

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

APPLICATION NO. Y/YL-NTM/9

<u>Applicant</u>	: Wonder Pacific Development Limited represented by R Lee Architects (HK) Ltd.
<u>Application Site</u>	: Lot 4823 in D.D. 104, Ngau Tam Mei, Yuen Long
<u>Site Area</u>	: 736.3m ²
<u>Lease</u>	: Lot 4823 in D.D. 104 governed by New Grant Lot No. 22253 dated 9.12.2015 for private residential purposes
<u>Plan</u>	Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
<u>Zoning</u>	: “Residential (Group C)” (“R(C)”) [Restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m) including car park]
<u>Proposed Amendment</u>	: To rezone the application site from “R(C)” to “Government, Institution or Community” (“G/IC”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1**) from “R(C)” to “G/IC” on the approved Ngau Tam Mei OZP No. S/YL-NTM/12 to facilitate a proposed social welfare facility (residential care homes for the elderly (RCHE)). The applicant has not proposed any change to the Column 1 and Column 2 uses of the Notes for the “G/IC” zone of the OZP, with ‘Social Welfare Facility’ being a Column 1 use of the “G/IC” zone which is always permitted. No development restrictions (including PR and BH) are stipulated in the Notes of the OZP for the “G/IC” zone. The Notes for the “G/IC” zone of the OZP are at **Appendix II**. The Site is occupied by an existing house built in 2017, with a PR of 0.4 and BH of 3 storeys (**Plans Z-2, Z-3 and Z-4**). The house is accessible from San Tam Road (**Drawing Z-2**).
- 1.2 The applicant has submitted an indicative development scheme to support the proposed rezoning for redevelopment of the existing house to a 10-storey RCHE with 142 beds. The maximum BH of the RCHE is 36.93mPD (or 29.6m). The proposed RCHE is intended to operate under the Enhanced Bought Place Scheme (EBPS) of the Social Welfare Department (SWD), and the proposed maximum gross floor area (GFA) of 5,400m² is in line with the limit of the “Scheme to Encourage Provision of RCHEs Premises in New Private Development”. Ancillary staff quarter (8 rooms) and administration office are located at the topmost floor of the RCHE building, which

are situated at a height over 24m of the building and solely reserved for administrative staff. The staff quarters would facilitate after-hour emergency services and the needs for “epidemic closed-loop management”. The floor plans and section, Landscape Master Plan (LMP) and the associated landscape sections, as well as the photomontages of the proposed development are at **Drawings Z-1 to Z-23**. The design concepts of the RCHE building, including screening of noise, better ventilation by stack effect and provision of sky garden, are illustrated at **Drawings Z-24 to Z-26**. The major development parameters of the indicative development scheme are as follows:

Major Development Parameters	
Site Area	736.3m ²
Total PR	7.33
Total GFA	5,400m ²
BH	10 storeys (29.6m or +36.93 mPD)
Site Coverage	about 75.56%
Number of beds	142
Local Open Space	341.146m ²
Green Coverage	20.161%
Main Floor Uses	
LG/F	<ul style="list-style-type: none"> • Entrance • Car Park • E&M and sewage treatment plant (STP)
UG/F	<ul style="list-style-type: none"> • Multi-purpose rooms • Kitchen
1/F	<ul style="list-style-type: none"> • Wellness Centre • Sky Garden
2/F to 7/F	<ul style="list-style-type: none"> • RCHE • Isolation Rooms (3/F) • Multi-function Area
8/F	<ul style="list-style-type: none"> • Staff Quarters (8 rooms) • Administration Office
Roof	<ul style="list-style-type: none"> • Roof Garden
Transport Facilities	
Parking Spaces	
Private Car	2 (including 1 disabled parking space)
Minibus	1
Light Goods Vehicle	1
Motorcycle	1
Completion Year	2027

- 1.3 In support of the rezoning application, the applicant has submitted supplementary planning statement and technical assessments including Traffic Impact Assessment (TIA), Environmental Assessment (EA), Visual Impact Assessment (VIA), LMP, Geotechnical Planning Review Report (GPRR), Design Calculation for Sewage Treatment Plant, Landfill Gas Hazard Assessment (LGHA) and Quantitative Risk Assessment (QRA) for high pressure town gas pipeline.

Environmental

- 1.4 According to the EA, air quality, noise, water quality, waste management and land

contamination aspects of the proposed development have been assessed and no adverse impacts are anticipated. With appropriate mitigation measures being incorporated in the indicative layout, including buffer/setback from San Tam Road and San Tin Highway, noise sensitive rooms facing away from roads, installation of architectural fins and acoustic windows, and low noise type cooling towers with intake silencers, no adverse traffic/fixed noise and air quality impact on the proposed development is anticipated.

- 1.5 As the Site is located within the 250m consultation zone of the Ngau Tam Mei Landfill, a LGHA has been conducted. The LGHA concludes that the overall level of landfill gas risk to the proposed development is 'low'. With appropriate protection and precautionary measures, including regular landfill gas monitoring during both the construction and operation stage, no adverse impact on the proposed development is anticipated. As no public sewer is available for the proposed development, an on-site tertiary STP will be provided for sewage treatment. The applicant has submitted design calculation for the STP to ascertain the feasibility.

Landscape and Visual

- 1.6 According to the LMP (**Drawing Z-10**), the gentle slope with trees and shrubs between the Site and San Tam Road will be mostly retained to allow screening of traffic noise and adverse visual impact. Vertical greening on lower floors facing San Tam Road and planters on R/F are proposed to enhance visual composition (**Drawing Z-14**). Sky Garden on 1/F can provide a diverse function space with shaded open space (**Drawing Z-26**). Roof Garden on R/F provides a large outdoor area for entertainment and events, which consists of observatory garden, urban farm, entertainment playground and seating. Private open space of about 341m² will be provided, and an overall greening ratio of about 20% will be achieved. All seven trees located at the Green Hatched Black Area adjoining the Site will be retained in-situ (**Drawing Z-11**).
- 1.7 A VIA has been conducted to assess the visual impact of the proposed development against the baseline scenario (i.e. the existing house at the Site) (**Drawings Z-17 to Z-23**). According to the VIA, the proposed development would have negligible to slightly adverse visual impact. With the building set back of about 12.6m from San Tam Road as well as the mitigation measures as detailed in paragraph 1.6, it is anticipated that the proposed development will not create adverse visual impact to the surrounding area.

Traffic

- 1.8 The proposed development is accessible from San Tam Road through its 6.3m vehicular ingress/egress and pedestrian entrance located at the western side of the Site (**Drawing Z-2**). Taking into account the proposed junction improvement works under approved planning application No. A/YL-NSW/241¹ at the Fairview Park Interchange,

¹ Junction improvement works at the Fairview Park Interchange were proposed under the approved s.16 application (No. A/YL-NSW/241) for Proposed Comprehensive Development of an Outlet Mall with Commercial Uses (including 'Shop and Services' and 'Eating Place'), 'Agricultural Use' (Commercial Fish Ponds), 'Excavation of Land' and 'Filling of Land' at a site south of Wing Kei Tsuen. The application was approved by the Rural and New Town Planning Committee on 13.10.2017. Subsequently, a s.16A application for extension of time for commencement of development was approved by the Director of Planning under the delegated authority of the Town Planning Board on 15.7.2021.

as well as other planned road and junction improvement works to be implemented by concerned parties, the TIA demonstrates that all critical junctions and road links will operate within capacity with the proposed development. The traffic trips generated by the proposed development is minimal and will not have significant impact to the adjacent road network.

Town Gas Safety

- 1.9 In view of the underground high pressure town gas pipeline aligned along San Tam Road adjacent to the Site (**Plan Z-2**), the applicant has submitted a QRA which demonstrates that both individual and societal risks as a result of an increase in population from the proposed development are in the acceptable region.
- 1.10 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 10.8.2022 **(Appendix I)**
 - (b) 5 submissions of Further Information (FI) received on 17.10.2022, 5.1.2023, 21.2.2023, 16.5.2023 and 8.8.2023 in response to departmental comments with revised assessments and/or replacement pages
 - (c) FI received on 29.11.2023 providing a consolidated **(Appendix Ia)** supplementary planning statement[#]
[#] exempted from publication requirement
- 1.11 On 27.10.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer a decision on the application for two months.

2. Justifications from the Applicant

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

- (a) The proposed development is in line with the Government's recent policy to increase RCHEs bedspace supply and will alleviate the shortfall of RCHEs in Ngau Tam Mei and the Northern Metropolis which plans to house another 2.5 million of population. With the planned Northern Link (NOL) connecting the area with other districts, there are various planning applications currently under processing which lead to rapid change and increase in population in the area.
- (b) Since the issue of EBPS by the SWD in 2003, only one RCHE in Tuen Mun complying the standard was completed in 2019. The approval of the current application can speed up the supply of RCHE. There is general shortage in residential care services places with an average waiting time for Care and Attention Home places and nursing home places at 19 months and 22 months respectively. The GFA of 5,400m² of the proposed development is in line with the limit of the "Scheme to Encourage Provision of RCHEs Premises in New Private Development" and is eligible for exemption from assessment of premium which could facilitate timely provision of RCHE bedspaces in the area.

- (c) The private lot is under applicant's sole ownership and can speedily redevelop upon approval by the Town Planning Board (the Board). Unlike mixed use developments, the proposed standalone RCHE will not create any conflict or nuisance to other residents within the same development.
- (d) The proposed development, although having higher PR and BH than the original "R(C)" zone, is justified by comparing to other similar developments in "G/IC" zones with adjoining low-density developments in Yuen Long district. The building bulk of the proposed development is justified in the VIA. The determination of BH shall be based on individual proposal and their merits, subject to no significant adverse impact from planning and technical point of view. The proposed development has also taken into account green building design and the Sustainable Building Design Guidelines.
- (e) Technical assessments have demonstrated that the proposed development will not result in insurmountable visual, traffic, environmental, sewerage and geotechnical impacts on the surrounding areas.

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

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not related to any planning enforcement case.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar application within the same "R(C)" zone on the OZP.

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

7.1 The Site is:

- (a) currently occupied by an existing 3-storey house; and
- (b) accessible from San Tam Road.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast within the same “R(C)” zone are low-rise residential developments (Maple Garden and Crescendo). To the further north and northeast is the future San Tin Technopole development;
- (b) to its east is woodland within the “Green Belt” zone;
- (c) to its south within the same “R(C)” zone is a low-rise residential development (Casa Paradizo). To the further south is the proposed Ngau Tam Mei Station of the NOL; and
- (d) to its west are San Tam Road and San Tin Highway and across which are Ko Hang village and low-rise residential developments (Royal Palms and Palm Springs).

8. Planning Intention

- 8.1 The “R(C)” zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 8.2 Since the areas along San Tin Highway would be subject to traffic noise impact any proposed development near the road should provide adequate mitigation measures to minimize such impact.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views are summarized as follows:

RCHE Service and Licensing

- 9.1.1 Comments of the Director of Social Welfare (DSW):

RCHE Service

Design of RCHE

- (a) As reviewed on the applicant’s submission, and in view of increasing demand for residential care services for the elderly over the territory and to provide more choices for the elderly with residential care needs, she has no further comment on the design of RCHE and the applicant has generally taken note of the comments and the applicant’s responses are summarised below:
 - (1) the applicant has clarified the boundary of RCHE and confirmed that the total GFA of the intended RCHE is 5,400m²;
 - (2) the applicant plans to propose some ancillary facilities to be

situated at a height over 24m of the building² and agrees to seek the approval of DSW on the part of the RCHE which exceed a height of 24m from ground floor during the licensing application;

- (3) the applicant has clarified that the non-standard facilities of the proposed RCHE (i.e. Wellness Centre, Hydrotherapy, Sky Garden and Farming areas) are for the residents' use whereas the Staff Quarters is for the overnight staff to take rest and provide space for staff during close-loop management if necessary; and
- (4) the applicant has also confirmed the provisions of i) protected lobbies for isolation rooms, ii) spaces on both sides of the beds, iii) lift with dimension that can accommodate a stretcher bed and iv) two drop-off points inside cover carpark on LG/F.

Intention for joining the Premium Concession Scheme

- (b) As for the intention for joining the Premium Concession Scheme, the applicant replied that he will submit the application to the concerned DLO of LandsD and comply with conditions and all related guidelines. Subject to the result of the planning application under section 12A for the proposed RCHE, she would assess its support-worthiness for joining the Premium Concession Scheme upon receipt of the LandsD's referral.
- (c) In pursuance of the 2022 Policy Address and the 2023-24 Budget, more incentives to the developers for encouraging the construction and operation of RCHE in private developments have been introduced and incorporated into the enhanced Premium Concession Scheme. In this light, the applicant is advised to refer to the details of the enhanced Scheme as stipulated on LandsD's Practice Note No. 5/2023 as attached and the information on SWD's homepage (https://www.swd.gov.hk/en/pubsvc/elderly/elderly_info/elderlydoc/sc_hemetoen/).
- (d) Subject to comments of other government bureaux/departments, the applicant is advised that she will only support the setting up of a RCHE and consider recommending Premium Concession for the proposed RCHE on conditions that –
 - (1) the proposed RCHE should be a satisfactory design as agreed by the SWD;
 - (2) there shall be no financial implications, both capital and recurrent, to the Government;
 - (3) the design and construction of the RCHE should be in full compliance with the statutory and licensing requirements including but not limited to those stipulated in the Residential Care Home (Elderly Persons) Ordinance, Cap. 459 and its

² As stipulated in section 20(1) of Cap. 459A, no part of an RCHE shall be situated at a height more than 24 metres above the ground floor, measuring vertically from the ground of the building to the floor of the premises in which the RCHE is to be situated.

subsidiary legislation, as well as the latest version of the Code of Practice for Residential Care Homes (Elderly Persons); and

- (4) all the requirement of the Premium Concession Scheme as set out in LandsD's Practice Note No. 5/2023 as attached, together with any other requirements imposed by LandsD in the lease exchange, if applicable, shall be complied with.
- (e) With a view to provide a quality RCHE for service users, the applicant is reminded to make reference to the latest versions of (i) 'Guidance Note of Premium Concession Scheme', (ii) 'Best Practices in Design and Operation of RCHE', and (iii) 'Best Practices Guidelines – Basic Provision Schedule Specific Requirements for RCHE' which can be downloaded from SWD Homepage : https://www.swd.gov.hk/en/pubsvc/elderly/elderly_info/elderlydoc/sc_hemetoen/. Furthermore, given the RCHE is a newly planned project, the applicant is reminded to comply with the entire ventilation requirements stipulated in Para. 4.9 "Heating, Lighting and Ventilation" in the latest version of the Code of Practice for Residential Care Homes (Elderly Persons) (CoP) January 2020 (Revised Edition).

RCHE License Application

- (f) In assessing a licence application, the applicant is required to comply with the requirements stipulated in the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459), its subsidiary legislation and the latest version of the Code of Practice for Residential Care Homes (Elderly Persons); and
- (g) Detailed comment will be formulated during the stage of formal application of licence. The applicant is reminded that the ancillary facilities to be accommodated on the floor(s) above 24m from the ground level should be those normally not accessible by residents (e.g. kitchen, laundry room, office, staff resting room). The approval given is subject to the provision of fire safety, evacuation and rescue, and appropriate evacuation, contingency and fire drill plans for the prospective RCHE.

Land Administration

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

- (a) The Site is located within Lot No. 4823 in D.D. 104 (the Lot) governed by New Grant No. 22253 dated 9.12.2015 and subject to the user restriction of private residential purposes only with a maximum GFA of 294.5m², maximum BH of 21mPD and maximum number of 3 storeys. Hence, the proposed RCHE development is in breach of the lease conditions.
- (b) The actual site area, land status, ownership particulars, etc. of the Lot under the application have to be verified at the land exchange/lease

modification stage if any land exchange/lease modification is applied for by the applicant to LandsD.

- (c) In the event that the rezoning application for the proposal is approved by the Board, the applicant shall be reminded that they should obtain the necessary policy support for the proposal and apply to his office for land exchange/lease modification to implement the proposal. Subject to policy support being given by Labour and Welfare Bureau and SWD, LandsD will consider the application in its private capacity as landlord and there is no guarantee that the land exchange/lease modification, including the grant of additional Government land (if any), for the proposed development will be approved. The land exchange/lease modification, if approved, will be subject to such terms and conditions, including payment of premium, administrative fee and other applicable fees, to be imposed by LandsD at its sole discretion.

Traffic

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

- (a) The applicant should design and construct the vehicular access in accordance with the latest Transport Planning and Design Manual of TD and the relevant standard drawings of HyD, and to the satisfaction of TD and HyD.
- (b) Adequate drainage measures shall be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

The proposed site location is close to the railway protection zone of existing Express Rail Link. He has no comment on the application from railway development perspective and the railway protection team of the MTR Corporation Limited should be consulted with respect to operation, maintenance and safety of the existing railway network.

Environment

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

- (a) As 'Social Welfare Facility' is a Column 1 use and is always permitted under the proposed "G/IC" zone if the rezoning application is approved, the implementation of key environmental mitigation measures, including the required noise mitigation measures based on the latest master layout plans for the proposed development, should be ensured under the land lease mechanism.
- (b) The EA demonstrated that with implementation of mitigation measures, the proposed development will unlikely cause/subject to adverse

environmental impacts exceed the Hong Kong Planning Standards and Guidelines (HKPSG) criteria. The key mitigation measures proposed in the EA are highlighted below:

- (a) noise mitigation measures including architectural fins and acoustic windows as recommended in the EA will be provided to ensure that all flat units will comply with noise criteria under the HKPSG; and
- (b) on-site tertiary STP (adopting Membrane Bioreactor technology) will be provided for sewage treatment for the development before public sewer is available.
- (c) He has no objection to the application if the land lease mechanism can secure the provision of noise mitigation measures and STP as mentioned above. The applicant will be required to submit a detailed Noise Impact Assessment (NIA) report for the latest master layout plans (to demonstrate 100% compliance with the noise criteria under the HKPSG) and the implementation of mitigation measures identified therein, to the satisfaction of the DEP/LandsD under land lease mechanism.

Drainage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection to the application from drainage operation and maintenance point of view. The submission and implementation of a drainage proposal shall be ensured under land lease mechanism.
- (b) As the Site is not covered by previous application, this application would be processed as a new case. In this aspect, the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to the Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow, etc.) with supporting design calculations and charts should be included. The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site.
- (c) After completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs.
- (d) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.

- (e) The applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.
- (f) No public sewerage maintained by DSD is currently available for connection. No sewerage collected from the Site should be discharged to the drainage system. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (g) The applicant should consult DLO/YL of LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future.
- (h) All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on site under proper maintenance at all times.

Urban Design and Landscape

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

Urban Design and Visual

- (a) She has no objection to the application from urban design and visual perspectives.
- (b) The Site is currently occupied by a house of 3 storeys. The Site is bounded by San Tam Road and San Tin Highway in the west and Roma Viale of Crescendo in the north. Low-rise low-density residential developments ranging 2 to 3 storeys are located to its north, south and further west. According to the submitted VIA, the visual impact brought by the rezoning proposal ranges from 'negligible' to 'slightly adverse'. Given the context and as illustrated in the photomontages of the VIA (**Drawings Z-17 to Z-23**), it is unlikely that the rezoning proposal would induce significant adverse visual impact on the surroundings.

Landscaping

- (c) She has no objection to the application from landscape planning perspective.
- (d) With reference to the aerial photos, the Site is situated in an area of rural fringe landscape character with low-rise residential developments, village houses, vacant land, temporary structures, roadside plantings, and scattered tree groups. Woodland within the "GB" zone is located to the east of the Site. The proposed rezoning for the development of a RCHE is not incompatible with the landscape character of the surrounding areas with low-rise buildings/houses.
- (e) According to the LMP, all the existing trees, tree felling and

compensation in the Green Hatched Black Area and Brown Area were covered by the Tree Felling Application for the existing house development approved by the LandsD on 15.6.2015. No additional compensatory planting is required for the proposed development while there is no tree exist on the Site. Landscape provisions with hard and soft landscape treatments are proposed (e.g. 1/F Sky Garden, vertical greening, planters on 2/F and 3/F, flat roof on 8/F and roof garden).

- (f) With reference to PNAP APP-152, greenery area means area with live plants and soil or similar base. The applicant suggests that artificial turf will be applied instead of plants as shown in landscape plans for 1/F. Accountability of areas concerned in compliance with the site coverage of greenery (SCG) requirement will be subject to the acceptance of the SCG submission by the relevant authority.

9.1.8 Comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD):

It is noted that the proposed development mainly consists of one block with BH of 10 storeys (about 36.93mPD), which is about 233% higher than the adjacent “R(C)” developments with BH restriction of 3 storeys permitted on the OZP. It is considered undesirable from visual impact point of view and may not be compatible to adjacent future developments.

Ecological

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

- (a) He has no particular comment on the rezoning application from nature conservation perspective as the majority of the Site has been occupied by some structures.
- (b) The applicant shall be reminded to avoid polluting or disturbing the adjacent watercourse during construction and operation.

Geotechnical

9.1.10 Comments of the Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD):

- (a) He has no further geotechnical comment on the GPRR for the application.
- (b) The applicant shall be reminded to submit the proposed building works plans to the Buildings Department (BD) for approval as required under the provisions of the Buildings Ordinance (BO).

Fire Safety

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

- (a) He has no objection in principle to the proposed rezoning of the Site provided that the fire service installations and water supplies for firefighting being provided to the satisfaction of the D of FS and that the height restriction as stipulated in S.20 of Residential Care Homes (Elderly Persons) Regulation, Cap. 459A is observed.
- (b) Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. Additional fire safety requirements may be imposed upon vetting of the building details with regard to the safety distance of the petrol filling station at the vicinity, if any. The applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011, which is administered by the Buildings Department.
- (c) The applicant is also advised to consult SWD on the proposed development and shall be reminded that licensing requirements will be formulated upon receipt of formal application via the Licensing Authority.

Building Matters

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

- (a) The proposed RCHE is considered as domestic use under the BO. Modification for treating RCHE as non-domestic building for the purpose of site coverage, PR and open space under the BO may be considered at the building plan submission stage.
- (b) Provision of prescribed windows for habitable areas and kitchen need to comply with Regulations 30, 31 and 32 of the Building (Planning) Regulation (B(P)R).
- (c) Provision of windows for rooms containing soil fitments need to comply with Regulation 36 of the B(P)R.
- (d) The Site shall be provided with means of obtaining emergency vehicular access in accordance with Regulation 41D of the B(P)R.
- (e) Any parking space 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 Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2.
- (f) 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.
- (g) If the proposed use under application is subject to issue of a licence, the

applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

- (h) Detailed checking will be carried out during building plan submission stage.

Other Aspects

9.1.13 Comments of the Director of Electrical and Mechanical Services (DEMS): Electricity Safety

- (a) He has no particular comment on the rezoning application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the 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. The applicant is also 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.

Town Gas Safety

- (c) There is a high pressure town gas pipeline (HP pipeline) running along San Tam Road in close vicinity of the Site. He has no further comment on the QRA submitted by the applicant.
- (d) The project proponent should liaise with the Hong Kong and China Gas Company Limited (HKCGCL) in respect of the exact locations of existing and planned gas pipes/gas installations in the vicinity to the Site and any required minimum set back distance away from them during the planning, design and construction stages of the proposed development.

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

- (a) He has no adverse comment on the application.
- (b) No Food and Environmental Hygiene Department’s (FEHD) facilities will be affected and all related work or operation shall not cause any environmental nuisance, pest infestation and obstruction to the surroundings.

- (c) For any waste generated from such operation or activity, the applicant should arrange disposal properly at his own expenses.
- (d) Proper licence/permit issued by FEHD is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

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

- (a) Commissioner for Transport (C for T)
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Leisure and Cultural Services (DLCS);
- (d) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (e) Commissioner of Police (C of P); and
- (f) District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD).

10. Public Comments Received During the Statutory Publication Periods

10.1 The application was published for public comments on 19.8.2022; and subsequent FIs submitted by the applicant was published five times for public comments. During the statutory publication periods, a total of 15 public comments were received (**Appendix IIIa to IIIc**), including one supporting comment, 13 objecting comments and one comment providing views. Their major views are summarised as follows:

Supporting Comment (Appendix IIIa)

10.2 One supporting comment was submitted by an individual on the ground that there is genuine need of RCHE in the area.

Objecting Comments (Appendix IIIb)

10.3 13 objecting comments were submitted by the Owners' Committee of Paloma of Palm Springs and individuals. Their major views are summarised as follows:

- (a) the increase of PR and BH are considered excessive and the proposed development is incompatible with the surrounding area which is a low-rise, low-density neighbourhood. It would also impose significant adverse visual impact on the surrounding area and would create nuisance, hence affecting the living quality of the neighbourhood;
- (b) the proposed RCHE would worsen the traffic at nearby road networks and add pressure to the public transport services nearby. Besides, the proposed RCHE is only served by a vehicular access connecting San Tam Road, and there is fire safety concerns as emergency services may not be able to timely reach the Site if there is blockage at San Tam Road;
- (c) the Site is subject to noise pollution from nearby roads. The proposed acoustic windows may affect natural lighting and ventilation of the habitable rooms of

the proposed RCHE. Besides, the floor plans indicated that certain part of the RCHE building exceeds 24m from ground level, which does not comply with the statutory limit;

- (d) the Site is small and not suitable for RCHE, and is considered not in line with Government's policy of adopting an "estate-based" approach in reserving sites for elderly facilities. The Site shall be retained for residential purpose in view of the acute shortage of housing in the territory; and
- (e) the proposed RCHE will increase burden of the Pok Oi Hospital.

Providing Views (Appendix IIIc)

- 10.4 One comment was submitted by the HKCGCL indicating that the applicant should conduct a QRA to evaluate the potential risk to the HP pipeline at San Tam Road (**Plan Z-2**).

11. Planning Considerations and Assessments

The Proposal

- 11.1 The application is for rezoning the Site from "R(C)" to "G/IC" for a 10-storey RCHE development. According to the indicative scheme, the proposed RCHE development will have a total GFA of 5,400m² and maximum BH of 36.93mPD (or 29.6m), providing 142 beds. The applicant has not proposed any change to the Notes for "G/IC" zone of the OZP, while 'Social Welfare Facility' is a Column 1 use and is always permitted. Besides, no development restrictions (including PR and BH) are stipulated in the Notes of the OZP for the "G/IC" zone.

Land Use Compatibility, Development Intensity and Urban Design

- 11.2 The Site is situated to the east of San Tin Highway along San Tam Road, and located at the fringe of Casa Paradizo to the south adjoining the Site. The proposed RCHE is not incompatible with the surrounding areas which are predominantly low-rise residential developments. Besides, the proposed RCHE could serve the needs of the local residents and meet the demand of the community for GIC facilities. Moreover, there are various strategic planning and infrastructure developments in the wider San Tin, Mai Po and Ngau Tam Mei sub-region in the area further north and south of the Site. The Site is located between the existing sub-urban neighbourhood in the Ngau Tam Mei areas and the San Tin Technopole. Furthermore, the accessibility of the areas will be enhanced upon the operation of the planned NOL, including the gazetted Ngau Tam Mei Station about 900m to the south (**Plan Z-1**). The scale of the proposed 10-storey RCHE (i.e. a maximum BH of 36.93mPD or 29.6m) with a GFA of 5,400m² is considered not excessive and not entirely out of keeping with the existing sub-urban neighbourhood and is not out of context with the planned land uses in the area benefited from improved accessibility.
- 11.3 The applicant has submitted a VIA to demonstrate the visual compatibility of the proposed development with the surrounding areas. Although the immediate surrounding areas of the Site are mainly occupied by low-rise low density residential developments ranging from 2 to 3 storeys, with various design measures including

provision of building setback from San Tam Road and greenery elements, the proposed RCHE would unlikely induce significant adverse visual impact on the surroundings (**Drawings Z-17 to Z-23**). While CA/ASC, ArchSD considers the development undesirable from visual impact point of view, CTP/UD&L, PlanD has no objection to the application from visual perspective based on the above.

RCHE Service

- 11.4 The proposed use could provide more RCHE beds to cater for the genuine need in the area. DSW considers that the RCHE can provide more choices for the elderly with residential care needs in view of increasing demand for residential care services for the elderly over the territory, and has no objection to the application from RCHE Service and licensing perspectives as long as the RCHE complies with the design requirements. As for the intention for joining the Premium Concession Scheme, SWD would assess its support-worthiness for joining the Premium Concession Scheme upon receipt of the LandsD's referral. The applicant is reminded to make reference to all related guidelines to provide a quality RCHE for service users.

Environmental Considerations

- 11.5 An on-site tertiary STP is proposed for sewage treatment (**Drawing Z-2**) and the submitted EA demonstrates that no adverse drainage and sewerage impact is anticipated from the proposed development. Various mitigation measures are also proposed to be incorporated into the indicative layout to minimise the traffic noise impact from San Tam Road and San Tin Highway on the proposed development, including architectural fins and acoustic windows for habitable rooms. Besides, the submitted LGHA demonstrates that no adverse landfill gas risk on the proposed development from the restored Ngau Tam Mei Landfill is anticipated. In light of the above, DEP has no objection to the application from environmental planning perspective, and is of the view that the provision of noise mitigation measures and STP, as well as the submission of NIA report and the implementation of mitigation measures identified therein, shall be secured through land lease mechanism. CE/MN, DSD also has no objection to the application from drainage operation and maintenance point of view and is of the view that the submission and implementation of drainage proposal shall be ensured under land lease mechanism.

Other Technical Aspects

- 11.6 The Site is accessible from San Tam Road (**Drawing Z-2**). Taking into account the planned road and junction improvement works, the TIA demonstrates that all critical junctions and road links will operate within capacity with the proposed development, and the proposed development will not have significant impact to the adjacent road network. The C for T has no objection to the proposed development and has no adverse comment on the TIA.
- 11.7 According to the LMP (**Drawing Z-10**), landscape provisions with hard and soft landscape treatments are proposed, including vertical greening, Sky Garden at 1/F, planters on 2/F and 3/F, flat roof on 8/F and Roof Garden) (**Drawings Z-11 to Z-16**). Private open space of about 341m² will be provided, and an overall greening ratio of about 20% will be achieved. All seven trees adjoins the Site will be retained in-situ (**Drawing Z-11**). The CTP/UD&L, PlanD has no objection to the application from landscape planning perspective. The applicant has also submitted various technical

assessments and other relevant Government departments including H(GEO), CEDD, D of FS, CBS/NTW, BD and CE/C, WSD have no objection to or adverse comment on the application from geotechnical, fire safety, buildings and water supply aspects.

Public Comments

- 11.8 For the public comments objecting to/raising concerns on the rezoning application as detailed in paragraph 10 above, the planning assessments and considerations set out in the above paragraphs are relevant. A QRA has been submitted to evaluate the potential risk to the HP pipeline at San Tam Road and DEMS has no adverse comment on the QRA.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no in-principle objection to the application.
- 12.2 Should the Committee decide to agree/partially agree to the application, PlanD would work out the appropriate amendments to the OZP, including the zoning boundaries, as well as the development parameters and restrictions to be set out in the Notes and/or Explanatory Statement for the Committees' agreement prior to gazetting under section 5 of the Town Planning Ordinance.
- 12.3 Alternatively, should the Committee decide not to agree to the subject application, the following reason is suggested for Members' reference:

The proposed development intensity and BH are excessive if compare to surrounding area and there is no strong planning justification to rezone the site from "R(C)" to "G/IC" with a higher permissible PR and BH to facilitate the proposed RCHE development.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 13.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 10.8.2022
Appendix Ia	Supplementary Planning Statement
Appendix II	Notes of "G/IC" zone of the OZP
Appendix IIIa	Public comments received (supporting)
Appendix IIIb	Public comments received (objecting)
Appendix IIIc	Public comments received (providing views)
Drawing Z-1	Development Schedule and Indicative Section
Drawings Z-2 to Z-9	Indicative Floor Plans
Drawing Z-10	Indicative Landscape Master Plan

Drawings Z-11 to Z-13	Indicative Landscape Plans
Drawings Z-14 to Z-15	Indicative Landscape Sections
Drawing Z-16	Indicative Landscape Perspective (Front View)
Drawing Z-17	Location of Viewpoints for Photomontages
Drawings Z-18 to Z-23	Photomontages
Drawings Z-24 to Z-25	Design Concepts
Drawing Z-26	Perspective View through Sky Garden
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plan Z-4	Site Photos

PLANNING DEPARTMENT
NOVEMBER 2023