

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL/261

<u>Applicant</u>	:	Wealthy Path Development Limited represented by Vision Planning Consultants Limited
<u>Site</u>	:	Lot 1846 RP (Part) in D.D. 120 and adjoining Government Land (GL), Ma Tin Pok, Yuen Long, New Territories
<u>Site Area</u>	:	964m ² (including GL of about 234m ² (about 24.3%))
<u>Lease</u>	:	Block Government Lease
<u>Plan</u>	:	Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/23
<u>Zoning</u> ¹	:	“Government, Institution or Community(1)” (“G/IC(1)”) <i>[restricted to a maximum building height (BH) of 3 storeys (or 8 storeys for ‘School’ and ‘Hospital’ uses) excluding basement(s).]</i>
<u>Application</u>	:	Proposed Minor Relaxation of Building Height Restriction for Permitted Social Welfare Facility (Residential Care Home for the Elderly)

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of building height restriction from 3 storeys to 5 storeys (+2 storeys or +66.7%) for a permitted social welfare facility (Residential Care Home for the Elderly) at the application site (the Site) (**Plan A-1**). The Site is located within “G/IC(1)” zone on the approved Yuen Long OZP No. S/YL/23. According to the Notes of the OZP, ‘Social Welfare Facility’ is always permitted in the “G/IC” zone. The Remarks of the Notes stipulates that the maximum building height (BH) of the “G/IC(1)” zone is 3 storey (or 8 storey for ‘School’ and ‘Hospital’) excluding basement(s). Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance. The Site is currently vacant and overgrown with weeds.

¹ A minor portion (about 1.4% or 13.5m²) of the Site falls within “Government, Institution or Community(5)” (“G/IC(5)”) zone on the approved Yuen Long OZP No. S/YL/23, which can be subject to minor boundary adjustment.

- 1.2 According to the applicant, the proposed Residential Care Home for the Elderly (RCHE) will provide 219 beds to serve the community, 7 private car parking spaces (including a disabled car parking space) and 1 lay-by for light bus. The Site is accessible via Tai Shu Ha Road West. The ingress/egress of the proposed development will be located at the north-east corner of the Site abutting Tai Shu Ha Road West (**Plan A-2**). A pedestrian entrance is proposed to be located at the eastern side of the Site. Plantings will be provided on various floors to enhance visual amenity. The block plan, floor plans, section plans, landscape plans, photomontages, artist rendering image of the proposed development and traffic schematic layout submitted by the applicant are shown on **Drawings A-1 to A-18**.
- 1.3 According to the applicant, under the OZP compliance scheme, the GFA of a 3-storey RCHE is about 2,053m². Without the minor relaxation of building height restriction, the RCHE scheme is not a viable project from the operation, financial and management standpoints (**Appendix Ib**).
- 1.4 The major development parameters of the proposal are as follows:

Site area (about)	964m ² (including government land of about 234m ² or 24.3%)
Proposed Plot Ratio (PR)	Not more than 3.6
Propose Site Coverage (SC)	Not more than 87.7%
Proposed Total GFA	3,584m ²
No. of Storeys	5
Proposed Floor use (floor-to-floor height)	<ul style="list-style-type: none"> • G/F : Office / Conference room / Lobby / Parking Spaces (5.6m) • 1/F : Kitchen / Rehabilitation room / Nursing station & medical consultation room / dormitory rooms (3.5m) • 2/F to 4/F : dormitory rooms (3.25m) • R/F : Garden / E&M Facilities
Building Height (BH)	19.25m (26.1mPD at main roof)
Total No. of beds	219
<u>Provision of parking</u> Car- parking spaces	4 (including 1 disabled car parking space) (3x2.4m x 5m; 1x 3.5m x 5m)
Light bus lay-by	1 (3m x 9m)

Anticipated Date of Completion	2023
--------------------------------	------

- 1.5 The applicant has taken into account a number of design principles to enhance the compatibility of the proposed development with the surrounding environment which include maximizing the natural light penetration into each floor, adoption of an oval-shaped building design (**Drawings A-1 and A-17**), creating more space for landscaping treatments by building set back on G/F (**Drawings A-2 and A-7**) and proposed landscaped gardens on various floors (**Drawings A-7 to A-12**).
- 1.6 The applicant has submitted relevant technical assessments in regard to traffic, environmental, sewerage, drainage and visual aspects to demonstrate that the proposed RCHE development would not pose significant adverse impact on the surrounding environment.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 7.11.2019 **(Appendix I)**
 - (b) Planning statement attached to **Appendix I** **(Appendix Ia)**
 - (c) Further information (FI) dated 27.11.2019 clarifying background information of the application **(Appendix Ib)**
(exempted from publication and recounting requirements)
 - (d) FI dated 12.2.2020 with response to comments, revised Traffic Impact Assessment (TIA), revised Environmental Assessment (EA), revised Sewerage Impact Assessment (SIA) and supplementary information of the application **(Appendix Ic)**
(not exempted from publication and recounting requirements)
 - (e) FI dated 10.3.2020 with response to comments, clarification of data/drawings on traffic matters, revised section plan and a letter from the applicant clarifying the provision of car parking spaces **(Appendix Id)**
(exempted from publication and recounting requirements)
 - (f) FI dated 17.3.2020 with response to comments, aerial photo, revised artist rendering image of the proposed development, revised plans of the Visual Impact Assessment (VIA), and revised landscape plans **(Appendix Ie)**
(exempted from publication and recounting requirements)

- (g) FI dated 13.5.2020 with response to comments, revised layout plans, revised section plans, revised landscape plans and revised key development parameters table
(not exempted from publication and recounting requirements) **(Appendix If)**
- (h) FI dated 3.6.2020 with response to comments, and replacement pages of TIA
(exempted from publication and recounting requirements) **(Appendix Ig)**
- (i) FI dated 18.6.2020 with response to comments, a proposed schematic junction improvement scheme and replacement pages on traffic signal calculation of Traffic Impact Assessment
(not exempted from publication and recounting requirements) **(Appendix Ih)**
- (j) FI dated 20.7.2020 with response to comments, a plan showing the proposed major transport infrastructures and improvement measures under Yuen Long South development, and revised key development parameters table
(exempted from publication and recounting requirements) **(Appendix Ii)**
- (k) FI dated 30.7.2020 with revised key development parameters table, and revised sections, elevations and landscape sections to indicate the site formation level
(exempted from publication and recounting requirements) **(Appendix Ij)**

1.8 On 3.1.2020, the Rural and New Town Planning Committee (the Committee) agreed to defer a decision as requested by the applicant. After the deferral, the applicant submitted FI as mentioned above (**Appendices Ic to Ij**). In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.8.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 6 of **Appendices Ia, Ic and Ii**. They are summarised as follows:

In line with the planning intention of the subject zone

- (a) The proposed 5-storey RCHE development is a social welfare facility which is a Column 1 use under the Notes of the OZP for “G/IC” zone. The proposed development is in line with the planning intention of the subject zone. The application is solely for a minor relaxation of the building height restriction imposed on land designated “G/IC(1)” sub-area from 3 storeys to 5 storeys to facilitate the proposed RCHE development at the Site.

Compatible development with the surrounding

- (b) Having considered a 26-storey youth hostel development to be located to the west of the Site and the results of the VIA, the proposed 5-storey oval-shaped RCHE building with extensive landscaping treatments/tree planting at various levels of the building is compatible with its surrounding development profile.
- (c) The building height (5 storeys) of the proposed RCHE is lower than that of 8 storeys permitted for ‘School’ or ‘Hospital’ use specified in the Notes of the OZP for “G/IC(1)” zone.

In line with the Policy Address and meeting demand of RCHE places in Hong Kong

- (d) The Government launched the Special Scheme on Privately Owned Sites to encourage non-governmental organizations (NGOs) to better utilise their own sites to provide welfare uses that are considered in acute demand (in particular to increase the elderly and rehabilitation service places). The proposed development with the provision of 219 bed spaces is in line with the Government policy objective encouraging the provision of much-needed welfare facility to meet community needs.
- (e) It is also the intention of the applicant to comply with all the relevant criteria and design requirements set out for RCHE facility to provide a quality and high demand welfare facility.

Minor relaxation of building height restriction needed

- (f) Due to the limitations of the Site, in terms of site area and configuration, it is impossible to develop a new 3-storey RCHE under stringent site conditions from the project viability and actual operation standpoints. The proposed development has achieved a balance between the use of land resources and the viability (in financial, and long-run operation and maintenance terms) of the development scheme.
- (g) When compared with the ‘do-nothing’ compliance scheme, the proposed development will bring in a total additional 120 bed spaces. With such additional bed spaces, it will become a solid backbone of the project in terms of long-run financial viability and sustainable operation.

No significant adverse traffic, environmental, drainage, sewerage, geotechnical or visual impacts

- (h) The results of relevant technical assessments with respect to traffic, visual, environmental, drainage and sewerage aspects have demonstrated that the proposed RCHE development would not pose significant adverse impact on the surrounding environment.

Setting of positive case

- (i) Having considered the unique background of the Site and the planning justifications, the approval of the proposed development represents an active and positive support of the Government's policy objective of encouraging provision of RCHE in private developments to meet the needs of the community.

Design merits

Overall

- (j) The applicant has taken into account a number of design principles to enhance the compatibility of the proposed development with the planned 26-storey Youth Hostel located to the immediate west of the Site which are summarized as follows:

- (i) *Respecting and blending in with the surrounding environment*
The design of the proposed 5-storey RCHE has been given due respect to the adjacent 26-storey youth hostel and the surrounding environment. Also, the oval-shaped building design form aims to minimize the building hardlines with a view to blending in the proposed development with the surrounding environment.
- (ii) *Achieving most effective visual effect by providing various landscape features at different levels*
The building setback on G/F aims to create more space for landscaping treatments with a view to enhancing visual amenity of the development. The creation of extensive planting/landscaping edges at various levels also serves to blend in the proposed development with the surrounding context.
- (iii) *Achieving visual benefits by creating landscaped gardens at various levels*
Landscaped gardens are proposed at the flat roofs on 1/F, 2/F and R/F to cater for the passive recreational needs of the elderly residents and visitors and also serve as a visual courtyard to the neighbours in the surrounding. A total of about 22.27% greenery has been proposed.

Sustainable and Green Building Design

- (k) The proposed development complies with relevant provision of the Sustainable Building Design Guidelines including the provision of building setback at G/F and greenery site coverage at various levels of the proposed development, while building separation requirement is not applicable to the Site.
- (l) The proposed development has adopted an environmentally-friendly building design by maximizing the natural light penetration into each floor and minimizing

solar heat gain to reduce carbon consumption and carbon footprint.

Street Level Design

- (m) The applicant has adopted building setback at G/F to allow a more spacious area for landscaping treatment to provide an effective streetscape and open up vistas for pedestrians. No fence wall enclosing the Site is proposed. Planters are introduced to enhance visual permeability.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion, the requirements as set out in the Town Planning Board Guidelines TPG-PG No. 31A are not applicable.

4. Background

The Site has been zoned “G/IC” since the exhibition of the first draft Yuen Long OZP No. S/YL/1 on 12.4.1991. Subsequently, the Site was rezoned to “G/IC(1)” with the imposition of building height restriction to help ensure that the developments will be in keeping with the adjacent village environment under the draft Yuen Long OZP No. S/YL/16 gazetted on 5.1.2007. There is no designated GIC use for the subject “G/IC(1)” zone.

5. Previous Application

There is no previous application within the Site.

6. Similar Application

There is no similar application for minor relaxation of building height restriction within the same “G/IC” zone.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4c)

7.1 The Site:

- (a) is located in the southern fringe of Yuen Long New Town. It is bounded by Shap Pat Heung Road to its north and Tai Shu Ha Road West to its east;
- (b) abuts a one lane dual way local access road; and
- (c) is vacant and overgrown with weeds.

7.2 The surrounding areas have the following characteristics (**Plans A-2 to 4a**) :

- (a) to its immediate west is the planned Po Leung Kuk Youth Hostel (with 26

storeys over 1 level of basement) which is under construction under the Government's Youth Hostel Scheme (YHS) (**Plan A-2**);

- (b) to its immediate south is a car parking area and to its further south and south-east are areas with casual car parking and village houses;
- (c) to its east and south across the nullah are warehouses. To its further south-east are vehicle parks, orchard, and construction site of a cluster of houses under approved planning application No. A/YL/185 for proposed house development and minor relaxation of building height restriction (from 8.23m to 9.85m); and
- (d) to its further north-east across the nullah are parking of vehicles and office.

8. Planning Intention

- 8.1 The "G/IC" zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 8.2 A minor relaxation clause in respect of BH restrictions is incorporated into the Notes in order to provide incentive for developments/redevelopments with planning and design merits. Each application for minor relaxation will be considered on its own merits and the relevant criteria for consideration of such relaxation in paragraph 9.1.8 of the Explanatory Statement (ES) of the OZP are as follow:
 - (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus PR granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as public passage/street widening;
 - (c) providing better streetscape/good quality street level public space;
 - (d) providing separation between buildings to enhance air ventilation and visual permeability; and
 - (e) other factors, such as site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape, visual and air ventilation impacts, as appropriate, would be resulted from the innovative building design.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application and the public comments received are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) According to the preliminary land status check, the Site falls within major portion of the private lot boundary of Lot No. 1846 RP in D.D. 120 (“the Lot”), and the Government Land (GL).
- (b) The Lot is an Old Scheduled “Agricultural” lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. As the southwestern portion of the Lot would be excluded from the Site, the actual site area and boundary of the Lot involved will be subject to verification upon receipt of land exchange application if any.
- (c) The Site does not fall within the Shek Kong Airfield Height Restriction Area.
- (d) In the event that planning permission is given by the Board for the proposal, the applicant should be reminded that land exchange would be required to implement the proposal. Upon receipt of the land exchange application, LandsD will consider the application in its private capacity as landlord and there is no guarantee that the land exchange, including the grant of additional GL (if any), for the proposed development will be approved. The land exchange, if approved, will be subject to such terms and conditions, including payment of premium and administrative fee, to be imposed by LandsD at its sole discretion.

Traffic

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

- (a) He has no comment from the traffic engineering viewpoint subject to the applicant is required to submit a detailed design proposal about the roadwork modification, vehicular access modification and run-in/out construction, as proposed by the applicant, to his satisfaction (**Drawing A-18**).
- (b) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

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

- (a) The access arrangement of the Site should be commented by Transport Department (TD).
- (b) The lamppost no. VA5838 is located within the Site. The applicant shall contact their Lighting Division for the maintenance access requirement for the lamppost or relocation of the lamppost.
- (c) If the proposed run-in is agreed by TD, the applicant should provide the run-in/out at Tai Shu Ha Road West in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (d) Adequate drainage measures should be provided to prevent surface water flowing from the Site to nearby public roads and drains.

Social Welfare Perspective

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

- (a) Considering the growing demand for residential care services for the elderly in the community, he has no objection in principle to the application for minor relaxation of building height from 3 storeys to 5 storeys for the development of a private RCHE on the condition that:
 - (i) the development will carry no capital or recurrent financial implication to the Government;
 - (ii) the design and construction of the proposed RCHE shall meet with all relevant licensing and statutory requirements; and
 - (iii) Planning Department has no objection to such relaxation from the town planning perspective.
- (b) The applicant is reminded that, for a RCHE licence to be issued, the intended RCHE has to comply with the licensing requirements as stipulated in the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459, its subsidiary legislation and the latest version of the Code of Practice for Residential Care Homes (Elderly Persons).
- (c) He will assess the applicant's support-worthiness for joining the "Incentive Scheme to Encourage Provision of RCHE in New Private Developments" upon receipt of a more detailed submission of application for the scheme. His view on the application does not commit him to offer support of the applicant's future applications to LandsD for premium concession and/or land exchange.

Environment

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

He has no objection to the application subject to the planning condition requiring the submission of an updated Noise Impact Assessment and the implementation of mitigation measures identified therein to the satisfaction of his/the Board's satisfaction.

Urban Design and Landscape

9.1.6 Comments of the Chief Architect/Central Management Division 2, Architecture Services Department (CA/CMD2, ArchSD):

It is noted that the proposed development consists of one building block with a height of 26.1mPD which may not be incompatible with adjacent development with building height restriction of 95mPD. In this regard he has no comment from visual impact point of view.

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

Urban Design

- (a) The application involves a proposed 5-storey (26.1mPD) building for social welfare facility at the Site. The Site is currently occupied by some vegetation, with some one to three-storey village houses and temporary structures scattered in the area. Tai Shu Ha Road West runs along the northeastern side of the Site with Shap Pap Heung Road to the north of the Site. There are areas zoned "Open Space" ("O") to the east, southeast, south and southwest of the Site. There are some 13 to 14-storey high residential development to the further east of the Site. A 26-storey (about 91.6mPD) youth hostel is planned to be developed to the immediate west of the Site.
- (b) It is noted that special design is incorporated in the proposed development. The applicant has demonstrated design merits to justify the proposed building height. It includes green building design concepts to maximize natural light penetration to minimize solar heat gain and reduce carbon consumption; as well as oval-shaped building form, landscape treatment at different levels of the proposed development and setback aiming to minimize building hardlines and enhance visual amenity. According to the VIA prepared by the applicant, the potential visual impact of the proposed development is negligible to moderately adverse. Given the scale of the proposed development and the assessment of submitted VIA with design measures, the proposed development is considered not incompatible to the surrounding.

Landscape

- (c) He has no adverse comment on the proposed development from landscape planning perspective.
- (d) With reference to the site photographs dated 3.12.2019 and aerial photo of 2019, it is observed that the Site is formed and generally covered by self-seeded vegetation with some small existing fruit trees located along the eastern boundary within the Site. The Site is situated in an area of rural landscape character predominated by open storage yards and car parks. Significant change to the landscape character arising from the application is not envisaged.
- (e) According to the submitted information, all the existing trees within the Site are proposed to be felled and small planters with trees, shrubs and groundcovers are proposed at each floor of the building. Small edge planters with hanging plants are also provided in individual locations outside the building on 1/F, 2/F, and 3/F and along the building edge on R/F.
- (f) Considering that the proposed development is not situated at visually sensitive location and the proposed landscape provisions would not achieve a significant improvement in the general environment, he is of the view that a landscape submission is not required to be imposed as a planning condition should the application be approved by the Board.
- (g) The applicant is advised that the approval of the S.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations being provided to his satisfaction and the height restriction as stipulated in Section 20 of Cap. 459A-Residential Care Homes (Elderly Persons) Regulation being observed.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or 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 Building (Planning) Regulations

(B(P)R) 41D which is administered by the Buildings Department (BD).

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, conditions should be stipulated in the approval letter requiring the applicant on (i) the submission of a detailed drainage proposal and (ii) the implementation of drainage proposal for the development to his/the Board's satisfaction.
- (c) The applicant is reminded that:
 - (i) terminal manhole and catchpit/manhole shall be constructed for the proposed sewerage and storm drain within the private lot as close to the boundary and the nearest to the existing public sewerage and storm drain systems; and
 - (ii) the section of drainage and sewerage works beyond the Site under the GL shall be constructed up to his office's standard and be handed over to his office.
- (d) The applicant is also reminded to maintain all the drainage facilities on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

Building Matters

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

- (a) Unless the Site abuts on a specified street as defined under Regulation 18(A) of the B(P)R which has a width of not less than 4.5m, the development intensity should be determined under B(P)R19(3).
- (b) If the Site is abutting on a specified street of not less than 4.5m wide after the land exchange, the development intensity shall not exceed the permissible figures under the 1st schedule of the B(P)R. The Site is currently neither abutting Tai Shu Ha Road West nor another road next to the nullah. A strip of GL is located between the streets and the Site. In addition, the road to the south of the Site next to the nullah is also less than 4.5m which cannot be defined as a specified street.

- (c) In case the GL between the Site and Tai Shu Ha Road West is included into the site area after the land exchange, the Site could be classified as Class A site subject to no adverse comment from other government departments. RCHE with bed is domestic use and the permitted SC and PR are 60% and 3.6 under the 1st schedule of B(P)R. In prevailing practice, modification would favourably be considered and granted to treat RCHE as non-domestic building for the purposes of SC, PR and open space under the Buildings Ordinance (BO).
- (d) According to the broad development parameters of the application, the proposed building height is 19.25m. If the Site is classified as a Class A site, the proposed maximum PR and SC shall not be more than 5.8 and 97.5% respectively under the 1st schedule of B(P)R for non-domestic buildings if modification is granted. In this connection, the proposed SC of the development will exceed the permitted SC under the 1st schedule of B(P)R which is considered unacceptable under the BO.
- (e) The applicant should be reminded that the proposed development should follow and comply with the pre-requisite for GFA concession in PNAP APP-151 and the sustainable building design guidelines stipulated in PNAP APP-152 during the preparation of detailed building design.
- (f) The Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided for all the buildings to be erected on the Site in accordance with the requirements under the B(P)R 41D.
- (g) Detailed checking of plans will be carried out during building plan submissions stage.

Others

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

As the proposed site boundary involves GL, some existing trees inside the GL maintained by different government departments may be affected. Should the proposal be approved and the land be granted to the applicant, the applicant is required to take up the maintenance responsibility of all trees currently maintained by his office within the Site. His office will not maintain trees inside private land lot.

District Officer's Comments

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

His office received two objection letters from the Shap Pat Heung Rural Committee dated 19.5.2020 and 3.7.2020 objecting the proposed development on the grounds that the proposed development would result in adverse traffic impact and affect the daily life of the villagers

(Appendices III-1 and 2)².

- 9.2 The following Government departments have no comments on the application:
- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
 - (b) Head of Geotechnical Engineering Office, CEDD (H(CEO), CEDD);
 - (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
 - (d) Commissioner of Police (C of P);
 - (e) Director of Food and Environmental Hygiene (DFEH); and
 - (f) Director of Electrical and Mechanical Services (DEMS).

10. Public Comments Received During Statutory Publication Period

- 10.1 The application and further information dated 12.2.2020, 13.5.2020 and 18.6.2020 were published for public inspection. During the statutory publication periods, a total of 31 public comments were received (**Appendices II-1 to 31**).
- 10.2 23 out of the 31 public comments received were submitted by individuals supporting the application (**Appendices II-1 to 23**). The commenters support the application as there is a general demand for RCHE services in the territory and the applicant has demonstrated that the development would not cause adverse impacts to the surrounding environment.
- 10.3 The remaining 8 public comments were submitted by the Ma Tin Pok Tsuen Mutual Aid Committee, Shap Pat Heung Rural Committee, the villagers of Ma Tin Pok Tsuen, the village representatives of Ma Tin Tsuen and Lung Tin Tsuen and individuals objecting to the application (**Appendices II-24 to 31**). The commenters expressed concerns on the potential adverse traffic and environmental impacts to the surrounding villagers, and disruption of fung shui to the village.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of BH restriction from 3 storeys to 5 storeys for a permitted RCHE (**Plan A-1**). The Site is located within “G/IC(1)” zone on the approved Yuen Long OZP No. S/YL/23. The proposed RCHE will provide 219 beds to serve the community.

Planning Intention

- 11.2 The proposed RCHE is in line with the planning intention for the “G/IC” zone for the provision of GIC facilities to serve the needs of the local residents and/or a wider district, region or the territory. According to the Notes of the OZP, ‘Social Welfare Facility’ is always permitted in the “G/IC” zone. The Remarks of the Notes stipulates that the maximum BH of the “G/IC(1)” zone is 3 storey (or 8 storeys for ‘School’ and ‘Hospital’) excluding basement(s). According to the applicant, there is a demand of elderly services in the territory, DSW has no

² The two letters are same as the respective public comments received during the public inspection period (**Appendices II-25 and 28**).

objection in principle to the proposed minor relaxation of BH restriction for the setting up the proposed RCHE in view of the acute demand for residential care services for the elderly.

Compatibility with Surrounding Areas and Development Intensity

- 11.3 The immediate surrounding areas of the Site are mainly low-rise, low density village type developments and temporary structure of 1 to 3 storeys. The adjacent development to its immediate west, the PLK youth hostel under construction, has a BH of 26 storeys. In addition, according to the VIA submitted by the applicant, the potential visual impact of the proposed development is negligible to moderately adverse. Given the scale of the proposed development and the assessment of submitted VIA with design measures, the proposed BH of 5 storeys of RCHE is therefore not incompatible with the surrounding areas. CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comment on the proposed development.

Planning and Design Merits

- 11.4 The applicant's main justification for the proposed relaxation of BH restriction are better utilisation of the Site to meet the acute demand of RCHE, non-viable development option of 3-storey RCHE from financial and operation standpoints and design merits to be achieved in the proposed development, including oval-shaped building with landscaping treatments at various levels of the building, with an overall greenery of 22.27%, to minimise visual impact, adoption of an environmentally-friendly building design by maximizing the natural light penetration and minimising solar heat gain into the floors, and building set back at G/F to allow a more spacious area for landscaping treatment to provide an effective streetscape and open up vistas for pedestrians. In relation to the above, CTP/UD&L, PlanD considers that the applicant has demonstrated design merits to justify the proposed building height which includes green building design concepts and oval-shaped building form, landscape treatment at different levels of the proposed development and setback aiming to minimize building hardlines and enhance visual amenity. It is considered that the proposed development generally complies with the criteria stated in paragraph 8.2 above.

Technical Assessments

- 11.5 Concerned government departments including DEP, CE/MN of DSD, C for T, D of FS and CTP/UD&L of PlanD have no objection to or adverse comment on the application. It is anticipated that the proposed development would have no adverse impacts on environmental, drainage, traffic, fire safety and visual aspects.

Public comments

- 11.6 Among the 31 public comments received, 23 public comments support the application while 8 object to the application. Comments from relevant government departments in paragraph 9 and the planning considerations and assessments in the above paragraphs are relevant.

12. **Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraphs 9.1.12 and 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 15.9.2024, 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 design and associated construction works of the roadwork modification, vehicular access and run-in/out proposal, as proposed by the applicant, to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of an updated noise impact assessment report and provision of noise mitigation measures to the satisfaction of Director of Environmental Protection or of the Town Planning Board;
- (c) the provision of fire services installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the submission and implementation of a detailed drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

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

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

the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction.

13. **Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.

13.3 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.

14. Attachments

Appendix I	Application form received on 7.11.2019
Appendix Ia	Planning statement attached to Appendix I
Appendix Ib	FI dated 27.11.2019
Appendix Ic	FI dated 12.2.2020
Appendix Id	FI dated 10.3.2020
Appendix Ie	FI dated 17.3.2020
Appendix If	FI dated 13.5.2020
Appendix Ig	FI dated 3.6.2020
Appendix Ih	FI dated 18.6.2020
Appendix Ii	FI dated 20.7.2020
Appendix Ij	FI dated 30.7.2020
Appendices II-1 to 31	Public comments
Appendices III-1 and 2	Local comments relayed from DO(YL), HAD
Appendix IV	Advisory clauses
Drawing A-1	Block plan
Drawings A-2 to A-4	Floor plans
Drawings A-5 and A-6	Section plans
Drawings A-7 to A-12	Landscape plans
Drawings A-13 to A-16	Photomontages
Drawing 17	Artist rendering image of the proposed development
Drawing 18	Schematic Traffic Layout Plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to A-4c	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2020**