

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/870

- Applicant** : Orient Talent Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : Lots 398 RP (Part) and 404 in D.D.121, Tai Tao Tsuen, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 1,795m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/11
- Zoning** : “Comprehensive Development Area” (“CDA”)
[Restrict to a maximum gross floor area (GFA) of 69,000m² (for the whole “CDA” zone) and a maximum building height (BH) of 17 storeys. Minor relaxation of the GFA and BH restrictions may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance]
- Application** : Proposed Social Welfare Facility (Residential Care Home for the Elderly (RCHE))

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed social welfare facility (residential care home for the elderly) at the application site (the Site). According to the Notes of the OZP for “CDA” zone, ‘Social Welfare Facility’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for open storage and vehicle workshop without valid planning permission (**Plans A-2a, A-4a to A-4c**). It occupies about 7.7% of the entire “CDA” zone (23,282 m²) and majority (about 70%) of the zone has been developed as comprehensive residential estate with a kindergarten known as Uptown which was first approved in 1995. The areas within the “CDA” zone that have not been developed is shown in **Plan A2-b**.

- 1.2 In accordance with the requirement for the “CDA” zone, the applicant has submitted a MLP in the application (**Drawing A-1**). On the MLP, apart from the existing Uptown and the proposed development at the Site, there is no specific development proposal or any development parameters for the remaining areas. Amongst the remaining areas, a strip of land at the western fringe of the “CDA” zone is also owned by the applicant and the applicant undertakes that the area will not be developed. For other areas, the applicant indicates that these lands are owned by TSO. Only indicative blocks without the proposed use/parameters given are shown on them. The technical assessment submitted (**Appendix Ic**) including Traffic Impact Assessment (TIA), Visual Impact Assessment (VIA) and Environmental Assessment (EA) have only taken into account the existing Uptown and the proposed RCHE.
- 1.3 For the proposed RCHE development on the Site, 65 rooms will be provided in the proposed RCHE and it is designed to accommodate about 300 occupants. The Site is accessible via Fui Sha Wai South Road on the east, which connects to Castle Peak Road (Ping Shan) (**Plan A-2c**). According to the applicant, the Fui Sha Wai South Road will be widened to 4.5m, which serves as the proposed emergency vehicular access. The proposed RCHE will be operated on a self-financing basis by a non-government organization which is financially supported by Chow Tai Fook Charity Foundation. The construction cost for the proposed RCHE will be totally financed by Chow Tai Fook Charitable Fund. The proposed development is anticipated to be completed in 2021. The major development parameters of the proposed development are summarized as follows:

Site Area	1,795m ²
Gross Floor Area (GFA) (Domestic)	5,313m ² (about)*
Plot Ratio (PR)	2.96 (about)
Building Height	7 storeys (34.8mPD)
Site Coverage	52%
No. of Block	1
No. of Rooms	65
No. of Beds	300
Car Parking Provision	
- Private Car	3
- Light Bus	1
- Loading/Unloading Bay	1
- Taxi/Private Car Pick up/Drop Off Space	1
Private Open Space	300 m ² (about)

*Together with the approved GFA for Uptown (50290m²), the total GFA for the “CDA” zone will be 55,603 m².

- 1.4 The proposed Master Layout Plan (MLP) for the entire “CDA” zone, block plan, floor plans, section plans, photomontages, landscape plans, open space provision, access route, proposed road widening scheme, pedestrian route, proposed set back,

façade treatment and internal transport facilities submitted by the applicant are at **Drawings A-1 to A-21**. The technical assessments with respect to traffic, landscape, visual, sewerage and environmental aspects and responses to relevant government departments submitted by the applicant are at **Appendix Ic to Ig**.

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with covering letter received on 20.11.2017 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Supplementary Information received on 20.11.2017 replacing part of the Application Form and the Master Layout Plan for the proposed development (Appendix Ib)
- (d) Further Information received on 12.3.2018 providing new sewerage impact assessment, pedestrian access plan, proposed road widening scheme, technical paper on traffic forecast methodology; revised environmental assessment, visual impact assessment with photomontages, master layout plan, block plan, floor plans, landscape master plan; and responses to departmental comments (Appendix Ic)
- (e) Further Information received on 15.3.2018 providing technical clarification with an endorsement letter from the Transport Department (Appendix Id)
- (f) Further Information received on 24.4.2018 providing illustrations on proposed setbacks, façade treatment and internal transport facilities; responses to departmental comments (Appendix Ie)
- (h) Further Information received on 25.4.2018 clarifying that a Right of Way for adjacent lot would be provided and providing related revised drawings (Appendix If)
- (g) Further Information received on 27.4.2018 providing responses to the comments of the Transport Department (Appendix Ig)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in section 5 of the Supplementary Planning Statement at **Appendices Ia, Ib to Ig** and are summarized as follows:

- (a) The proposed development fully respects the planning intention of the “CDA” zone of the OZP, which is intended for ‘comprehensive development/ redevelopment of

the area for residential use with the provision of open space, commercial and other supporting facilities, if any'. Despite the proposed development is regarded as a social welfare facility, it is a 'residential-like' development in its nature which provides residential care home for the elderly.

- (b) A MLP for the entire "CDA" zone has also been prepared for indicative purpose. It should be noted that the proposed development will not absorb the development potential of the unacquired residual lots within the same "CDA" zone. Development scale, design and layout of the proposed development are carefully considered to integrate with the surrounding development. The unacquired residual lots are owned by TSO and acquisition of them for development is almost impossible.
- (c) The proposed development which only occupied a small part of the "CDA" zone (about 7.7%), will not jeopardize the integrity of the "CDA" zone. Since the approval and completion of "Uptown", which occupies majority of the "CDA" zone (more than 70%), the Site and other disconnected lots became residual lots within the "CDA" zone. These sites are either vacant or used for open storage and rural workshop, creating industrial/residential (I/R) interface problems with the predominant residential uses in the surroundings. The proposed development would facilitate phasing out of these brownfield activities and provide opportunities for compatible uses that will better integrate with the surrounding environment.
- (d) The proposed development is in line with the Government's latest policy objectives for elderly services. Approval of this planning application would set a desirable precedent to encourage more private initiatives to meet the growing demand and provide quality living environment for the elderly that is much needed in the years to come.
- (e) The proposed development meets the increasing needs of RCHE at a suitable location. Not only its "residential" nature is compatible with the predominant residential neighbourhood of its surroundings, it is also located very close to the planned Hung Shui Kiu New Development Area, where synergy is expected to create between the proposed development and the proposed Government, institution and community facilities, to provide a convenient, supporting and comfortable living environment for the elderly. The Site is also within a walkable distance to public transport facilities and located within 10 mins driving from the nearby hospitals. Also, the applicant will fully comply with the design requirements of the schedule of accommodation for RCHE by the Social Welfare Department (SWD).
- (f) Thorough considerations have been made on the building design of the proposed development to provide a harmonious and comfortable living environment tot eh elderly. For instance, the "L-shape" building form and designation balconies will provide screening from road traffic noise and maximize views from building inside to the outside environment and façade treatments will be adopted. Moreover, a

mixed use concept is adopted within the proposed development with common activities areas scattered on each floor, and provision of landscape open space at G/F, 5/F and 6/F.

- (g) Traffic Impact Assessment, Environmental Assessment, Landscape Proposal and Visual Impact Assessment have been prepared to demonstrate that no adverse traffic impact, environmental impact, landscape and visual impact are anticipated.
- (h) SWD has also expressed their no objection to the proposed development at the Site as long as the cost is borne by the applicant and complies with SWD's schedule of accommodation for RCHE.
- (i) A right of way for the adjacent lot, i.e. Lot 403 in D.D. 121 would be provided.
- (j) The applicant will liaise with the concerned owners on the access road to the Site at the implementation stage.

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

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines (TPB PG-No. 18A) for "Submission of Master Layout Plan under section 4A(2) of the Town Planning Ordinance" are applicable to the application. The main points are summarized as follows:

- (a) all applications for permission in area zoned as "CDA" should be in the form of MLP and supported by other relevant information;
- (b) the format and details of the MLP submission are set out in the guidelines. For minor amendments to approved MLPs, submission of detailed assessments is generally not required, unless it is considered necessary by relevant Government departments; and
- (c) any subsequently revised MLPs to incorporate the relevant approval conditions imposed by the Board or any proposed amendments to the scheme approved by the Board should also be deposited as soon as practicable. Upon completion of the development, the final version of an approved MLP should be deposited in the Land Registry for public inspection.

5. **Background**

- 5.1 The use in the Site is subject to investigation. Should a material change of use be identified and confirmed in the Site, which constitutes an unauthorized development under the Town Planning Ordinance, enforcement action would be instigated.
- 5.2 The subject “CDA” zone was originally designated as partly “R(B)1”, partly “G/IC” and partly “Unspecified Use” on the draft Tong Yan San Tsuen Development Permission Area (DPA) Plan No. DPA/YL-TYST/1. In preparing the OZP, having regard to a residential development (largely the site of Uptown) with a PR of 3 approved in 1995, the area was zoned “CDA” on the first OZP No. S/YL-TYST/1 exhibited on 14.6.1996 to put the development under better control. Since then, a major part has been developed as the Uptown, whilst the residual parts remained undeveloped to the planned uses. The “CDA” zone is subject to maximum GFA of 69,000m² and maximum building height of 17 storeys. In the “CDA” Review exercise, the Committee has agreed that the subject “CDA” should be rezoned and the land use zoning for the residual areas in the “CDA” zone should be reviewed.

6. **Previous Application**

The Site was part of a previous application (No. A/YL-TYST/342) for proposed comprehensive residential development scheme which included minor relaxation of maximum building height restriction from 17 storeys to 20 storeys (**Plan A-1**), with majority of the site falls within area zoned “CDA” (87.57%) and partly zoned “GB” (9.52%) and “R(B)1” (2.91%). The application was rejected by the Committee on 13.4.2007 on the grounds that the applicant 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; and 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 areas; and there was no strong justification in the submission to merit a relaxation of the building height restriction stipulated on the OZP.

7. **Similar Application**

There is no similar application within the subject “CDA” zone on the OZP.

8. **The Site and its Surrounding Areas (Plans A-1 to A-4c)**

- 8.1 The Site is:

- (a) adjacent to Hung Tin Road on the east and near Hung Tin Road Interchange and approximately mid-way between Tuen Mun New Town and Yuen Long New Town;
- (b) accessible via Fui Sha Wai South Road on the east, which connects to Castle Peak Road (Ping Shan) (**Plan A-2c**); and
- (c) used for open storage of vehicles, construction materials and vehicle workshop without valid planning permission;

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate south and west is a private residential development with a kindergarten named ‘Uptown’;
- (b) to the west, it is the same open storage yard of vehicles, construction materials and vehicle workshop as the current use of the Site;
- (c) to the immediate east is a temporary structure for storage and further east lies a piece of vacant land with a structure for domestic use;
- (d) to the north across Hung Tin Road is an electric power substation zoned “G/IC” and warehouses and a temporary vehicle park within “V” zone;
- (e) to the further south at the edge of the “CDA” zone, is a open storage yard of construction materials; and
- (f) the open storage yards, workshops and vehicle park in the vicinity are mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority.

9. Planning Intention

9.1 The planning intention of the subject “CDA” zone is intended for comprehensive development/redevelopment of the area for residential use with the provision of open space, commercial and other supporting facilities, if any. The zoning is 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. Development on the Site is subject to a maximum GFA of 69,000m² (for the whole “CDA” zone) and a maximum BH of 17 storeys.

9.2 Pursuant to section 4A(1) of the Town Planning Ordinance (the Ordinance), any development in this zone would require the approval of the Board by way of planning application under section 16 of the Ordinance. A MLP together with information as specified in the Notes of the OZP which includes, amongst others, an EA report, a TIA report, a drainage and sewerage impact assessment report,

landscape and urban design proposals, programmes of development and a quantitative AVA report should be submitted for the approval of the Board under section 4A(2) of the Ordinance.

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 District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) 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.
- (b) 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.
- (c) If planning permission is given to the subject planning application for the proposed RCHE, 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.
- (d) 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.

- (e) According to paragraph 2.5.1 of the supplementary planning statement (**Appendix Ia**), 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**) 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.
- (f) According to paragraphs 4.2.1 and 4.2.2 of the supplementary planning statement (**Appendix Ia**), 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.
- (g) 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.
- (h) Only paragraphs 2.5.1 and 4.7.1 of the supplementary planning statement (**Appendix Ia**) 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.
- (i) 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 Ic**) 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**, 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** that the applicant will undertake the proposed road widening works aforesaid at their own cost if the planning application is approved.

- (j) Figure 1 in Appendix A of the further information received on 12.3.2018 (**Appendix Ic**) 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.
- (k) The Site does not fall within the Shek Kong Airfield Height Restriction.
- (l) She has no particular comments on the public comments.

Traffic

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

- (a) On the basis of the further information received on 27.4.2018 (**Appendix Ig**), 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. He has no further comment in principle to the proposed planning application.
- (b) 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.
- (c) Should the application be approved, the applicant is required to submit a revised TIA and the implementation of the traffic mitigation measures identified therein to the satisfaction of the Commissioner of Transport or of the Board.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) 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).
- (b) 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. The run-in/out from public road to the Site shall also be designed and constructed up to HyD standard (the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match the existing adjacent pavement) to the satisfaction of TD and HyD.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (d) *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.*
- (e) *Please note that HyD shall not be responsible for the maintenance of any access connecting the Site and Fui Sha Wai South Road.*

Environment

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

- (a) The applicant provides an updated Environmental Assessment (EA) Report and Sewerage Impact Assessment (SIA) (**Appendix Ic**). His detailed comments on the EA Report and SIA are at **Appendix III**.
- (b) The noise assessment of the EA Report requires further clarifications and justifications from the Applicant. Subject to the consideration of the Board, an approval condition requiring submission of Noise Impact Assessment (NIA) to the satisfaction of DEP or of the Board could be included to address the comments in **Appendix III** on the noise assessment. In any case, should there be any change in the layout of sensitive uses after the Board's approval, an updated NIA shall be provided.

Urban Design and Landscape

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

Urban Design

- (a) She has the following comments on the further information received on 24.4.2018 (**Appendix Ie**):
- (i) 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.
- (ii) 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.
- (iii) 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.

Landscaping

- (a) The Site falls within an area zoned "CDA" on the Tong Yan San Tsuen OZP. It was involved in one previous application (No. A/YL-TYST/342) rejected by the Committee. The current application is seeking planning permission for the proposed RCHE use.
- (b) Based on the submitted information and aerial photo taken in 2015, the Site is currently used as warehouses and open storage yards, surrounded by both low-rise and high-rise residential development within the "CDA" site completed in recent years. It is noted that there is no specific planning brief for this residual area within the "CDA" site, while she considers the proposed land use is not incompatible with the surrounding residential environment. Adverse landscape impact arising from the proposed use at the Site is not anticipated. Therefore she has no objection on the application from the landscape planning perspective.
- (c) With reference to further information received on 12.3.2018 (**Appendix Ic**), 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 if the application is approved by the Board. 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.

- (d) She has no further comment on the further information received on 25.4.2018 (**Appendix If**). The Landscape Master Plan will be reviewed holistically in the submission stage.
- (c) Should the application be approved, the applicant is required to submit and implement a landscape proposal to the satisfaction of the Director of Planning or of the Board.

Drainage

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

- (a) He has no in-principle objection to the proposed development from the drainage point of view.
- (b) Should the application be approved, the following approval conditions should be stipulated:
 - (i) the submission of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Board; and
 - (ii) the implementation and maintenance of the drainage proposal to the satisfaction of Director of Drainage Services or of Board.

Fire Safety

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

- (a) He has no in-principle objection to the application subject to the provision of water supplies for firefighting and fire services installations to his satisfaction, as well as the statutory height restriction as stipulated in Residential Care Homes (Elderly Persons) Ordinance, Cap 459 being observed.

- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.
- (c) 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 B(P)R 41D which is administrated by BD.

Building Matters

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

He has the following comments on the application under the Buildings Ordinance (BO):

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) 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 Site under the BO.
- (c) 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 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.

Social Welfare

10.1.9 Comments of the Director of Social Welfare (DSW):

- (a) The proposed RCHE could be regarded as a 'social welfare facility'. Subject to the comments from other government departments, he has no in-principle objection to the applied RCHE on the understanding that (i) there would be no financial implication, both capital and recurrent, to Social Welfare Department (SWD); (ii) the Residential Care Homes (Elderly Persons) Regulation (Cap. 459) and the Residential Care Homes (Elderly Persons) Regulation (Cap 459A), as well as the Code of Practice for Residential Care Homes (Elderly Persons) will be complied with. The applicant should also consider providing further details, as appropriate, as to address the public comments.
- (b) His 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.

Others

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

Electricity Safety

He has no specific comments on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning,

designing, organizing and supervising any activity near the underground cable or overhead line under the subject application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where appropriate) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the 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.

Town Gas Safety

- (i) Responses in the further information received on 12.3.2018 (**Appendix Ic**) is noted. 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.
- (ii) Safety measures, if necessary, shall be identified and incorporated into the design prior to construction.

9.1.2 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation” (the Study). The Site falls within the Study Area of YLS but outside the development area of YLS. Hence, the Site would not be affected by any development proposal under the Study.

District Officer’s Comments

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

His office has not received any comment from locals on the application.

10.2 The following government departments have no comment on the application:

- (a) Project Manager (West), West Development Office, CEDD (PM/W, CEDD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (d) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Periods

- 11.1 On 28.11.2017 and 23.3.2018, the application and the further information received on 12.3.2018 (**Appendix Ic**) were published for public inspection. During the first three-week public inspection periods, which ended on 19.12.2017 and 13.4.2018 respectively, a total of 13 public comments from the nearby residents and members of public were received (**Appendices IV-1 to IV-13**). The 13 public comments include 4 supporting and remaining 9 objecting to the application. The commenters object to the application mainly on the ground that the proposed development would generate adverse traffic, environmental, sewerage and visual impacts on the surrounding areas. It would also bring about environmental nuisances including unpleasant odour and garbage generated from the operation of RCHE. The residents of 'Uptown' also raise concern that the proposed RCHE would be subject to traffic noise from Hung Tin Road and suitable noise barrier should be installed to minimize noise nuisance to the elderly. Further, there is a lack of open space for the elderly in the vicinity and they will also be subject to noise nuisance arising from their residence 'Uptown'. The supporters of the application are mainly of view that the proposed RCHE will help solve the aging problems of the community through providing ample living space for the elderly.

12. Planning Considerations and Assessments

Planning Intention

- 12.1 The subject "CDA" zone was originally designated as partly "R(B)1", partly "G/IC" and partly "Unspecified Use" on the draft Tong Yan San Tsuen Development Permission Area (DPA) Plan No. DPA/YL-TYST/1. In preparing the OZP, having regard to a residential development (largely the site of Uptown) with a PR of 3 approved in 1995, the area was zoned "CDA" on the first OZP No. S/YL-TYST/1 exhibited on 14.6.1996 to put the development under better control. Since then, a major part has been developed as the Uptown, whilst the residual parts remained undeveloped to the planned uses. The "CDA" zone is subject to maximum GFA of 69,000m² and maximum building height of 17 storeys. In the "CDA" Review exercise, the Committee has agreed that the subject "CDA" should be rezoned and the land use zoning for the residual areas in the "CDA" zone should be reviewed.
- 12.2 The planning intention of the subject "CDA" zone is for comprehensive development/redevelopment of the area for residential use with the provision of open space, commercial and other supporting facilities, if any. The zoning is 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. A MLP is required for planning application within “CDA” zone.

- 12.3 The MLP submitted by the applicant (**Drawing A-1**) does not cover the proposed development for the whole “CDA” zone as explained in paragraph 1.2 above and some areas are not designated for any proposed development except with an indicative block shown. The technical assessments have also not taken into account the possible development for these areas. The applicant argues that these areas are mainly owned by TSO and their acquisition for development is virtually impossible. On the other hand, it is noted that the proposed GFA for the RCHE is on a pro rata basis of the area of the Site against the total GFA permissible for the whole “CDA” zone under the OZP (see paragraph 12.5 below). The applicant also indicates that a right of way for access to the adjacent lot, i.e. Lot 403 in D.D. 121 would be provided (**Drawing A-3**). Thus the proposed development will not hinder any further development of the residual lots of the “CDA” zone and not in conflict with the planning intention of the “CDA” zone.

Land Use Compatibility

- 12.4 The Site is surrounded by low-rise and high-rise residential development, the proposed RCHE, which comprises a 7-storey structure (34.8mPD) is considered not incompatible with the surroundings.

Development Intensity

- 12.5 Development on the entire “CDA” site is subject to a maximum GFA of 69,000m² and a maximum BH of 17 storeys. The area of the entire “CDA” site is about 23,311m², i.e. PR of about 2.96. The proposed 7-storey RCHE building with total GFA of about 5,313m² (i.e. PR of about 2.96 based on a site area of 1,795m²) does not exceed the PR restriction of the “CDA” site.

Technical Aspects

- 12.6 Concerned government departments have no in-principle objection to the application. On C for T’s comments on the TIA, CTP/UD&L, PlanD’s comments on the VIA and DEP’s comments on the NIA, they could be addressed by imposing appropriate approval conditions. With proper mitigation measures in place, the proposed RCHE development is not expected to be subject to adverse environmental impact or create adverse traffic, environmental, visual, landscape, drainage and sewerage impacts. In response to C for T’s comments, the applicant indicates that he will liaise with the lot owners on the access right of the access road to the Site (**Plan A2-c**) at the implementation stage.

Public Comments

12.7 There are local objection to the application and concerns were raised on the traffic, environmental, sewerage and visual impacts of the proposed development on the surrounding areas. The above planning considerations and assessments in paragraph 12.1 to 12.6 are relevant.

13. Planning Department's Views

13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, 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 **4.5.2022**, 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 conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) submission and implementation of a revised Master Layout Plan taking into account the approval conditions as stated in paragraphs (b) to (g) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of a revised Traffic Impact Assessment (TIA) and implementation of the traffic mitigation measures identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission and implementation of a revised run in/run-out proposal to the satisfaction of the Director of Highways or of the Town Planning Board;
- (d) the submission and implementation of a revised landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (e) the submission of a revised Noise Impact Assessment (NIA) and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) the submission and implementation of a drainage proposal to the Director of Drainage Services or of the Town Planning Board; and

- (g) the submission and implementation of water supplies for firefighting and fire service installations proposal to the satisfaction of the Director of Fire Services 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 MLP submitted fails to indicate the full development of the "CDA" zone and the proposed development is not in line with the planning intention of the "CDA" zone that is for comprehensive development of the area, and 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.

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 with covering letter received on 20.11.2017
- Appendix Ia** Supplementary Planning Statement
- Appendix Ib** Supplementary Information received on 20.11.2017 replacing part of the Application Form and the Master Layout Plan for the proposed development
- Appendix Ic** Further Information received on 12.3.2018 providing new sewerage impact assessment, pedestrian access plan, proposed road widening scheme, technical paper on traffic forecast methodology; revised environmental assessment, visual impact assessment with photomontages, master layout plan, block plan, floor plans, landscape master plan; and response to departmental comments

Appendix Id	Further Information received on 15.3.2018 providing technical clarification with an endorsement letter from the Transport Department
Appendix Ie	Further Information received on 24.4.2018 providing illustrations on proposed setbacks, façade treatment and internal transport facilities; responses to departmental comments
Appendix If	Further Information received on 25.4.2018 clarifying that a Right of Way for adjacent lot would be provided and providing related revised drawings
Appendix Ig	Further Information received on 27.4.2018 providing responses to the comments of the Transport Department
Appendix II	Previous Application covering the Application Site
Appendix III	Detailed Comments of Relevant Government Departments
Appendices IV-1 to IV-13	Public comments on the application received during statutory publication periods
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-21	Proposed MLP for the entire “CDA” zone, block plan, floor plans, section plans, photomontages, landscape plans, open space provision, access route, proposed road widening scheme, pedestrian route, proposed set back, façade treatment and internal transport facilities
Plan A-1	Location plan
Plan A-2a	Site plan
Plan A-2b	Developed and Undeveloped Land of the Subject “CDA” Zone
Plan A-2c	Access Road Connecting to the Site
Plan A-3	Aerial photo
Plans A-4a to A-4c	Site photos

**PLANNING DEPARTMENT
MAY 2018**