

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/293

<u>Applicant</u>	: Top Field International Limited, Ideal Ace International Limited and Winghing Investments Limited represented by Ove Arup & Partners Hong Kong Limited
<u>Site</u>	: Various Lots in D.D. 103 and D.D. 115, Nam Sang Wai, Yuen Long
<u>Site Area</u>	: About 53,584 m ²
<u>Land Status</u>	: Block Government Lease or New Grant
<u>Plan</u>	: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
<u>Zoning</u>	: “Undetermined” (“U”)
<u>Application</u>	: Proposed Comprehensive Residential Development with Commercial Uses and Social Welfare Facilities

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed comprehensive residential development with commercial uses and social welfare facilities at the application site (the Site) which falls within an area zoned “Undetermined” (“U”) 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). Currently, the Site comprises ponds, woodland, vacant land and some scattered residential structures.
- 1.2 The Site is bisected by the MTR Tuen Ma Line (TML) into the Northern Site and Southern Site (**Plan A-1**). The proposed development has a total PR of 3.028 (including domestic and non-domestic PRs of 2.928 and 0.1 respectively) comprising 14 residential towers with a building height (BH) of up to 44 storeys (above 1-2 basement storeys) providing a total of 3,556 units and 9 houses with a BH of 2 storeys (above 1 basement storey). The 9 houses are all provided at the Northern Site. The proposed domestic and non-domestic GFA are 156,880m² and 5,358m² respectively. A one-storey retail podium for shop and services and eating place is proposed at Towers 8 and 9 in the Northern Site (**Drawing A-25**).

A two-storey clubhouse block (above a basement storey) is proposed at the Northern Site and a one-storey clubhouse podium is proposed at Towers 13 and 14 in the Southern Site (**Drawing A-25**). The proposed development will accommodate a population of about 10,330 persons and is tentatively scheduled for completion by 2026. The Master Layout Plan (MLP), section plans and Landscape Master Plan (LMP) of the proposed development are at **Drawings A-1 to A-7** respectively. Major development parameters of the proposed development are as follows:

Major Development Parameters	Proposed Development
Site Area (about)	53,584 m ²
Total PR (about)	3.028
- Domestic (about)	2.928
- Non-domestic (about)	0.10
Total Gross Floor Area (GFA) (about)	not more than 162,238 m ²
- Domestic (about)	not more than 156,880 m ²
- Non-domestic (about) ⁽¹⁾	not more than 5,358 m ² not less than 303 m ² (NOFA) not less than 142 m ² (NOFA)
- Eating place / Shop & Services	
- Neighbourhood Elderly Centre	
- One team of Home Care Services for Frail Elderly Persons	
Building Height	
- Residential Towers ⁽²⁾	26-44 storeys (91.6-139mPD) (above 1-2 basement storeys)
- Villa Houses	2-3 storeys (12-15mPD) (above 1 basement storey)
Overall Site Coverage (about)	18%
No. of Blocks	14 Residential Towers 9 Villa Houses
No. of Units	3,556 flats and 9 houses
Average Unit Size (about)	44.1 m ²
Anticipated Population (about)	10,330
Clubhouses	
- No. of Clubhouses	2
- GFA (about) ⁽³⁾	2,920 m ² (2-storey block) 1,000 m ² (1-storey podium at Towers 13 & 14)
Open Space	
- Local Open Space	Not less than 10,330m ²
Transport Facilities	
- Private Car Parking Spaces	746 (incl. 10 accessible car parking spaces)
- Visitor Car Parking Spaces	70
- Motorcycle Parking Spaces	41
- Bicycle Parking Spaces	475

Major Development Parameters	Proposed Development
- Loading/Unloading Spaces for Goods Vehicle (L/UL)	21 (incl. 5 Light Goods Vehicles (LGVs) and 16 Heavy Goods Vehicles (HGVs))

- (1) Non-domestic uses include eating place and shop and services uses. The GFA of social welfare facilities (a Neighbourhood Elderly Centre of NOFA of 303m² (or equivalent to GFA of about 667m²) and one team of Home Care Services for Frail Elderly Persons of NOFA of 142m² (or equivalent to GFA of about 312m²), are proposed to be exempted from the GFA calculation subject to the approval of the Building Authority.
- (2) The BH of Towers 1 to 9 include 1 storey of refuge floor; Towers 8 to 9 include 1 storey of retail podium; and Towers 13 to 14 include 1 storey of clubhouse.
- (3) Clubhouse GFA is assumed to be exempted from GFA calculation subject to the approval of the Building Authority.

Development Layout

- 1.3 According to the applicant, a sensitive design has been adopted in the development layout respecting the Tung Shing Lei Egretty at the Site and the birds' flight paths (**Drawing A-22**). A Egretty Preservation Zone comprising an eco-lake of about 10,600m² with wetland habitat and a landscape area for preserving the nesting trees of the Egretty is proposed at the northeastern corner of the Site as a feeding ground for migratory birds and as an ecological and visual buffer between the Egretty and the residential portion of the development (**Drawing A-5**).
- 1.4 Low-rise villa houses with a BH lower than the Yuen Long Highway are proposed around the eco-lake and egretty locations to minimise the potential disturbance to birds' flight paths (**Drawing A-22**) and to serve as a buffer from the high-rise towers to its west.
- 1.5 The disposition and BH of the high-rise towers have also taken into account the birds' flight paths as well as the Shek Kong Airfield height restriction. The 14 towers are arranged in a 3-tier stepped profile from 44 storeys (139mPD) at the west to 26-31 storeys (91.6-112.8mPD) at the south, and further to 2-3 storeys (12-15mPD) for low-rise villas at the north (**Drawings A-1 to A-4**), providing a smooth transition between the high density Yuen Long New Town to its west and the low-to-medium density development at Kam Tin North to its east.

Air Ventilation, Visual and Landscape

- 1.6 Under the proposed development, building separations between towers and setbacks along site boundary (**Drawing A-9**) are proposed for enhancing wind penetration. According to the Air Ventilation Assessment (AVA), the overall ventilation performance is comparable between the baseline scheme (i.e. existing condition) and proposed scheme (i.e. proposed development) under summer condition; while the baseline scheme performs slightly better under the annual condition. The AVA concludes that the proposed development would be acceptable in air ventilation terms even though there is a noticeable increase of BH.
- 1.7 A Visual Impact Assessment (VIA) has been conducted to assess the visual

impact of the proposed development against the baseline scenario (i.e. existing condition), with an ultimate scenario including the proposed development and the potential Tung Shing Lei public housing development formulated for reference purpose (**Drawing A-33**). According to the VIA, the scale and design of the proposed development is compatible with the surrounding residential neighborhoods at Yuen Long New Town and Kam Tin North. With the proposed design mitigation measures, such as adoption of stepped height profile, variation in composition of building groups, incorporation of adequate building gaps and proper façade treatment, there is only an overall negligible impact as compared to the existing environment (**Drawings A-10 to A-19**).

- 1.8 According to the Landscape Proposal, a total of 139 trees were recorded at the Site. 107 trees are proposed to be felled and 309 new trees are proposed for tree compensation (**Drawings A-5 and A-6**).
- 1.9 A Linear Park of about 2.5 ha, serving as a green corridor linking between the Northern and Southern Sites and the future public housing development in Tung Shing Lei, is proposed to create seamless pedestrian connection with active and passive open space for public enjoyment (**Drawings A-7 and A-8**). The implementation of the Linear Park, which is outside the Site, will be further explored in liaison with relevant Government departments.

Ecology

- 1.10 The Site does not fall within the Wetland Conservation Area nor Wetland Buffer Area. According to the Ecological Impact Assessment (EcoIA), the proposed development will result in habitat losses including 1.03 ha of semi-active ponds, 0.69 ha of abandoned ponds, 1.11 ha of plantation, 1.47 ha of developed area and 0.14 ha of abandoned agricultural land (**Drawings A-20 and A-21**). To minimise the potential ecological impacts, the applicant has proposed (i) an Eco-lake of about 1.06 ha comprising the preserved existing pond of about 0.93 ha and shallow water area of 0.13 ha providing shallow and deep water areas as well as pond bunds to provide habitats for aquatic fauna and other water birds as well as to facilitate feeding by ardeids (**Drawing A-22**); (ii) to preserve all nesting trees used for breeding ardeids; (iii) avoidance of high-rise buildings within the birds' flight zone and stepped BH for low-rise villas to minimise impacts on flight path; (iv) provision of building setback from the preserved nesting trees; (v) provision of underground internal road to minimise traffic noise disturbance to the preserved nesting trees; (vi) proper design of lighting to minimise potential glare impact; and (vii) suspension of piling activities during breeding season.

Transport and Traffic

- 1.11 The vehicular ingress/egress point is proposed at the Southern Site (**Drawings A-23 and A-24**) which will be connected with the Northern Site through the internal road link at basement car park level, while the internal road at ground level, which is at GL, will only serve as EVA (**Drawings A-25 to A-26**). Both the internal road link at basement level and the internal road at ground level are located outside application site boundary. The proposed access road of not-less-than 7.3m wide single two-lane carriageway with a 2.5m wide footpath

along the eastern kerbside of the carriageway will be provided (**Drawing A-24**). To facilitate vehicles leaving the Site heading towards Au Tau Interchange, longer weaving road section of about 140m (additional 65m from existing weaving section) will be provided by modifying the existing road markings (**Drawing A-24**).

- 1.12 In terms of pedestrian network, the Site is accessible to MTR Yuen Long Station, Yoho Mall and Park Yoho for the major public transport and attractions nodes through the existing pedestrian facilities (e.g. footpaths and subways) as well as the proposed footpaths under the proposed development.
- 1.13 The applicant has submitted a Public Transport Assessment and Broad Technical Assessment on Rail Capacity of MTR TML which demonstrate that the proposed development will not induce insurmountable impact on the public transport connection to MTR Yuen Long Station and railway. In order to further minimise the implication to existing public transport service, public transport feeder service would be provided within the Site.

Environment

- 1.14 According to the Environmental Assessment (EA), the Site is subject to potential traffic emissions along Yuen Long Highway, chimney emission from Pok Oi Hospital, traffic and railway noise as well as fixed noise from the surrounding brownfield operations. To mitigate the potential air quality and noise impacts, a 20m-setback from Yuen Long Highway, 5m-setback from local distributors and 200m buffer distance from the chimney have been taken into account in the development layout (**Drawing A-27**) with respect to HKPSG and noise conscious design including building orientation, single aspect design, enhanced acoustic balconies/windows and architectural fins will be adopted.
- 1.15 On land contamination aspect, there is possibility of land contamination from potential spillage of fuel / lubricants from a car repairing workshop and an open storage with signs scrap metal at the western edge of the Northern Site (**Drawing A-28**). Land contamination assessment procedures with implementation of remediation as required will be followed so that potential contamination in existing soil would be treated and no insurmountable land contamination issue is anticipated.

Drainage, Sewerage and Water Supply

- 1.16 According to the Drainage Impact Assessment (DIA), the Northern Site is served by public drainage facility while the runoff of the Southern Site will be collected and discharged into the nullah along Long Fai Road via the existing box culverts and proposed pipes (**Drawing A-29**). The Site is not served by public sewerage facilities. An underground Sewage Treatment Plant (STP) with tertiary treatment technology is proposed at the Northern Site (**Drawing A-30**), and no net increase in pollution load to Deep Bay will be resulted. Fresh water supply for the development is proposed to be served by the existing Au Tau Fresh Water Service Reservoir (FWSR) with proposed connections to the existing water mains (**Drawing A-31**).

Other Technical Aspects

- 1.17 According to Geotechnical Planning Review Report (GPRR), the proposed development is considered geotechnically feasible under the preliminary planning stage, and will be subject to detailed study in the detailed design stage.
- 1.18 The Site falls within the 200m consultation zone of the Towngas Au Tau Offtake and Pigging Station (**Drawing A-32**). Only part of the Northern Site (about 1,856 residents) falls within the 200m consultation zone. According to the applicant, with the nearest building of at least 183m away from the station, the proposed development will not be subject to unacceptable risk impact.
- 1.19 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)
 - (c) 13 submissions of Further Information (FI)¹
 - (d) FI-14 received on 31.1.2023 providing a consolidated **(Appendix Ia)** SPS[#]

Remarks:

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

- 1.20 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) of the Board agreed on 25.11.2022 to defer making a decision on the application for a period of two months in order to allow sufficient time for preparation of FI to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I to Ia**. They can be summarised as follows:

- (a) The Site and the larger “U” zone have been left idle for 31 years subject to land use review with no solid plan for development at the moment. Development at the Site, held under single land ownership by the Applicant, could be readily realised in the short-to-medium term. Early implementation of the proposed scheme by private initiatives could unlock the development potential of the remaining part of the Tung Shing Lei “U” zone. The proposed development providing 3,565 units could contribute to private housing supply in short-to-medium term.
- (b) According to the Chief Executive’s 2017 Policy Address, the Tung Shing Lei “U” zone was earmarked as one of the additional housing sites. The proposed

¹ FI received on 12.11.2021, 10.12.2021, 14.1.2022, 17.2.2022, 18.3.2022, 25.4.2022, 10.6.2022, 23.6.2022, 29.7.2022, 13.9.2022, 7.10.2022, 5.12.2022 and 19.1.2023 in response to departmental comments with revised assessments and/or replacement pages (accepted and not exempted from publication and recounting requirements)

development is in line with the Government intention for housing development at the Site and to fully optimise the use of the readily available land. As it is the Government's intention for public housing development at the subject "U" zone, the applicant has prepared an Indicative Layout Plan outlining a comprehensive plan for the entire Tung Shing Lei "U" zone (including the proposed development and the future public housing development on a 70:30 public: private housing ratio assumed) (**Drawing A-33**). It is demonstrated that the proposed development at the Site is technically feasible, while not pre-empting the opportunity/intention for comprehensive development for the Tung Shing Lei "U" zone in the future.

- (c) This application has presented a refined scheme that duly addressed departmental comments received in the previous submission (application no. A/YL-NSW/275 which was eventually withdrawn due to major change in layout), in particular the comments of Agriculture, Fisheries and Conservation Department (AFCD). Improvements in the layout design in creating a sensitive and managed environment and a more enabling habitat were incorporated. A larger Eco-lake of more than 1 ha and less low-rise villa houses are now proposed at the northeastern portion of the Site to minimise the disturbance of the nearby Tung Shing Lei Egret and birds' flight lines.
- (d) In order to embrace the unique ecological and historical assets as planning merits for public enjoyment and nature conservation, a sensitive design approach has been adopted. Outside the Site, the applicant proposed a Linear Park linking up the historical assets (i.e. Lau Village Houses, Small Trader's New Village and Pun UK) adjacent to the Site (**Drawings A-7 to A-8**), providing pleasant open space serving the purpose of preservation and public enjoyment.
- (e) Technical assessments including TIA, Broad Technical Assessment on Rail Capacity of MTR TML, Public Transport Assessment, EA, SIA, DIA, WSIA, EcoIA, VIA, Landscape Proposal, AVA and GPRR have been conducted and concluded that the proposed development will not result in adverse impacts in terms of traffic, drainage, sewerage, water supply, environment, air ventilation, ecological, and visual aspects. With appropriate mitigation measures implemented, the proposed development will not cause any insurmountable problems to the surrounding areas.

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

The applicant is one of the "current land owners" of the Site and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/ Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notices in local newspapers and site notice. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

- 4.1 The Site falls 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, 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, Government, institution or community (GIC) facilities, and open space are adequately provided. The proposed development should also take into account the TML and YLBF.

- 4.2 Following the completion of the infrastructure projects of Yuen Long Highway, 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 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 and is anticipated to be completed in 2023. 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 Application**

There is no previous application at the Site.

6. **Similar Applications**

- 6.1 There are 10 similar applications for residential developments (No. A/YL-NSW/5, 7, 10, 15, 73, 105, 172, 224, 233 and 274) within the “U” zones to the west and north of the Site. Except Application No. A/YL-NSW/15 and Applications No. A/YL-NSW/172, 224, 233 and 274 (on same site) were approved, the remaining applications (No. A/YL-NSW/5, 7, 10, 73 and 105) were rejected (**Plan A-1**). Details of the applications are summarised in **Appendix II**.
- 6.2 Applications No. A/YL-NSW/5, 7, 10 and 15 were for residential development at a site to the west of Pok Oi Hospital². Application No. A/YL-NSW/5 were rejected by the Committee between 1995 and 1996. The last application (Application No.

² The Site of Applications No. A/YL-NSW/5, 7, 10 and 15 is also the subject of an application 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) with ancillary eating place (No. A/YL-NSW/292), which was approved with conditions by the Committee on 12.8.2022.

A/YL-NSW/15) for a proposed residential development with a PR of 2.66, BH of 14-17 storeys (58.5 mPD), 95 flats and 84 car parking spaces as well as public open space of 1,400 m² was approved by the Committee on 18.10.1996 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 I historical building, would be restored and preserved. Validity of the planning permission had been extended up to 18.10.2007 and the planning permission has lapsed.

- 6.3 Application No. A/YL-NSW/73 for a proposed residential development (with a PR of 0.95) at the “U” zone to the north of the Site was rejected on 17.3.2000 mainly on grounds of incompatible land use; non-compliance with TPB-PG No.12B³; frustration of implementation of YLBF; no provision of proper vehicular access and insufficient assessments on various development impacts.
- 6.4 Application No. A/YL-NSW/105 for a proposed residential development (with a PR of 2.5 and BH of 15-21 storeys) to the west of the Site was rejected on 5.10.2001 mainly on grounds of frustration of implementation of YLBF and imposing constraints on the land use review for the whole area, incompatible land use, and insufficient information to demonstrate that the proposed development would not have adverse traffic, visual, environmental and ecological impacts on the surrounding areas.
- 6.5 Applications No. A/YL-NSW/172, 224, 233 and 274 at the “U” zone north of Yuen Long Highway were approved between 2007 and 2021. The last application (No. A/YL-NSW/274) for a proposed residential development and community hub development comprises 8 apartment blocks of 6 to 19 storeys (26.9 to 75mPD) providing 1,518 flats and other commercial and community facilities with a total PR of 2.29 was approved on 26.2.2021 mainly on the considerations that the proposed development was not incompatible with the surrounding existing and planned developments; it was in line with TPB PG-No. 12C² and there would not be significant adverse impacts on the ecology, traffic and infrastructure of the area.

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

7.1 The Site:

- (a) is currently accessible via Yuen Long Tung Shing Lei Road which connects with Castle Peak Road – Yuen Long (**Plans A-2 and A-3**)
- (b) is bisected into two portions by the MTR TML and a group of Grade 3 Historic Buildings (Lau Village Houses);
- (c) the northern portion is largely occupied by ponds with some unused land, storage and residential dwellings; and
- (d) the southern portion comprises unused land and residential dwellings.

³ The Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is Yuen Long Highway. Further north across Yuen Long Highway is a “Residential (Group D)” (“R(D)”) zone with scattered residential dwellings. An Application No. Y/YL-NSW/4 for rezoning part of the “R(D)” zone to “R(D)1” for residential development with a PR of 0.34 and BH of 3 storeys for 57 houses was approved on 12.1.2018. Further northwest is a vacant site with an approved application (A/YL-NSW/274) for residential and community hub development with a PR of 2.29 and 6 to 19 storeys for 1,518 flats (**Plan A-1**).
- (b) to its immediate east is unused land. Further northeast across Yuen Long Highway is Towngas Offtake and Piging Station.
- (c) to its immediate south are some scattered residential dwellings. To its southwest are some workshops, open storage yards, unused land, and a vacant site with planning permission for religious institution (church) use (No. A/YL-NSW/263). To its southeast is a knoll zoned “Green Belt” (“GB”) with permitted burial ground; and
- (d) to its immediate west are some ponds, residential dwellings and unused/vacant land.

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 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 D.D. 103 and D.D. 115 either covered by Block Government Lease or New Grant, the details of which would be checked during land application stage.
- (b) As quoted by the applicant, the Site has an area of about 53,584 m², 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) It is noted that there are some graves within the Site upon his land status checking. Any private development proposal which affects the graves should be carefully considered. In particular, proposal to remove the existing graves will normally not be supported.
- (d) The Site is subject to the Shek Kong Airfield Height Restriction of 129 to 149mPD. The proposed maximum BH of 139mPD may exceed the above height restriction depending on the disposition of residential towers and the height of the rooftop structures.
- (e) According to the applicant, an ultimate pedestrian network is proposed to provide pedestrian connection to the major public transport, MTR station and shopping malls in the area, which includes a proposed green corridor running along the TML to serve as open space/pedestrian linkage for public use. According to the indicative layout plan, the proposed green corridor is outside the Site and involves other private land and Government land (GL). It also involves burial grounds, public road, and village building/structures under AMO references. His office would not invoke the relevant Ordinance for resumption of any private lots or creation of any rights for the implementation of the proposed development. The applicant should be requested to check with relevant government departments on the gazetting implication and requirement of the proposed green corridor and clarify the parties responsible for its design, construction, management and maintenance.
- (f) The tree felling/transplanting/tree compensatory proposal as shown in the LMP and at the Landscape Proposal should be submitted separately for formal approval upon implementation of the development proposal.
- (g) Should the Board decide to approve 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 would be approved. Such application will be dealt with by LandsD acting in the capacity as 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.

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) The development site of this planning application partly overlaps with a public housing development at Tung Shing Lei under the Study. In particular, the proposed access roads and the associated traffic and transport facilities in this planning application and the said public housing development are incompatible with each other.

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

- (a) The proposed access arrangement of the Site from Castle Peak Road – Yuen Long/ Long Fai Road/ Yuen Long Highway should be approved by Transport Department (TD).
- (b) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Yuen Long/ Long Fai Road/ Yuen Long Highway/ Long Fai Road. Presumably, the relevant department will provide their comments, if any.
- (c) If any road improvements are considered necessary by TD due to the proposed development, they shall be implemented by the applicant to the satisfaction of TD and HyD at the applicant's own cost.
- (d) The proposed green corridor will not be implemented and maintained by HyD.
- (e) It is noted that the proposed road works at Castle Peak Road – Yuen Long and Yuen Long Highway would affect HyD's slope feature no. 6NE-A/C30 and 6NE-A/F64 respectively. The applicant should submit modification proposal of the slopes and associated slope boundary to his office and the Geotechnical Engineering Office Slope Safety Division for consensus and updating.
- (f) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

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

- (a) He has no comment from railway development viewpoint.
- (b) The location of the proposed development falls within the Railway Protection Zone of the existing TML. The railway protection team

of MTRCL should be consulted with respect to operation, maintenance and safety of the existing rail network.

Nature Conservation and Fisheries

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

He has no in-principle objection to the application provided that the proposed mitigation measures would be implemented properly. Based on the EcoIA, it is understood that the development will result in the loss of one semi-active pond, whilst the other pond will be preserved and transformed into an Eco-lake. According to our records, both fish ponds are engaged in pond fish culture, and so it is advised that in addition to requiring “mitigation for loss of this habitat”, mitigation measures for any direct, indirect, on-site/off-site impacts to fisheries during the construction and operation phases be identified and evaluated. The applicant is advised to conduct a Fisheries Impact Assessment in support of his application.

Public Housing Development in Tung Shing Lei

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

He objects to the application as Tung Shing Lei is one of the potential public housing sites identified to be made available for housing development according to 2017 Policy Address, and CEDD is currently undertaking the Study (Agreement No. CE55/2020 (CE)) for Tung Shing Lei, the encroachment will jeopardise the government’s intention and development potential for public housing development.

9.1.7 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

He has no comment on the application in principle and advises that the Study will be completed in 2023.

Environment

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

- (a) He has no objection to the planning application from environmental planning perspective.
- (b) An environmental permit under the Environmental Impact Assessment Ordinance is required prior to the commencement of construction and operation of the project, for a reason that the project would constitute a designated project (DP) under Item P.2, Part 1, Schedule 2 of the EIAO (since the application site is unsewered and the nos. of flat units provided under the development would be more than 2,000 flats).

- (c) Should the Board consider that the application is acceptable, conditions should be stipulated in the approval letter requiring submission of noise impact assessment to ensure that the recommended measures will be properly implemented.

Urban Design, Air Ventilation and Visual Aspects

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

Urban Design and Visual

- (a) She has no adverse comment on the VIA.
- (b) The Site, with an area of about 53,584 sq. m., falls within an area zoned “U” on the Nam Sang Wai OZP. According to the Notes of the OZP for the “U” zone, all uses or development require permission from the Town Planning Board. According to the Explanatory Statement of the OZP, the areas (together with the nearby two “U” zones) are located in close proximity to the Yuen Long New Town and within the transitional location between the urban and rural areas. Development within the area has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardizing the long-term planning intention of the areas. The areas are subject to future land use review. It is noted that Tung Shing Lei is one of the potential housing sites identified in the 2017 Policy Address. However, the appropriate uses and development intensity for the long-term development of the subject “U” zone are subject to a technical feasibility study.
- (c) The applicant seeks planning permission for proposed comprehensive residential development mainly comprising fourteen residential towers and nine villa houses of 2 to 44 storeys (excluding 1 to 2 levels of basement) with a BH of 12mPD to 139mPD and a total PR of 3.028.
- (d) The whole “U” zone covering the Site and its immediate surrounding areas is currently rural in character, mainly intermixed with ponds, tree clusters, vegetated fields, as well as village settlements and brownfield operations of 1 to 2 storeys. The “U” zone to the northwest of the Site is the subject of an approved planning application (No. A/YL-NSW/274) with a maximum PR of 2.29 and a maximum BH of 75mPD. To its further east across Tsing Long Highway are Park Yoho, Riva, Crescent Green and planned developments subject to various approved planning applications with maximum PR up to 1.25 and maximum BH up to about 83mPD. The Site is within a transitional location with urban type development of Yuen Long New Town (YLNT) to its west (up to

about 174mPD) and existing/planned low to medium-rise residential developments to its north, east and south.

- (e) The applicant claims that the planning circumstances in the vicinity of the Site is changing that a medium-density residential hub and a low-to-medium-rise sub-urban township will be formed in Nam Sang Wai and Kam Tin North (KTN) respectively. The proposed development will form a new town extension with smooth transition between YLNT and KTN.
- (f) Given the spatial context of the Site and its immediate surrounding areas, together with the planned development under the Application No. A/YL-NSW/274 to its northwest as well as the potential public housing development at Tung Shing Lei in the same “U” zone being subject to a technical feasibility study, the proposed residential development with a maximum total PR of 3.028 and a maximum BH of 139mPD at the Site would bring further visual changes to the existing neighbourhood, thus forming a new residential cluster of medium/high-rise developments.
- (g) Judging from the photomontages of the submitted VIA, the proposed development with BH up to 139mPD would stand out and lead to loss of visual openness and skyview/natural backdrop when viewed at VPs 2 to 4 and 8 to 10, resulting in slightly to moderately adverse visual impacts as rated by the applicant. It is noted that several design and mitigation measures have been proposed by the applicant, including stepped BH design, building gaps, variation in built form and façade treatment to minimise the bulkiness and potential visual impacts of the proposed development.

Air Ventilation

- (h) An AVA Initial Study (IS) using computational fluid dynamic modelling has been carried out for the Baseline Scheme (i.e. existing condition) and the Proposed Scheme for the “Undetermined” zone of the Application Site. As set out in the AVA IS report, the Proposed Scheme has incorporated the wind enhancement measures including (i) 10m setback to the west of T2; (ii) 23m-wide building separation between T5 and V4; (iii) 10m-wide building separation between T4 and T7; (iv) 21m-wide building separation between T7 and T8; (v) 6m setback to the south of T9; (vi) 11m-wide building separation between T14 and T15; (vii) 10m-wide building separation between T12 and T13; (viii) 7.3m-wide EVA within the subject site and (ix) about 18,570m² open area within the Northern Site with majority of the landscape and lake areas located in the eastern part.
- (i) According to the simulation results, the proposed building layout plan of the Proposed Scheme would bring localised improvement on the pedestrian wind environment for certain areas (such as Long Shing Road under annual condition, etc.) and probably have

potential impacts for other areas (such as Yeung Uk Tsuen under annual condition and the track connecting to Ho Chau Road under summer condition, etc.). Overall, with the mitigation measures, the performances of the Proposed Scheme on pedestrian wind environment are in general comparable with the Baseline Scheme under both annual and summer conditions.

Landscape

- (j) She has no objection from landscape planning perspective.
- (k) According to the aerial photo of 2021, about half portion of the site area is currently occupied by existing ponds. The Site is situated in an area of rural fringe landscape character comprised of ponds, vegetated fields, clustered tree groups, green-belt, village houses, temporary structures and carparks etc. Existing and planned low to medium-rise residential developments and GIC facilities are located in the vicinity of the Site. The proposed development is considered not entirely incompatible with existing and planned landscape setting in the proximity, although it would bring forth noticeable changes to the landscape character of the surrounding area.
- (l) With reference to the Landscape Proposal, landscape treatments and considerable area of “Eco-lake and Preserved Zone” located in the eastern part of the Northern Site are proposed within the Site. According to the SPS, not less than 30% of site coverage of greenery would be provided in the development of which not less than 15% of the greenery is provided at pedestrian zone. Besides, more than 65% of proposed trees and shrubs are native species to enhance biodiversity for the development areas.
- (m) It is observed that the proposed Linear Park, which served as green corridor, is outside the planning application boundary. There is no information on the party responsible for construction, management and maintenance of the proposed Linear Park, and hence the feasibility of implementation of the Linear Park is in doubt. The applicant is reminded to seek comments from the relevant authorities accordingly.
- (n) The applicant should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicant shall seek approval for any proposed tree works from relevant departments prior to commencement of the works.
- (o) Since the provision of special landscape features such as eco-lake are involved in the proposed development, should the Board approve the application, an approval condition on submission and implementation of LMP to the satisfaction of Director of Planning or of the Board is recommended.

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

It is noted that the proposed residential development mainly consists of 9 houses with BH of 2 storeys (about 12mPD) and 14 towers with BH of 26 to 42 storeys (about 91.6mPD to 139mPD). The 14 towers are about 766% to 1366% higher than adjacent “R(D)” and village type developments with BH of 3 storeys permitted on the OZP. It is undesirable from visual impact point of view and may not be compatible to adjacent developments.

Drainage

9.1.11 Comments of the Chief Engineer/Mainland North, DSD (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from public drainage point of view and has no adverse comment on the DIA and SIA.
- (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 a 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

9.1.12 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) Noting that the Site is divided into 2 portions, the development intensity of each portion shall be considered individually.
- (c) If the existing structure (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application.
- (d) For UBW erected on leased land, enforcement action may be taken by the Buildings Department to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.

- (e) 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 UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (f) The Site does not abut on any existing specified street and the development intensity of the Site shall be determined by BA under Regulation 19(3) of the Building (Planning) Regulation (B(P)R) at building plan submission stage.
- (g) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulation 5 and 41D of B(P)R respectively.
- (h) Any parking spaces to be disregarded from GFA calculation under the Regulation 23(3)(b) of the B(P)R shall be subject to the requirements laid down in Appendix C of PNAP APP-2.
- (i) For features applied to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes and PNAP. For example, the requirements of building set back, building separation and site coverage of greenery as stipulated in PNAP APP-152.
- (j) Detailed comments under the BO will be provided during the plan submission stage.

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 and fire service installations (FSIs) being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) 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. If the aforementioned requirements cannot be complied with, enhanced fire safety provisions shall be required.

Water Supply

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

- (a) He has no objection to the application subject to the following comments.
- (b) Existing water mains will be affected. The cost of any necessary diversion shall be borne by the proposed development.
- (c) In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centre line of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies and their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public watermain within and in close vicinity of the Site.

Other Aspects

9.1.15 Comments of the Antiquities and Monuments Office (AMO) of DEVB:

- (a) Although there is no graded / proposed graded historic building nor item on the “List of New Items for Grading Assessment” on the Site and no site of archaeological interest will be affected physically, the Site is only about 23m away from 5 Grade 3 historic buildings at Nos. 63, 65, 66 and 67 Tung Shing Lei and Hat Shut Tong at No. 68 Tung Shing Lei. The 5 graded historic buildings were according a Grade 3 status individually by the Antiquities Advisory Board (AAB) on 12.9.2019.
- (b) The applicant shall conduct necessary assessment to ascertain if there are any direct and indirect impacts arising from the proposed development to the aforesaid 5 Grade 3 buildings. Appropriate mitigation/protective measures to safeguard the 5 Grade 3 historic buildings from the development should be devised accordingly. AMO would provide comments from heritage conservation perspective on the related submission at detailed design stage when available.

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

He has no comment from welfare perspective at this stage, given that the applicant agreed to include the proposed NEC and one team of Home Care Services for Frail Elderly Persons (2-team size non-kitchen based) into the development.

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

- (a) He has no adverse geotechnical comments on the planning application.
- (b) It is noted that the applicant has committed, in the GPRR, to undertake a natural terrain hazard study (NTHS) and to implement mitigation measures, if necessary, as part of the proposed development.
- (c) Should the application be approved, an approval condition on the submission of a NTHS and implementation of the mitigation measures recommended therein, as part of the development, is required.
- (d) It is noted that the applicant has included preliminary geotechnical assessment and proposals in the GPRR. The applicant shall submit the proposed building works plans to the BD for approval as required under the provisions of BO. His office would provide comments on the geotechnical aspects of the proposed development via the BD.

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

- (a) He has no comment from regulatory services perspective.
- (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 are high pressure town gas pipelines (HP pipelines) running along Castle Peak Road (Tam Mi and Yuen Long sections) and there is a town gas offtake and pigging station adjacent to the Yuen Long Highway in vicinity of the application site. The applicant shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of the facilities.

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

- (a) He has no adverse comment on the application.
- (b) His advisory comments as detailed in **Appendix IV**.

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

- (a) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (b) Commissioner of Police; and
- (c) Director of Leisure and Cultural Services.

10. Public Comments Received During Statutory Publication Period

10.1 During the first three weeks of statutory public inspection periods, a total of 256 public comments on the application were received, including 37 supporting comments and 219 comments raising objection to or concerns on the application. Full set of the public comments will be deposited at the Board's Secretariat for Members' inspection and reference. Extracts of the comments are at **Appendices IIIa to IIIb**. Their major views are summarised as follows:

Supporting Comments

10.2 The 37 supporting comments were submitted by individuals (**Appendix IIIa**). The main supporting reasons are summarised as follows:

- (a) The proposed development can release development potential of the underutilised land, increase housing supply and support the development of Northern Metropolis.
- (b) The proposed development can improve the existing environment at Tung Shing Lei and existing infrastructures in the area are adequate to support the proposed development.
- (c) Sensitive design has been adopted to minimize ecological and environment impacts, including the provision of Eco-lake for egrets.

Objecting / Raising Concerns

10.3 The 219 comments raising objection/concerns were from (i) Tung Shing Lane Village Residents' Welfare Association; (ii) 5 green groups (viz. World Wide Fund for Nature Hong Kong, The Conservancy Association, Hong Kong Bird Watching Society, Kadoorie Farm & Botanic Garden Corporation and Green Power); (iii) Hong Kong and China Gas Company Limited; (iv) the MTR Corporation Limited and (v) individuals (**Appendix IIIb**). Their major views are:

Adverse ecological impacts

- (a) The proposed development would reduce the area of fish ponds in the area and have adverse impacts on the ecological value and the natural environment.
- (b) The proposed development would obstruct bird flight lines and the effectiveness of the mitigation measures proposed are in doubt. The massive development scale would deteriorate the quality of the habitats in the area and have adverse ecological impact on the Tung Shing Lei Egret.
- (c) The proposed development would cause direct loss in wetland habitats and the proposed development would increase pollution loading of Deep Bay area.
- (d) Various applications for development projects in the Wetland Buffer Area have been approved recently. Cumulative impacts to the adjacent ecologically sensitive areas need to be carefully assessed.

Others

- (e) The proposed development would jeopardise the public housing development and the review of “U” zone.
- (f) The proposed development is not in line with planning intention and incompatible with surrounding rural environment.
- (g) Some local residents would need to be relocated and living style of local residents would be affected.
- (h) The proposed development would induce adverse traffic impacts; overload the MTR TML; and adversely affect the operation of Pok Oi Hospital.
- (i) Supporting facilities in Yuen Long are inadequate to support additional developments; and the provision of open space and supporting facilities within the proposed development are inadequate.
- (j) The heritage value of the nearby graded buildings at Tung Shing Lei would be affected.
- (k) The proposed development would be exposed to operational railway noise. Noise impact assessment should be conducted to evaluate noise impacts from MTR TML and relevant noise mitigation measures should be adopted.
- (l) The application site is in close proximity to existing High Pressure Offtake and Piggery Station and Quantitative Risk Assessments (QRA) should be conducted and mitigation measures should be determined.
- (m) The proposed development would set an undesirable precedent for other similar developments.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed comprehensive residential development with a total PR of 3.028. The proposed development comprises 14 residential towers (26-44 storeys above basement storeys) providing 3,556 flats, 9 villa houses (2-3 storeys above basement storey), with a domestic GFA of 156,880m², and non-domestic GFA of 5,358m². An Eco-lake of about 1 ha is proposed at the northeastern portion of the Site and social welfare facilities including a NEC and one team of Home Care Services for Frail Elderly Persons as requested by SWD are also incorporated into the proposed development.

Planning Intention

- 11.2 The Site forms part of a larger “U” site (**Plan A-1**) which has been zoned “U” on the OZP since 1994. It was so designated as several major transport and drainage projects, including Yuen Long Highway, TML and YLBF, which were under planning at that time, would traverse the area. It has been clearly stated in the Explanatory Statement of the Nam Sang Wai OZP that any 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. While the West Rail (currently the TML) and YLBF have been completed, the areas zoned “U” are subject to land use review.
- 11.3 As announced in the 2017 Policy Address, the subject “U” zone is one of the potential sites for public housing development. In March 2021, the CEDD commenced the Study for ascertaining the feasibility of the proposed public housing development in the Site, which is targeted to be completed in 2023. This offers opportunities to the Government to review the land use proposal of the subject “U” zone in a comprehensive manner. The detailed land use proposal and appropriate development parameters are subject to the findings of CEDD’s on-going study. Zoning amendment or planning application where applicable to take forward the recommended housing development will be submitted to the Board for consideration in due course. At this juncture, the approval of the application will jeopardize the comprehensive planning of the “U” zone.

Interface with the Long Term Development and surroundings

- 11.4 The Site occupies a substantial portion of the “U” zone (about 20% of the “U” zone). The proposed development would undermine the comprehensiveness of the public housing development under the Study and affect the implementation of the public housing development. In this connection, D of Housing objects to the application in that Tung Shing Lei is one of the potential public housing site, the encroachment of the proposed development onto the public housing site will jeopardise the government intention and development potential for public housing development. TD also points out that the proposed access roads and associated traffic and transport facilities in this application and the public housing development are incompatible with each other. The approval of the application would unavoidably pre-empt CEDD’s study and compromise the opportunities for a comprehensive land use review in the area.

- 11.5 The Site is bordering the Yuen Long New Town and within a transitional location between urban and rural areas, with Pok Oi Hospital, 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**), as well as other planned/committed residential developments (e.g. the approved application no A/YL-NSW/274 for residential development with PR of 2.29 and BH of up to 19 storeys (excluding basements), and the potential Tung Shing Lei public housing development) in same locality.
- 11.6 While CA/CMD2, ArchSD considers that it is undesirable from visual impact point of view in view of the surrounding low-rise developments, CTP/UD&L of PlanD considers that given the spatial context of the Site and its immediate surrounding areas, together with the planned development and the potential public housing development at Tung Shing Lei in the same “U” zone being subject to a technical feasibility study, the proposed residential development at the Site would bring further visual changes to the existing neighbourhood, thus forming a new residential cluster of medium/high-rise developments. Considering the regional context, the proposed PR of 3.028 is considered not unreasonable in the planning context.

Technical Feasibility

- 11.7 The applicant has submitted relevant technical assessments, relevant Government departments including DAFC, C for T, DEP, CHE/NTW of HyD, CE/RD 2-2, RDO of HyD, CE/MN of DSD, CTP/UD&L of PlanD, H(GEO) of CEDD, DEMS and CE/C of WSD have no objection to or no adverse comment on the application from natural conservation and fisheries, traffic, environmental, drainage, urban design and landscape, and water supply aspects, etc. It is anticipated that the proposed development would not be subject to nor generate adverse impact from/to the surrounding areas.
- 11.8 The proposed Linear Park, serving as a green corridor linking between the Northern and Southern Sites and the future public housing development in Tung Shing Lei, is located outside the application site boundary. According to DLO/YL, the proposed Linear Park involves other private land and GL and his office would not invoke the relevant Ordinance for resumption of any private lots or creation of any rights for the implementation of the proposed development. There is no information on the party responsible for construction, management and maintenance of the proposed Linear Park and hence the feasibility of implementation of the Linear Park is in doubt.

Public Comments

- 11.9 As detailed in paragraph 10 above, a total of 256 public comments were received during the statutory publication periods. The planning assessments and considerations set out in the above paragraphs are relevant. Regarding the necessity to conduct a QRA for the proposed development on gas facilities in the vicinity, the applicant has liaised with the Hong Kong and China Gas Company Limited and DEMS has no particular comment on the application.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department **does not support** the application for the following reason:

the “U” zone is one of the potential sites for public housing development in the short to medium term which are subject to the findings of the on-going Study by CEDD. The encroachment of the proposed development onto the public housing site will jeopardise the government intention and development potential for public housing development at Tung Shing Lei. Subject to the finding of Study, the “U” zone will be comprehensively reviewed and the approval of the application will undermine the comprehensive planning of the “U” zone.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 3.2.2027, 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 and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the design and provision of vehicular access to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (c) 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;
- (d) the submission of a revised Traffic Impact Assessment (TIA) and implementation of the road improvement works identified therein to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (e) the submission of a revised Noise Impact Assessment (NIA) and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) the submission of a revised Sewerage Impact Assessment (SIA) and implementation of the measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (g) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (h) submission of a natural terrain hazard study (NTHS) and implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office of the Civil Engineering Development Department or of the Town Planning Board;
- (i) the design and provision of a Neighbourhood Elderly Centre and one team of Home Care Services for Frail Elderly Persons (2-team size non-kitchen based) to the satisfaction of the Director of Social Welfare or of the Town Planning Board;
- (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;
- (k) the submission of a Fisheries Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (l) the design and provision of Eco-lake to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board; and
- (m) submission of a heritage assessment to ascertain any direct and indirect impacts arising from the proposed development to the five Grade 3 historic buildings at Nos. 63, 65, 66 and 67 Tung Shing Lei and Hat Shut Tong at No. 68 Tung Shing Lei, with implementation of the appropriate mitigation/protective measures identified therein to safeguard these historic buildings, to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board.

Advisory Clauses

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

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

14. Attachments

Appendix I	Application form received on 6.10.2021
Appendix Ia	FI-14 received on 31.1.2023 with consolidated SPS
Appendix II	Similar s.16 Applications for Residential Development within “U” Zones on the OZP
Appendix IIIa	Extracts of Public Comments Received (Supporting)
Appendix IIIb	Extracts of Public Comments Received (Objecting/Raising Concerns)
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan
Drawings A-2 to A-4	Section Plans
Drawings A-5 to A-6	Landscape Master Plan
Drawings A-7 to A-8	Landscape Master Plan and Design Concept for the Site with the Proposed Linear Park
Drawing A-9	Proposed Building Separations and Setback
Drawings A-10 to A-19	Location of View Points and Photomontages
Drawing A-20	Habitat Map and Species of Conservation Importance
Drawing A-21	Layout of Proposed Development overlaid with Habitat Map
Drawing A-22	Flight Zones and Layout Plan of Proposed Development
Drawing A-23	Proposed Road and Pedestrian Accesses
Drawing A-24	Proposed Access Road and Road Markings
Drawings A-25 to A-26	Proposed Internal Road Layout at G/F and B/F
Drawing A-27	Environmental Buffer Distances
Drawing A-28	Potential Land Contamination Area within the Site
Drawing A-29	Proposed Drainage Connection
Drawing A-30	Proposed Effluent Discharge
Drawing A-31	Proposed Water Mains Connection
Drawing A-32	Location of Towngas Au Tau Offtake and Pigging Station and High Pressure Pipelines
Drawing A-33	Indicative Layout Plan for whole Tung Shing Lei “U” Zone
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2023**