

RNTPC Paper No. Y/YL-PS/6
For Consideration by
the Rural and New Town
Planning Committee
on 9.6.2023

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

APPLICATION NO. Y/YL-PS/6

- Applicant** : On Billion International Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 1341 S.B ss.9, 1341 S.B RP, 1341 S.B ss.1 S.J RP, 1341 S.B ss.1 S.D in D.D. 121, and 525 S.B RP in D.D. 122 and adjoining Government Land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 14,536 m² (including GL of about 2,400m² or 16.5%)
- Lease** : Block Government Lease (demised for agricultural uses)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zonings** : “Village Type Development” (“V”) (about 53.8%) and
[restricted to a maximum building height (BH) of 3 storeys (8.23m)]

“Comprehensive Development Area” (“CDA”) (about 46.2%)
[restricted to a maximum plot ratio (PR) of 1 and a maximum BH of 5 storeys including car park]
- Proposed Amendment** : To rezone the application site from “V” and “CDA” to “Residential (Group B) 2” (“R(B)2”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “V” and “CDA” to “R(B)2” to facilitate a proposed residential development and residential care home for the elderly (RCHE) with retail shop (**Plan Z-1**). The proposed “R(B)2” zone will be subject to a maximum total PR of 4.98 (i.e. domestic PR of 4.5 and non-domestic PR of 0.48), a maximum site coverage (SC) of 34.7% and a maximum BH of 29 storeys including two levels of basement car park (104.65 mPD). According to the applicant’s submission, while ‘Flat’ use is always permitted within the “R(B)” zone, it is proposed to add ‘Social Welfare Facility’ and ‘Shop and Services’ uses as Column 1 uses

under the proposed “R(B)2” zone¹. The proposed set of Notes is at **Appendix II**. The Site is currently occupied by a warehouse and parking of vehicles without valid planning permission (**Plans Z-2, Z-4a and Z-4b**).

- 1.2 The applicant has submitted an indicative scheme to support the proposed rezoning for medium-density residential development cum RCHE with retail shop (**Drawings Z-1 to Z-6**). According to the applicant, the Site is divided into two portions, namely southern portion (comprising 3 residential towers of 23-27 storeys (excluding two basement car park), a 2-storey clubhouse block and a 1-storey retail block) (**Drawings Z-4A to Z-4b**) and northern portion (comprising a 8-storey RCHE). According to the indicative scheme, access to the proposed development will be from Castle Peak Road – Ping Shan and Ping Ha Road. The schematic master layout plan, G/F plans, section and elevations, landscape master plan, perspective drawing and photomontages submitted by the applicant are at **Drawings Z-1 to Z-12**.
- 1.3 Majority of the Site was covered by a previous s.12A rezoning application No. Y/YL-PS/4 for proposed residential development cum RCHE with retail shop and to subsume ‘Shop and Services’ and ‘Social Welfare Facility’ as Column 1 use in addition to ‘Flat’ use under the proposed “R(B)2” zone, which was agreed by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 22.4.2022. The current application is submitted by the same applicant for similar proposal with slightly enlarged site area and intensified development parameters. A comparison of the key development parameters of the current submission and the previously agreed application No. Y/YL-PS/4 (**Plan Z-1**) is given in the following table:

	Previous Application (Y/YL-PS/4) (a)	Current Application (Y/YL-PS/6) (b)	Difference (b) - (a)
Applied Use	To rezone the application site from “V” and “CDA” to “R(B) 2” and amend the Notes of the zone applicable to the site	To rezone the application site from “V” and “CDA” to “R(B) 2” and amend the Notes of the zone applicable to the site	No change
Site Area (About)	14,080 m ²	14,536 m ²	+456 m ² (+3.24%)
Total Gross Floor Area (GFA) (About)	47,780 m ²	72,347 m ²	+24,567m ² (+51.4%)
- Domestic	42,240 m ²	65,412 m ²	+23,172 m ² (+54.9%)
- Non-domestic	5,540 m ² (140m ² for retail and 5,400 m ² for RCHE)	6,935 m ² (1,535m ² for retail and 5,400 m ² for RCHE)	+1,395 m ² (+25.2%)

¹ According to the Notes of the OZP for the “R(B)” zone, ‘Social Welfare Facility’ and ‘Shop and Services’ are Column 2 uses requiring planning permission from the Board.

	Previous Application (Y/YL-PS/4) (a)	Current Application (Y/YL-PS/6) (b)	Difference (b) - (a)
Total PR	3.39	About 4.98	+1.59 (+46.9%)
-Domestic	3	About 4.5	+1.5 (+50%)
-Non-domestic	0.39	About 0.48	+0.09 (+23.1%)
Total SC	31.66%	34.70%	+3.04%
- Domestic	24.53%	20.19%	-4.34%
- Non-domestic	7.13%	14.51%	+7.38%
Number of blocks	6	4	- 2
Maximum Building Height (in mPD)			
-Residential Towers	79.45	104.65	+25.2m (+31.7%)
-RCHE	39.35	39.85	+0.5m (+1.27%)
Maximum Building Height (in storeys)			
-Residential Towers	11-19 (excluding one basement car park)	23-27 (excluding two basement car park)	+9 (+45%)
-Clubhouse	2	2	No change
-Retail	1	1	No change
-RCHE	6	8	+2 (+33.3%)
No. of Flats/Beds	840 Flats 294 Beds	About 1,536 Flats About 222 Beds	+696 Units (+82.9%) -72 Beds (-24.5%)
Average unit size of flats (per unit)	50 m ²	42.6 m ²	-7.4 m ² (-14.8%)
Average unit size of RCHE residents (per unit)	6.5 m ²	10.1 m ²	+3.6 m ² (+55.4%)
Private Communal Space	2,834.9 m ²	5,394 m ²	+2,559.1 m ² (+90.3%)
Greening Ratio	27.68%	30.31%	+2.6%
Design Population	2,814	4,830	+2,016 (+71.6%)

1.4 The major development parameters of the proposed indicative scheme under the current submission are summarised as follows:

	Southern Portion	Northern Portion	Total
Proposed Use	Residential (Flat) and Shop and Services	Social Welfare Facility (RCHE)	---
Site Area	About 12,144 m ² (including GL of 2,339 m ²)	About 2,392 m ² (including GL of 42m ²)	About 14,536 m ² (including GL of 2,381m ²)
Proposed GFA ^(a) - Domestic - Non-domestic	About 66,947m ² About 65,412m ² About 1,535m ²	About 5,400m ² --- About 5,400m ²	About 72,347m ² About 65,412m ² About 6,935m ²
Proposed PR - Domestic - Non-domestic	About 4.98 About 4.5 About 0.48 (about 0.37 for RCHE and 0.11 for Retail)		
Proposed SC - Domestic - Non-domestic	34.70% 20.19% 14.51%		
No. of Blocks	3 (3 residential towers including 1 clubhouse block and 1 retail block)	1 (RCHE)	4
Building Height	Residential Towers: 23 to 27 storeys (excluding two basement car park), ranging from 92.05mPD to 104.65mPD Clubhouse Block: 2 storeys Retail Block: 1 storey	RCHE: 8 storeys (39.85mPD)	Maximum 29 storeys including car park (104.65mPD)
No. of Flats/Beds	1,536 flats	About 222 beds	---
Average Size of Unit	42.6m ² (average flat size)	10.1m ² (per RCHE resident)	---
No. of Car Parking Spaces	348 (including 322 for residential, 15 for visitors and 11 for retail)	6 (including 1 for disabled)	354
No. of Motorcycle Parking Spaces	18	1	19
No. of Bicycle Parking Spaces	205	0	205
No. of Loading/Unloading Spaces	5 (including 4 for	1 (HGV)	6 (including 5 for

	Southern Portion	Northern Portion	Total
	HGV and 1 for LGV)		HGV and 1 for LGV)
No of Private Car/Taxi Lay-by	0	1	1
No of Ambulance Lay-by	0	1	1
RCV Loading/ Unloading Bay	1	0	1
Private Communal Open Space	4,179.3m ²	1,214.7m ²	5,394m ²
Design Population	4,608	222	4,830
Anticipated Completion Year	2029		

(a) The applicant claims that the clubhouse (not exceeding 5% of domestic GFA) is exempted from the GFA calculation.

- 1.5 Design features including stepped BH height profile descending from west to east and north, incorporation of underground car park, provision of building voids and 1.5m edge planting strips along the site boundary for screening are proposed to minimise the potential visual impact of the proposed development (**Drawings Z-4a and 4b**). Buffer zones will be provided at the Site (**Drawing Z-13**) to avoid adverse air quality impacts arising from traffic emissions from adjoining roads. Acoustic windows are also proposed where appropriate to mitigate the traffic noise from Ping Ha Road and Castle Peak Road – Ping Shan (**Drawing Z-14**).
- 1.6 Technical assessments including Environmental Assessment (EA), Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), Visual Impact Assessment (VIA), Water Supply Impact Assessment (WSIA), Quantitative Risk Assessment (QRA), Tree Survey and Landscape Proposal (LP), and Project Profile of Drainage (PPD) have been conducted for the indicative scheme. Appropriate mitigation measures identified under the respective assessments, including those mentioned in paragraph 1.5 above, would be incorporated and implemented at the construction and operation stages. An additional left-turn lane from Castle Peak Road – Ping Shan to Tong Yan San Tsuen Road will also be implemented by the Transport Department (TD) (**Drawing Z-16**).
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 28.12.2022 **(Appendix I)**
 - (b) Further Information (FI) received on 30.5.2023* **(Appendix Ia)**
 - (c) FI received on 2.6.2023* **(Appendix Ib)**
**(exempted from publication and recounting requirements)*

(FIs received on 1.3.2023, 7.3.2023, 16.3.2023, 25.4.2023 and 4.5.2023 were superseded and not attached)

2. Justifications from the Applicant

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

- (a) The proposed development is in line with the latest Government's policies in alleviating the increasing demands and envisaging wider choices for residential use and RCHEs with a dense aging population. The proposed development is also in line with the latest 2022 Policy Address in developing the Northern Metropolis by further optimising the use of land resources and adopting a higher development intensity and increasing high-quality housing supply. The proposed development could unleash the development potential of the Site by optimising the development intensity.
- (b) The Site is mainly surrounded by low to medium-density residential developments and existing village settlements. The proposed development could also help meeting the shortfall in RCHEs in the districts and catering the projected aging population in the community. It will also provide retail space that help addressing the shortfall of neighbourhood shopping centres and street-side retail units as the surrounding area were dominantly occupied by residential dwellings.
- (c) The proposed development will phase out the existing brownfield operations at the Site for developing a more comprehensive and well-designed residential development and improving the overall environment. The applicant also proposed to improve the internal transport facilities to alleviate traffic congestion and the industrial/residential (I/R) interface at the "CDA" portion of the Site. The proposed development would not cause adverse traffic impact but instead is a feasible scheme that integrates with the surroundings.
- (d) A major part of the Site was covered by a previous s.12A application No. Y/YL-PS/4 for similar rezoning proposal, which was agreed by the Committee on 22.4.2022.
- (e) Design merits including adoption of stepped BHs, increased greening ratio and communal open space and increased provision of average floor space per resident at the RCHE portion are proposed under the current submission (**Drawings Z-4 to Z-6**).
- (f) Other submitted technical assessments concluded that, with the proposed mitigation measures identified, no adverse environmental, air, noise, sewerage, visual impact, water supply and risk impacts are anticipated.

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

For the private land portion, the applicant is one of the “current land owners” of the private lots within the Site. In respect of other private lots, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining consents of other current land owners. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion, the requirements as set out in TPB PG-No. 31A are not applicable.

4. **Background**

- 4.1 The Site was first included in the draft Ping Shan Development Permission Area Plan No. DPA/YL-PS/1 (the DPA Plan) gazetted on 18.6.1993 as “Industrial (1)” (“I(1)”) and “V” zones to reflect the existing and planned developments. While the “V” zone has not been changed since 1993, the “I(1)” portion was rezoned to “CDA” on the draft Ping Shan OZP No. S/YL-PS/1 gazetted on 14.6.1996 with a view to phasing out the incompatible industrial activities so that the area could be developed/redeveloped in a comprehensive manner that was compatible with the surrounding land uses. However, there had been no sign of comprehensive development since the designation of “CDA” zone due to difficulty in land assembly. Taking into account the recommendations of the then “CDA” Review, the “CDA” zone was rezoned to “Residential (Group E) 1” (“R(E)1”) on the draft Ping Shan OZP No. S/YL-PS/6 exhibited on 30.3.2001 to ensure the proposed residential development would be environmentally acceptable and not subject to I/R interface.
- 4.2 Nevertheless, having considered the grounds of public objections, the Objection Hearing Committee (OHC) of the Board was of the view that the “R(E)1” zoning was difficult to prevent piecemeal developments which may aggravate the traffic problem at Ping Ha Road; and a cautious approach should be adopted before a feasible road improvement scheme was agreed. The “CDA” zoning would be more appropriate to address the traffic problem at Ping Ha Road. In this regard, OHC decided to partially meet the objections and decided to revert the “R(E)1” zoning to “CDA” subject to a maximum plot ratio of 1 and a BH restriction of 5 storeys including carport. The OZP amendment in respect of the rezoning from “R(E)1” to “CDA” was gazetted on 8.2.2002. There has been no change to the “CDA” zoning and related development restrictions since then.
- 4.3 The current uses on the Site are currently not subject to planning enforcement action.

5. **Previous Application**

The Site is involved in one previous application (No. Y/YL-PS/4) for rezoning the application site from “V” and “CDA” to “R(B)2” and amending the Notes of the zone applicable to the site. The application was agreed by the Committee on 22.4.2022 on

the considerations that the proposed residential development cum RCHE with retail shop is not incompatible with the existing and planned developments in the area; the development could meet the acute housing demand; and no adverse technical impacts were anticipated. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan Z-1a**.

6. Similar Application

There is no similar application within the same “CDA” and “V” zones on the OZP.

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

7.1 The Site is:

- (a) accessible from Castle Peak Road – Ping Shan from the south and Ping Ha Road from the north (**Plan Z-2**); and
- (b) currently occupied by a temporary warehouse and parking of vehicles without valid planning permission.

7.2 The surrounding areas have the following characteristics (**Plans Z-2, Z-3, Z-4a and Z-4b**):

- (a) to the north across Ping Ha Road are vacant/unused land, parking of vehicles and village type developments at Hang Mei Tsuen. To the further north is Ping Shan Farewell Hall (屏山孝思堂) and Former Tat Tak School (前達德學校);
- (b) to the east are existing low-rise industrial developments, namely Ping Shan Enterprise Co. Ltd (屏山企業有限公司) and Century Centre (世紀中心), within the same “CDA” zone by different owners. To the further east across Ping Ha Road are mainly low-density private residential developments and the Light Rail (LR) Ping Shan Station (**Plan Z-2**);
- (c) to the south across Castle Peak Road – Ping Shan are the Tong Yan San Tsuen Playground and a petrol filling station; and
- (d) to the immediate west and northwest are mainly village type developments at Ping Shan San Tsuen and Tong Fong Tsuen.

8. Planning Intentions

8.1 The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern,

efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

- 8.2 The planning intention of “CDA” zone is for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of the development, taking account of various environmental, traffic, infrastructure and other constraints.

9. **Comments from Relevant Government Departments**

- 9.1 The following government departments have been consulted and their views on the application and the public comments are summarised as follows:

Land Administration

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

- (a) His preliminary study reveals that the Site comprises five lots, portions of Ping Ha Road and adjoining GL in both D.D. 121 and D.D. 122. The lots involved are all Old Schedule Lots held by the Block Government Lease demised as agricultural uses. Lot 1341 s.B ss.9 in D.D. 121 is erected with buildings permitted under Building Licence No. BL949 and with temporary structures being permitted under Short Term Waiver No. 1116. The actual site area and buildings entitlement of the private lots involved will be subject to verification in land application stage if any land application is submitted by the applicant.
- (b) Noting not all private lots within the Site are owned by the applicant, the applicant should be required to demonstrate how to implement the approved scheme as a whole.
- (c) Refer to paragraph 2.3.4 and illustration 4 of the planning statement (**Appendix Ia**), portions of unleased and unallocated GL to the west of the Lot 1341 S.N ss.1 S.J RP and Lot 1341 S.B RP in D.D.121 are within the Tong Fong Village Expansion Area. District Officer/Yuen Long (DO/YL)’s advice on this aspect should be sought.
- (d) Despite the applicant reserved some space at the northern portion of the Site (i.e. Lot No. 525 s.B RP in D.D. 122 and the northern portion of Lot No. 1341 s.B ss.1 s.D in D.D. 121) to provide the pedestrian footway and vehicular access

at Ping Ha Road, as such portion served as existing public pavement and formed part of Ping Ha Road, TD and Highways Department (HyD) should be consulted on this aspect, especially whether such portions should be included as part of the Site.

- (e) The scheme involves a development proposal of a RCHE to be erected in the northern portion. Social Welfare Department (SWD)'s comment regarding the RCHE proposal should be sought.
- (f) Noting there is a SIA enclosed in the application, for any drains extended outside the Site towards any road or unleased GL, relevant permission on the drainage proposal should be approved by Drainage Services Department (DSD) and Environmental Protection Department (EPD) prior to implementation.
- (g) The Site does not fall within the Village Environs ("VE") of any recognised village.
- (h) There is no Small House (SH) application under processing within the Site. The number of SH applications being processed within the concerned "V" zone is 77, and the 10-year SH demand forecasts for Tong Fong Tsuen and Ping Shan San Tsuen are 185 and 56 respectively.
- (i) Should the proposed rezoning application and the subsequent amendment of OZP be approved by the Board, the applicant has to apply for a land exchange to implement the scheme with respect to the prevailing practice notes of LandsD. The land owner is reminded that 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 land exchange application is approved, it would be subject to such terms and conditions including but not limited to the payment of premium and administrative fee as may be imposed. The actual site area and building entitlement of the private lots involved will be subject to verification in land exchange stage if the applicant apply for land exchange to LandsD.

Traffic

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

She has no comment on the application from traffic engineering point of view.

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

- (a) Adequate drainage measures shall be provided to prevent surface water running from the Site to public roads and drains.
- (b) The access road connecting the Site with Castle Peak Road – Ping Shan is not and will not be maintained by his office. His office would not be responsible for maintain any access connecting the Site with Castle Peak Road – Ping Shan.
- (c) If the proposed run-in/out on Ping Ha Road is approved by TD, the applicant shall ensure the run-in/out is constructed according to the latest version of HyD Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set if appropriate, to match with the existing adjacent pavement.

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

The Site is close to the Railway Protection Zone of the existing Light Rail Transit (LRT). The Railway Protection Team of Mass Transit Railway Corporation Limited (MTRCL) should be consulted with respect to operation, maintenance and safety of the existing LRT.

Environment

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

He has no objection to the application from environmental planning perspective given that:

- (a) the applicant has submitted an EA to support the application. He has no adverse comment from air quality and sewerage perspectives; and
- (b) the applicant has committed to submit a Noise Impact Assessment (NIA) Report during the detailed design stage for his agreement, and LandsD agrees to incorporate a NIA clause in the relevant land lease document for the proposed development at the later land exchange stage.

Urban Design and Landscape

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

It is noted that the proposed residential development mainly consists

of three blocks of towers with BHs ranging from 23 to 27 storeys which are about 360% to 440% higher than the remaining “CDA” zone with BHR of 5 storeys. It is undesirable from visual impact point of view and may not be compatible to adjacent development.

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 adverse comment on the application. The Site is located at the urban fringe of Yuen Long Town abutting Castle Peak Road - Ping Shan, and is surrounded by clusters of village houses to the north and west, a low-rise industrial building (i.e. Century Centre) to the immediate east, green knolls to the north, Tong Yan San Tsuen Playground and some 1 to 3-storey industrial buildings to the south across Castle Peak Road - Ping Shan. In addition, the Ping Shan Heritage Trail and Ping Shan Tang Clan Gallery are located to the further north of the Site. Given its building massing and height, the proposed development would become a new visual element to the surrounding area which is mainly occupied by low-rise village houses, low-rise industrial buildings and parks.
- (b) According to the VIA submitted, the proposed development, as compared with the existing condition, would have some negative visual effects (ranging from slightly to significantly adverse) to the most of the identified key public view points. Nonetheless, the applicant has proposed various design measures including stepped BH profile descending from the west to the east and the north, building separations, incorporation of underground car park, provision of building voids and 1.5m-wide edge planting trips along the site boundary for screening etc. to minimise the potential visual impact.

Landscape

- (c) According to the aerial photo of 2022 (**Plan Z-3**), the Site is situated in an area of miscellaneous urban fringe predominated by warehouses, temporary structures, public vehicle park, village houses, residential blocks and scattered tree groups. From the site photos taken (**Plans Z-4a and Z-4b**), the Site is hard-paved and occupied by temporary structures. Existing trees at southern boundary and northern corner within the Site are observed.
- (d) With reference to Section 5.5 “Tree Preservation and Removal Proposal” and Table 2.0 “Summary of Proposed

Treatment for Existing Trees ” in Appendix 4 of **Appendix Ia**, 15 existing trees of common species were identified within the site boundary. The Applicant proposed to remove six trees and retain nine trees within the Site. From the new planting proposal in Table 5.0 “Proposed Planting Schedule” in Appendix 4 of **Appendix Ia** and Landscape Master Plans and Sections in Appendix B “Landscape Master Plan and Landscape Details”, 157 new trees in heavy standard size, shrub/groundcover planting, amenity lawn and vertical greening would be proposed at ground level of the Site, and shrub/groundcover planting would be proposed at R/F of RCHE.

- (e) According to Table 1 of **Appendix Ia** “Major Development Parameters of the Proposed Development” and Site Coverage of Greenery for 4,830 residents and 4,405.2m² (i.e. 30.31% of greening ratio) of the greenery provision will be provided within the Site. As such, significant adverse landscape impact arising from applied use is considered not incompatible to the landscape character of the surrounding area. She has no comment from landscape planning perspective.
- (f) The applicant is reminded that approval of the s.12A application by the Board does not imply approval of the site coverage of greenery requirements under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152. The site coverage of greenery calculation could be submitted separately to the Buildings Department (BD) for approval. For any proposed tree preservation/removal scheme, the applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval.

Drainage

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

- (a) He has no comment on the Project Profile of Drainage (PPD) subject to satisfactory of drainage arrangement at detailed design stage of the captioned project. He also has no comment on the SIA. The SIA for the planning application needs to meet full satisfaction of Sewerage Infrastructure Group of EPD, which is the planning authority of sewerage infrastructure.
- (b) The applicant should submit form HBP1 to his Division for application of technical audit for any proposed connection to

DSD's drainage facilities.

- (c) For any proposed works that are located on GL, please seek DLO/YL's comment.
- (d) It is noted that there are some existing drains and sewers located either at close proximity to or within the application area. Please note that the area within 3m away from the outer faces of the said sewerage facilities should be designated as Drainage Reserve Area. His department shall have free access at all times to Drainage Reserve Area for the purpose of laying, repairing and maintaining drains and all other services across, through or under Drainage Reserve Area which DSD may require or authorize. No structure or support for any structure should be erected on Drainage Reserve Area.
- (e) Any alteration/ demolition/ modification/ removal works made upon existing DSD's facilities should have consent and agreement from his Division prior to commencement of works. In addition, such proposed works should be carried out by the applicant at the cost of his project and to DSD's satisfaction.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to water supplies for firefighting and fire service installations being provided to his satisfaction and that the height restriction as stipulated in relevant regulations governing the proposed social welfare facilities being observed.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) Furthermore, the Emergency Vehicular Access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by BD.
- (d) Detailed safety requirements for noise barriers will be formulated at design stage.

Building Matters

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

As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on the suitability for the use proposed in the application. The applicant's attention is drawn to the following points for the application:

- (a) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application;
- (b) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any building approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (c) before any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on application site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (d) the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations [B(P)R] respectively;
- (e) the site abuts on a specified street (Castle Peak Road-Ping Shan) of not less than 4.5m wide. Its permitted development intensity shall be determined under the First Schedule of the B(P)R at the building plan submission stage;
- (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 PNAPs, including but not limited to, the requirements of building set back, building separation and site coverage of greenery as stipulated in PNAP APP-152 if applicable;
- (g) for any carparking spaces to be disregarded from GFA calculation under Regulation 23(3)(b) of the B(P)R, the applicant shall comply with PNAP APP-2;

- (h) the proposed RCHE may be subject to the issuance of a license. Please be reminded that any proposed building works on the application site intended to be used for such purpose is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (i) the RCHE which is for habitation is a domestic use under the BO. The modification of Regulations 20, 21 and 25 of the B(P)R for treating RCHE as a non-domestic building for the purpose of site coverage, plot ratio and open space is required for his consideration at building plan submission stage;
- (j) based on the information submitted by the applicant, sky gardens are proposed in residential towers. If the applicant is going to apply for exemption of communal sky gardens for residential building from GFA calculation, Joint Practice Note No.1 should be complied with;
- (k) the proposed refuse storage and material recovery chambers is located at basement. The modification of Regulations 7 & 10 of Building (Refuse Storage & Material Recovery Chambers and Refuse Chutes) Regulation is required for his consideration at building plan submission stage; and
- (l) detailed checking under the BO will be carried out at building plan submission stage.

Others

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

She has no comment on the layout plan of the proposed RCHE if it is to be operated on a private/self-financing mode and on conditions that (i) the proposed RCHE incurs no capital and recurrent cost to the Government; and (ii) the design and construction of RCHE are in full compliance with all relevant and prevailing statutory and licensing requirements.

9.1.12 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

He has no objection in principle to the planning application. However, the applicant is required to inform the AMO immediately when any antiquities or supposed antiquities under the Antiquities and Monuments Ordinance (Cap.53) are discovered in the course of works.

9.1.13 Comments of the Project Team Leader/Housing, Civil Engineering Office, Civil Engineering and Development Department (PTL/H, CEO, CEDD):

- (a) The Site is located in the vicinity of the two brownfield clusters of Ping Shan North and Ping Kwai Road (**Plan Z-5**) under the following consultancy agreements:
 - (i) Agreement No. CE 43/2020 (CE) – Site Formation and Infrastructure Works for Proposed Public Housing Development at Ping Shan North, Yuen Long – Feasibility Study; and
 - (ii) Agreement No. CE 46/2020 (CE) – Term Consultancy for Site Formation and Infrastructure Works for Proposed Housing Developments in Zone 1 (2021-2024) – Feasibility Study Task Order No. 3 – Site Formation and Infrastructure Works for Proposed Public Housing Development at Ping Kwai Road, Yuen Long – Feasibility Study.
- (b) While his office has no adverse comment on the application, he presumes that other relevant government departments would provide their expertise advice regarding the impacts of the proposed development on the existing or planned infrastructure capacities accordingly.

District Officer's Comments

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

He relayed an objection from the Village Representative (VR) of Tong Fong Tsuen to the application. The VR representing Tong Fong Tsuen and residents in the vicinity, including Welsen Garden and Ping Shan San Tsuen, is of the view that the proposal will bring about adverse traffic impact and is incompatible with surrounding environment. Adverse environmental impacts and safety issues would also be induced from the construction works of the proposed development (**Appendix IV**).

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

- (a) Director of Housing (D of Housing);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Director of Leisure and Cultural Services (DLCS);
- (d) Director of Food and Environmental Hygiene (DFEH);
- (e) Commissioner of Police (C of P);
- (f) Project Manager (West) (PM(W)), CEDD; and
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. **Public Comments Received During the Statutory Publication Periods**

- 10.1 The application and relevant FIs were published for public inspection. During the statutory public inspection periods, a total of 60 public comments from local residents, MTRCL and an individual were received.
- 10.2 Among the public comments, 57 support or have no objection to the application (samples at **Appendices V-1 to V-7**). Two public comments from local residents and the individual object to the application (**Appendix V-8 to V-9**). One comment from MTRCL suggests the applicant to incorporate suitable noise mitigation measures in the proposed development (**Appendix V-10**). The full set of public comments will be deposited at the meeting for Members' inspection.
- 10.3 Their views are summarised as follows:

Supporting Views

- (a) the proposed development would phase out the existing incompatible industrial use and provide facilities that benefit the neighbourhood;
- (b) the proposed zoning is a more efficient use of land;
- (c) the proposed residential development enriches the mix of housing modes in Ping Shan area and allows more affordable choices for potential owners;
- (d) the Site is located at a convenient location and well served by public transport;
- (e) the location is suitable for provision of RCHE to meet the demand;
- (f) the proposal is in line with the Government's policy directions including the latest Northern Metropolis Development Strategy;

Objecting Views

- (g) the proposed development would have incompatible BH and bulk and create adverse visual impact;
- (h) the anticipated high population of the proposed development will pressurise the existing drainage and traffic in the area, and affect the existing village livelihood; and
- (i) the proposed number of RCHE beds are less than the previously approval scheme while the proposed number of residential units has been increased, which does not match with the advocate of pro-elderly environment.

11. Planning Considerations and Assessments

- 11.1 Majority part of the Site is the subject of a s.12A application (No. Y/YL-PS/4) for rezoning part of the “CDA” site and the adjoining “V” zone to “R(B)2” for a proposed residential-cum-RCHE development agreed by the Committee on 22.4.2022. The current application is proposed by the same applicant for the same uses with increased development intensity.
- 11.2 According to the applicant's proposal, the proposed “R(B)2” zone, which is primarily intended for sub-urban medium-density residential developments, is subject to a maximum domestic PR of 4.5, a maximum non-domestic PR of 0.48, a maximum SC of 34.7% and a maximum BH of 29 storeys including two levels of basement car park (104.65mPD). In support of the application, the applicant has submitted an indicative scheme and a tailor-made Notes for the proposed “R(B)2” sub-area where ‘Flat’, ‘Social Welfare Facility’ and ‘Shop and Services’ are Column 1 uses and thus planning permission from the Board would not be required to effectuate the proposal (**Appendix II**).

Land Use Compatibility and Development Intensity

- 11.3 The Site is located near the junction of Castle Peak Road – Ping Shan and Ping Ha Road and within a short walking distance (about 200m) from LR Ping Shan Station (**Plan Z-2**). It is mainly surrounded by low-density residential developments and village type developments of Ping Shan San Tsuen, Tong Fong Tsuen and Hang Mei Tsuen and low-rise industrial buildings (**Plans Z-2 and Z-3**). Although there are industrial buildings to the immediate east of the Site, they are partly vacant with some warehouse/storage operations. With the implementation of the recommended mitigations measures, including the provision of acoustic windows at selected units, no adverse environmental impacts are anticipated and DEP have no in-principle objection to the application. Since the “CDA” zoning is intended to phase out the existing industrial uses by other compatible land uses, the proposed development would not be incompatible with the surrounding land uses in the long term (**Plan Z-1**). Overall, the proposed residential development cum RCHE and retail facilities is generally compatible with the surroundings which are predominantly residential in nature.
- 11.4 Despite that the proposed PR of 4.98 and BH of 23 to 27 residential storeys at the Site are higher than the existing developments in the surroundings and CA/CMD2, ArchSD considers that the proposed scheme may not be compatible with the adjacent developments, the Site is abutting on the Castle Peak Road – Ping Shan and close to the LR Ping Shan Station. Furthermore, PTL/H, CEO, CEDD is conducting feasibility studies on proposed public housing developments at Ping Kwai Road and Ping Shan North with higher development density² in the surrounding areas (**Plan Z-5**). In this regard, residential developments of higher density in the locality are anticipated.

² In view of the shortage of public housing supply, the studies would explore the feasibility of public housing development with a maximum domestic PR 6.5 for optimising the supply of public housing units by taking into full consideration various development constraints.

CTP/UD&L, PlanD has no adverse comments on the application from urban design perspective considering that with the proposed design features, including stepped BH profile, underground car park, provision of building voids and planting strips, the potential visual impact would be minimised. In this regard, the proposed development intensity and BH under the proposed “R(B)2” zoning at the Site are considered generally not incompatible with the existing and planned developments in the area.

Planning Merits

- 11.5 The Site has been zoned “V” and “CDA” for over 25 years. There is no SH application approved or under processing within the “V” portion and no development scheme has been received for the “CDA” part. DLO/YL, LandsD advises that the Site does not fall within ‘VE’ of any recognized village and has no adverse comment on rezoning the portion zoned “V”. Though the amount of land available within “V” zone is insufficient to meet the future SH demand, it is sufficient to accommodate the 77 outstanding SH applications³. As the Site is currently occupied by temporary warehouse structures, the proposed development can not only meet the acute housing demand by increasing housing supply, but also help phasing out the existing brownfield operations at the Site with improvement of the existing degraded environment.
- 11.6 The proposed rezoning would facilitate the provision of a RCHE to serve the local community. In the previously agreed application No. Y/YL-PS/4, a 6-storey RCHE was proposed to provide 294 beds while the proposed RCHE block in the current submission is 8 storeys (+2 storeys) providing about 222 beds (-72 beds). The average floor space per RCHE resident is increased from 6.5m² of the previous application to 10.1m² (+55.4%) under the current application which complies with the latest requirement of minimum floor space of 9.5m² per resident as stipulated in the Residential Care Homes Legislation (Miscellaneous Amendments) Bill 2022⁴. In this regard, DSW has no comment on the indicative layout plan of the proposed RCHE from welfare perspective.
- 11.7 Stepped BHs, building setbacks, building voids and building separations from about 12.5m to 15m among building blocks are proposed at the Site (**Drawings Z-4, Z-4a, Z-4b and Z-6**) to enhance visual permeability and air ventilation. Compared with the previous application No. Y/YL-PS/4, the revised residential blocks footprint and changes in building blocks disposition could allow for a reduced residential site coverage (-4.34%) and a significant increase in communal space (+about 2,559m² or +90.27%). Furthermore, in response to the proposed increase in residential density, a higher greening ratio (+2.63%) is proposed in the current submission.

³ After excluding the “V” portion of the Site, it is estimated that about 2.4 ha of land is still available in the “V” zone for accommodating about 94 SHs.

⁴ The amended section 22 of the Residential Care Homes Legislation (Miscellaneous Amendments) Bill 2022 states that the minimum area of floor space required for each resident of a residential care home is— (a) for a nursing home or a care and attention home—9.5 m²; or (b) for an aged home or a self-care hostel—8 m².

Technical Aspects

- 11.8 The applicant has submitted various technical assessments, including EA, SIA, VIA, WSIA, TIA, QRA and PPD to demonstrate that the proposed rezoning is acceptable from traffic, drainage, sewerage, environmental, water supplies and risk perspectives (**Drawings Z-13 to Z-16** extracted from **Appendix Ia**). Relevant government departments, including C for T, CE/MN of DSD, DEP, CE/C of WSD and DEMS have no in-principle objection to/no adverse comment on the application. Technical concerns of relevant departments can be addressed at the detailed design stage through appropriate control under lease.

Public Comments

- 11.9 There is one public comment conveyed by DO(YL), HAD and 60 public comments received during the statutory publication periods as summarised in paragraphs 9.1.14 and 10 above. Majority of them are supporting comments while the opposing comments are mainly related to traffic, drainage and visual impacts, as well as the provision of RCHE beds. The planning considerations and assessments in paragraphs 11.1 to 11.8 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraphs 9.1.14 and 10 above, the Planning Department has no in-principle objection to the application.
- 12.2 Should the Committee decide to agree/partially agree to the application, the relevant proposed amendment to the OZP, including its Notes and Explanatory Statement, will be submitted to the Committee for consideration prior to gazetting under the Town Planning Ordinance when opportunity arises.
- 12.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members' reference:

the proposed rezoning of portion of the "CDA" site in a piecemeal manner would affect the comprehensive planning of the entire "CDA" zone along Ping Ha Road.

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 to partially agree/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 28.12.2022
Appendices Ia	FIs received on 30.5.2023
Appendices Ib	FIs received on 2.6.2023
Appendix II	Proposed Notes of the “R(B)2” Sub-area
Appendix III	Previous Application
Appendix IV	Local comment relayed by DO(YL), HAD
Appendices V-1 to V-10	Public Comments
Drawing Z-1	Master Layout Plan
Drawing Z-2	G/F Plan (Southern Portion - Residential)
Drawing Z-3	G/F Plan (Northern Portion - RCHE)
Drawings Z-4 and Z-5	Section & Elevations
Drawing Z-6	Landscape Master Plan
Drawing Z-7	Perspective of proposed Development
Drawings Z-8 to Z-12	Photomontages
Drawings Z-13 and Z-14	Proposed Environmental Mitigation Measures
Drawing Z-15	Project Profile of Drainage
Drawing Z-16	Traffic Improvement Works by TD
Plan Z-1	Location plan
Plan Z-2	Site plan
Plan Z-3	Aerial photo
Plans Z-4a and Z-4b	Site photos
Plan Z-5	BH for Residential Sites in the vicinity at the proposed developments

**PLANNING DEPARTMENT
JUNE 2023**