

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/MOS/120

- Applicant** : Hong Kong Housing Authority
- Site** : Government Land at Ma On Shan Road, Ma On Shan Area 81A
- Site Area** : About 19,000m²
- Land Status** : Government Land
- Plan** : Approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/22
- Zoning(s)** : “Residential(Group A)9” (“R(A)9”) (about 1,7800m² or 93.7%)
Subject to a maximum domestic plot ratio (PR) of 5.5, a maximum non-domestic PR of 0.3 and a maximum building height (BH) of 140mPD
- “Green Belt” (“GB”) (about 400m² or 2.1%)
- ‘Road’ (about 800m² ha or 4.2%)
- Application** : Proposed Subsidized Sale Flats (SSF) development

1. The Proposal

- 1.1 The Hong Kong Housing Authority (HKHA) sought planning permission for the proposed SSF development at the application site (the Site) which falls within areas zoned “R(A)9”, “GB” and shown as ‘Road’ on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP, whilst ‘Flat’ is always permitted in “R(A)9” zone, such use in “GB” zone and area shown as ‘Road’ requires planning permission of the Town Planning Board (the Board).
- 1.2 According to the applicant, an area of 100m² zoned “Other Specified Uses” (“OU”) annotated “Pedestrian Link with Retail Facilities” on the OZP forming part of the proposed SSF development for use as estate road would not be accountable for PR calculation (**Drawings A-1 and A-2**).

- 1.3 In 2014, the majority of the Site was rezoned to “R(A)9” subject to a maximum domestic PR of 5.5 and a maximum non-domestic PR of 0.3 with a maximum BH of 140mPD to facilitate the proposed development. A footbridge with allowance for retail facilities over Ma On Shan Road was also rezoned as “OU(Pedestrian Link with Retail Facilities)” to facilitate better connection between the Site and the adjacent developments and the MTR Heng On Station to the north.
- 1.4 Owing to the revised alignment of the Ma On Shan Road improvement works, there is scope to expand the site area to include the areas adjacent to the “R(A)9” zone for increase in flat production. The design of the Ma On Shan Road improvement works has been refined to provide sufficient distance between the proposed vehicular ingress/egress and the Y-junction between Ma On Shan Road and the slip road of Sai Sha Road. The overall estate design is therefore revised including the provision of a proposed footbridge in the northern portion of the Site (**Drawings A-1 and A-2**).
- 1.5 For the subject application, the maximum domestic and non-domestic PR and maximum BH remain unchanged at 5.5, 0.3 and 140mPD respectively (**Drawings A-2 and A-3**). The increase in site area from 17,800m² to 19,000m² by including 1,200m² of land zoned “GB” and area shown as ‘Road’ would result in total domestic and non-domestic gross floor areas (GFA) not more than 104,500m² and 5,700m² respectively. The major development parameters of the current scheme are summarized as follows:

Site Area (about)	1.9 ha
Maximum Domestic Plot Ratio	Not more than 5.5
Maximum Non-domestic Plot Ratio	Not more than 0.3
Total Domestic GFA	Not more than 104,500 m ²
Total Non-Domestic GFA	Not more than 5,700 m ²
Maximum Building Height	Not exceeding 140 mPD
Number of Domestic Blocks	5
Number of Flats (about)	2,069
Average Flat Size (about)	51 m ²
Design Population (about)	6,373
Local Open Space	Not less than 6,373 m ²
Children Play Area	Not less than 510 m ²
Basketball Court	1
Badminton Court	1
Table Tennis Table	1
Car Parking Provision	
- Private Car (domestic)	95
- Visitors (domestic)	10
- Loading/unloading bays (dom)	5
- Motorcycle	21
- Bicycle	173

- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with covering letter received on 15.10.2018 (**Appendix I**)
- (b) Planning Statement with technical assessments including (**Appendix Ia**)

- Appendix 1 Master Layout Plan
 - Appendix 2 Section A-A
 - Appendix 3 Landscape Master Plan and Tree Preservation Proposal
 - Appendix 4 Traffic Impact Assessment
 - Appendix 5 Environmental Assessment Study
 - Appendix 6 Air Ventilation Assessment – Initial Study
 - Appendix 7 Quantitative Risk Assessment
 - Appendix 8 Drainage Impact Assessment
 - Appendix 9 Visual Impact Assessment
- (c) Further Information received on 29.11.2018 (Appendix Ib)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Sections 3 and 5 of the Planning Statement at **Appendix 1a**. They can be summarized as follows:

- (a) The proposed inclusion of land zoned “GB” and shown as “Road’ into the proposed SSF development would increase flat production by about 369 flats to 2,069 flats. This is in line with the government policy to increase public housing land supply.
- (b) The land parcels shown as “Road’ between the proposed Ma On Shan Road alignment and the “R(A)9” zone boundary would become idle if not included as part of the proposed development. The inclusion of the “GB” strip which is currently vacant would also enhance the overall scheme design with additional flat production.
- (c) The additional land zoned “GB” and shown as ‘Road’ only accounts for about 6.3% of the total site area. Such minor increase in site area would blend in well the “R(A)9” zoning and its planning intention without compromising planning principles and considerations. The development restrictions under “R(A)9” zone including PR and BH would be maintained for the proposed development.
- (d) The proposed footbridge landing as shown on **Drawings A-1 and A-2** would significantly reduce the length of the spanning of the footbridge and minimize pedestrians’ walking distance from the footbridge to the new bus stop location. The retail study also indicated that the proposed retail facilities at Yan On Estate Extension could satisfy the needs of the future residents of both Yan On Estate and the proposed development. The Development and Housing Committee (DHC) of Sha Tin District Council (STDC) was consulted. The concerns of DHC were addressed and DHC did not object to the proposed scheme.
- (e) The proposed development would enhance urban design arrangement and is proved sustainable in technical terms. The technical assessments indicate that the proposed development would not induce adverse impacts from traffic, environmental, air ventilation, quantitative risk, drainage and sewerage and visual aspects to the surrounding areas.

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

As the Site involves Government land 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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-31) is not applicable to the application.

4. Previous Application

There is no previous application at the Site.

5. Similar Application

There is no similar application within the same “GB” zone and area shown as ‘Road’ on the OZP.

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

6.1 The Site is:

- (a) located at the south-eastern fringe of the Ma On Shan New Town. It is currently used as a works area by the Housing Department for carrying out site formation, building and associated works for the proposed SSF development; and
- (b) elongated in configuration and bounded by Ma On Shan Road and Sai Sha Road to the west and footpath/cycle track to the east.

6.2 The surrounding areas have the following characteristics:

- (a) To the north of the Site across Ma On Shan Road are Yan On Estate and the proposed Yan On Estate Extension;
- (b) To the west across Ma On Shan Road and MTR Ma On Shan Line are medium-density private residential developments of Sausalito and Mountain Shore and a HOS development of Kam Tai Court;
- (c) To the east is the major area of “GB” zone mostly wooded and further east is the Ma On Shan Country Park; and
- (d) To the south are the village type developments of Tai Shui Hang Tsuen and the residential development of Chevalier Garden.

7. **Planning Intentions**

- 7.1 The “R(A)9” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 7.2 The “GB” zone is intended primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

8. **Comments from Relevant Government Departments**

- 8.1 The following Government departments have been consulted and their views on the application and/or the public comments received are summarized as follows:

Land Administration

- 8.1.1 Comments of the District Lands Officer/Shia Tin, Lands Department (DLO/ST, LandsD):
- (a) he has no adverse comment on the application from land administration point of view;
 - (b) the area zoned “R(A)9” involved in this application has been let to HKHA under STT No. 2133 for carrying out site formation, building and associated works as are necessary for the development of it as a SSF development; and
 - (c) regarding the three areas zoned ‘Road’ and the strip of land zoned “GB” included in this application, they have been allocated to Director of Housing up to 28.2.2022 as works area in connection with a SSF development.

Traffic

- 8.1.2 Comments of the Commissioner for Transport (C for T):
- he has no objection to the application from traffic engineering point of view taking into account the applicant’s responses at **Appendix Ib**.
- 8.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):
- (a) he has no objection to the application; and
 - (b) the project proponent should be responsible for relevant statutory procedure under the Roads (Works, Use and Compensation) Ordinance.

Environment

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

- (a) he has no objection to the application;
- (b) although the Site is subject to potential noise impacts from road traffic (Ma On Shan Road, Sai Sha Road and Hang Tai Road, etc.), fixed noise sources and rail traffic, no insurmountable noise impact is expected as there should be practicable measures that can be incorporated in the proposed developments to address these impacts;
- (c) it is understood that the applicant will refine the detailed assessment for the enhanced acoustic balcony for completeness and better presentation, which should not affect the conclusion of the traffic noise impact assessment with 100% compliance, as stated in para 5.6.2 of the submitted Environmental Assessment Study (EAS). According to the prevailing standard practice for public housing projects, the applicant is required to submit to his department a Final EAS to finalize the noise mitigation measures. The potential noise impact from fixed noise sources and railway traffic were also assessed in the EAS Report to conclude compliance with relevant standards;
- (d) there is no objection to the Sewerage Impact Assessment of the application. The applicant is reminded to observe and comply with the legislative requirements and prevailing guidelines on waste management arising from the future development;
- (e) it is noted from the applicant's clarifications that the surface runoff would be collected and carried to the underground drainage system within the Site before discharging to the public underground drainage system; and
- (f) EPD's technical guidelines and legal requirements should be followed during construction and operation phases.

Fire Safety

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

- (a) he has no specific comment to the proposal; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Urban Design and Landscape

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

Urban Design

- (a) she considers that the proposed scheme will not induce significant adverse visual impact as shown in the photomontages (**Drawings A-5 to A-9**); and
- (b) she considers that the proposals of including minor portion of 'Road' and "GB" right next to the "R(A)9" site for the proposed SSF development is not incompatible with overall development profile in Ma On Shan.

Landscape

- (a) she has no objection to the application from the landscape planning perspective. Referring to the aerial photo dated 22.3.2018, the narrow strip of "GB" zone is situated in an area of urban fringe landscape character. Although the proposed use is not entirely in line with the planning intention of "GB" zone, it is not incompatible with the surrounding environment; and
- (b) given the "GB" zone within the Site is proposed to be converted to landscape area, and proper landscape treatment is already proposed along the southern boundary next to the existing cycling track, the standard condition for submission and implementation of landscape proposal is therefore not necessary. Advisory comments on the Landscape Master Plan and Tree Preservation Proposal are incorporated at **Appendix III**.

Air Ventilation

- (a) An AVA Expert Evaluation was conducted in 2014 to support rezoning from "GB" to "R(A)9". An AVA is not required for the two minor portions of "GB" and 'Road' to be included in the proposed SSF development taking into account the minor change in total GFA.

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

- (a) Project Manager(North), Civil Engineering and Development Department;
- (b) Chief Engineer/Construction, Water Services Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) District Officer/Shu Tin, Home Affairs Department
- (e) Director of Electrical and Mechanical Services; and
- (f) Director of Leisure and Cultural Services.

9. Public Comments Received During Statutory Publication Period

On 23.10.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 13 comments were received from a STDC

member, MTR Corporation Limited, Chinese University of Hong Kong, local residents and private individuals (**Appendix II**). Except one in support of the application, all object to or raise concerns on the application. The adverse comments are mainly related to traffic congestion and need for road widening and provision of more traffic facilities, noise concerns and implementation of noise mitigation measures on operational railway noise, deterioration of air ventilation and need for heritage preservation of iron mine in vicinity of the Site.

10. Planning Considerations and Assessments

- 10.1 Over 93% of the Site is zoned “R(A)9” on the OZP to facilitate the proposed SSF development. Owing to the revised alignment of the Ma On Shan Road improvement works, there is scope to adjust the site boundary during the implementation stage by incorporating strips of land adjacent to Ma On Shan Road and existing footpath/cycle track (i.e. the remaining 7% of the Site) for enhancing the overall design scheme and increasing flat production of the proposed development.
- 10.2 The planning intention of the “R(A)9” zone is primarily for high-density residential developments. The proposed development and its development parameters are in line with the planning intention and the development restrictions of the zone. Additional land parcels adjacent to the “R(A)9” zone, with an area of 1,200m², are included as part of the Site for the proposed development subject to the same development restrictions of the “R(A)9” zone. The inclusion of the areas zoned “GB” and shown as ‘Road’ in the Site would increase the site area and thereby flat production by about 369 flats to 2,069 flats. This is in line with the Government policy to optimize land resources so as to increase land supply to meet the housing needs.
- 10.3 The Site is located at the south-eastern fringe of the Ma On Shan New Town where high-rise public and private housing blocks can be found in the vicinity. Residential development with domestic PR not exceeding 5.5, non-domestic PR not exceeding 0.3 and BH not exceeding 140mPD within the predominant part of the Site zoned “R(A)9” is always permitted. The proposed extension of the proposed development to cover minor portion of land adjacent to the “R(A)9” zone is not incompatible with the overall development profile in Ma On Shan. There will not be material change to the character of the locality. CTP/UD&L, PlanD has no adverse comment on the application from the urban design, visual, landscape and air ventilation perspectives.
- 10.4 The current scheme covering an additional site area of 1,200m² is not anticipated to induce significant adverse impacts in terms of noise and traffic. The Site is subject to potential noise impacts from road and rail traffic. In this regard, DEP advised that no insurmountable noise impact is expected. According to the prevailing standard practice for public housing projects, the applicant is required to submit a Final EAS to DEP to finalize the noise mitigation measures. C for T has no objection to the application from traffic engineering point of view. Other relevant departments have no objection to or no comment on the application.

- 10.5 A total of 13 public comments were received, with 12 objecting to or raising concerns on noise, traffic congestion, air ventilation and heritage preservation aspects. Regarding the noise, traffic and air ventilation concerns, the planning assessment and comments of Government departments above are relevant. As the heritage structures related to the iron mine are over 700m uphill away from the Site, the concern on their preservation is irrelevant to the application.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9 above, Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 7.12.2022, 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 advisory clauses are suggested for Members' reference:

Advisory Clauses

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

- 11.3 There is no strong reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

13. Attachments

Appendix I	Application Letter and Application form received on 15.10.2018
Appendix A	Planning Statement with technical assessments including
	Appendix 1 Master Layout Plan
	Appendix 2 Section A-A
	Appendix 3 Landscape Master Plan and Tree Preservation Proposal

	Appendix 4 Traffic Impact Assessment
	Appendix 5 Environmental Assessment Study
	Appendix 6 Air Ventilation Assessment – Initial Study
	Appendix 7 Quantitative Risk Assessment
	Appendix 8 Drainage Impact Assessment
	Appendix 9 Visual Impact Assessment
Appendix Ib	Further Information received on 29.11.2018
Appendix II	Public Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Application Site
Drawing A-2	Indicative Master Layout Plan
Drawing A-3	Section A-A
Drawing A-4	Landscape Master Plan
Drawing A-5	Assessment Area and Viewpoints locations
Drawing A-6	VP 1 Road junction at A Kung Kok Street/Hang Shun Street
Drawing A-7	VP 2 Playground/Cycle Track at Heng On Estate
Drawing A-8	VP 3 Waterfront Promenade at MOS Area 90
Drawing A-9	VP 4 Waterfront Promenade at Science Park
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & 4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2018**