

**Previous Application covering the Application Site**

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use/Development</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason(s)</u></b>
1	A/YL-TYST/342	Proposed Comprehensive Development Scheme (to include minor relaxation of maximum building height restriction from 17 to 20 storeys)	13.4.2007	(1), (2) & (3)

**Rejection Reason(s):**

- (1) The planning intention of the “CDA” zone was for comprehensive development of the area, the zoning of which was to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. The proposed development had failed to demonstrate how the development scheme could integrate with the adjacent approved development (No. A/YL-TYST/322) within the “CDA” zone in terms of design and layout.
- (2) There was insufficient information in the submission to demonstrate that the proposed development would not be susceptible to adverse environmental impact and would not have adverse visual and landscape impacts on the surrounding area.
- (3) There was no strong justification in the submission to merit a relaxation of the building height restriction stipulated on the OZP.

**Detailed Comments of the Director of Environmental Protection**

He has the following comments on the submitted Environmental Assessment (EA) and Sewerage Impact Assessment (SIA) (**Appendix Ic**):

**EA Report - Air Quality Impact**

1. He noted that sufficient buffer distances from nearby roads will be provided for the proposed Site and no chimneys were identified nearby. He therefore have no comment from the air planning perspective.

**EA Report - Noise Impact**

2. **General** – The applicant should clarify whether the noise emissions from any planned fixed noise sources associated with the proposed development would be designed to meet the relevant criteria stipulated in the Hong Kong Planning Standards and Guidelines.
3. **R to C item 2 and s.2.8** – It is noticed in Figure 3.11, 3.14 to 3.16 that the setting for the acoustic windows (baffle type) for N12 (1/F) and N13 (4/F-6/F) on the same facade plane are different. Given that such noise sensitive receivers (NSRs) are not directly facing the major noise source from the nearby Hung Tin Road, please justify whether the positions of the outer fixed glazing and openable window are in favourable setting.
4. **s.3.6.6** – The applicant should clarify in the report whether the AM peak hours represent the worst-case scenario for the road traffic noise impact assessment.
5. **s.3.8.3** – The applicant should clarify whether absorbent would be applied on the side of the proposed 1.5m long architectural fin facing the openable window, and indicate such design in Figure 3.11 if any.
6. **Table 3.5** – It appears that the configuration of the acoustic windows for "Flat 1B1, 1B2 & 2B2 - BR" (including inner window opening, outer window opening and window overlapping length) of the reference case is not correct. The applicant should double check and confirm.
7. **Figure 3.9** – It is noticed that the existing roadside noise barriers for example the 5m +1.5m cantilevered noise barriers on Yuen Long Highway, do not tally with those proposed in the approved Environmental Impact Assessment report for "Widening of Yuen Long Highways between Lam Tei and Shap Pat Heung Interchange". The applicant should clarify the discrepancies.

8. **Annex 3.1 and Noise Model** – Please double check and verify whether the road surface type for some sections of the slip road of Yuen Long Highway and Hung Tin Road (i.e. road ID R02 to R06) should be pervious.
9. **Noise Model** – The mPD level of the cantilevered noise barriers located on the section of Yuen Long Highway is not correct. Further to our comment (7) above, the applicant should double check and rectify the deficiency.
10. Comments on textual and presentation are as follows:-
  - **s.3.6.6 and Annex 3.1** – TD's endorsement on traffic forecast data should be provided as part of the report.
  - **s.3.7.2** – The highest noise level be "76 dB(A)" instead of "75 dB(A)".
  - **s.3.7.2 and Table 4.3** – The compliance rate for base scenario should be provided.

### SIA

11. The consultant concluded that the proposed development will not cause adverse impact on the public sewerage system, he has no comments on the SIA report provided that the figures quoted, assumptions and calculation are correct.
12. When the applicant / project proponent provides new sewerage and makes connection to the public sewerage, they are reminded to seek agreement from the Drainage Services Department about the proposed sewer works with respect to the need of upgrading of public sewer, actual alignment and connection point, maintenance of new sewer to be built by the applicant / project proponent.

**Advisory clauses**

- (a) to liaise with the lot owners on the access right of the access road to the Site at the implementation stage;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that preliminary land status check reveals that the Site involves two adjoining private lots, namely Lot No. 404 and part of Lot No. 398 RP all in D.D. 121 which are old scheduled agricultural lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The actual site area and building entitlements of the private lots involved will be subject to verification in land exchange stage if any land exchange is applied for by the applicant to LandsD. The applicant (i.e. the registered owner of the subject lots) will need to apply to LandsD for a land exchange. She would advise that land exchange application will only be considered upon receipt of formal application to LandsD by the applicant but there is no guarantee that the application for a land exchange will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee, as may be imposed by LandsD. The existing Fui Sha Wai South Road is currently under the Transport Department (TD)'s traffic management and Highways Department (HyD)'s maintenance. The applicant should consult both HyD and TD regarding the proposed road widening works and confirm with them that they will assume the respective management and maintenance roles for the widened Fui Sha Wai South Road including the adjoining widened footpath and the passing place upon completion. According to paragraph 2.5.1 of the supplementary planning statement (**Appendix Ia of this RNTPC paper**), vehicular and pedestrian access to the Site can be made via Fui Sha Wai South Road. It is however noted from the proposed MLP (**Drawing A-1 of this RNTPC paper**) that the Site does not immediately abut onto any public road. Hence, there is no guarantee that any right of access over the strip of Government land between the Site and Fui Sha Wai South Road will be given. According to paragraphs 4.2.1 and 4.2.2 of the supplementary planning statement (**Appendix Ia of this RNTPC paper**), the proposed development would be funded by a non-profit making organization and operated on a self-financing by a dedicated non-government organization. The applicant is reminded to note that this should not be regarded that a concessionary premium will be charged for the proposed land exchange if applied for by the applicant as mentioned in paragraph 10.1. 1(c) above unless policy support from relevant Bureau can be secured. Regarding the vehicular access to the Site, while the scale of the drawing is too small to ascertain the land to be affected by the vehicular access, it is observed that the vehicular access would encroach onto a number of private lots. The applicant should be reminded that land resumption of private lots would not be invoked for the provision of the vehicular access. The applicant should resolve this matter with the relevant lot owners. Besides, the vehicular access would also fall onto the government land. There is no guarantee that any right of access over the government land will be given. She points out that only paragraphs 2.5.1 and 4.7.1 of the supplementary planning statement (**Appendix Ia of this RNTPC paper**) mention that the vehicular and pedestrian access to the Application Site is proposed to be made via Fui Sha Wai South Road which connects to Castle Peak Road (Ping Shan). There is no other details provided from the applicant regarding the details of the alignment of the access route and its land status. The applicant should be reminded to highlight the relevant details of the proposed development to facilitate comments by departments. The responses from the applicant as stated in paragraph 4(a) of the Responses-to-Comments (R to C) table at Appendix A of the further information received on 24.4.2018 (**Appendix Ie of this RNTPC paper**) are

incorrect and not agreed. As regards the proposed road widening scheme to the Site which comprises the widening of Fui Sha Wai South Road to 4.5m to be served as an emergency vehicular access to the proposed development, the widening of footpath to 2m and the provision of a passing place as shown at Appendix B of **Appendix Ic of this RNTPC paper**, the applicant should be advised that there is no guarantee that the government land will be granted to the applicant for the proposed road works. The implementation programme and details of the proposed road works will be considered in detail at land exchange application stage, if the widening works is approved. It is noted from the R to C table of **Appendix Ic of this RNTPC paper** that the applicant will undertake the proposed road widening works aforesaid at their own cost if the planning application is approved. Figure 1 in Appendix A of the further information received on 12.3.2018 (**Appendix Ic of this RNTPC paper**) shows the existing and proposed sewerage layout plan, the alignment of the sewerage layout runs through the strip of government land and the Fui Sha Wai South Road, comments on the connection of sewerage layout should be sought from the Drainage Services Department and HyD;

- (c) to note the comments of the Commissioner for Transport, Transport Department (C for T, TD) that on the basis of the further information received on 27.4.2018 (**Appendix Ig of this RNTPC Paper**), it is understood that the applicant will liaise with the lot owners on the access right of the access road to the Site at the implementation stage. Given that the applicant has submitted several sets of further information on the TIA, the TIA shall be duly revised to incorporate the further information;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that The access arrangement should be commented by TD, in particular the proposed widened of a footpath near its junction with Castle Peak Road to form an emergency vehicular access (EVA). If the access arrangement is agreed by TD, the proposed road works in the application should be designed and constructed to the satisfaction of TD and HyD. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. *The applicant shall submit plans and cross-sections showing the proposed modifications to Fui Sha Wai South Road and the affected drainage channel for comments of TD and HyD. If the proposal is agreed by TD and HyD, the modifications to the channel and Fui Sha Wai South Road shall be designed and constructed to the satisfaction of HyD and TD. The detailed design shall be submitted to TD and HyD for approval before commencement of the relevant site works. The applicant should note that HyD shall not be responsible for the maintenance of any access connecting the Site and Fui Sha Wai South Road;*
- (e) to note the comments of the Director of Environmental Protection that:

#### **Environmental Assessment (EA) Report - Noise Impact**

1. **General** – The applicant should clarify whether the noise emissions from any planned fixed noise sources associated with the proposed development would be designed to meet the relevant criteria stipulated in the Hong Kong Planning Standards and Guidelines.
2. **R to C item 2 and s.2.8** – It is noticed in Figure 3.11, 3.14 to 3.16 that the setting for the acoustic windows (baffle type) for N12 (1/F) and N13 (4/F-6/F) on the same facade plane are different. Given that such noise sensitive receivers (NSRs) are not directly facing the major noise source from the nearby Hung Tin Road, please justify

whether the positions of the outer fixed glazing and openable window are in favourable setting.

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### **Sewerage Impact Assessment**

10. When the applicant / project proponent provides new sewerage and makes connection to the public sewerage, they are reminded to seek agreement from the Drainage Services Department about the proposed sewer works with respect to the need of upgrading of public sewer, actual alignment and connection point, maintenance of new sewer to be built by the applicant / project proponent;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department on the further information received on 24.4.2018 (**Appendix 1e of this RNTPC paper**) that Paragraphs 1 and 2 of the R to C table- Regarding the applicant's explanation relating to BD's PNAP No. APP-152 – 'Sustainable Building Design Guidelines' including (i) the 'building setback' (i.e. the proposed '9m setback' (including areas with structural columns and carpark area) from the centerline of Fui Sha Wai South Road and setback from Uptown Tower 8); and (ii) the provision of the covered 'void' area as a 'building setback', the Building Department should be consulted in this regard. The applicant should focus on the visual implications of this proposal on the surrounding

environment. As regards the visual impacts of other “planned” development/conditions in future, the future developers themselves would undertake separate VIA to address the possible visual impacts on the subject application. Furthermore, there is no development detail, including implementation schedule etc., on the “planned conditions” and it is premature to conclude any of their implication on the subject application at this stage. Therefore, the applicant should keep his original approach to show the “without development” scenarios and there is no need to add a “planned condition” scenario. She cannot see how the proposed development would enhance the existing visual environment at VP1 and VP7. Thus, the overall performance of “Partly Enhanced” is doubtful. With reference to further information received on 12.3.2018 (**Appendix Ic in this RNTPC Paper**), the dimension of the enlarged/ revised planters for buffer planting are not clearly stated/shown. The applicant shall fully address this concern at the submission stage. The applicant is reminded of paragraph 2.7.19(c) of chapter 4 of the Hong Kong Planning Standard and Guidelines (HKPSG): “For a tree planting, a 3m wide planting strip and a minimum 1.2m soil depth (excluding drains) should be reserved. For other plantings, a minimum of 1m wide planting strip is recommended”, as well as to ensure sufficient space reserved for sustainable planting buffer;

- (g) to note the comments of the Director of Fire Services that statutory height restriction as stipulated in Residential Care Homes (Elderly Persons) Ordinance, Cap 459 should be observed. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by BD;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the subject application. For the UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The applicant's attention is drawn to the following points: (i) presuming the Site is abutting on a specified street of less than 4.5m wide, then the development density shall not exceed the permissible figures under the First Schedule of the Building (Planning) Regulations [B(P)R]. Otherwise, the development intensity shall be determined under B(P)R 19(3) during plan submission stage and his comment on the maximum BH and PR is reserved; (ii) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)R respectively; (iii) the accessible parking space(s) shall be provided in accordance with B(P)R 72 and paragraph 8 in Schedule 3 of the B(P)R; (iv) before any new building works are to be carried out on the application site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO; and (v) detailed checking of plans will be carried out upon formal submission of building plans;
- (i) to note the comments of the Director of Social Welfare that the current no in-principle objection to the application should not be seen as policy support already given for premium concession for the proposed development of RCHE which may be sought at the subsequent land exchange arrangements. Consideration of such policy support, if required, will be

subject to further assessment of the support-worthiness based on a detailed service proposal from the applicant, and the imposition of requirements and terms as deemed necessary and appropriate; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that 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. They should also 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. The applicant is reminded that the Quantitative Risk Assessment (QRA) should be conducted by the project proponent as far as practicable and at an early design stage to ensure that the risk associated with the concerned underground town gas pipelines posing to the proposed development complies with the risk guidelines as set out in the HKPSG. The latest information including planned developments in vicinity, existing/planned town gas pipelines, population and traffic flow conditions etc. at the time of conducting the QRA shall be used. Safety measures, if necessary, shall be identified and incorporated into the design prior to construction.