

APPLICATION FOR AMENDMENT OF PLAN
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. Y/MOS/7

<u>Applicant</u>	: Oriental United Consultants Limited, represented by Vision Planning Consultants Limited
<u>Plan</u>	: Approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/28 (Draft Ma On Shan OZP No. S/MOS/27 at the time of submission)
<u>Application Site</u>	: Lots No. 148 S.A RP (Part), 148 S.B RP (Part), 149 RP, 150 S.A, 150 S.B and 151 in D.D. 206 and adjoining Government Land, west of Wu Kai Sha Road, Ma On Shan, New Territories
<u>Site Area</u>	: About 4,255m ² (including Government Land (GL) of about 2,090m ² (about 49%))
<u>Lease</u>	: <u>Lot No. 148 S.A RP (Part), 148 S.B RP (Part) and 149 RP</u> Block Government Lease (demised for Padi use) <u>Lot No. 150 S.A, 150 S.B and 151</u> Block Government Lease (demised for Waste use)
<u>Zoning</u>	: “Government, Institution or Community” (“G/IC”)
<u>Proposed Amendment</u>	: To rezone the application site from “G/IC” to “Residential (Group B)6” (“R(B)6”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) located in the western part of Wu Kai Sha (**Plan Z-1 and Drawings Z-1 to Z-4**) from “G/IC” to “R(B)6” to facilitate a proposed residential development with a plot ratio (PR) of 2.395 and building height (BH) of not more than 55.65mPD with social welfare facilities including a Residential Care Home for the Elderly cum Day Care Unit (RCHE cum DCU) and a public vehicle park (PVP).
- 1.2 In the applicant’s proposed Notes for the “R(B)6” zone, ‘PVP (excluding container vehicle)’ and ‘Social Welfare Facility’ are included as Column 1 uses which are always permitted within the zone. Development within the zone is restricted to a maximum PR of 2.4 and a maximum BH of 55.65mPD. The applicant proposes to stipulate a minimum GFA of 2,860m² for the provision of social welfare facilities and the provision of a PVP, and the floor space to be used solely for the provision of PVP and social welfare facilities shall be exempted from GFA calculation.

- 1.3 The applicant also proposes to stipulate in the Explanatory Statement (ES) of the “R(B)6” zone the requirements of the provision of PVP, social welfare facility not less than 2,860m², a co-shared passageway of not less than 1.5m wide with opening hours specified, a minimum building separation of about 15m between residential towers and necessary technical assessments including field survey study for the “CA” zone to the north of the Site, archaeological investigation within the Site, revised Traffic Noise Impact Assessment (TNIA), Sewerage Impact Assessment (SIA) and Ecological Impact Assessment (EcoIA) to be submitted to relevant government departments at the detailed design stage. The proposed set of Notes and ES for the proposed “R(B)6” zone is attached in **Appendix II**.
- 1.4 In support of the rezoning proposal, the applicant has submitted an indicative scheme comprising the following (**Drawings Z-5 to Z-22**):
- (a) two residential towers of 16 storeys over three-storey basement carpark, of which one-storey for ancillary car park and two-storey for PVP, providing a total domestic GFA of about 10,189m² and 184 units. A building separation of about 15m would be provided in between these two towers;
 - (b) a seven-storey standalone social welfare block providing 40-p DCU on G/F and a RCHE providing 162 bed spaces on the other floors. Both facilities are self-financing; and
 - (c) a two-storey standalone clubhouse.
- 1.5 Major development parameters of the indicative scheme are summarized as below:

Development Proposal (for indicative purpose only)		
Site Area	4,255m ² (including GL of about 2,090m ²)	
GFA ⁽¹⁾	About 10,189m ²	
PR ⁽¹⁾	About 2.395	
Site Coverage	About 31.89%	
Number of Blocks	Domestic	2
	Clubhouse	1
	Social Welfare Block	1
BH ⁽²⁾	Residential Towers	55.65mPD /16 storeys
	Clubhouse	14.0mPD / 2 storeys
	Social Welfare Block	27.05mPD / 7 storeys
Number of Residential Units	184 units (92 units for each tower)	
Average Unit Size	About 49.09m ²	
Estimated Total Population	About 534	
No. of Bed Places (RCHE)	162	
No. of Places (DCU)	40	
Private Open Space	About 540m ²	
Total Greenery Provision	About 855m ² (20.09%)	
Provision of Parking Spaces	Residential	64 (incl. 2 for the disabled, 10 for visitors and 26 electric vehicle (EV) charging spaces)

	Social Welfare Block	8 (incl. 2 for the disabled)
	Light bus	3
	Motorcycle	2
	Bicycle	9
	PVP	143 (incl. 4 for disabled, 50 EV charging spaces and 19 for motorcycles)
Loading/Unloading Bays	2 (Heavy Goods Vehicles) 1 (Light Goods Vehicles)	
Anticipated Completion Year	2027	

Remarks:

- (1) Excluding 500m² GFA for the clubhouse and 2,856m² for the social welfare block, which are exempted from GFA/PR calculations, as proposed by the applicant
- (2) Excluding three-level basement car park

- 1.6 The applicant indicates that if Lands Department considers acceptable, the applicant would submit a non-in-situ land exchange by surrendering his land of 4,600m² to the north of the Site in the “Conservation Area” (“CA”) zone (i.e. land demarcated as B in **Drawing Z-2**) so that a new Site C (i.e. area demarcated by green dotted line with an area of about 7,000m² as shown in **Drawing Z-2**) comprising solely GL will be created. The applicant suggests that this new Site C can be used by the Government to accommodate future community needs¹.
- 1.7 The indicative Master Layout Plan (MLP), Floor Plans, Schematic Section Plans, Landscape Master Plan (LMP), Schematic Landscape Section Plans and Open Space Plan submitted by the applicant are shown in **Drawings Z-5 to Z-22**. To demonstrate the technical feasibility of the indicative scheme, the applicant has submitted Visual Impact Assessment (VIA), Tree Preservation and Landscape Proposal (TPLP), Traffic Impact Assessment (TIA), Environmental Assessment (EA), and Drainage and Sewerage Impact Assessment (DSIA) (**Appendix Ia**).

Visual and Landscape Aspects

- 1.8 A VIA has been conducted to assess the visual impacts against the baseline scenario (i.e. the existing condition) (**Drawings Z-24 to Z-29**). According to the applicant’s VIA, the proposed rezoning would induce negligible to moderately adverse impacts. With design measures such as stepped building height between the residential towers and social welfare block, about 15m building separation between residential towers and setback areas from the southern site boundary as indicated in **Drawing Z-5**, the proposed rezoning is considered acceptable from visual perspective.
- 1.9 According to the applicant’s LMP (**Drawing Z-19**), tree planting is proposed along the eastern, southern and western site boundaries as well as within the emergency vehicular access (EVA) to recapture the rural green setting in the area. A total of 20.09% site coverage of greenery area will be achieved. Private open space (**Drawing Z-22**) of about 540m² with children’s play area etc. will be provided. A 1.55m wide co-shared passageway (**Drawing Z-19**) open to the public from 7:30a.m.

¹ According to the OZP, “CA” zone is intended to protect and retain the existing natural landscape, ecological, topographical or archaeological features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse effects of development. There is a general presumption against development in this zone.

to 8:00p.m.² daily is proposed and will be managed and maintained by future property management agent of the proposed development to facilitate convenient pedestrian connection with Wu Kai Sha Beach.

- 1.10 Of the total 83 trees surveyed, 77 trees are located within the Site while six trees are within 2m beyond and outside the Site. As all these surveyed trees will be in direct conflict with the proposed development, all 83 trees will be felled and same number of new trees will be planted to compensate for the loss. The compensation ratio in terms of quantity will be 1:1. However, about 50% of the total quantity of new trees will be small trees due to the limited planter space for heavy standard sized trees.

Ecological Aspect

- 1.11 The applicant claims that some mangrove species located about 35m away from the Site are already physically separated by substantial and regular human activities and there are no rare or protected plant species recorded within the Site. Peripheral planting along western and southwestern boundaries is intended to act as soft screening to minimize the potential impact on the mangroves (**Drawing Z-23**). The applicant has also committed to conducting an EcoIA to the satisfaction of relevant government departments at the detailed design stage as specified in the proposed revised ES of the OZP (**Appendix II**).

Traffic Aspect

- 1.12 According to the applicant's TIA, the Site is currently accessible from Yiu Sha Road and Wu Kai Sha Road via a local access road on the southern side of the Site. The applicant has put forth an indicative proposal to widen a section of the local access road connecting the Site and Wu Kai Sha Road to 7.3m with a 2.5m wide footpath (i.e. proposed access road) (**Drawing Z-30**). The applicant will be responsible for the construction of the proposed access road and intends to hand over the long-term management and maintenance responsibilities of the proposed access road to relevant departments upon completion.
- 1.13 The TIA has concluded that the proposed rezoning would not induce significant adverse traffic impact on the surrounding road network and is feasible from traffic engineering point of view.

Environmental Aspect

- 1.14 The EA submitted by the applicant has evaluated the potential environmental impacts in terms of air quality and noise aspects. For vehicular emission, the applicant proposes buffer distances of more than 5m from the nearest road kerb of Wu Kai Sha Road, Yiu Sha Road and local road to meet the 5m buffer distance requirement as set out in the Hong Kong Planning Standards and Guidelines (HKPSG) (**Drawing Z-32**). No significant adverse air quality impact due to vehicular emission on the proposed development is anticipated.
- 1.15 For potential environmental noise impacts from nearby road traffic and fixed noise sources on the proposed development, it is concluded that the proposed rezoning

² Discrepancies regarding the opening hours of the co-shared passageway are found between applicant's supplementary planning statement and TPLP (i.e. from 7:30a.m. to 8:00p.m.) and proposed ES (i.e. from 7:30a.m. to 8:30p.m.).

would not be subject to significant adverse traffic and fixed noise impact. The applicant proposes to stipulate in the ES (**Appendix II**) that a revised TNIA would be submitted during the detailed design stage.

Drainage and Sewerage Aspects

- 1.16 According to the DSIA, given the insignificant stormwater generation from the Site, no significant adverse stormwater drainage impact on the local drainage system is envisaged. The applicant also proposes to deck over the open channel within the Site (**Plan Z-2**). Relevant construction works will be undertaken prior to the construction stage of the proposed development.
- 1.17 For sewerage, an on-site underground sewage treatment plant (STP) (**Drawing Z-5**) will be provided to treat the wastewater generated from the proposed development. The treated effluent will be discharged to the terminal stormwater manhole via proper connections. No unacceptable impacts are expected from the proposed discharge from STP where the sewage will be treated to acceptable standards prior to discharging to stormwater drainage.

Archaeological/Heritage Conservation Aspect

- 1.18 Majority of the Site is situated within Wu Kai Sha Site of Archaeological Interest (SAI) (**Plan Z-5**). The applicant also proposes to specify in the revised ES (**Appendix II**) that an archaeological investigation within the Site would be conducted to the satisfaction of relevant government departments before any excavation works commence.
- 1.19 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 26.10.2023 (**Appendix I**)
 - (b) Consolidated supplementary planning statement (SPS) (**Appendix Ia**) received on 6.8.2024³
- 1.20 On 22.12.2023 and 19.4.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's requests to defer making a decision on the application each for a period of two months.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the SPS (**Appendix Ia**). They can be summarized as follows:

- (a) the application is fully in line with Government's policy objectives such as the supply of parking spaces including EV charging spaces, RCHE cum DCU to meet the community need and housing units with unique living environment to achieve "trawl for talents" initiative;

³ A total of two previous further information (FI) submissions (received on 21.2.2024 and 18.6.2024) were received in response to departmental comments with relevant technical assessments, which were accepted and not exempted from recounting requirement. The consolidated SPS in **Appendix Ia** supersedes the original SPS and all FIs and hence not attached to this paper.

- (b) the proposed rezoning will not result in any deficit in land area for implementing the planned Government, institution or community (GIC) facilities for the Planning Area of Ma On Shan OZP;
- (c) the proposed rezoning is considered technically feasible in traffic, drainage, sewerage, visual and environmental terms;
- (d) relevant requirements stipulated in the proposed Notes and ES can ensure the implementation of the development; and
- (e) the proposed rezoning will bring forth planning merits, including:
 - to provide a proper road branching off directly from Yiu Sha Road/Wu Kai Sha Road roundabout so as to improve the accessibility of Cheung Kang Village;
 - to improve the existing pedestrian walkway system connecting Wu Kai Sha Beach with its adjoining inner land areas through a co-shared passageway during opening hours; and
 - to act as a catalyst to improve the quality, conditions and proper management of the existing waterfront area adjoining the Wu Kai Sha Beach.

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

The applicant is the sole “current land owner” of the private lots in the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL within the Site, “Owner’s Consent/ Notification” requirements are not applicable.

4. Background

The Site is located in Area 110 of Ma On Shan and has been zoned “G/IC” since the first gazettal of the first statutory town plan for Ma On Shan in 1991.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar rezoning application for proposed residential development within the same / adjoining “G/IC” zone in Ma On Shan area.

7. The Site and its Surrounding Areas (Plans Z-1 to Z-5)

7.1 The Site is:

- (a) located at a waterfront location abutting the natural coastline;
- (b) accessible from an existing local road branching off from Yiu Sha Road/Wu Kai Sha Road roundabout; and

- (c) a piece of undesignated GIC site currently occupied by a temporary vehicle park on the private lots and some mature trees mainly on the GL portion.

7.2 The surrounding areas have the following characteristics (**Plan Z-5**):

- (a) the surrounding is a coastal area with planned promenade zoned as “Open Space” (“O”), village settlements in Cheung Kang and Wu Kai Sha in the “Village Type Development” (“V”) zones and To Tau in “CA” zone as well as a cluster of low-rise GIC facilities in Chinese YMCA of Hong Kong Wu Kai Sha Youth Village (Wu Kai Sha Youth Village) in the same “G/IC” zone;
- (b) Wu Kai Sha Beach is abutting the site on its west extending to the “CA” zone in To Tau, which covers a natural coastal woodland to the north of the Site. Some mangrove species are also found along the coast to the southwest of the Site;
- (c) medium-rise residential developments such as St. Barths and Altissimo zoned “Residential (Group C)4” (“R(C)4”) and “R(C)5” respectively with PR 1.06 and 1.53 and BH restrictions (BHRs) 50mPD and 58mPD are on the inner side of Whitehead to the east of the Site;
- (d) high-rise residential developments including Double Cove in the “Comprehensive Development Area (1)” (“CDA(1)”) zone subject to a PR of 3 and BHRs of 105/120/130mPD are to the east of the Site across Yiu Sha Road; and
- (e) to the further southwest across Wu Kai Sha Youth Village is the residential development, Villa Oceania under “R(B)2” zone subject to a PR 5 and BHR 60mPD.

8. **Planning Intention**

The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

9. **Comments from Relevant Government Bureaux/Departments**

- 9.1 The following government bureaux/departments have been consulted and their views on the application are summarized as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Shi Tin, Lands Department (DLO/ST, LandsD):

- (a) the Site comprises lots owned by the applicant and GL. The private lots concerned are held under the Block Government Lease dated 27.3.1905 (“BGL”) demised for “Padi” (148 SA, RR, 148 SB, RP, and 149 RP.) and “Waste” (150 S.A, 150 S.B and 151);

- (b) under the prevailing land practice, LandsD will generally not accept any land to be surrendered falling outside the land exchange boundary for development. Hence, land in Site B falling within the “CA” zone and not affecting the proposed development will not be considered for the proposed surrender when processing the proposed in-situ land exchange (if planning application is approved);
- (c) a block of 7-storey RCHE cum DCU building is proposed under the subject application. According to Land Administration Office Practice Note Issue No. 5/2023 (“the PN”), the lot owner may apply to LandsD, who may grant the concessions to exempt RCHE cum DCU premises to be provided in the new private development from the payment of land premium and the calculation of total GFA subject to the applicant to fulfil all requirements outlined in para. 3 of the PN;
- (d) if the application is approved by the Board but no bureaux/departments agree to act as the approving and monitoring authority for the PVP, RCHE cum DCU, co-shared passageway and the building separation under lease subsequently, no mandatory requirement or such other requirement will be included in the land exchange document for the provision of these facilities and the building separation under the prevailing mechanism to process land grant application. That said, these facilities may be considered permissive in nature under the land exchange while the control of the facilities and building separation may only be relied on the Notes and ES (if accepted by the Board) for enforcement by Planning Department (PlanD);
- (e) the Site is located within an area of archaeological interest (i.e. AMOO-I606). His office notes that Antiquities and Monuments Office (AMO) has also been included in the circulation list to comment the rezoning application. The proposed land exchange may take into account AMO’s requirement for consideration;
- (f) subject to the above comments, his office has no in-principle objection to the application. If the subject application is accepted or partially accepted by the Board with a set of clear development parameters (including but not limited to the proposed user, GFA and car parking provisions, as appropriate) defined / firmed up and further submission to the Board is not required, the applicant may submit request for streamlined processing of land exchange application. Depending on the circumstances of each case, LandsD at its sole and absolute discretion may, upon receipt of such valid request and subject to payment of the administrative fees (including fee payable to the Legal Advisory and Conveyancing Office, if required) by the applicant, commence the streamlined processing of the land exchange application on a without prejudice and non-committal basis while PlanD is taking forward the relevant OZP amendment;
- (g) the applicant is reminded that once the accepted or partially accepted proposal is reflected in the OZP and approved under section 9 of the Town Planning Ordinance, a formal application for land exchange by the applicant to LandsD is still required. Every application submitted to LandsD will be considered on its own merits by LandsD at its absolute discretion acting in its capacity as a landlord and there is no guarantee

that the land exchange application will eventually be approved by LandsD. If the application for land exchange is approved by LandsD, it will be subject to such terms and conditions as may be imposed by LandsD at its absolute discretion, including payment of premium and administrative fees;

- (h) land exchange would generally be on a foot for foot basis. Government land may however be included as part of the regranted land provided that the following criteria are fulfilled:
 - (i) is incapable of reasonable separation alienation or development;
 - (ii) has no foreseeable public use; and
 - (iii) requires the payment of a premium at full market value and results in a financial return to Government no less favourable than by separate alienation;
- (i) normally, if land exchange is processed to implement the proposed development as approved by the Board, LandsD may impose lease conditions to meet the technical requirements of the relevant departments. However, these departments have to confirm that there would be no insurmountable technical problems under their purview for the proposed development and for the applicant to meet their requirements. Otherwise, LandsD may not process the land exchange or may not adopt such requirements so as to avoid derogation from grant; and
- (j) his detailed comments are at **Appendix III**.

Traffic

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

- (a) he is unable to provide support to the application from a traffic point of view based on the TIA submitted by the applicant mainly on the grounds that:-
 - the volume-to-capacity (V/C) ratio of Ma On Shan Bypass (between Sai Sha Road and Ma On Shan Road) southbound (L4 in **Drawing Z-31**) exceeds 0.85 but the applicant fails to propose any traffic improvement scheme in the TIA to mitigate such traffic impact;
 - the applicant fails to demonstrate that the proposed access road complies with the requirements under Transport Planning and Design Manual (TPDM);
 - should the applicant intend to hand over the proposed access road to her department, a footpath of absolute minimum 1.5m at westbound of the proposed access road and a proper U-turn facility at the end of the proposed access road should be provided. Otherwise, the proposed access road should be managed by the lot owner;
 - the applicant shall demonstrate that the alignment of the proposed new access road complies with and address the interface with the road layout shown on the OZP; and
 - the pedestrian connectivity for the proposed development to the existing Public Transport (PT) facilities is unsatisfactory as the risk of jaywalking would significantly increase without a footpath from the proposed development to the existing lay-by at Wu Kai Sha Road westbound (**Plan Z-5**) to the proposed development;

- (b) he supports the provision of PVP as proposed by the applicant. He has no objection to acting as the authority for the PVP on the matters related to provision and traffic. For land administration matters of the PVP, LandsD should remain the authority; and
- (c) his detailed comments from transport planning, traffic engineering and transport operation points of view are at **Appendix III**.

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

- (a) he has no comment on the application from highways maintenance point of view;
- (b) his department would only take up road maintenance of the modified local access road provided that (i) Transport Department (TD) agrees to be its management department and (ii) the road is designed and constructed up to his department's standard; and
- (c) as the eastern boundary of the Site is very close to Yiu Sha Road, the applicant should make sure that the retaining structure (7NE-D/R99 and 7NE-D/R93) supporting Yiu Sha Road and the roundabout would not be affected permanently and during construction.

Ecology

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

- (a) he has reservation on the application at this stage as the applicant has yet to provide an EcoIA regarding the ecological impacts of the proposed development; and
- (b) the proposed development is in close vicinity of the "CA" zone, which covers a mature coastal woodland and is of ecological value. An intertidal habitat with some mangrove species is just 35m away from the Site (**Plan Z-5**). As such, the applicant should supplement an EcoIA to demonstrate that the proposed development would not result in adverse ecological impacts on the coastal habitats and the species of conservation importance therein.

Drainage

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

- (a) the deck-over proposal of the open channel within the Site is considered not acceptable as it would impose access constraint for maintenance works of the drainage channel which would, in turn, impose greater flooding risk to the Site and its surrounding areas; and
- (b) he has no objection in principle to application but with comments on the DSIA report yet to be addressed by the applicant (**Appendix III**).

Coastal Flood Risk

9.1.6 Comments of the Chief Engineer/Port Works, Civil Engineering and Development Department (CE/PW, CEDD):

- (a) as there are no proposed marine structures in the applicant's submission and no marine assets maintained by his office in the area of concern, he is unable to provide comment on the application. However, as the Site is in close proximity to a natural coastline, he offers the following advisory comments;
- (b) it is noted that the existing ground level of the area in question ranges from approximately 3.6mPD to 4mPD, which is highly susceptible to flooding during high tide levels and typhoon seasons. According to the information provided, the proposed future formation level will reach 5mPD. However, as shown in Table 5 of Port Works Design Manual (PWDM) Corrigendum No. 1/2022, the extreme sea level for a 100-year return period condition is 4.93mPD. This indicates that the Site is at high risk of flooding;
- (c) the applicant is advised to carefully consider the effects of climate change, including the expected rise in sea levels and the increasing threat of storm surges associated with tropical cyclones. He strongly recommends incorporating appropriate design measures to enhance the protection of public safety and property from coastal hazards;
- (d) the Authorized Person/Registered Structural Engineer is highly advised to conduct a thorough assessment of the potential impacts of storm surge and wave action, brought about by climate change and extreme weather conditions, on the proposed development situated at or near the coastline. Suitable protective measures should be proposed and implemented to safeguard the development from potential damage or coastal flooding due to these factors; and
- (e) adequate drainage provisions should be considered to avoid flooding or overloading the proposed drainage system, particularly given the presence of a 3-storey basement carpark in the application, which may be vulnerable to coastal flooding caused by storm surge and wave overtopping.

Urban Design and Landscape

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

Urban Design and Visual

- (a) the Site is located in the coastal area adjoining the beach facing Tolo Harbour to its west. Its immediate locality mainly comprises low-rise developments/rural settlements of Wu Kai Sha Youth Village/Wu Kai Sha Village and To Tau Wan Village to the south and north respectively with existing BHs ranging from about 4mPD to 29mPD/1 to 3 storeys, while high-rise residential developments (e.g. Double Cove) with existing BHs ranging from about 59mPD to 130mPD/13 to 36 storeys are

located to its east across Wu Kai Sha Road. Other residential developments with similar waterfront setting in a wider context such as St. Barths, Altissimo and Villa Oceania are around 22mPD to 58mPD/2 to 18 storeys in BHs. The proposed development with a maximum BH of 55.65mPD/16 storeys (above ground level) is considered not incompatible with its immediate locality to the east and wider waterfront context;

- (b) according to the revised VIA, the proposed development would have negligible to moderately adverse visual impacts to the selected public viewing points (VPs). Notwithstanding, various design measures including a minimum building separation of 15m between residential towers, peripheral landscaping treatment, connection between Wu Kai Sha Road and the beach, stepped building height concept between the residential towers and the RCHE cum DCU, etc are proposed; and
- (c) detailed comments on the submitted VIA yet to be addressed by the applicant are in **Appendix III**.

Landscape

- (d) she has no objection from landscape planning perspective;
- (e) according to the TPLP, 77 existing trees within the Site and six trees immediately outside the Site were identified. All surveyed trees are common species and no registered old and valuable trees (OVTs) were identified within the Site. All trees within the Site are proposed to be felled due to direct conflict with the proposed development and low survival rate after transplantation;
- (f) landscape mitigation such as 83 nos. of new trees with native species within the Site, peripheral planting, and new planting areas are proposed. Moreover, an approximate 540m² open space provision for an estimated population of 534 persons in accordance with the requirements of the HKPSG is proposed. With the proposed mitigation measures, significant adverse landscape impact on the existing landscape resources arising from the proposed development is not anticipated; and
- (g) detailed comments are at **Appendix III**.

Environment

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

- (a) he has no objection to the application;
- (b) it is noted that TD's endorsement on the traffic forecast data or methodology will be provided by the applicant upon receipt. Meanwhile, the existing seasonal channel is proposed to be decked over without interfering the existing stream and no drainage channel or river training and diversion work will be involved for the proposed development; and
- (c) he understands from DLO/ST, LandsD that should the application be

approved by the Board, the applicant or her representative is required to apply to DLO/ST, LandsD for land exchange and relevant departments will be consulted accordingly on the lease conditions. He is of the view that submission of noise impact assessment (NIA) to determine necessary noise mitigation measures and implementation of noise mitigation measures identified in the NIA to the satisfaction of this department would be necessary under lease.

Archaeology/Heritage Conservation

9.1.9 Comments of the Chief Heritage Executive (Antiquities and Monuments), AMO, Development Bureau (CHE(AM), AMO):

- (a) she has no comment on the application from both the archaeological and built heritage conservation perspectives;
- (b) the Site falls within Wu Kai Sha SAI. After reviewing the location of the Site and previous archaeological works within the Site, the applicant is required to conduct an assessment on the impact of archaeological resources arising from the development works within the SAI. Based on the results of the baseline study and desktop research of the assessment, the applicant should assess whether an archaeological investigation is required in consultation and agreement with AMO; and
- (c) if archaeological investigation is needed, the applicant should engage an archaeologist to apply for a licence to conduct the necessary archaeological investigation under the Antiquities and Monuments Ordinance (Cap. 53). The archaeological investigation proposal shall be submitted to AMO for consideration and agreement prior to applying for a licence. Subject to the result of the archaeological investigation, appropriate mitigation measures (if required) should be proposed for consideration and agreement by AMO, and implemented by the applicant to the satisfaction of AMO.

Fire Safety

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

- (a) he has no comment on the application. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (b) the applicant shall be reminded that if licence is required for the proposed RCHE cum DCU, detailed fire service requirements will be formulated upon receipt of referral from relevant licensing authority; and
- (c) the EVA provision shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the Buildings Department.

Other Aspects

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

- (a) she has no adverse comment on the application and the social welfare facilities with minimum GFA specified in the proposed Notes and ES from service perspective;
- (b) all RCHEs in Hong Kong must be operated with a licence issued in accordance with the Residential Care Homes (Elderly Persons) Ordinance (Chapter 459) and the Residential Care Homes (Elderly Persons) Regulation (Cap. 459 sub. leg. A). The Licensing Office of Residential Care Homes for the Elderly (LORCHE) of Social Welfare Department (SWD), is responsible to ensure that the RCHEs comply with the legal and licensing requirements relating to the management and staffing, facilities and equipment, location, structure and design of the premises, building safety, fire precautions, health and sanitation, etc. LORCHE, as the licensing authority, will not act as the approving and monitoring authority to control the welfare facilities under lease. In addition, there is no regulatory regime over the provision of day care centre or DCU for the elderly. As the proposed DCU is private and self-financing in nature, SWD will not act as the approving and monitoring authority to control the DCU; and
- (c) detailed comments on the proposed layout of RCHE cum DCU are at **Appendix III**.

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

- (a) no facilities under the jurisdiction of Sha Tin District Leisure Services Office therefore he has no particular comment on the application; and
- (b) as the roadside trees under LCSD's maintenance along the Site would probably be affected, the applicant is reminded to prepare the Tree Preservation and Removal Proposal (TPRP) in accordance with the requirements of Development Bureau Technical Circular (Works) (DEVB TC(W)) No. 4/2020 – “Tree Preservation” and in conjunction with those from DEVB TC(W) No. 6/2015 – “Maintenance of Vegetation and Hard Landscape Features” for respective departments' consideration and approval.

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

- (a) she has no adverse comment on the application;
- (b) she would like to have further clarification from the applicant on the future cleansing responsibility of the proposed access road, footpath or carriageway. If provision of cleansing service for new public roads, streets, cycle tracks, footpaths, paved areas etc, is required, she should be separately consulted. Prior consent from her must be obtained and sufficient amount of recurrent cost may have to be provided to this department; and
- (c) detailed comments are at **Appendix III**.

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

- (a) Chief Architect/Advisory & Statutory Compliance, Architectural Services

- Department;
- (b) Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Commissioner of Police;
- (e) Project Manager (North), Civil Engineering and Development Department; and
- (f) District Officer (Sha Tin), Home Affairs Department.

10. **Planning Considerations and Assessments**

- 10.1 The application is for rezoning the Site from “G/IC” to “R(B)6” subject to a maximum PR of 2.4 and BHR of not more than 55.65mPD, to facilitate a proposed residential development with PVP and social welfare facilities in the coastal area of Wu Kai Sha. In addition to stipulating the above maximum PR and BHR of the proposed “R(B)6” zone in the Notes, the applicant proposes to put ‘PVP (excluding container vehicle)’ and ‘Social Welfare Facility’ under Column 1 as always-permitted uses for the proposed “R(B)6” zone. Besides, the applicant also proposes to incorporate the provision of the PVP and a minimum GFA of 2,860m² for social welfare facilities into the remarks of the Notes. A clause on disregarding the floor space of the provision of these facilities from GFA calculations is also proposed. The applicant further proposes an additional paragraph in the ES to incorporate the provision of the PVP, social welfare facilities and a co-shared passageway with specific opening hours together with various requirements on building separation and necessary technical assessments including a field survey study, archaeological investigation, EcoIA, revised TNIA and SIA.
- 10.2 According to the indicative scheme, there will be two residential blocks providing a total of 184 housing units over three-storey basement carpark of which one storey for ancillary carpark and two storeys for PVP. The proposal also includes a 162-p RCHE cum 40-p DCU in the seven-storey social welfare block, and a two-storey clubhouse block. According to the applicant, the proposed development is expected to be completed in 2027.

Planning Intention

- 10.3 The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It also provides land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. The “G/IC” zone is predominantly occupied by Wu Kai Sha Youth Village whereas the rest of the “G/IC” site is not reserved for any future use by any government departments. With the proposed rezoning, about 12% of the remaining site area at the fringe of the “G/IC” zone would be affected. Notwithstanding, the proposed rezoning will include the provision of social welfare facilities with a minimum GFA of 2,860m² (as stipulated in the proposed Notes) will contribute to serving the community needs.

Land Use Compatibility and Development Scale (Plan Z-5)

- 10.4 The Site is located in “G/IC” zone at a waterfront location (**Plan Z-5**) directly abutting the “CA” zone at To Tau to the north, a planned promenade under “O” zone and a portion of the same “G/IC” zone which is currently a natural beach (i.e. Wu Kai Sha Beach) to its north and west, low-rise Wu Kai Sha Youth Village with BH of 3 storeys under “G/IC” zone and villages at Cheung Kang and Wu Kai Sha under “V” zone to its south. It is separated by Yiu Sha Road from the high-rise residential developments to its east such as Double Cove under “CDA(1)” zone with PR 3 and BHRs of 105/120/130mPD. Two “R(C)” developments with PR up to 1.53 and BHR 58mPD are located at the inland side of Whitehead to the north of Yiu Sha Road. In terms of land uses, the proposed development comprising residential towers cum social welfare facilities including RCHE cum DCU, and a PVP may not be incompatible with the surrounding uses which are mainly GIC and residential in nature. As regards the development scale, it may not be incompatible with the developments to the east and in wider context as commented by CTP/UD&L. However, as the Site is located at the waterfront, there is concern about the proposed scale of development with PR 2.4 and BH 55.65mPD (16 storeys) which is not compatible with its immediate surrounding areas to the north, west and south comprising mainly natural beach, villages and low-rise GIC facilities. In this regard, a lower development intensity taking into account the character of the low-rise waterfront setting would be more desirable.

Technical Considerations

- 10.5 The applicant fails to demonstrate the technical feasibility of the proposed rezoning under the indicative development scheme in terms of traffic, ecology, coastal flood risk and drainage.
- 10.6 On traffic aspect, C for T is unable to provide support to the proposed rezoning. C for T notes that the V/C ratio of Ma On Shan Bypass (between Sai Sha Road and Ma On Shan Road) southbound (L4 in **Drawing Z-31**) exceeds 0.85 but the applicant fails to propose any traffic improvement schemes to mitigate the adverse impact. TD has not yet agreed on the design of the proposed access road as the proposed access road has not yet complied with the requirements under TPDM and that a footpath of absolute minimum 1.5m at westbound of the proposed access road and a proper U-turn facility at the end of the proposed access road have not yet been provided. Moreover, C for T commented that the applicant has not yet demonstrated that the alignment of the proposed new access road has taken into account future interface with the planned road from Wu Kai Sha Road/Yiu Sha Road roundabout to Villa Athena as shown on the OZP (**Plan Z-5**).
- 10.7 From road safety point of view, the applicant fails to provide a footpath connecting the proposed development to the existing public transport lay-by at Wu Kai Sha Road westbound at the request of C for T (**Plan Z-5**). C for T considers the risk of jaywalking would significantly increase without the necessary footpath and the proposed pedestrian connectivity to the existing public transport facilities unsatisfactory.
- 10.8 On ecological aspect, DAFC has reservation on the application. DAFC highlights that the “CA” zone with mature coastal woodland, which is to the immediate north of the Site, is of ecological value. Taking into account the intertidal habitat with mangrove species located 35m away from the Site (**Plan Z-5**), he considers that it is necessary for the applicant to submit an EcoIA to

demonstrate that no adverse ecological impacts on the coastal habitats and the species of conservation importance would be caused by the proposed development upon rezoning.

- 10.9 On coastal flood risk aspect, CE/PW, CEDD points out that the extreme sea level for a 100-year return period condition is at 4.93mPD so the Site with the proposed future formation level reaching 5mPD is at high risk of flooding. He further advises that adequate drainage provisions should be considered to avoid flooding or overloading the proposed drainage system, particularly given the presence of the 3-storey basement carpark at the Site, which may be vulnerable to coastal flooding caused by storm surge and wave overtopping. He strongly recommends the applicant to incorporate appropriate design measures to enhance the protection of public safety and property from coastal hazards, taking into account the effects of climate change, including the expected rise in sea levels and the increasing threat of storm surges associated with tropical cyclones. He also considers that a thorough assessment of the potential impacts of storm surge and wave action, brought about by climate change and extreme weather conditions, on the proposed development situated at or near the coastline, should be conducted by an Authorized Person/Registered Structural Engineer so that suitable protective measures can be proposed and implemented to safeguard the Site from potential damage or coastal flooding due to these factors.
- 10.10 On drainage aspect, although CE/MS, DSD has no objection in-principle to the application, he considers that the deck-over proposal of the existing open channel within the Site (**Plan Z-2**) is not acceptable. He advises that the deck-over proposal would impose access constraints for the maintenance works of the channel and therefore the risk of flooding to the Site and its surrounding area would increase. Moreover, there are still some unresolved comments on the DSIA from DSD to be addressed by the applicant.
- 10.11 On sewerage and environmental aspects, despite no objection to the application, DEP requests submission of NIA to determine necessary noise mitigation measures and implementation of noise mitigation measures identified in the NIA to the satisfaction of his department under lease during the land exchange stage. The incorporation of NIA under lease is to be dealt with under land administrative procedures.
- 10.12 On archaeology/heritage conservation aspect, the Site falls entirely within Wu Kai Sha SAI (**Plan Z-5**). CHE(AM), AMO notes that the applicant has proposed to state in the ES that an archaeological investigation within the Site should be conducted to the satisfaction of relevant government departments prior to any excavation works. CHE(AM), AMO has no comment on the application.

11. **Planning Department's Views**

- 11.1 Based on the assessment made in paragraph 10 above, the Planning Department does not support the application for the following reasons:
 - (a) there is no strong justification to demonstrate that the proposed development scale is compatible with the surrounding low-rise waterfront setting comprising mainly natural beach, villages and low-rise GIC facilities; and

- (b) the applicant fails to demonstrate the feasibility of the proposed access road and that the proposed rezoning would not have adverse traffic, road safety, ecological, drainage and coastal flood risk impacts on the surrounding areas.

11.2 Alternatively, should the Committee decide to agree / partially agree to the subject application, the proposed amendments to the Ma On Shan OZP would be submitted to the Committee for approval prior to gazetting under the Town Planning Ordinance.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 12.2 Should the Committee decide not to agree to the application, Members are invited to advise what reasons for the decision should be given to the applicant.

13. Attachments

Appendix I	Application form received on 26.10.2023
Appendix Ia	Consolidated Submission received on 6.8.2024
Appendix II	A set of revised Notes and Explanatory Statement for “R(B)6” zone proposed by the applicant
Appendix III	Detailed Departmental Comments
Drawing Z-1	Site Location Plan
Drawing Z-2	Landholding Plan
Drawing Z-3	Site and Surrounding Plan
Drawing Z-4	Building Height Profile
Drawing Z-5	Indicative Master Layout Plan
Drawings Z-6 to Z-16	Indicative Master Layout Floor Plans
Drawings Z-17 to Z-18	Schematic Section Plans
Drawing Z-19	Indicative Landscape Master Plan
Drawings Z-20 to Z-21	Indicative Landscape Section Plans
Drawing Z-22	Indicative Open Space Plan
Drawing Z-23	Distance between the Site and Mangroves
Drawings Z-24 to Z-29	Photomontages
Drawing Z-30	Proposed Access Arrangement
Drawing Z-31	Location of Surveyed Junctions and Area of Influence
Drawing Z-32	Buffer distances from nearby roads
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plan Z-4	Site Photos
Plan Z-5	Site Context of Application Site and Surrounding Area