

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/850

<u>Applicant</u>	Healthy Shape Property Investment Limited represented by Chih Design Limited
<u>Site</u>	Lots 720 RP, 740 RP, 742 RP and 743 RP in D.D. 117, Pak Sha Tsuen, Kung Um Road, Yuen Long, New Territories
<u>Site Area</u>	1,424.5m ² (about)
<u>Lease</u>	(a) Block Government Lease (demised for agricultural use) (b) Building Licences for non-industrial purpose at Lots 742RP and 743 RP in D.D. 117
<u>Plan</u>	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/10 (at the time of submission of application) Draft Tong Yan San Tsuen OZP No. S/YL-TYST/11 (currently in force)
<u>Zoning</u>	“Undetermined” (“U”) [No change to the “U” zoning]
<u>Application</u>	Social Welfare Facility (Residential Care Home for the Elderly) (RCHE)

1. The Proposal

- 1.1 The applicant seeks planning permission to redevelop the application site (the Site) for a proposed social welfare facility (RCHE). The Site falls within an area zoned “U” on the OZP (**Plan A-1**).
- 1.2 The Site is currently occupied by five structures and used for a RCHE (known as Pui Hong Kui), providing 63 numbers of bed space for elderly. It was already in existence on the date of the first publication in the Gazette of the notice of the draft Tong Yan San Tsuen Development Permission Area Plan No. DPA/YL-TYST/1 (i.e. 18.6.1993). The Site was not involved in any previous application.
- 1.3 The applicant proposes to demolish the existing RCHE (with 5 blocks, non-domestic

GFA of 556.5m², non-domestic PR of 0.39 and SC of 30% according to the applicant) and redevelop as a 3-storey RCHE (**Plan A-6**). The Site is accessible from Kung Um Road. The proposed ingress/egress is at the eastern portion of the Site (**Plan A-2**). According to the applicant, the occupancy rate of the existing RCHE is about 70% (44 residents) and the interim arrangement for existing residents of the RCHE is to temporarily move them to the nearest RCHE during the construction period. The site layout plans, floor plans, preliminary landscape proposal, master layout plan with site access, drainage plan and the layout of the existing RCHE submitted by the applicant are shown in **Drawings A-1 to A-10**.

- 1.4 The major development parameters of the application are given in the following table:

Development parameters	Existing RCHE	Application No. A/YL-TYST /850
Site Area (m ²)	1,424.5	1,424.5
Total non-domestic gross floor area (GFA) (m ²)	556.5	997.1
- Residents' area (m ²)	412.8	422.1
- Common area for residents (m ²)	-	271
- Staff area (m ²)	129.6	169
- Other area (m ²)	14.1	135
Plot Ratio (PR)	0.39	0.7
Site Coverage (SC) (%)	30	40
No. of blocks	5	1
No. of storeys	1	3
Building height (m)	4.2 to 8.23	10.8
No. of beds	63	63
No. of Parking Spaces		
- Private car parking spaces	-	4
- Light bus parking space	-	1
No. of Loading/Unloading Space		
- Light goods vehicle loading/unloading space	-	1
- Taxi/private car pick up/drop off space	-	1

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

- (a) Application form received on 13.7.2017 **(Appendix I)**
- (b) Supplementary Planning Statement received on 13.7.2017 **(Appendix Ia)**
- (c) Traffic Impact Assessment received on 13.7.2017 **(Appendix Ib)**
- (d) Drainage Impact Assessment received on 13.7.2017 **(Appendix Ic)**
- (e) Visual Impact Assessment received on 13.7.2017 **(Appendix Id)**
- (f) Further information received on 25.10.2017 providing responses to departmental comments, as well as **(Appendix Ie)**

submitting a Revised Traffic Impact Assessment, a Revised Drainage Impact Assessment and a replacement page of the Visual Impact Assessment

- (g) Further information received on 12.12.2017 providing a survey map indicating the usage of the existing building, site photos showing the existing building condition and clarifying the area of the existing RCHE **(Appendix If)**
 - (h) Further information received on 15.2.2018 providing responses to departmental comments **(Appendix Ig)**
 - (i) Further information received on 27.3.2018 providing the detailed breakdown of GFA and occupancy rate of the existing RCHE, as well as its interim arrangement **(Appendix Ih)**
- 1.6 On 8.9.2017 and 22.12.2017, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) agreed to defer making a decision on the application for 2 months each time, as requested by the applicant, so as to allow time for the applicant to address departmental comments on the application. Subsequently, the applicant submitted further information on 15.2.2018 **(Appendix Ig)** and the application is scheduled to be considered 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 the Supplementary Planning Statement and further information at **Appendices Ia, If and Ig** respectively. They can be summarised as follows:

- (a) The Site is being used as a licenced RCHE since year 2000. The proposed redevelopment is to regulate the exiting land use.
- (b) Redevelopment of the existing RCHE is necessary as it is dilapidated. The existing structures were erected almost 5 decades ago and already ageing. The site photo record to demonstrate the premises condition is at **Appendix If**. To maintain structural safety, repairing works and strengthening works were repeatedly carried out in the past. A structural steel strengthening support at one of the dormitory was completed earlier this year. Due to the deteriorating drainage system, flooding frequently occurs at the courtyard. All these matters incur high cost.
- (c) The redevelopment would upgrade the existing RCHE to a higher standard and will comply with the EA1 standard of the Enhanced Bought Place Scheme and Best Practices in Design and Operation of RCHE of Scheme to Encourage provision of Residential Care Home for the Elderly Premises.
- (d) There is a clear social need of bed for elderly, especially in Yuen Long.
- (e) The proposed building is considered compatible in scale to its surroundings which is predominately occupied by 1 to 3 storeys high temporary structures and village type

development.

- (f) There are a total of 16 trees within the Site. The proposed redevelopment of RCHE will not cause any tree felling or tree transplant.
- (g) There are insignificant visual effects to most of the identified key public viewing points. The overall visual effect within the assessment area due to the proposed redevelopment is considered negligible.
- (h) Since the proposed RCHE is of very low density, no significant traffic impact is expected on the future road. Although there will be increase in staff number, majority of staff will be working on-shift. Hence, their respective working hours will not coincide with the peak hours. Moreover, according to the observed travel pattern, most of the staff are adopting public transport mode, hence even with increase in number of staff, there will not be any major additional traffic to be generated onto the nearby road network. In addition, there is no development trip generated from the existing elderly home during the AM and PM peak hours, hence the proposed development would not cause any additional traffic impact to the Junction J3 Shap Pat Heung Road/Kung Um Road/Kiu Hing Road. There is only 1 vehicular two-way trips attracted during the day-time off peak hour. Furthermore, the development trips can make use of alternative access routings via Tai Tong Road and Kiu Hing Road to avoid the busy Junction J3.
- (i) Also, the existing public drainage network in the vicinity of the Site has sufficient capacity to cater for the expected 1:50 years drainage flow from the proposed use of the Site.
- (j) Air-conditioning will be provided for the staff area, office, multi purpose room, rehabilitation area and each dormitory. There will only be window openings facing Kung Um Road in office and rehabilitation area at G/F, staff area at 1/F and 2/F. For other areas, only entrance doors are proposed on that façade. Detail justification for showing the air quality impacts will be submitted in the next 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. Background

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. Previous Application

The Site was not involved in any previous application.

6. Similar Application

There is no similar application within the same “U” zone.

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

7.1 The Site is:

- (a) abutting on and accessible from Kung Um Road to its east (**Plan A-2**);
- (b) paved and fenced off (**Plans A-4a to A-4c**); and
- (c) currently occupied by an existing RCHE (**Plans A-2, A-4 to A-4c**).

7.2 The surrounding areas have the following characteristics:

- (a) mainly mixed with warehouses, storages, an open storage yard, vehicle repair workshops, scattered residential structures, an orchard, some unused land and vacant structures;
- (b) scattered residential structures are found in the southeast, south, west and north of the Site, with the nearest one located 15m to its north (**Plans A-2**);
- (c) there are 2 warehouse sites (with or without workshop use) to the north and southwest which are operated with planning approvals under Applications No. A/YL-TYST/803and 836 respectively (**Plan A-2**);
- (d) the other warehouses/storages, open storage yard and vehicle repairing workshops (including the one with planning permission under application No. A/YL-TYST/816 for temporary warehouse for storage of vehicles and spare parts with ancillary site office) in its vicinity are mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority.

8. Planning Intention

8.1 According to the Explanatory Statement of the draft Tong Yan San Tsuen OZP No. S/YL-TYST/11, the planning intention of the “U” zone is to cater for the continuing demand for open storage, which cannot be accommodated in conventional godown premises. However, Kung Um Road is insufficient to cater for the heavy goods vehicular traffic from the proposed development. The area is therefore zoned “U” pending further detailed studies on the infrastructural impacts and the preparation of detailed layout plan.

8.2 The Site falls within an area partly shown as ‘Road’ and partly zoned “Local Open Space” (“LO”) on the Recommended Outline Development Plan (RODP) (**Plan A-5**) under the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”. The area shown as ‘Road’ is for upgrading of Kung Um Road

which is now a sub-standard road. The proposed “LO” zone forms part of the open space system which runs through the YLS Development and connects district open spaces provided in the Planning Areas. The Site also falls within the view corridor and breezeway running north-south along the proposed revitalised Yuen Long Nullah.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site consists of Old Schedule 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) It is noted that the applicant has noted her comments on the discrepancies of areas and boundaries of the concerned lots (i.e. Lot Nos. 720 RP, 740 RP, 742 RP and 743 RP in D.D. 117) and the applicant will clarify the discrepancies in the next submission stage.
- (c) Lot Nos. 720 RP, 740 RP, 742 RP and 743 RP are covered by Short Term Waiver No. 2457 to permit the structure(s) erected on site for the purpose of “Nursing home for the elderly”. Lot Nos. 742 RP and 743 RP are covered by Building Licence No. 182 to permit a building of two storeys not exceed 25 feet in height and built over area not exceeding 700 sq.ft. for non-industrial purposes.
- (d) The Site is accessible through Kung Um Road via Government Land (GL). Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) In the event that planning permission is given, the applicant has to apply to LandsD for a land exchange to effect the proposed development. Such application will be considered by LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange, including the grant of additional Government land (if any) and the above mentioned right-of-way etc., for the proposed development will be approved. In the event that the land exchange application is approved, it would be subject to such terms and conditions, including, among other things, the payment of premium and administrative fee, as may be imposed by LandsD at its sole discretion.

Long Term Development

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

- (a) CEDD and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in YLS – Investigation” (the Study). Taking into account public comments received during Stage 3 Community Engagement (CE) conducted in early 2016, RODP had been prepared and was promulgated on 8.8.2017. The RODP also forms the basis for the environmental impact assessment (EIA) already submitted under the EIA Ordinance.
- (b) The Site falls within an area partly shown as ‘Road’ and partly zoned “LO” on the RODP (**Plan A-5**). The area shown as ‘Road’ is for upgrading of Kung Um Road which is now a sub-standard road. For traffic safety and to meet future traffic demand as well as in response to locals’ strong requests for widening of Kung Um Road received during the three-stage CE, Kung Um Road and Kiu Hing Road (on the other side of Yuen Long Nullah) will be upgraded to standard two-lane roads with standard footpaths alongside both roads. The upgraded Kung Um Road and Kiu Hing Road will improve the existing traffic conditions and provide access to West Rail Yuen Long Station through the proposed road system under the Study. The proposed “LO” zone forms part of the open space system which runs through the YLS Development and connects district open spaces provided in the Planning Areas. The Site also falls within the view corridor and breezeway running north-south along the proposed revitalised Yuen Long Nullah.
- (c) The subject application is not in line with the aforesaid planning and urban design principles of the RODP. Approval of such would jeopardize the long term development of YLS by adversely affecting the proposed road widening and the proposed open space system.
- (d) A detailed implementation programme with phasing and packaging of works for the YLS Development project is being formulated. Construction works are tentatively scheduled to commence in 2021/22 and will be completed by phases with the first population intake expected in 2027. The project is expected to be completed by 2038.

9.1.3 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) He does not support the subject application, which is not in line with the planning intention, land use proposals and development programme of the YLS Development under the RODP promulgated on 8.8.2017.
- (b) According to the Study, to ensure timely and orderly implementation,

the development of YLS and relevant site formation and infrastructure works would be implemented in four stages. The Site falls within a site under Stage 2 Works and a site under Stage 3 Works, zoned as “LO” and an area shown as ‘Road’ on the RODP, respectively. While the detailed implementation programme for the project is still being formulated, based on the Study, construction of Stage 1 Works are tentatively scheduled to commence in 2021/22. Other stages will commence subsequently. The overall project is expected to be completed by 2038.

- (c) Should the application be approved, the applicant is advised to set back the proposed development as far as possible to avoid encroachment of the future road under YLS Development.

Traffic

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

- (a) On the basis of the further information submitted by the applicant on 15.2.2018 (**Appendix Ig**), it was stated that only 1 vehicular two-way trip attracted during day-time off peak hour.
- (b) However, under the current planning application, 4 private car parking spaces, 1 light bus parking space, 1 light goods vehicle loading/unloading space and 1 taxi/private car pick up/drop off space have been proposed.
- (c) Should the application be approved, the provision of the parking spaces, loading/unloading space and pick up/drop off space should be agreed with the Commissioner for Transport or of the Board.

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

- (a) The access arrangement should be commented by the Transport Department (TD).
- (b) If the proposed run-in is agreed by TD, the applicant should provide the run-in/run-out at Kung Um Road to the satisfactory of TD and HyD. The run-in/run-out should be constructed 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.
- (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) HyD shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road.

Environment

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

- (a) The applicant seeks planning permission for redeveloping an existing licensed RCHE consisting a small house and various temporary structures into a 3-storey RCHE that provides 63 beds for the elderly. There is no technical assessment/evaluation on the environmental aspects submitted together with the application. As RCHE is a sensitive use, he has the following comments on the submitted further information (**Appendix Ig**):

Air quality and Noise impacts

- (i) The applicant indicates that the assessment on the air quality aspect will be submitted in the next submission stage, he reserves his comment until the next submission.
- (ii) The further information in **Appendix Ig** indicates that air-conditioning would be provided for each dormitory, staff area, office, multi-purpose room and rehabilitation area. There is no information on whether there would be any noise sensitive uses which are in the nature of diagnostic rooms or wards within the proposed RCHE development.
- (iii) There is insufficient information from the applicant to ascertain the air quality and noise impacts.
- (iv) The applicant should note that the road traffic noise standards of 55 dB(A) is applicable to such uses according to the Hong Kong Planning Standards and Guidelines (HKPSG). The applicant is advised to design and provide mitigation measures in accordance with Section 3 on Air Quality and Section 4 on Noise of Chapter 9 of HKPSG.

Sewerage

- (v) There is public sewerage in the vicinity. From environmental planning perspective, the applicant should direct the sewage arising from the site to the public sewerage system. A sewerage impact assessment needs to be carried out in this regard. The applicant is also reminded to seek agreement from the Drainage Services Department about the proposed sewerage works with respect to the need for any upgrading of public sewer to be built by the project proponent. Should the application be approved, the applicant should submit a sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Board.

Nature Conservation

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

- (a) As the Site is an existing RCHE and the proposed redevelopment would not encroach on adjacent watercourses, according to the layout plan for the proposed development in the Drainage Impact Assessment submitted by the applicant (**Appendix Ic**), he has no adverse comment on the application from nature conservation point of view.
- (b) A crab species of conservation interest was recorded in the nearby watercourses in the Environmental Impact Assessment study for housing sites in Yuen Long South. Should the application be approved, the applicant should adopt necessary measures to avoid disturbing or polluting the nearby watercourses during construction and operation.

Urban Design

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

- (a) The Site is situated in an area mainly consisting of low-rise temporary structures and open storage sites. The proposed development is considered not incompatible with the surrounding rural and low-rise context. Judging from the Visual Impact Assessment (VIA), significant visual impact to the surrounding is not anticipated.
- (b) He has no further comments on the VIA as it is noted from the replacement page of the VIA (**Appendix Ie**) that the remarks for public view point 3 have been rectified.

Landscape

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

- (b) Based on the aerial photo taken in December 2015 and the site inspection dated 2.8.2017, the Site is occupied by temporary structures. This Site is bounded immediately by warehouse with temporary structure, car park and open storage on its north and west, and Kung Um Road on its east as vehicular entrance. Existing trees are found along Kung Um Road and to the west of the Site which are proposed to be preserved on site. Adverse landscape impact is not anticipated. Therefore he has no objection to the application from the landscape planning point of view.
- (c) Should the application be approved, approval conditions on the submission and implementation of the tree preservation and landscape proposal to the satisfaction of the Board or of the Director of Planning

should be included.

- (d) The applicant should also be advised the following:
- (i) with reference to the G/F Plan, there is no barrier free access for wheelchairs to the sunken landscape area. For the internal and external area, the applicant is advised to follow “Chapter 6, Design Guidelines for the Elderly and Elderly Friendly” in “Design Manual- Barrier Free Access 2008”;
 - (ii) the applicant should refer to the Development Bureau’s guidelines on tree planning and preservation:
 - (1) [http:// www.greening.gov.hk/en/tree_care/practices.html](http://www.greening.gov.hk/en/tree_care/practices.html)
 - (2) http://www.greening.gov.hk/en/tree_care/tree_maintenance.html
- For the submission of tree preservation and landscape proposal, the applicant should include tree survey with a set of photo record showing every tree within the site clearly.

Social Welfare

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

- (a) She has no comments from the licensing perspective.
- (b) The existing RCHE named “Pui Hong Kui” at the Site meets basic licensing requirements including building safety aspect, and the current license issued is valid between 1 August 2017 and 31 July 2019 inclusive. It has been operating since 1 June 1993 and the start date of first licence to the RCHE is 23 August 2003.

Drainage

9.1.10 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) His detailed comments on the revised drainage proposal (**Appendix Ie**) are in **Appendix II**.
- (c) Should the Board consider the application is acceptable from the planning point of view, approval conditions requiring the submission of a revised drainage proposal and implementation of the drainage proposal to the satisfactions of the Director of Drainage Services or of the Board should be stipulated.
- (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.

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

- (a) It is noted that there is a piece of unleased Government land between the Site and Kung Um Road. As the Site does not abut on a specified street, the development intensity of the Site shall be determined under Regulation 19(3) of the Building (Planning) Regulations.
- (b) If the proposed plot ratio is based on the assumption that gross floor area (GFA) concession will be granted, the pre-requisites in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 and PNAP APP-152 should be complied with.
- (c) The dormitories should be included in domestic GFA calculation.
- (d) The storey height of G/F (4.5m) should be justified during building plan submission stage.
- (e) Disregarding private carparking spaces from GFA calculation under the Buildings Ordinance will be considered on the basis of the criteria set out in PNAP APP-2 during the building plan submission stage.
- (f) The proposed residential care home for the elderly is subject to the issue of a licence/registration, the applicant should be reminded that any proposed structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

Water Supply

9.1.12 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

Water mains in the vicinity of the Site cannot provide the standard pedestal hydrant.

Fire Safety

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

- (a) He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of Director of Fire Services.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

- (c) The emergency vehicular access 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.

Others

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

- (a) The Site is zoned “U” on the draft Tong Yan San Tsuen OZP No. S/YL-TYST/11. It is also situated within an area zoned “LO” and an area shown as ‘Road’ on the RODP of YLS Development.
- (b) The Site is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the site into public open space at present.

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

- (c) He has no comment on the application from electricity supply safety aspect.
- (d) 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 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 Site. The parties concerned 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.

District Officer’s Comments

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

He has not received comments from the village representatives in the vicinity regarding the application.

9.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P); and
- (b) Director of Food and Environmental Hygiene (DFEH).

10. Public Comment Received During Statutory Publication Periods

On 21.7.2017 and 3.11.2017, the application and its further information were published for public inspection. During the first three weeks of the statutory public inspection periods, which ended on 11.8.2017 and 24.11.2017, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The subject application is for redevelopment of an existing RCHE into a new 3-storey RCHE with no change in the number of beds. According to the applicant, the existing structures were erected almost 5 decades ago and already ageing. The applicant claims that high maintenance cost is incurred for the existing RCHE and the proposed redevelopment would upgrade it to a higher standard. According to the applicant, the existing residents in the RCHE will be temporarily moved to another RCHE during the construction stage.
- 11.2 The planning intention of the “U” zone, as stated in the Explanatory Statement, is to cater for the continuing demand for open storage which cannot be accommodated in conventional godown premises but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. The proposed development is not in line with the planning intention of the “U” zone. In this regard, it should be noted that the existing RCHE on the Site is only a tolerated use under the Town Planning Ordinance. Whilst the applicant claims that the proposed redevelopment is intended to upgrade the existing RCHE, DSW advises that the existing premises has already met the licensing requirement including building safety aspect. On the other hand, if the application is approved, the future RCHE may be subject to adverse environmental impacts from the surrounding uses. As such, there is no strong justification in the submission for a departure from the planning intention.
- 11.3 The Site falls within an area partly shown as ‘Road’ and partly zoned “LO” on the RODP under the Planning and Engineering Study for Housing Sites in YLS (**Plan A-5**). The area shown as ‘Road’ is for upgrading of Kung Um Road to improve the existing traffic conditions and provide access to West Rail Yuen Long Station through the proposed road system under the Study. The proposed “LO” zone forms part of the open space system which runs through the YLS Development and connects with district open spaces provided in the Planning Areas. The Site also falls within the view corridor and breezeway running north-south along the proposed revitalised Yuen Long Nullah. CE/CID of PlanD and PM(NTW) of CEDD point out that the subject application is not in line with the planning and urban design principles and land use proposals of the RODP. As such, approval of the application would jeopardize the long term development of YLS.
- 11.4 The surrounding areas of the Site in the subject “U” zone are mainly occupied by warehouses, storages, open storage yards, vehicle repair workshops, and scattered residential structures. The proposed RCHE is considered not compatible with the surrounding land uses in the subject “U” zone.
- 11.5 DEP points out that RCHE is a sensitive use and there is no technical assessment/evaluation on the environmental aspects submitted together with the application. There is insufficient information from the applicant to ascertain the air

quality and noise impacts. DEP also requests for the submission of a sewerage impact assessment; but the applicant has not made any such submission. In this regard, the applicant fails to demonstrate that the proposed RCHE would not be subject to adverse environmental impacts nor create adverse sewerage impacts on the surrounding areas.

11.6 The Committee has not approved any similar application or planning applications involving domestic uses in this “U” zone.

11.7 There is no public comment on the application.

12. Planning Department’s Views

12.1 Based on the assessment made in paragraph 11, the Planning Department does not support the application for the following reasons:

- (a) the proposed development is not in line with the planning intention of the “U” zone, which is to cater for the continuing demand for open storage which cannot be accommodated in conventional godown premises but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. There is no strong justification in the submission for a departure from the planning intention;
- (b) the long-term development of the general area is subject to Planning and Engineering Study for the Housing Sites in Yuen Long South. The approval of the application would jeopardize the long-term development of the area as recommended in the study; and
- (c) the applicant fails to demonstrate that the development would not be subject to adverse environmental impacts nor create adverse sewerage impact on the surrounding area.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 6.4.2022, 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) the provision of the parking spaces, loading/unloading space and pick up/drop off space to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission of a revised drainage proposal and the implementation of the revised drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (d) the submission of a sewerage impact assessment and the implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (e) the submission of proposals and provision for water supplies for fire fighting and fire service installations 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 III**.

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 conditions and advisory clauses, 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 reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 13.7.2017
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Traffic Impact Assessment received on 13.7.2017
Appendix Ic	Drainage Impact Assessment received on 13.7.2017
Appendix Id	Visual Impact Assessment received on 13.7.2017
Appendix Ie	Further information received 25.10.2017 providing responses to departmental comments, as well as submitting a Revised Traffic Impact Assessment, a Revised Drainage Impact Assessment and a replacement page of the Visual Impact Assessment
Appendix If	Further information received on 12.12.2017 providing a survey map indicating the usage of the existing building, site photos showing the existing building condition and clarifying the area of the existing RCHE
Appendix Ig	Further information received on 15.2.2018 providing responses to departmental comments

Appendix Ih	Further information received on 27.3.2018 providing the detailed breakdown of GFA and occupancy rate of the existing RCHE, as well as its interim arrangement
Appendix II	Detailed Comments of CE/MN, DSD
Appendix III	Advisory Clauses
Drawings A-1 to A-4	Floor plans of the RCHE
Drawing A-5	Sections of the RCHE
Drawings A-6 and A-7	Preliminary Landscape Proposal
Drawing A-8	Master Layout Plan with Site Access
Drawing A-9	Drainage Plan
Drawing A-10	Layout of the Existing RCHE
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos
Plan A-5	Extract of RODP for YLS promulgated on 8.8.2017
Plan A-6	Comparison of existing and proposed layout

**PLANNING DEPARTMENT
APRIL 2018**