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

He has no adverse comment on the application. His detailed comments are at **Appendix V**.

District Officer's Comments

10.1.14 Comments of the District Officer(Yuen Long) (DO/YL)

His office has received a total of 2 identical objection letters from the Indigenous Inhabitant Representative of Shan Pui Tsuen and a resident of Shan Pui Tsuen (**Appendices III-1 and III-2**). One of them (**Appendix**

III-1) was also submitted directly to the Board during the statutory public inspection period.

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

- (a) Director of Fire Services (D of FS);
- (b) Project Manager/New Territories North and West, Civil Engineering and Development Department (PM/NTN&W, CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD); and
- (d) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Period

On 13.11.2020, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, 27 public comments were received from a Yuen Long District Council member, Hong Kong Bird Watching Society, the Conservancy Association, Designing Hong Kong, Hong Kong Wild Bird Conservation Concern Group, representatives of Shan Pui Chung Hau Tsuen, Indigenous Inhabitant Representative of Shan Pui Tsuen and individuals, all objecting to the application (**Appendix IV**). Their main concerns are summarized as follows:

- (a) the proposed PR and flat numbers are too conservative in meeting housing need and are a waste of land resources. The applicant should utilize land resources by maximizing the development intensity in view that the surrounding residential developments are of medium intensity;
- (b) the proposed development is not in line with the planning intention of WBA. The proposed minor relaxation of PR and BH restrictions are considered not appropriate and would set an undesirable precedent for similar applications within the WBA;
- (c) the cumulative impact of the proposed development, the recently approved transitional housing and other proposed developments under on-going planning applications would create a significant amount of human disturbance to the ecologically sensitive area in Deep Bay. The ecological survey is inadequate and the assessment of the Site as “Developed Area/Waste Land” in the EcoIA is questionable;
- (d) there is no mitigation or compensation scheme to the possible visual and other environmental impact;
- (e) the traffic network in the area, in particular the one-way Lau Yip Street, would not be able to cope with the additional traffic flow due to the proposed development. The need for visitor car parking spaces is in doubt;
- (f) the cumulative traffic flow of the proposed development and the neighbouring driving school would cause adverse traffic impact and pose danger on pedestrian safety; and

- (g) the proposed filling and excavation of land will affect the structural safety of the nearby village houses that would pose danger to the public.

12. Planning Considerations and Assessments

12.1 The application is to facilitate a residential development at the Site to be disposed of by LandsD. The “R(D)1” zone for the Site is intended for low-rise and low-density development with a maximum PR of 0.4 and BH of 3 storeys (9m). The applicant seeks planning permission for the residential development and proposes to relax the maximum PR by 20% from 0.4 to 0.48, and the maximum BH from 3 storeys (9m) to 3 storeys (9.9m) which represents a 10% increase in the absolute BH. As a result, the GFA of the Site will increase from 6,080 m² to 7,296 m² and the estimated number of flats will increase from 93 to 112 (+19). The applicant also seeks planning permission for filling and excavation of land to facilitate site formation and provision of utilities for the proposed development.

Planning Intention and Planning Merits

12.2 The proposed development is in line with the planning intention of the “R(D)1” zone which is intended for low-rise and low-density residential developments. By putting the Site, which is currently vacant, into effective use, the proposed residential development would prevent further environmental degradation and achieve the “R(D)1” zoning intention of upgrading the rural areas.

12.3 It is the Government Policy to boost flat production by increasing the development intensity by around 20% in areas where feasible to meet the community’s imminent demand for housing. The Site has been included in the land sale programme for disposal in 2020/21. The proposed minor relaxation of PR producing an additional 19 flat units is in line with the Government Policy to boost housing supply.

Land Use and Visual Compatibility

12.4 The proposed residential development is situated in the landward fringe of WBA close to existing urban developments and is at more than 150m away from WCA and the “Conservation Area” zone. In terms of land use compatibility, the low-rise (3 storeys) and low-density built form of the proposed development, providing ample opportunity for at-grade open space, greening and retention of existing trees of considerable size and good condition, is considered not incompatible with the surrounding urban fringe setting with village dwellings, Shan Pui River, vacant/unused land, driving school, as well as the high-rise residential developments and the Tung Tau Industrial Area within the Yuen Long New Town which is to its immediate south across Lau Yip Street.

12.5 As regards the proposed minor relaxation of the maximum BH of 3 storeys from 9m to 9.9m, the applicant has submitted an indicative scheme to illustrate its visual effect, and stated that relaxation of BH for the proposed residential development could provide more flexibility for the future developer to come up with a design to enhance the living quality of the future residents. Based on the submitted

photomontages (**Drawings A-3 to A-7**), CTP/UD&L of PlanD considers that the proposal would unlikely induce significant visual impact on the surrounding areas.

Ecological Aspect and TPB-PG No. 12C

12.6 While the Site is located within WBA with a semi-natural watercourse within the Site, AFCDC does not object to the proposed development from nature conservation point of view. Although the semi-natural watercourse is considered to be a wetland habitat, AFCDC notes that it is heavily polluted and of very low ecological value as assessed in the submitted EcoIA. Its loss is not expected to result in a decline of the wetland functions and the direct impact due to filling of this watercourse would be insignificant. AFCDC considers that the proposal is in line with the principle of “no-net-loss in wetland” under TPB-PG No. 12C, and concurs with the findings of the EcoIA that the off-site disturbance impact to the ecologically sensitive areas (such as firefly habitat and Cormorant roost) is insignificant, given the low-rise and low-density nature of the development with separation from the ecologically sensitive area. To further alleviate the minor potential/indirect disturbance, the requirement for implementation of the precautionary measures identified in the EcoIA as set out in paragraph 1.7 above would be incorporated into the lease condition.

Other Technical Aspects

12.7 The applicant has proposed to address various technical issues through lease conditions.

12.8 According to the applicant, there are about 146 trees within the Site which are common and exotic species. The indicative block layout plan shows that the proposed development, which is low-rise and low-density, has maximized opportunities for at-grade greening and preservation of existing trees of considerable size and in good condition. To address concerns on potential landscape impact arising from the proposed development, tree preservation clause will be incorporated under lease as appropriate. CTP/UD&L of PlanD has no objection to the application from the landscape planning perspective.

12.9 As the Site is within the 150m buffer zone of the LPG filling station in the Tung Tau Industrial Area to the south, a 50m-setback at the southern portion of the Site will be designated as non-residential area under lease to allow adequate separation distances from the residential units. DEMS has no objection to the application.

12.10 To ensure no adverse air quality impact, the small strip of land at the northern tip of the Site falling within the 200m buffer zone for the existing chimney stack at Nin Jiom Centre in Yuen Long Industrial Estate will be designated under lease that only non-air sensitive uses would be allowed. On noise aspect, the future developer will be required to submit a NIA for the proposed development with implementation of mitigation measures to address the potential noise problems from the nearby driving school and industrial areas. To confirm sewerage capacity and connection feasibility to the public sewer and to ensure no net increase in pollution load to Deep Bay, requirements of submission of SIA and implementation of mitigation measures will be incorporated into the lease conditions. With the proposed lease requirements, DEP expects that the proposed

development will not cause/be subject to unacceptable environmental impacts and has no objection to the application from environmental perspective.

- 12.11 C for T advises that there will be no insurmountable traffic impact due to the proposed development and he has no objection to the application. The future developer will be required to submit a traffic review report under lease to review the vehicular and pedestrian traffic conditions and identify mitigation measures to cope with changes in the traffic.
- 12.12 To ensure that the proposed development and the associated filling and excavation land will not cause unacceptable increase in flood risk, the future developer will be required to submit a DIA and implementation of mitigation measures under the lease. CE/MN of DSD has no objection from public drainage point of view.
- 12.13 On water supply, building and geotechnical engineering aspects, concerned departments including WSD, BD and GEO have no objection/adverse comments on the application.
- 12.14 To ensure the technical requirements will be incorporated in the lease conditions of the Site, approval conditions in relation to ecology, gas safety, environmental, traffic and drainage aspects as requested by Government departments are recommended in paragraph 13.2. (a) to (i) below.

Indicative Scheme

- 12.15 It should be noted that the notional development scheme submitted by the applicant is to illustrate that the proposed relaxation of PR and BH restrictions would have no adverse impacts on visual, air ventilation, environmental, traffic and infrastructure provision. Should the Committee decide to approve the application, the approval is for the relaxation of the PR and BH restrictions to 0.48 and 3 storeys (9.9m) respectively. Future design of the proposed development will be up to the developer and it would not be bound by the notional scheme submitted by the applicant for illustrative purpose only.

Public Comments

- 12.16 As detailed in paragraph 11 above, 27 opposing public comments were received during the statutory publication period. The above departmental comments as well as planning considerations and assessments are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.12.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions:

- (a) the inclusion of the requirements of implementation of the precautionary measures identified in the submitted Ecological Impact Assessment (EcoIA) in the lease conditions of the Site to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (b) the inclusion of the requirements of designation of “non-residential area” at the southern portion of the Site in the lease conditions of the Site to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board;
- (c) the inclusion of the requirements of designation of non-air sensitive uses at the northern tip of the Site in the lease conditions of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the inclusion of the requirements of submission of Noise Impact Assessment (NIA) and implementation of mitigation measures identified therein in the lease conditions of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the inclusion of the requirements of submission of Sewerage Impact Assessment (SIA) and implementation of mitigation measures identified therein in the lease conditions of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) the inclusion of the requirements of submission of Drainage Impact Assessment (DIA), implementation of mitigation measures identified therein and maintenance of the drainage facilities for the proposed development in the lease conditions of the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (g) the inclusion of the requirements of submission of a traffic review report and implementation of mitigation measures identified therein in the lease conditions of the Site to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) the inclusion of the requirements of provision of parking and loading/unloading facilities in the lease conditions of the Site to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (i) the inclusion of the requirements of the design and provision of road modification for vehicular access in the lease conditions of the Site to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board.

Advisory Clauses:

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate strong design merits for the proposed minor relaxation of building height restriction for the proposed development.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form received on 6.11.2020
Appendix Ia	Supplementary Planning Statement with EcoIA submission
Appendix Ib	FI received on 15.12.2020
Appendix II	Previous applications covering the Site
Appendix III	Letters relayed by DO(YL)
Appendix IV	Public Comments received during the Statutory Publication
Appendix V	Recommended advisory clauses
Drawing A-1	Indicative Block Layout Plans of the Baseline Scheme and Proposed Scheme
Drawing A-2	Location Plan and Viewing Point of Photomontage
Drawings A-3 to A-7	Photomontages
Drawing A-8	Major Development Constraints on the Proposed Development
Plan A-1a	Location plan with similar applications
Plan A-1b	Site plan with previous applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and A-4b	Site photos