

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/292

- Applicant** : Joyous Cheer Limited represented by Dudley Surveyors Limited
- Site** : Lots 879, 880 S.A ss.1, 880 S.B ss.1, 881 to 885, 889 RP (Part), 891 (Part), 1318, 1326 and 1344 in D.D. 115 and adjoining Government Land (GL), Au Tau, Nam Sang Wai, Yuen Long
- Site Area** : About 4,191.2 m² (including about 658.5 m² of GL or 15.7% of site area)
- Land Status** : (i) Lots 879 (Part), 880 S.A. ss.1, 880 S.B. ss.1, 881 to 885, 889 RP (Part) and 891 (Part) are under Block Government Lease (demised for agricultural use)
- (ii) Lot 1318 is Tai Po New Grant Lot (demised for building and garden uses)
- (iii) Lot 1326 is Tai Po New Grant Lot (demised for building use)
- (iv) Lot 1344 is Tai Po New Grant Lot (demised for agricultural use)
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
- Zoning** : “Undetermined” (“U”) (about 86%)
“Government, Institution or Community” (“G/IC”) (about 14%)
- Application** : Proposed Conservation of Historic Building (Pun Uk), Place of Recreation, Sports or Culture (Arts / Antique Gallery and Heritage Education) and Social Welfare Facility (Residential Care Homes for the Elderly) with Ancillary Eating Place

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed conservation of historic building (Pun Uk), place of recreation, sports or culture (arts / antique gallery and heritage education) and social welfare facility (residential care homes for the elderly (RCHE)) with ancillary eating place at the application site (the Site). The Site mainly falls within an area zoned “Undetermined” (“U”) with a portion within “G/IC” zone on the approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8 (**Plan A-1**). According to the covering Notes of the OZP, any use or development in the “U” zone, except those specified as always permitted

under the covering Notes, requires planning permission from the Town Planning Board (the Board), whereas 'Place of Recreation, Sports or Culture' and 'Social Welfare Facility' are both Column 1 uses within the "G/IC" zone which are always permitted. The Site is currently occupied by the historic building 'Pun Uk' and a pond, and is overgrown with vegetation.

- 1.2 The applicant, owner of the private lots of the Site, proposed a conservation-cum-development project. The proposed development comprises two components, namely the conservation and adaptive reuse of the one-storey Pun Uk (a Grade 1 historic building) for an arts/antique gallery, and the construction of two new buildings for proposed RCHE. With Pun Uk to be preserved in-situ at the centre of the Site, the proposed RCHE is located at the northern and southern portions of the Site which includes the 6-storey northern block (above a basement storey) and 5-storey southern block, providing about 531 beds with multi-purpose rooms and an ancillary eating place. The proposed RCHE will be a privately-operated facility. A right-of-way will be provided by the applicant to the two unacquired lots encircled by the Site. The proposed development is tentatively scheduled for completion by 2027. The Master Layout Plan (MLP), Landscape Master Plan (LMP), front elevation and floor plans of the proposed development are at **Drawings A-1 to A-11** respectively. The major development parameters of the proposed development are as follows:

Proposed Development (Overall)	
Site Area	about 4,191.2 m ²
Total Plot Ratio (PR)	about 2.14
Total Gross Floor Area (GFA)	about 8,975.2 m ²
Site Coverage	about 57.2 %
Open Space	not less than 535.2 m ²
Green Coverage	about 22.4%
Historic Building - Pun Uk	
GFA	605.8 m ²
No. of Block	1
No. of Storey / BH	1 storey (7.87 mPD)
Proposed RCHE	
GFA	about 8,369.4 m ²
RCHE	8,322.5 m ²
Ancillary Eating Place	46.9 m ²
No. of Blocks	2
No. of Storeys/ BH	
Northern Block	7 storeys (incl. 1 level of basement) (25.37 mPD)
Southern Block	5 storeys (21.87 mPD)
No. of Beds	about 531 beds
Transport Facilities	
Parking Spaces	
Private Car ¹	6
Light Bus Bay	1
Taxi/ Private Car Pick Up/Drop Off	2
Loading/Unloading Bays	2 for Light Goods Vehicle

¹. Including 1 disabled parking space.

Conservation and Proposed Arrangement of Pun Uk

- 1.3 According to the applicant, the existing one-storey Pun Uk compound, including the feng shui half-moon pond in front of the mansion (**Drawings A-1 and A-2**), will be preserved in-situ and restored as per the best-practice with strengthening of foundation (by means of minimum intrusive underpinning) due to its shallow foundation. The internal layout of Pun Uk will remain unchanged. The feng shui pond, which is currently stagnant, is proposed to be revived into living water system with freshwater plants. Upon conservation of Pun Uk, it is proposed to be used as an arts/antique gallery for display of the Chinese arts/antique collections owned by the applicant. Heritage education programme, including free guided tours, virtual tours and cultural historical learning workshops will be provided for public enjoyment and appreciation of the art collections and historical significance of the Pun Uk compound. The proposed heritage education programme will be organised and managed by the applicant free-of-charge on appointment basis, and the guide tours will be held on a monthly basis with a visitor group size of 25 persons, subject to agreement with Antiques and Monuments Office (AMO) and Commissioner of Heritage's Office (CHO) of the Development Bureau. Upon approval of the planning application, the applicant will submit a Conservation Management Plan (CMP) to AMO and CHO for details of the conservation and facilities management of Pun Uk.

Visual and Landscape

- 1.4 According to the applicant, the design and disposition of the new RCHE blocks will respectfully integrate with Pun Uk with the use of façade treatment, covered walkway with glass ceiling (**Drawing A-19**), building materials, vertical greening, a cascaded building profile (**Drawings A-20 to A-21**) with sufficient soft and hard landscaping (**Drawing A-18**). According to the Visual Impact Assessment (VIA), the building massing and height of the proposed development is visually compatible with the surrounding development context (**Drawing A-22**) particularly with the Pok Oi Hospital adjacent to the Site (**Drawings A-12 to A-17**).
- 1.5 A LMP was submitted which proposed a green coverage of 22.4%. According to the Tree Preservation Proposal, 101 trees within the Site and 1 tree outside the Site are proposed to be felled (including 16 dead trees and 86 trees of common tree species in fair to poor condition) due to direct conflict with the proposed development. 52 number of new heavy standard sized trees are proposed for tree compensation.

Transport and Traffic

- 1.6 The vehicular run-in/out is proposed at the north-western portion of the Site. A 2m-wide footpath will be provided along the unnamed access road (**Drawing A-23**). All visitors will need to make advanced appointment with the management to visit the RCHE and Pun Uk to control the number of visitors. For the operational need of the proposed RCHE, ancillary parking spaces will be provided.

- 1.7 The Site is served by public transport including railway (Tuen Ma Line (TML) Yuen Long Station), franchised bus and minibus services. Shuttle bus service (16-seater minibus) between Yuen Long Station and the Site (**Drawing A-24**) during off-peak hours at a frequency of every 30 minutes (2 round trips/hour) will be provided upon prior booking by visitors.

Environment

- 1.8 According to the EA, the Site is subject to potential noise and air quality impacts from the nearby road network (i.e. Yuen Long Highway, Siu Sheung Road and unnamed access road), the fixed noise sources in the vicinity as well as chimney emission from Pok Oi Hospital (POH). To mitigate the potential noise impact, fixed glazing/fixed glazing with maintenance window/acoustic window (baffle type) are proposed such that no unacceptable road traffic noise is anticipated and sufficient buffer distances away from fixed noise sources are provided. To mitigate the potential air quality impact, a 5m-setback of the proposed RCHE from the unnamed access road is provided (**Drawing A-25**) and the buffer separation from the chimney of POH is provided in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) requirement.
- 1.9 As there is a high-pressure town gas pipeline running across Castle Peak Road (Yuen Long Section) in vicinity of the Site, the applicant is committed to submit a Quantitative Risk Assessment to assess the potential risk prior to the commencement of construction works.
- 1.10 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 6.10.2021 (**Appendix I**)
 - (b) Supplementary planning statement (SPS) received on 6.10.2021
 - (c) Five submissions of Further Information (FI) received on 25.1.2022, 3.5.2022, 14.6.2022, 28.7.2022 and 5.8.2022 in response to departmental comments with revised assessments and/or replacement pages
 - (d) FI-6 received on 10.8.2022 providing a consolidated (**Appendix Ia**) SPS[#]

Remarks:

[#] *accepted and exempted from publication and recounting requirements*

- 1.11 On 26.11.2021, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer a decision on the application for a period of 2 months as requested by the applicant's representative. In view of COVID-19 and the latest special work arrangement for government departments announced by the Government, the Rural and New Town Planning Committee (the Committee), on 18.3.2022, agreed to defer making a decision on some of the applications, including Application No. A/YL-NSW/292. Subsequently, 5 sets of FI were received as detailed in para. 1.10 above. 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 **Appendices I to Ie**. They can be summarised as follows:

- (a) Pun Uk is a traditional Hakka mansion built in 1934 with Qing vernacular design decorated with carvings and paintings which is of historical and architectural significance. The proposed conservation-cum-development proposal brings about social, cultural and historical values through heritage education programme to present historic ambience of Pun Uk. The applicant is committed to the conservation of Pun Uk, to promote healthy aging with the proposed RCHE, as well as to provide sufficient open space, greenery and ancillary services will be provided to ensure an active and healthy life for RCHE residents. This project revitalizes the traditional Hakka mansion into an arts/antique gallery with heritage education programmes provided, themed on the ethics of “Cohesiveness of Hakka people in Elders and Youngers” exemplified in a Hakka House. The architectural design welcomes visitors to appreciate and understand Chinese culture through a well-preserved historic building.
- (b) The proposed RCHE, with provision of about 531 beds, is in line with the Government’s policy to increase RCHE places from the private sector to tackle the imminent shortfall. The proposed RCHE is intended to provide private and self-financing RCHE places, but the applicant is also open to the possibility of joining the Enhanced Bought Place Scheme (EBPS) introduced by Social Welfare Department (SWD) as per the 2018 Policy Address to purchase private RCHEs to respond to the needs for beds in public hospitals and enhance the provision of residential respite places for the elderly.
- (c) The Site is not incompatible with the surrounding which is intermixed with low-rise and high-rise residential, Government, institution or community (GIC) and commercial uses (e.g. YOHO Mall and YOHO Midtown, Sun Kong Hotel, POH and Small Traders New Village). The proposed BH of 25.37mPD is not incompatible with the surrounding BH profile.
- (d) Technical assessments including TIA, EA, SIA, Drainage Impact Assessment (DIA), VIA, LMP, TPP, and Preliminary Heritage Statement and Conservation Proposal have been conducted. The assessments concluded that the proposed development will not result in adverse impacts in terms of traffic, environment, drainage, sewerage, visual and landscape aspects. With appropriate mitigation measures implemented, the proposed development will not cause any insurmountable problems to the surrounding areas.
- (e) There are two unacquired private lots (i.e. Lot Nos. 880 S.A and 880 S.B in D.D. 115) encircled by the Site (**Drawing A-1**). Right-of-way will be provided to allow access.

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. The remaining part of the Site is GL, and the

“owner’s consent/notification” requirements are not applicable.

4. Background

- 4.1 The Site falls mainly within the “U” zone (26.3 ha) south of the Yuen Long Highway (**Plan A-1**) and has been zoned “U” on the draft Nam Sang Wai OZP No. S/YL-NSW/1 since 3.6.1994. It was so designated as several major transport and drainage projects, including Yuen Long Highway, MTR West Rail (now known as TML) and Yuen Long Bypass Floodway (YLBF), which were under planning at that time, would traverse the area. According to the Explanatory Statement of the Nam Sang Wai OZP, the “U” zone is within a transitional location between the urban and rural areas. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardising the long-term planning intention of the areas. Under the “U” zone, any developments or redevelopments require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, GIC facilities, and open space are adequately provided. The proposed development should also take into account the MTR TML and YLBF.
- 4.2 Following the completion of the infrastructure projects of Yuen Long Highway, MTR TML and YLBF, and upon preliminary review, the subject “U” zone is considered to have potential for housing developments and other uses. According to the 2017 Policy Address, the subject “U” zone is one of the potential sites for public housing development in the short to medium term. In March 2021, the “Agreement No. CE 55/2020 (CE) – Site Formation and Infrastructure Works for Housing Developments at Tung Shing Lei, Au Tau, Kam Tin and Yuen Long Tai Yuk Road, Yuen Long – Feasibility Study” (the Study) undertaken by the Civil Engineering and Development Department (CEDD) has commenced. The detailed land use proposal and appropriate development parameters for the “U” zone are subject to the findings of CEDD’s on-going Study.
- 4.3 The Site is not related to any planning enforcement case.

5. Previous Applications

- 5.1 The Site is the subject of five previous applications (No. A/YL-NSW/5, 7, 10, 15 and 204). The first four previous applications were all for similar residential developments submitted by a different applicant while the last application was submitted by the same applicant of the current application. The first three applications were rejected by the Committee on 17.2.1995, 21.7.1995 and 28.6.1996 respectively, whereas No. A/YL-NSW/15 was approved by the Committee on 18.10.1996. Details of the previous applications are summarised at **Appendix II**.
- 5.2 Application No. A/YL-NSW/5 for a proposed residential development with a PR of 5, site coverage (SC) of 29.7%, building height (BH) of 21 storeys (63.1mPD), 187 flats and 172 car parking spaces was rejected by the Committee on 17.2.1995 for reasons that the proposed development would constrain the future land use

planning of the area and the finalisation of which would depend on the selected railway alignment yet to be confirmed; the proposed development intensity was considered excessive; the proposed arrangement of using Castle Peak Road would not be desirable; the traffic movement of the proposed development might hamper the access of emergency vehicles to POH and would pose unacceptable risks to other motorists in the immediate area; and Pun Uk would be affected by the proposed development.

- 5.3 Application No. A/YL-NSW/7 for a proposed residential development with a PR of 3, SC of 29.9%, BH of 13-14 storeys (44.4mPD), 118 flats and 118 car parking spaces as well as a public open space of 169m² was rejected by the Committee in 1995 for similar reasons of Application No. A/YL-NSW/5 as stated in para. 5.2 above.
- 5.4 Application No. A/YL-NSW/10 for a proposed residential development with a PR of 2.66, SC of 16.69%, BH of 14-17 storeys (58.5mPD), 95 flats and 38 car parking spaces as well as a public open space of 1,400m² (including Pun Uk) was rejected by the Committee in 1996 for insufficient car parking space provision.
- 5.5 Application No. A/YL-NSW/15 was for a proposed residential development with a PR of 2.66, SC of 16.69%, BH of 14-17 storeys (58.5mPD), 95 flats and 84 car parking spaces as well as a public open space of 1,400m² (including Pun Uk). In the proposed scheme, the applicant intended to surrender Pun Uk and its garden for public enjoyment. The application was approved with conditions by the Committee in 1996 on the consideration that the issue on the provision of car parking space had been resolved and there were planning merits in the proposal as Pun Uk, a Grade 1 historic building, would be restored and preserved. However, none of the planning conditions was complied with by the applicant. The planning permission had been extended 6 times but eventually lapsed on 18.10.2007.
- 5.6 Application No. A/YL-NSW/204 was for a proposed columbarium with a PR of 0.74, BH of 6 storeys including two basement storeys and 20,000 niches which was allowed by the Town Planning Appeal Board on 14.11.2017 subject to 31 approval conditions. The planning permission was subsequently revoked on 17.11.2020 due to non-compliance with approval condition on submission of updated Traffic Impact Assessment report to the satisfaction of all relevant government departments and parties affected, including but not limited to the Transport Department, Police, Planning Department, POH, Hospital Authority and the Board.

6. Similar Applications

There is no similar application within “G/IC and “U” zones of the Nam Sang Wai OZP.

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

7.1 The Site is:

- (a) accessible via a local road leading to Siu Sheung Road which is also used by POH, Small Traders New Village and some residential dwellings nearby as access road;
- (b) predominantly unused land in the northern portion and occupied by Pun Uk and a semi-circled shaped pond in the southern portion. Pun Uk is a traditional Hakka mansion established in 1934 which was accorded Grade 1 historic building in 2010. The building has been vacant for many years. The remaining site is also vacant and covered by vegetation; and
- (c) a land-lock site, comprising Lot Nos. 880 s.A and 880 s.B in D.D. 115 (**Plan A-2**), amid the proposed development.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is a storage/vehicle park; to the further north are the grade-separated MTR (TML) viaduct and Small Traders New Village;
- (b) to the immediate east are POH and its care and attention home; further east is the Yuen Long Bypass Floodway which was constructed in 2006;
- (c) to the immediate south is a vacant site; further south and southwest are open storage yard/vehicle park, Castle Peak Road and Pok Oi Interchange; and
- (d) to the west is a pond and further west across Siu Sheung Road is Yuen Long Highway; further west across Yuen Long Highway are the MTR Yuen Long Station and the high-density and high-rise residential developments in Yuen Long town, including the Sun Yuen Long Centre, YOHO Town and YOHO Midtown.

8. Planning Intention

The “U” zone is subject to impacts from Castle Peak Road, Yuen Long Highway, MTR TML and YLBF. Under the “U” zone, any developments or redevelopments require planning permission from the Board so as to ensure the environment would not be adversely affected and that infrastructure, GIC facilities, and open space are adequately provided. The proposed development should also take into account the MTR TML and YLBF. To realise a built-form which represents a transition from Yuen Long New Town to the rural area, the development intensity should take into account the urban type developments immediately to the west of the “U” zone and the rural characteristics of the area to its north. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardising the long-term planning intention of the areas.

9. Comments from Relevant Government Departments and Bureau

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

Land Administration

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

- (a) The Site involves various private lots in DD 115, which are of “agricultural” or “building” status held under Block Government Lease or New Grant, and adjoining GL. The extent of “building entitlement” of the private lots involved requires verification at the land application stage.
- (b) As quoted by the applicant, the Site has an area of about 4,191.2 m² (including 658.5m² GL), which should be subject to further verification and survey. In case of any discrepancy in site area found, the proposed development parameters will have to be revised accordingly.
- (c) The Site is accessible from Siu Sheung Road via an existing unnamed access road, which involves partly GL and partly private lots. According to the Planning Statement, the applicant proposed to widen the existing access road to 6m wide for emergency vehicle access. Comments from Transport Department and Highways Department should be sought on the proposed road improvement works, in particular, the future management and maintenance of the widened access road in view of the concerned road serves not only the Site. Nevertheless, the applicant should be advised that his office would not invoke the relevant Ordinances for resumption of any private lots or creation of any rights for the implementation of the proposed development.
- (d) It is noted that two private lots, namely Lot Nos. 880 SA and 880 SB in D.D. 115, will become landlocked if the proposed development is pursued.
- (e) Should planning approval be given to the application, the registered owners have to apply for a land exchange to implement the planning scheme. However, there is no guarantee at this stage that the land exchange application (including granting of additional GL) would be approved. Such application will be dealt with by LandsD acting in the capacity of the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by LandsD.
- (f) According to the Planning Statement, the proposed RCHE is intended to provide private and self-financing RCHE places, but the applicant is also open to the possibility of joining the Enhanced Bought Place Scheme introduced by SWD in the future. The applicant should be reminded that the premium will be assessed at full market value basis unless there is policy support from the

relevant policy bureau for granting the proposed land exchange at nominal or concessionary premium.

- (g) The proposed tree felling/transplanting/tree compensatory as stated in the Planning Statement should be subject to separate application to be submitted for formal approval upon implementation of the development proposal.

Heritage Conservation

9.1.2 Joint comments of the CHO and the AMO, Development Bureau:

- (a) From the heritage conservation viewpoint, they appreciate the applicant's good intention to preserve in-situ the Grade 1 historic building, including its semi-circular pond, provide various types of public appreciation arrangement and put Pun Uk into beneficial use. In this regard, they have no in-principle objection to the proposal.
- (b) Pun Uk, comprising the mansion and its semi-circular pond, was confirmed as a Grade 1 historic building by the Antiquities Advisory Board on 4 February 2010. By definition, Grade 1 historic building is “a building of outstanding merit, which every effort should be made to preserve if possible”. The grading system is administrative in nature and does not affect the ownership, management, usage and development rights of the buildings.
- (c) According to the preservation-cum-development proposal in the subject planning application, Pun Uk together with its semi-circular pond would be preserved in-situ. A northern block of 6 storeys with one basement and a southern block of 5 storeys, which would be a RCHE, are proposed to be constructed. Both northern and southern blocks are detached from Pun Uk, and proposed glass canopies/cover walkway and the glass galleria between Pun Uk and the proposed blocks are also detached from Pun Uk. The semi-circular pond would be revived by placing safety grids to its bed and water lilies or other freshwater plants would be planted. The preserved Pun Uk would be adaptively reused for “arts/antique gallery and heritage education”. According to the preliminary Heritage Statement and Conservation Proposal to the planning statement, a detailed CMP would be submitted for AMO’s agreement. Heritage education programme (including free guided tours) to be managed by the applicant would be provided to the public upon prior booking for appreciation of the social and historical value of Pun Uk, including the exterior and interior architectural details of Pun Uk and the semi-circular pond. Docents would be also available. The following supplementary information about the public appreciation arrangement was also noted:
 - i. heritage education programme will be provided free-of-charge to the public;

- ii. heritage education programme includes guided tours which will be provided free-of-charge to the public on monthly basis (25 visitors per tour), free online virtual tours of Pun Uk and also cultural historical learning workshops.
- (d) We suggest the Board to consider the following as approval conditions if the application is approved:

Submission of a CMP for the conservation of Pun Uk and its pond prior to the commencement of any works and implementation of the works and arrangements in accordance with the CMP to the satisfaction of the Antiquities and Monuments Office of Development Bureau or of the Board.

Submission of a full set of high quality photographic, cartographic, and/or 3D scanning records of Pun Uk, its pond and environs prior to the commencement of any works to the satisfaction of the Antiquities and Monuments Office of Development Bureau or of the Board.

Traffic

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

- (a) He has no further comment on the application from traffic engineering point of view.
- (b) The applicant is advised to note that the proposed shuttle bus may be subject to further approval during implementation stage.
- (c) Should the Board approve the application, the following approval conditions are recommended to be included:

Design and provision of vehicle parking and loading/unloading facilities for the proposed development to the satisfaction of the C for T or of the Board.

Design and implementation of vehicular access and road improvement works, as proposed in the TIA, to the satisfaction of the C for T and the Director of Highways or of the Board.

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

- (a) The proposed access arrangement to the Site from Siu Sheung Road should be commented by TD.
- (b) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Siu Sheung Road. Presumably, the relevant department will provide their comments, if any.

- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

9.1.5 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD (CE/RD 2-2, RDO, HyD):

The location of the proposed development falls within the Railway Protection Zone of existing TML. The railway protection team of MTRCL should be consulted with respect to operation, maintenance and safety of the existing rail network.

Environment

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

- (a) He has no objection to the planning application. The EA and SIA demonstrated that with implementation of mitigation measures, the proposed development will not cause/subject to adverse environmental impacts exceeding the HKPSG criteria.

- (b) It is suggested to include the following approval condition on noise issue:

Submission of a Noise Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the DEP or of the Board.

- (c) The applicant is also advised to note his observations/comments on the EA and SIA at **Appendix IV**.

Urban Design, Air Ventilation and Visual Aspects

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

Urban Design and Visual

- (a) The Site is on a predominantly unused land with the existing Grade 1 historic building (i.e. Pun Uk), pond and vegetation. It is located near Pok Oi Interchange and bounded by Castle Peak Road – Yuen Long to its south, the elevated Yuen Long Highway to its west, MTR TML viaduct and village settlement of 1 to 2 storeys to its north. To its immediate east is POH of 12 storeys (about 62mPD) and an elderly home known as POH Jockey Club Care and Attention Home of 8 storeys (about 32mPD).

- (b) It is noted that some design and visual mitigation measures are proposed, including the two RCHE blocks on both sides of Pun Uk serving as ‘wings’ to enhance the importance of Pun Uk, cascading massing for RCHE blocks with balconies and open decks as setback

areas forming a stepped BH descending from the northern and southern peripheries towards the centre where Pun Uk is located, tree and shrub planting to maximize areas of visible greenery, a decorative screen adopting a semi-circular form along the eastern boundary at the back of Pun Uk adhering to the Hakka Walled Village tradition to screen off the views from the surrounding developments.

- (c) Judging from the photomontages in the VIA, the proposed development with a maximum BH of 25.37mPD would, to a certain extent, result in loss of visual openness when viewed from VP1, 2, 9, 10 and 11, leading to an overall slightly adverse visual impact as rated by the applicant.
- (d) Having reviewed the FI 1 on the proposed scale, massing and BH in respecting the existing Pun Uk, she has no comment subject to the satisfaction of AMO.

Landscape

- (e) She has no objection from the landscape planning perspective. In view that adequate landscape provisions are proposed to mitigate the landscape impact and improve the landscape quality of the development, significant adverse landscape impact caused by the proposed development is not anticipated.
- (f) According to the aerial photo of 2021, the Site is situated in an area of rural fringe landscape character comprised of village houses, temporary structures, carparks, clustered tree groups etc. Existing GIC facilities (i.e. POH) is located at the eastern side of the Site. The proposed development is considered not incompatible with the landscape setting in proximity.
- (g) Since provision of special landscape features, such as Feng Shui Pond, are involved in the proposed development, the following approval condition is suggested should the application be approved by the Board:

Submission and implementation of Landscape Proposal to the satisfaction of Director of Planning or of the Board.

Drainage

9.1.8 Comments of the Chief Engineer/Mainland North, DSD (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 (i) the submission of drainage proposal;

and (ii) the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board.

Building Matters

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

- (a) There is no record of approval granted by the Building Authority (BA) for the existing structures at the Site.
- (b) Before any new building works (including containers/open sheds as temporary buildings, demolition and land fullings etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).
- (c) Detailed comments under the BO will be provided during the plan submission stage.
- (d) Detailed comments on building perspective are at **Appendix IV**.

Fire Safety

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

- (a) He has no objection in principle to the application subject to water supplies and fire service installations (FSIs) being provided to his satisfaction and that the height restriction as stipulated in S.20 of Residential Care Homes (Elderly Persons) Regulation, Cap. 459A is observed.
- (b) Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011, which is administered by the Buildings Department.
- (c) The applicant shall consult Social Welfare Department on the proposed development and should be reminded that licensing requirements will be formulated upon receipt of formal application via the Licensing Authority.

Other Aspects

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

- (a) For a RCHE licence to be issued, the proposed 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 Code of Practice for Residential Care Homes (Elderly Persons).
- (b) Detailed comments on licensing perspective are at **Appendix IV**.
- (c) Should the Board approve the application, the following approval condition is recommended to be included:

Design and provision of a RCHE to the satisfaction of the DSW or of the Board.

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

- (a) He has no particular comments at this stage.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing, supervising and conducting any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.
- (c) There is a high pressure town gas pipeline (HP pipeline) running along Castle Peak Road (Yuen Long section) in vicinity of the Site.
- (d) Increase in population brought in by the proposed development adjacent to the HP pipeline is significant. A Quantitative Risk Assessment (QRA) conducted by the applicant is required to assess the potential risks associated with the HP pipeline, having considered the proposed development and implement mitigation measures if necessary for compliance with the risk guidelines of the HKPSG.
- (e) The applicant is required to observe the requirements of the Electrical and Mechanical Services Department’s “Guidance Note on Quantitative Risk Assessment Study for High Pressure Town Gas Installations in Hong Kong” for carrying out the QRA.
- (f) The applicant should liaise with The Hong Kong and China Gas Company Limited in respect of the exact locations of existing and planned gas pipes/gas installations in the vicinity to the site and any

required minimum set back distance away from them during the planning, design and construction stages of the proposed development.

9.1.13 Comments of the Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD):

- (a) He has no adverse comment on the captioned application.
- (b) The applicant shall submit the proposed building works plans to the Buildings Department for approval as required under the provisions of the BO.

9.1.14 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) He has no adverse comment on the captioned application.
- (b) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected.
- (c) If the proposal involves any commercial/trading activities, there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.
- (d) Proper licence/permit issued by FEHD is required if there is any food business/catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. Under the Food Business Regulation, Cap. 132X, a food business licence is required for the operation of the relevant type of food business listed in the Regulation. For any premises intended to be used for food business (e.g. a restaurant, a food factory, a fresh provision shop), a food business licence from the FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) shall be obtained. The application for licence, if acceptable by the FEHD, will be referred to relevant government departments such as the Buildings Department, Fire Services Department and Planning Department or AMO for cases related to a Conservation of Historic Building, for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements.
- (e) Proper licence issued by FEHD is required if related place of entertainment is involved. Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or

permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, a Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment.

9.1.15 Comments of the Director of Housing (D of Housing):

- (a) He has no comment on the captioned application from public housing planning point of view.
- (b) It should be ensured that the proposed development would not generate any adverse impacts to the proposed public housing developments under the Study.

District Officer's Comments

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

His office has received 2 letters from Indigenous Inhabitant Representative (IIR) and a resident of Shan Pui Tsuen which were also received by the Board during the statutory public inspection period (**Appendix IIIb**). The IIR and a resident of Shan Pui Tsuen strongly objected the application mainly on the grounds that the existing Grade 1 historic building shall be well preserved and the proposed development would increase the traffic flow which could affect the operation of POH.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Project Manager (West), CEDD (PM(W), CEDD);
- (e) Head of Civil Engineering Office, CEDD (HCEO, CEDD);
- (f) Commissioner of Police; and
- (g) Director of Leisure and Cultural Services.

10. Public Comments Received During Statutory Publication Period

10.1 During the 4 statutory public inspection periods, a total of 24 public comments on the application were received. Amongst the comments received, 7 supporting

comments were submitted by individuals (**Appendix IIIa**) for reasons that the proposed development helps providing RCHE beds to cope with the society's demand and conserve the Grade 1 historic building of Pun Uk; and the proposed location is suitable for providing RCHE.

10.2 17 comments submitted by the Conservancy Association, Hospital Authority, Board of POH, MTRCL, Yuen Long Small Traders New Villager Better Living Co-operative Society Limited, IIR and a resident of Shan Pui Tsuen, registered owners of the nearby lots and individuals were raising objection or concerns on the application (**Appendix IIIb**). The major objecting grounds/concerns are summarised as follows:

- (a) the existing Grade 1 historic building (Pun Uk) shall be well preserved and a detailed heritage impact assessment should be submitted. The integration of RCHE, eating place and place of recreation, sports or culture is not appropriate for preserving the historic building;
- (b) the proposed development would increase the traffic and pedestrian flow which could affect the operation and future development of the POH as well as the nearby residential dwellings whom share the same access road. The existing parking space in the area is inadequate;
- (c) the applicant should ensure that exposure to the railway noise level complies with the statutory requirements; and
- (d) the proposed development would bring environmental, security and hygiene impacts affecting living quality of the nearby residents.

11. Planning Considerations and Assessments

11.1 The application is for proposed conservation of historic building (Pun Uk) for adaptive reuse as an arts/antique gallery with heritage education and proposed RCHE (about 531 beds) with ancillary eating place at the Site, with a total PR of 2.14 and BH of up to 6 storeys above a basement storey.

Planning Intention

11.2 Majority of the Site falls within the "U" zone (84%), with a minor portion (16%) falling within the "G/IC" zone (**Plan A-1**). The subject "U" zone has been designated on the OZP since 1994 as several major transport and drainage projects, including Yuen Long Highway, MTR TML and YLBF, which were under planning at that time, would traverse the area. Developments in the subject "U" zone has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardise the long-term planning intention of the areas. Also, any developments in the "U" zone require planning permission so as to ensure that the environment would not be adversely affected and that infrastructure, GIC facilities, open space are adequately provided. To realise a built-form which represents a transition from the Yuen Long New Town to the rural area, the development intensity

should take into account the urban type developments immediately to the west of the “U” zone and the rural characteristics of the area to its north. For the “G/IC” zone, it has been designated since 1991 to reflect the existing POH and intended for provision of GIC facilities to serve the needs of the local residents and the district population, and ‘Place of Recreation, Sports or Culture’ and ‘Social Welfare Facility’ uses are always permitted uses within the “G/IC” zone. The Site, which is a relatively small and standalone area situated at the corner of the larger Tung Shing Lei “U” zone and partly within the “G/IC” zone, the proposed in-situ preservation of Pun Uk for adaptive reuse as an arts/antique gallery and proposed RCHE is not in conflict with the planning intentions of the area.

Land Use Compatibility

- 11.3 The Site is bordering the Yuen Long New Town and within a transitional location between urban and rural areas, with POH, the POH Jockey Club Care and Attention Home, village settlements and some storage yards in its immediate surroundings and clusters of high-density residential developments (i.e. Grand Yoho) to its west across Yuen Long Highway (**Plans A-1 and A-2**). The proposed RCHE will provide elderly services for the local residents and Pun Uk will be open for public appreciation. The proposed use could be considered as an extension of the adjacent GIC cluster. The proposed development, with a PR of 2.14 and BH of up to 6 storeys above a basement storey, is considered compatible with the surrounding low-rise GIC uses and village settlements. DSW has indicated no comment on the proposed RCHE. CTP/UD&L of PlanD has no comment on the VIA and visual and urban design point of view. ArchSD also has no comment on the proposal from architectural and visual impact point of view.

Preservation of Pun Uk

- 11.4 Pun Uk is a Grade 1 historic building built in 1934. According to the applicant, it is a traditional Hakka mansion with Qing vernacular design decorated with carvings and paintings which is of historical and architectural significance. The Pun Uk compound, including the semi-circular feng shui pond in front of the mansion, will be preserved in-situ and reused as an art/antique gallery with heritage education programme (including guided tours, virtual tours and cultural historical learning workshops) managed and organised by the applicant for public free-of-charge upon advance booking. CHO and AMO appreciate the applicant’s good intention to preserve in-situ the Grade 1 historic building, provide various types of public appreciation arrangement and put Pun Uk into beneficial use. Approval condition on the requirement of submission and implementation of a CMP including but not limited to the detailed conservation of Pun Uk and its pond is recommended in paragraph 12.2 below. For the proposed RCHE at the Site, the applicant proposed that the design and disposition of the new RCHE blocks will respectfully integrate with Pun Uk with the use of façade treatment, building materials, vertical greening, a cascaded building profile with sufficient soft and hard landscaping such that the building massing and height of the proposed development is visually compatible with the surrounding development context.

Other Technical Considerations

- 11.5 Other concerned government departments including DEP, C for T, CE/MN of DSD, CE/C of WSD, DLO/YL of LandsD and D of FS have no objection to or adverse comment on the application. Appropriate approval conditions are suggested in paragraph 12.2 below to address the technical requirements of the concerned government departments.

Long Term Development

- 11.6 In respect of the long term development of Tung Shing Lei “U” zone, despite the Tung Shing Lei area is subject to an on-going Study, the Site was nonetheless excluded as a potential site for housing development in the 2017 Policy Address. HCEO of CEDD and D of Housing have no objection to or no comment on the application.

Public Comments

- 11.7 As detailed in paragraph 10 above, 24 public comments were received during the statutory publication periods of the application, including 7 supporting comments and 17 comments raising objection/concerns. The planning assessments and considerations set out in the above paragraphs are relevant. Regarding the concern on the potential impacts of the proposed development affecting the POH, relevant technical assessments has been conducted to demonstrate that no significant impacts, in terms of traffic and pedestrian flow, would likely be resulted from the proposed development and relevant Government departments have no objection to or no comment on the application.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 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 12.8.2026, 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 conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a Conservation Management Plan (CMP) for the conservation of Pun Uk and its pond prior to the commencement of any works and implementation of the works and arrangements in accordance with the CMP to the satisfaction of the Antiquities and Monuments Office of Development Bureau or of the Town Planning Board;

- (b) the submission of a full set of high quality photographic, cartographic, and/or 3D scanning records of Pun Uk, its pond and environs prior to the commencement of any works to the satisfaction of the Antiquities and Monuments Office of Development Bureau or of the Town Planning Board;
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) the submission of a quantitative risk assessment and the implementation of the mitigation measures identified to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board;
- (f) 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;
- (g) the design and provision of vehicle parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) the design and implementation of vehicular access and road improvement works, as proposed in the Traffic Impact Assessment, to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (i) the design and provision of a residential care homes for the elderly to the satisfaction of the Director of Social Welfare or of the Town Planning Board; and
- (j) the provision of 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 IV**.

12.3 There is no strong reason to recommend rejection of the application.

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 reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 6.10.2021
Appendix Ia	FI-6 received on 10.8.2022 with consolidated SPS
Appendix II	Previous Applications
Appendix IIIa	Public Comments Received (Supporting)
Appendix IIIb	Public Comments Received (Objecting/Raising Concerns)
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan
Drawing A-2	Landscape Master Plan
Drawing A-3	Front Elevation
Drawings A-4 to A-11	Floor Plans
Drawings A-12 to A-17	Photomontages
Drawing A-18	Indicative 3D Model Illustrations
Drawing A-19	Indicative design of proposed covered walkway
Drawings A-20 to A-21	Landscape Sections
Drawing A-22	Landscape Perspective
Drawing A-23	Proposed Traffic Arrangement
Drawing A-24	Proposed Shuttle Bus Routing
Drawing A-25	Buffer Separations from Road Carriageway
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2022**