

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-TMT/74

<u>Applicant</u>	: Golden Kingdom Investment Limited represented by DeSPACE (International) Limited
<u>Site</u>	: Lots 385 S.B RP, 385 S.B ss.1, 385 S.B ss.2, 385 S.C RP, 385 S.C ss.1, 385 S.D, 385 S.E, 385 S.F, and 385 RP and Adjoining Government Land (GL) in D.D. 257, Tsam Chuk Wan, Sai Kung, New Territories
<u>Site Area</u>	: About 748.2m ² (including GL of about 249m ² or 33%)
<u>Lease</u>	: Old Schedule agricultural lots held under Block Government Lease
<u>Plan</u>	: Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) No. S/SK-TMT/4
<u>Zoning</u>	: “Village Type Development” (“V”) <i>[restricted to a maximum building height (BH) of 3 storeys (8.23m)¹]</i>
<u>Application</u>	: 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 (RCHE) at the application site (the Site). The Site falls within an area zoned “V” on the approved Tai Mong Tsai and Tsam Chuk Wan OZP No. S/SK-TMT/4 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Social Welfare Facility’ within “V” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is currently hard paved (**Plans A-4a and A-4b**). The Site is accessible via Tai Mong Tsai Road (**Plan A-1**). According to the applicant, the RCHE involves a 6-storey building providing a total of about 110 beds with about 40 staff. The major development parameters of the proposed RCHE are summarised as follows:

¹ According to the Notes of the OZP, the maximum BH of 3 storeys (8.23m) in “V” zone is not applicable to ‘Social Welfare Facility’ use.

Site Area	About 748.2m ² (including GL of about 249m ²)
Total GFA	Not more than 3,000m ² (including RCHE and ancillary uses*)
Plot Ratio	About 4.01
Site Coverage	Not more than 80%
No. of Block	1
No. of Storeys	Not more than 6 (including 1 storey of carport)
BH (absolute height)	Not more than 31mPD (23.6m)
No. of Beds	About 110
No. of Car Parking Spaces	2 private car parking spaces (including 1 disabled car parking space)
No. of Loading/ Unloading Space	1 light bus space/ambulance
Private Open Space	About 77.7m ²

* Ancillary uses, such as ancillary office and staff dormitory, are proposed by the applicant.

- 1.3 To meet the operational needs, two private car parking spaces and one loading and unloading space for light bus/ambulance will be provided within the Site for use of the occupiers of the building and their guests and visitors. Swept path analysis has been carried out and no vehicle shall be reversing outside the Site (Appendix 5 of **Appendix Ia**). Greenery areas are provided on G/F, 1/F and 2/F and the greening ratio is approximately 11.3% (about 84.52m²). An open space of about 77.7m² is proposed on G/F (**Drawing A-2**).
- 1.4 To mitigate potential air quality impact, a buffer distance of 5m between the building façade and the road kerb of Tai Mong Tsai Road is proposed (**Drawing A-4**). On-site sewerage treatment plant is proposed on G/F for treatment of sewage generated from the proposed development. All discharge from the sewerage treatment plant will be conveyed to the drainage system via the proposed drainage terminal manhole at the Site (**Drawing A-10**).
- 1.5 The applicant has submitted relevant technical assessments on visual, drainage, sewerage, noise and traffic aspects to demonstrate that the proposed RCHE development would not generate significant adverse impact on the surrounding environment (**Appendix Ia**). The site plan, ground floor plan, typical floor plan, schematic section, photomontages, and proposed sewerage and drainage plan submitted by the applicant are at **Drawings A-1 to A-10**.
- 1.6 In support of the application, the applicant has submitted the following documents:

(a) Application form dated 29.6.2021

(**Appendix I**)

- (b) Further Information (FI) received on 22.3.2022 (**Appendix Ia**) providing a Consolidated Report which supersedes all previous FI submissions² and the original Supplementary Planning Statement
- (c) FI received on 24.3.2022 providing revised pages of (**Appendix Ib**) VIA to the Consolidated Report and responses to public comments

1.7 On 10.12.2021, the Committee agreed to defer making a decision on the application for two months, as requested by the applicant, to allow time for preparation of FI to address departmental comments. With the FI received on 10.2.2022, the application is 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 the Consolidated Report at **Appendices Ia and Ib**. They can be summarised as follows:

- (a) there is limited supply but long pressing demand for RCHE places. As at January 2021, the average waiting time for subvented or contract RCHE places is 41 months. In general, the waiting time for private RCHE places, as proposed under the current application, is much shorter. The proposed RCHE with 110 beds will be able to relieve the heavy demand for RCHE in particular in the Sai Kung area;
- (b) the proposed development is in line with the Government's prevailing policy for elderly care services. The applicant is determined to develop a quality RCHE under the "Incentive Scheme to Encourage Provision of Residential Care Home for the Elderly Premises in New Private Developments" ("Incentive Scheme") and is committed to working closely with the Social Welfare Department (SWD) to ensure full compliance of the "Incentive Scheme" in meeting relevant performance standards. The proposed RCHE will meet all the statutory requirements under the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459 and its regulations, the Code of Practice for Residential Care Homes (Elderly Persons) as well as other related statutory requirements;
- (c) the proposed RCHE with 110 beds is in optimal scale and is considered to be compatible with the surrounding low-rise residential developments in view of its domestic nature;
- (d) the private lots of the Site are separated from Tai Mong Tsai Road by some government land. In order to comply with the fire safety regulations and increase space efficiency, the proposed scheme has included the government land at the southern portion of the Site so that it can be made accessible for vehicular

² A total of five previous FI submissions (dated 22.7.2021, 12.8.2021, 10.9.2021, 12.10.2021 and 10.2.2022) were made in response to departmental comments and to provide new and revised technical assessments, of which the first one was accepted and exempted from the publication requirements while the remaining four were accepted but not exempted from the publication requirements.

circulation, firefighting and rescue;

- (e) the Site is accessible via Tai Mong Tsai Road which is served by public transport including franchised buses and green mini-buses. The TIA demonstrates that traffic trips related to the proposed development can be absorbed by the nearby road network and no significant traffic impact will be induced (Appendix 6 of **Appendix Ia**). Swept path analysis for private vehicle and light bus/ambulance has been carried out to demonstrate the feasibility of the proposed run-in/out of the development;
- (f) the Visual Impact Assessment (VIA) concludes that the proposed development will incur comparable visual impacts, but there will be no significant adverse impact on visual penetration of open sky view, light penetration into the surrounding environment, and visual openness of the surrounding (Appendix 7 of **Appendix Ia**). In order to minimise the building bulk of the proposed development, it is proposed to use large strip of glass on the façade with clear colour differences of the cubic mass, and select materials with colour tones that would match with the surrounding environment such as wood fins, greenery, and textured concrete wall with low saturation (**Drawings A-6 to A-9**);
- (g) the proposed development will not generate adverse environmental impact on its surroundings on air, noise, drainage and sewerage aspects. According to the sewerage and drainage impact assessment, sewage from the proposed development will be treated by on-site sewerage treatment plant with the adoption of Membrane Bioreactor for treatment and then discharged to the nearest proposed drainage terminal manhole of the Site. The runoff from the Site will be conveyed to a proposed drainage system to be constructed by the applicant and further divert to the natural stream located to the west of the Site (**Drawing A-10**). The proposed drainage system will have sufficient capacity to cater for the treated effluent generated from the sewerage treatment plant and the runoff from the Site and the surrounding catchments (Appendix 9 of **Appendix Ia**). Noise Impact Assessment (NIA) has also been conducted, which demonstrates that the proposed development will not be subject to any unacceptable traffic noise impact, nor would it generate unacceptable noise impact to the nearby residents during operation stage (Appendix 8 of **Appendix Ia**);
- (h) greening will be provided on G/F, 1/F and 2/F to improve the environmental quality of the Site. An open space will also be provided on G/F to serve the future users and employees of the proposed development (**Drawing A-2**); and
- (i) the applicant has attempted to reach an agreement with the affected parties in resolving the issue of the septic tank that is located within the Site (i.e. Lot 385 RP in D.D. 257). While the proposed development will share the same run-in/out with the adjacent houses in Nos. 33 and 34 Tsam Chuk Wan, the proposed development will have its own vehicular access and it will not affect the accesses of the said development. In addition, the pedestrian access to Nos. 30, 31 and 32 will not be affected by the proposed development (**Plan A-2**).

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. For the government land portion, the "Owner's Consent/Notification" Requirements are not applicable.

4. Previous Application

There is no previous planning application at the Site.

5. Similar Application

There is no similar application on the same OZP.

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

6.1 The Site is:

- (a) mainly partly hard paved vacant land and partly covered with vegetation;
- (b) within the 'village environs' ('VE') of Tsam Chuk Wan; and
- (c) abutting and accessible from Tai Mong Tsai Road.

6.2 The surrounding areas have the following characteristics:

- (a) to its immediate east, west and north are predominately low-rise village houses of two to three storeys high;
- (b) to its further north are woodlands within "GB" zone and Sai Kung West Country Park; and
- (c) to its south across Tai Mong Tsai Road are an area zoned "Coastal Protection Area (1)" ("CPA(1)") and two small pieces of land zoned "V" occupied by village houses.

7. Planning Intention

The planning intention of the "V" zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to provide land for the retention and expansion of existing villages. The planning intention is to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

8. Comments from Relevant Government Departments

8.1 The following government departments have been consulted and their views are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) the Site comprises both private lots and government land and is situated within the 'VE' of Tsam Chuk Wan. Land within 'VE' of recognised village is primarily reserved for applicants with indigenous villager status to apply for Small House development. His office has concerns/ reservation on the proposed social welfare facility development;
- (b) the private lots under application are Old Schedule agricultural lots held under Block Government Lease. According to the planning statement, the total site area is about 748.2m² which includes about 249m² GL. His office cannot verify the site area of both the private lots and the government land involved at the moment. The applicant should make sure that the site data quoted in the submission is correct;
- (c) if the application is approved by the Board, the lot owner shall apply to his Office for a land exchange to effect the proposal. However, there is no guarantee that such application will be approved by the Government. Such application, if eventually approved, will be subject to such terms and conditions including payment of premium and an administrative fee as the Government considers appropriate at its discretion; and
- (d) the number of outstanding Small House applications and 10-year Small House demand forecast (as at 16.12.2016) for Tsam Chuk Wan are 26 and 32 respectively.

Social Welfare

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

- (a) in view of the ageing population and the need to meet the ongoing demand for residential care need for the elderly, he has no objection in principle for the development of the proposed private RCHE from social welfare perspective;
- (b) the residential care service (RCS) are planned on five-cluster basis. The Sai Kung district falls within the East Kowloon (EK) cluster. As at 31.3.2021, there are 5,353 subsidised and 6,455 non-subsidised RCS places provided in EK cluster whereas the Sai Kung district has 1,281 subsidised and 999 non-subsidised RCS places;

- (c) it is noted that the applicant has intention to apply for the Incentive Scheme. The applicant should note that support from SWD for exemption of land premium under the Incentive Scheme in the proposed development would be considered subject to conditions, which are detailed in **Appendix II**;
- (d) no licence application in respect of the captioned project is being handled by SWD's Licensing Office of Residential Care Homes for the Elderly for the time being;
- (e) the applicant shall ensure that the design and construction of the RCHE shall comply with all the statutory and licensing requirements and draw special attention that (1) all habitation areas or rooms of the proposed development shall comply with the requirements of natural lighting and ventilation and (2) the ceiling height requirement of every room as stated in the Code of Practice for Residential Care Homes (Elderly Person) issued by the SWD; and
- (f) regarding the provision of natural lighting and ventilation to the nurse stations cum medical consultation rooms on 2/F to 5/F, compensatory provision of artificial lighting and mechanical ventilation (fresh air) may be accepted subject to the demonstration of adequate air change.

Traffic

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

- (a) no objection in principle to this application. The traffic induced by the proposed RCHE is not significant. The proposal is considered tolerable from traffic ground;
- (b) the applicant is advised to liaise with relevant management departments and adjacent private lots to identify the management and maintenance responsibility of the proposed access road beyond the public footpath portion; and
- (c) regarding the proposed run-in/out and access connecting to the Site, the following approval condition is recommended:

the design and provision of proposed run-in/out and vehicular access, as well as any necessary modifications of existing public footpath and carriageway to tie-in with the proposed development, at the applicant's own cost, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Board.

8.1.4 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) the applicant shall be responsible for construction of a proper

vehicular run-in/out arising from the proposed development. The design and details of the vehicular run-in/out shall follow HyD's prevailing departmental standards and requirements; and

- (b) the applicant shall be responsible for construction and maintenance of the proposed driveway connected between the proposed development and Tai Mong Tsai Road.

Environment

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

- (a) according to the submission, it is understood that the application involves the development of a maximum 6-storey standalone RCHE building with provision of about 110 beds. No existing public sewerage is available in the vicinity of the Site. The applicant proposes to install on-site sewage treatment plant with the adoption of Membrane Bioreactor for treatment of wastewater arising from the proposed development. Precautionary measures are also proposed for dealing with emergency situations such as the provision of buffer storage tanks, arrangement for tanker away and contingency plans during the breakdown of the sewage treatment plant;
- (b) the applicant should obtain a Water Pollution Control Ordinance (WPCO) licence for the operation of on-site sewage treatment plant; and
- (c) no in-principle objection to the application subject to imposing a planning approval condition requiring submission of a NIA to demonstrate that the proposed RCHE development will comply with the relevant noise standards of HKPSG and implementation of the recommended mitigation measures. Technical comments on the NIA and noise model are in **Appendix II**.

Drainage

8.1.6 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) there is no public drainage and sewerage records available in the vicinity of the Site; and
- (b) no comment on the sewerage and drainage impact assessment and no objection to the application.

Urban Design and Landscape

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

Urban Design and Visual

- (a) the Site is located in an area with a rural village setting. The proposed RCHE will abut on Tai Mong Tsai Road and be surrounded by two to three storey village/residential houses, while “CPA(1)” is located on the other side of Tai Mong Tsai Road;
- (b) the proposed scale, building bulk and building height of the proposed RCHE are relatively disproportionate to the two to three storey village/residential houses and in the area, and might slightly reduce visual openness of the surrounding. Nevertheless, the applicant proposes to minimise the building bulk by dividing the façade of the building block into small pieces by different materials and colours. The selected materials will have colour tone that could match surrounding environment such as wood fins colour/greenery/textured concrete wall with low saturation. With the mitigation measures, the visual impact arising from the proposed RCHE will be minimised;

Landscape

- (c) based on the aerial photo of 2020 and the site photos taken on 6.7.2021, the Site is located in an area of rural landscape character predominated by village houses, woodlands within “GB” zone, Sai Kung West Country Park to the further north and “CPA(1)” to the further south. The proposed use is considered not entirely incompatible with the landscape character of the surrounding area;
- (d) according to the site photos taken on 6.7.2021, there are existing trees including *Archontophoenix alexandrae* (假檳榔), *Terminalia catappa* (欖仁樹) and *Juniperus chinensis* L. ‘Kaizuca’ (龍栢) of medium size in good to fair conditions observed within the Site. With reference to the proposed layout plan, it is noted that the existing trees are in direct conflict with the proposed development while six trees and other amenity planting are proposed on G/F, 1/F and 2/F of the development. In view that the affected trees are of common species, she has no objection to the application from landscape planning perspective;
- (e) the applicant is advised to utilise the roof floor for open space provision with sitting area and recreational facilities for the enjoyment of the elderly and staff; and
- (f) the applicant should note that approval of the section 16 application by the TPB does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/ government department(s) direct to obtain necessary approval on tree works.

Nature Conservation

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

no comment on the application from nature conservation perspective.

Building Matters

8.1.9 Comments of the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD):

- (a) no in-principle objection under the Buildings Ordinance (BO) to the application subject to comments as detailed in **Appendix II**; and
- (b) the applicant is required to submit particulars and documentary proof of the ownership and/or realistic prospect of control of the land forming the Site when submitting building plans for approval under the BO. If the applicant fails to acquire the adjoining government land, he will reserve his position under Building (Planning) Regulation 19(3).

Fire Safety

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

- (a) no objection in principle to the proposed development subject to water supplies for firefighting and fire service installations being provided to the satisfaction of the D of FS;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans, or referral from relevant licensing authority if licence is required for the proposed RCHE; and
- (c) the emergency vehicular access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by BD.

Water Supply

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

- (a) no objection to the application;
- (b) the existing water mains are in close proximity to the Site and is likely to be affected. The grantee/applicant is required to either divert or protect the water mains found on site. Detailed comments are at **Appendix II**; and

- (c) the grantee/applicant is required to submit a Water Supply Impact Assessment (WSIA) Report for WSD's comment and approval prior to commencement of works. The applicant shall ensure the requirements as detailed in **Appendix II** are fully complied with and incorporate the 'response-to-comment' into the later submission for further consideration.

District Officer's Comments

8.1.12 Comments of the District Officer/Sai Kung, Home Affairs Department (DO(SK), HAD):

- (a) since the Site is situated in the "V" zone, there is general public expectation that village type development will be enacted within the zone rather than high rise development like RCHE; and
- (b) locals may raise objection on extra sewage and pipeline system for environmental reasons, as well as on traffic grounds in view of the additional traffic brought by visiting relatives and nuisance from frequent ambulance services.

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

- (a) Chief Engineer (Works), HAD; and
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department.

9. Public Comments Received During Statutory Publication Periods

- 9.1 The application and FIs were published for inspection on 6.7.2021, 17.8.2021 and 17.9.2021, 19.10.2021 and 22.2.2022. During the statutory publication periods, a total of 361 comments were received, including 36 supporting comments and 325 opposing comments. A full set of the public comments received is deposited at the Board's Secretariat for Members' inspection and samples of the public comments are at **Appendix III**.
- 9.2 The 36 supporting comments are submitted by individuals mainly for the reasons that the proposed development can cater for the needs of the community by providing more RCHE places, Site is at a convenient location and the standalone design of the proposed RCHE can offer high quality elderly service which is rare in Hong Kong, and the proposed development offers quality and beautiful greenery to benefit the local community.
- 9.3 The 325 opposing comments are submitted by the Sai Kung Rural Committee (submitted three times), representatives of Lakeview Villas Residents Association (submitted three times) and individuals (including three letters with 26, 34 and 41 signatures respectively; and 150 in various types of standard letters). The major objection grounds/concerns are summarised as follows:

- (a) not in line with the planning intentions of the general area of the OZP and that for the “V” zone, which are to conserve the natural environment and the rural character, and to designate both existing recognised villages and areas of land considered suitable for village expansion respectively;
- (b) excessive development intensity which is out of character and incompatible with the environment in the vicinity. It will set an undesirable precedent for other similar applications of high-rise building with large footprint within the “V” zone;
- (c) adverse impacts on sewerage, drainage, visual, landscape, air quality, odour, noise, waste, hygiene, fire safety and fung shui induced by the proposed development would affect the wellbeing of the residents in the surroundings. The output of the sewerage system will cause water pollution to Port Shelter;
- (d) adverse traffic impact as the development will be frequented by visitors, ambulance and delivery vehicles. Due to the insufficient provision of car parking spaces at the Site, it will also worsen the illegal parking situation along Tai Mong Tsai Road;
- (e) the Site is not a suitable for RCHE development because of its remote location and far from any hospital. There are better alternative sites in Sai Kung Town for RCHE development. There is also lack of local open space and retail facilities in the area to serve the residents at the RCHE;
- (f) the proposed private development to occupy the adjacent government land is not justified; and
- (g) the proposed development would block the entrances of Nos. 33 and 34 Tsam Chuk Wan, and the vehicular access to Nos. 30 to 32 Tsam Chuk Wan. It will also affect the septic tank facilities of Nos. 32 to 35 Tsam Chuk Wan, which are located at the Site and have been in use for several decades. There is also a dispute over the ownership of Lot 385 S.B RP in D.D. 257.

10. Planning Considerations and Assessments

- 10.1 The application is for the proposed social welfare facility (RCHE) at the Site. The Site falls within the “V” zone which is primarily intended for development of Small Houses by indigenous villagers. Other commercial, community and recreational uses may be permitted on application to the Board. Whilst the proposed development is not entirely in line with the planning intention of the “V” zone and DLO/SK, LandsD has concerns/ reservation on the application, there is sufficient land in the concerned “V” zone of Tsam Chuk Wan to meet the Small House demand³.

³ According to DLO/SK, LandsD’s record, the total number of outstanding Small House applications and 10-year Small House demand forecast for Tsam Chuk Wan are 26 and 32 respectively. Based on the latest estimate by PlanD, about 3.05ha (equivalent to 122 Small House sites) of land is available within the “V” zone of Tsam Chuk Wan. By excluding the Site, the land available can still meet the outstanding and 10-year demand of Small Houses for Tsam Chuk Wan.

- 10.2 According to DSW, as at 31.3.2021, there are 1,281 subsidised and 999 non-subsidised RCS places in Sai Kung district. It is estimated that there are deficits of 30 and 1,448 RCHE subsidised beds for the planned population in the Tai Mong Tsai and Tsam Chuk Wan areas within the OZP and the Sai Kung District⁴ respectively according to the requirements under the Hong Kong Planning Standards and Guidelines. The proposed RCHE will provide about 110 beds which could help address the shortfall for elderly facilities and meet the demand of ageing population in the community. The applicant has intention to develop the proposed RCHE under the “Incentive Scheme” and to meet all the statutory requirements under the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459 and its regulations, the Code of Practice for Residential Care Homes (Elderly Persons) as well as other related statutory requirements. DSW has no objection to the proposed development from social welfare perspective.
- 10.3 The Site, with a site area of about 748.2m², abuts Tai Mong Tsai Road. The proposed RCHE development comprises a 6-storey building, with a plot ratio of 4.01 and a site coverage of about 80%. It is located in an area of rural landscape character predominated by village houses of two to three storeys, woodlands within “GB” zone, Sai Kung West Country Park to the further north and “CPA(1)” to the further south (**Plans A-2 and A-3**). The proposed development is considered not entirely incompatible with the landscape character of the surrounding area. The VIA conducted has concluded that the proposed development will incur comparable visual impacts, and there will be no significant adverse impact on visual penetration of open sky view, light penetration into the surrounding environment, and visual openness. To minimise the building bulk of the proposed development, the applicant proposes to use large strip of glass on the façade with clear colour differences of the cubic mass, and select materials with colour tones that would match with the surrounding environment such as wood fins, greenery, and textured concrete wall with low saturation (**Drawings A-6 to A-9**). CTP/UD&L, PlanD considers that with the mitigation measures, the visual impact arising from the proposed RCHE will be minimised.
- 10.4 The applicant has submitted relevant technical assessments to demonstrate that the proposed RCHE development would not generate significant adverse impacts on the surrounding areas. The TIA demonstrates that traffic trips related to the proposed development can be absorbed by the nearby road network and no significant traffic impact will be induced. To mitigate potential air quality impact, the applicant proposes a buffer distance of 5m between the building façade and the road kerb of Tai Mong Tsai Road. According to the sewerage and drainage impact assessment, sewage from the proposed development will be treated by on-site sewerage treatment plant with the adoption of Membrane Bioreactor for treatment and then discharged to the nearest proposed drainage terminal manhole of the Site. The runoff from the Site will be conveyed to a proposed drainage system to be constructed by the applicant and further divert to the natural stream located to the west of the Site. The proposed drainage system will have sufficient capacity to cater for the treated effluent generated from the sewerage treatment plant and the runoff from the Site and the surrounding catchments. The NIA demonstrates that the proposed development will not be subject to any unacceptable traffic noise impact, nor would it generate

⁴ Excluding Anderson Road Quarry site and areas not covered by statutory plans.

unacceptable noise impact to the nearby residents during operation stage. Concerned government departments consulted, including C for T, DEP, CE/MS, DSD and CTP/UD&L, PlanD have no objection to or adverse comment on the application. Should the application be approved, relevant approval conditions are recommended in paragraph 11.2 to address the technical concerns. Moreover, the applicant will be reminded that the proposed RCHE should follow the requirements as required by the licensing authority.

- 10.5 There are a total of 361 public comments received, of which 36 supporting and 325 objecting to the application. The opposing views are mainly related to possible adverse impacts of the proposed development on the surrounding areas as mentioned in paragraph 9 above. The departmental comments in paragraph 8 above and planning assessments in paragraphs 10.1 to 10.4 above are relevant. Regarding the septic tank and land dispute issues concerning the Site and the adjacent houses, it is noted that Nos. 32 to 34 Tsam Chuk Wan share the same septic tank located within the Site (Lot 385 RP in D.D. 257), and that the vehicular and/or pedestrian access to Nos. 30 to 34 will not be affected by the proposed development (**Plan A-2**). The applicant indicates that attempts are made to reach an agreement with the affected parties and it should be dealt with separately.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 1.4.2026 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 approval conditions and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the design and provision of proposed run-in/out and vehicular access, as well as any necessary modifications of existing public footpath and carriageway for connecting between the proposed development and Tai Mong Tsai Road prior to commencement of the development, at the applicant's own cost, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the submission of a water supply impact assessment to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (d) the submission of a noise impact assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of

Environmental Protection or of the Town Planning Board.

Advisory Clauses

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

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

the proposed development is not in line with the planning intention of the "Village Type Development" zone which is primarily for development of Small Houses by indigenous villagers. There is no strong justification in the submission for a departure from the planning intention.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendix I	Application form dated 29.6.2021
Appendix Ia	FI received on 22.3.2022 enclosing a Consolidated Report with technical assessments
Appendix Ib	FI received on 24.3.2022
Appendix II	Detailed Comments from Government Departments
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Plan
Drawing A-2	Ground Floor Plan
Drawing A-3	Typical Floor Plan (3/F to 5/F)
Drawing A-4	Schematic Section
Drawing A-5	Key plan for viewing points and visual envelope
Drawings A-6 to A-9	Photomontages
Drawing A-10	Proposed Sewerage and Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos