

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-NSW/274**

- Applicant** : Richduty Development Limited represented by Llewelyn Davies Hong Kong Limited
- Site** : Lots 592 S.C ss.1 S.A, 592 S.C ss.4 and 1252 S.C in D.D. 115, Nam Sang Wai, Yuen Long
- Site Area** : 32,711 m<sup>2</sup> (about)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
- Zoning** : “Undetermined” (“U”)
- Application** : Proposed Residential (Flat) and Community Hub (Shop and Services, Eating Place, School, Place of Recreation, Sports or Culture, Social Welfare Facility and Transport Layby) Development

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed residential (flat) and community hub (shop and services, eating place, school, place of recreation, sports or culture, social welfare facility and transport layby) development at the application site (the Site) (**Plan A-1a**). The Site falls within an area zoned “Undetermined” (“U”) on the approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8. According to the covering Notes of the OZP, any use or development in the “U” zone, except those specified as always permitted under the covering Notes, requires planning permission from the Town Planning Board (the Board). The Site falls within Wetland Buffer Area (WBA) of the Deep Bay area. It is currently vacant and covered with vegetation.
- 1.2 The Site is the subject of 3 previous applications No. A/YL-NSW/172, 224 and 233 submitted by the same applicant for residential development with lower development intensities, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 14.12.2007, 14.12.2015 and 22.1.2016 respectively. The validity of the last planning permission under application No. A/YL-NSW/233 has been extended to 22.1.2024 (No. A/YL-NSW/233-1).

1.3 The current proposal comprises 8 apartment blocks with a building height (BH) of 6 to 19 storeys (above 1 storey of basement), 2 non-domestic blocks with a BH of 1 to 2 storeys (above 1 storey of basement) and a one-storey club house block (above 2 storeys of basement) with a total plot ratio (PR) of 2.29, providing 1,518 flats<sup>1</sup>. The proposed development is tentatively scheduled for completion by 2025. The Master Layout Plan (MLP), section plans, floor plans and Landscape Master Plan (LMP) of the proposed development are at **Drawings A-1 to A-7** respectively. In support of the application, the applicant has submitted various technical assessments including Ecological Impact Assessment (EcoIA), Environmental Assessment (EA), Visual Impact Assessment (VIA), Air Ventilation Assessment (AVA), Landscape Proposal, Traffic Impact Assessment (TIA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA) and Water Supply Impact Assessment (WSIA).

1.4 Major development parameters of the previously approved application No. A/YL-NSW/233 and the current application (**Drawing A-1**) are compared as follows:

Major Development Parameters	Previously Approved Scheme (A/YL-NSW/233) (a)	Current Scheme (A/YL-NSW/274) (b)	Difference (b) – (a)
<b>Site Area</b>	32,711 m <sup>2</sup>	32,711 m <sup>2</sup>	0
<b>Total PR</b>	0.74	2.29	+ 1.55 (+209 %)
Domestic	0.74	2.15	+ 1.41 (+191 %)
Non-domestic	-	0.14 <sup>(a)</sup>	+ 0.14
<b>Total GFA</b>	24,207 m <sup>2</sup>	74,878 m <sup>2</sup>	+ 50,671 m <sup>2</sup> (+209 %)
Domestic	24,207 m <sup>2</sup>	70,328 m <sup>2</sup>	+ 46,121 m <sup>2</sup> (+191 %)
Non-domestic	-	4,550 m <sup>2</sup> (a)	+ 4,550 m <sup>2</sup>
<b>Overall Site Coverage</b>	Not more than 15%	Not more than 30%	+ 15% (+100%)
<b>Domestic Portion</b>			
No. of Flat	455	1,518	+ 1,063 flats (+234 %)
No. of Tower	6	8	+ 2 towers (+33 %)
No. of Storeys (excluding basement level)	6 to 10	6 to 19	+ 9 storeys (+90 %)
	Towers 1 & 2 10 storeys	Towers 1, 2, 3, 5, 6 & 9 19 storeys	
	Towers 3 & 4 8 storeys		
	Towers 5 & 6 6 storeys	Towers 7 & 8 6 storeys	
No. of Basement Level (for carpark/E&M)	0	1	+ 1 level
BH (to main roof)	26.1mPD to 38.7mPD	26.9mPD to 75mPD	+36.3 m
Average Unit Size	54 m <sup>2</sup>	46.3 m <sup>2</sup>	- 7.7 m <sup>2</sup> (-14 %)
Persons Per Flat	2.5	2.5	0
Proposed Population	1,138	3,795	+ 2,657 (+233 %)

<sup>1</sup> The original scheme received by the Board on 27.9.2019 (**Appendix I**) has a total PR of 2.797 (domestic PR of 2.68 and non-domestic PR of 0.117) and BH of 6 to 29 storeys (above 1 level of basement)/103.2mPD, providing 1,955 flats. The current scheme with reduction of development intensity was submitted by the applicant via the Further Information (FI) received on 27.8.2020.

Major Development Parameters	Previously Approved Scheme (A/YL-NSW/233) (a)	Current Scheme (A/YL-NSW/274) (b)	Difference (b) – (a)
<b>Non-domestic Portion – Community Hub</b>			
GFA			
(i) Commercial	-	1,800 m <sup>2</sup>	+ 1,800 m <sup>2</sup>
(ii) Wellness Centre	-	1,000 m <sup>2</sup>	+ 1,000 m <sup>2</sup>
(iii) Transport Layby	-	1,000 m <sup>2</sup>	+ 1,000 m <sup>2</sup>
(iv) 60-Place Special Child Care Centre (SCCC) (to be handed-over to Social Welfare Department (SWD))	-	750 m <sup>2</sup> (b)	+ 750 m <sup>2</sup>
No. of Blocks	-	2	+ 2 blocks
No. of Storey (excluding basement level)	-	1-2 storeys	+ 1 to 2 storeys
No. of Basement Level (for carpark/E&M)	-	1	+ 1 level
BH (to the main roof)	-	Not more than 15mPD	+ 15 m
<b>Club House</b>	1	1	0
Floor Area	1,210 m <sup>2</sup>	2,813 m <sup>2</sup>	+ 1,603 m <sup>2</sup> (+132 %)
No. of Storey (excluding basement level)	1	1	0
No. of Basement Level	1 (carpark and E&M)	2 (1 level clubhouse; 1 level E&M and detention tank)	+ 1 level (+100 %)
BH	15.5 mPD	10.9 mPD	- 4.6 m
<b>Landscaping</b>			
(i) Private Open Space	1,138 m <sup>2</sup>	3,795 m <sup>2</sup>	+ 2,657 m <sup>2</sup> (+233 %)
(ii) Landscape Area	2,400 m <sup>2</sup>	2,400 m <sup>2</sup>	0
<b>Transport Facilities</b>			
<b>Parking Spaces</b>			
(i) Private Car	105	270 [Residential: 264; Retail: 4; Kindergarten: 2]	+ 165 (+157%)
(ii) Motorcycle	5	17 [Residential: 16; Retail: 1]	+ 12 (+240%)
(iii) Private Light Bus/Coach	0	4 [Wellness Centre: 3 (3m x 8m); SCCC: 1 (3.5m x 12m)]	+ 4
(iv) Bicycle	0	99 [Residential]	+ 99
Loading/Unloading Bays	7	11 [Residential: 8; Retail: 1; Wellness Centre: 1; SCCC: 1]	+ 4 (+57%)
Laybys			

Major Development Parameters	Previously Approved Scheme (A/YL-NSW/233) (a)	Current Scheme (A/YL-NSW/274) (b)	Difference (b) – (a)
(i) Taxi/Private Car	0	10 [Kindergarten]	+ 10
(ii) Small Coach	0	5 [Kindergarten]	+ 5
(iii) Bus	0	2	+ 2

<sup>(a)</sup> The non-domestic PR and GFA would be about 0.12 and 3,800 m<sup>2</sup> respectively excluding the 60-place SCCC.

<sup>(b)</sup> The proposed 60-place SCCC will have a NOFA of about 409 m<sup>2</sup>, subject to agreement with SWD at the detailed design stage.

1.5 According to the applicant, the proposed development aims to provide a multi-generational housing and an age-friendly environment to achieve the concept of “Ageing-in-Place” through physical design of residential units and provision of a Community Hub with wellness/welfare/commercial facilities within the Site. Up to 10% of the residential units would adopt an age-friendly design (e.g. wider corridor and door entrance with kerbless door frame, wheelchair accessible and functional design) such that flexibility could be allowed for senior residents with declined physical condition. The Community Hub, proposed to be open to public, will provide facilities for the elderly and younger generations, such as a wellness centre providing health and community care services, kindergarten/nursery, a 60-place SCCC, transport laybys and commercial facilities, serving the residents and surrounding neighborhoods.

#### *Development Layout [Drawings A-1 to A-25]*

1.6 To avoid adverse impacts on the birds’ flight lines (**Drawing A-17**), as proposed under the previously approved scheme, the northeastern corner of the Site is proposed to be maintained as a building free area with a Landscape Area (about 2,400m<sup>2</sup>) and peripheral planting forming a buffer to screen out any potential noise, traffic and other human disturbance from the surrounding ecologically sensitive areas. A minimum 30% of greenery will be provided at the proposed development (**Drawings A-7 to A-9**).

1.7 A stepped height profile is adopted with 6 taller towers of 19 storeys (71.2mPD to 75mPD) located in the south and west stepping down to 2 lower towers of 6 storeys (26.9mPD) before the building-free Landscape Area at the northeast, respecting the flight line from the Tung Shing Lei egret which is located 500m away to the southeast of the Site (**Drawing A-17**). Various setbacks for ecological and environmental reasons have also been proposed, including a further setback of the nearest towers (T6 to T9) from the Landscape Area to ensure that majority of flight lines are not impeded, and a setback from the southern boundary to maintain adequate separation distance from Yuen Long Highway and all other major carriageways (**Drawing A-22**).

#### *Air Ventilation and Visual [Drawings A-10 to A-16 and A-22]*

1.8 Under the proposed scheme, building separations of about 15m to 16m (**Drawing A-22**) are proposed between tower blocks as air corridor for wind penetration. The AVA demonstrates that the proposed scheme will be comparable to the approved

A/YL-NSW/233 scheme and not result in significant impact from an air ventilation standpoint.

- 1.9 A VIA has been conducted. The Site is situated in the suburban area of Yuen Long between the high-rise residential developments in Yuen Long Town Centre (e.g. Grand Yoho, Yoho Town, Yoho Midtown and Sun Yuen Long Centre) and the medium-rise residential developments in Yuen Long suburban area (e.g. Parcville and One Regent Place) as well as low to medium-rise developments along Kam Tin River (e.g. Park Yoho and Riva). The proposed development, with design measures including stepped building height profile, building separations and landscape treatments, is considered visually compatible with the surrounding developments (**Drawings A-10 to A-16**).

#### *Ecology* (**Drawing A-17**)

- 1.10 According to the EcoIA, the proposed development is in line with the Town Planning Board Guidelines No. 12C in that there will be no net loss in wetland as no wetland habitat was identified within the Site and the proposed development would not have significant disturbance impacts to the surrounding ecologically sensitive areas (including Tung Shing Lei egret, firefly habitat and cormorant roost located at least 500m away from the Site). To minimize the potential ecological impacts, it is recommended to (i) provide a building-free Landscape Area and building setback to minimize interference to the birds' flight path; (ii) to avoid glare impact by orientating any external flood light away from the firefly habitat and Great Cormorant night roost in Nam Sang Wai, which will be stipulated in the Deed of Mutual Covenant of the development for the future flat owners and property manager to follow; and (iii) to consider quieter piling methods and explore the use of further at-source mitigation measures at construction stage, and the applicant will submit the construction methodology and programme to AFCD for agreement before commencement of any piling works.

#### *Transport and Traffic* (**Drawings A-18 to A-21**)

- 1.11 The proposed vehicular ingress/egress point is at south-eastern corner of the Site. As committed in the previously approved scheme (No. A/YL-NSW/233), the applicant will widen Ho Chau Road to a standard 7.3m wide single 2-lane 2-way carriageway with footpath on the western side. A 38m-long Bus/Green Minibus (GMB) layby at the widened Ho Chau Road and covered transport laybys at the Site are proposed to serve the future public transport demand generated by the proposed development and the surrounding community. To cater for the provision of public transport services, a section of Nam Sang Wai Road near the junction with Castle Peak Road – Tam Mi is also proposed to be widened. Besides, junction improvement works at Castle Peak Road – Tam Mi/ San Tam Road and Au Tau Interchange are recommended to improve the junction performance to cater for the future traffic demand.

#### *Environment*

- 1.12 According to the Environmental Assessment (EA), the Site is subject to traffic noise of Yuen Long Highway. With provision of building setback, tower orientation (for T1), fixed glazing, acoustic balcony and window (for T1, T2, T9

and the kindergarten), the potential road traffic noise impact is considered at an acceptable level. The existing West Rail is located around 280m away from the Site (**Plan A-2**), the railway noise impact due to the operation of the West Rail on the proposed development is unlikely to be significant given the long separation distance. The design of the proposed noise mitigation measures would be incorporated in both sale brochures and Deed of Mutual Covenant of the proposed development.

*Drainage, Sewage and Water Supply (Drawings A-23 to A-25)*

1.13 The runoff within the Site will be collected and stored in 2 underground stormwater detention tanks and it is proposed to carry out off-peak discharge to the Yuen Long Bypass Floodway (YLBF) (**Drawing A-23**) which will eventually discharge to the trained Kam Tin River. The sewage disposal for the proposed development will be connected to the Au Tau Sewage Pumping Station (**Drawing A-24**) and no significant impact on sewerage conveyance system is anticipated. Fresh water supply for the development is proposed to be sourced from the existing Au Tau Fresh Water Service Reservoirs (**Drawing A-25**), and the WSIA has demonstrated that the proposed development is acceptable in water supply terms.

1.14 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 27.9.2019 **(Appendix I)**
- (b) Supplementary Planning Statement (SPS) received on 27.9.2019<sup>2</sup>
- (c) Seven rounds of FI received on 15.1.2020, 10.2.2020, 4.3.2020 & 10.3.2020, 14.4.2020, 4.6.2020, 27.8.2020 and 23.12.2020 & 30.12.2020 in response to departmental comments with revised assessments and/or replacement pages<sup>2</sup>
- (d) FI-8 received on 22.2.2021 providing responses to AFCD and public comments, and enclosing a consolidated SPS which has incorporated the revised development scheme with revised technical assessments and previous responses to departmental comments\* **(Appendix Ia)**
- (e) FI-9 received on 23.2.2021 providing clarification on the flood light control measure\* **(Appendix Ib)**

*Remark: \* accepted and exempted from publication*

1.15 On 15.11.2019 and 23.10.2020, the Committee agreed to defer a decision on the application each for a period of 2 months as requested by the applicant's representative. Subsequently, 9 sets of FI were received as detailed in para. 1.14 above. The application is scheduled for consideration by the Committee at this meeting.

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<sup>2</sup> The consolidated SPS received on 22.2.2021 at **Appendix Ia** has incorporated all previous FIs. The applicant has confirmed that the original SPS and previous FIs could be superseded by the consolidated SPS. Hence, the original SPS and the superseded FIs are not attached.

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the consolidated SPS at **Appendix Ia** and the FI at **Appendix Ib**, which are summarised as follows:

- (a) With a view to contributing to the Government's policy direction in achieving "Ageing-in-Place", the applicant has proposed a "Multi-Generational Housing" model promoting the physical, social and psychological well-beings of the elderly in an estate-based community at the Site through elderly-friendly design of residential units and communal spaces as well as provision of associated community facilities such as the Wellness Centre, kindergarten/nursery, SCCC, commercial facilities and transport laybys. The proposed Wellness Centre comprising multi-disciplinary professional staff integrates a full range of community care, home care, health care and related support services at one stop within the Site. It would also co-ordinate with the service providers of the elderly residential care services in the vicinity to provide emergency residential care services and residential respite service to support the elderly in different ageing stages. This would serve as a pioneer project to promote "Ageing-in-Place" by private sector to positively meet the needs of the ageing population in Hong Kong. This Community Hub (including commercial/retail block, kindergarten, wellness centre and transport layby) will be privately-operated and opened for public use at reasonable hours. The applicant will be responsible for the construction and management of the transport layby.
- (b) With the MTR Yuen Long Station at only 600m away and in about 10 minutes' walk, the Site is a logical extension of the Yuen Long Town and has a great potential to be better utilized for residential development with a higher development intensity. With the existing high-rise residential developments to its southwest in Yuen Long Town Centre with a PR of above 5 (i.e. Grand YOHO, YOHO Midtown, YOHO Town and Sun Yuen Long Centre), medium-rise developments in the Yuen Long suburban area with a PR of 2 to 3 (i.e. Parcville, One Regent Place and Long Shin Estate), low to medium-rise developments to its east in Kam Tin with a PR of below 2 (i.e. Park YOHO and Riva), as well as the potential public housing sites announced in the 2017 Policy Address in Tung Shing Lei and Au Tau to its south, the proposed development with a PR of 2.29 and BH up to 19 storeys is considered compatible with the surrounding development contexts.
- (c) The proposed development is in line with the policy directive to increase housing supply. The Site, being located near the Yuen Long Town Centre and MTR Yuen Long Station, has long been approved for residential developments. The current application, with a threefold-increase in development intensity together with new provision of elderly-friendly residential units and associated facilities comparing to the approved scheme, is supportable from housing supply point of view.
- (d) Apart from elderly facilities, a 60-place SCCC is also proposed for the benefit of the community. The SCCC will be handed over to SWD as a Government Accommodation whereas the construction cost will be borne by SWD and the service operator would be selected by SWD.
- (e) According to the Explanatory Statement (ES) of the Nam Sang Wai OZP, developments within the "U" zone should be comprehensively planned. A built form

representing the transition from the high density residential development of Yuen Long New Town to the rural area could be realized. The implementation of the proposed development would facilitate realization of the planning intention through upgrading the existing environment at the site. All the private lots within the Site are under the applicant's ownership. The proposed scheme can be implemented in a timely manner, contributing to the housing supply in the short term.

- (f) As the Site is located within the WBA, a building-free Landscape Area, peripheral planting, stepped height profile and various setbacks are adopted to screen off any potential disturbance impacts. Although the proposed peripheral tree planting and the small knoll between Shan Pui Tsuen and the Site will be able to screen off part of the light from the proposed development, a light simulation exercise has been conducted to assess the glare impact on the surrounding ecological sensitive area. The simulation shows that most areas of the concerned Mai Po Bent-winged Firefly habitat (550m to 1,100m away) and Great Cormorant roost (750m to 2,200m away) would be subject to negligible increase in light intensity due to the proposed development. The predicted increase in light intensity for majority of the firefly habitat (about 98% of the total area) would be 0.00 Lux with only a tiny portion of the firefly habitat (about 2% of the total area) at 0.01 Lux. Since the extent of the Great Cormorant night roost is even further away, the predicted increase in light intensity for the night roost would be 0.00 Lux. Although mitigation measures are not required in terms of artificial light during night-time, it is recommended for the proposed development to avoid orientating any external flood light towards the two habitats in Nam Sang Wai to minimize any potential disturbance.
- (g) Technical assessments have concluded that the proposed scheme is sustainable in all the major aspects, including traffic, drainage, sewerage, water supply and environment. With appropriate mitigation measures implemented, the proposed scheme will not cause any insurmountable problems to 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**

4.1 The Site has been zoned “U” on the draft Nam Sang Wai OZP No. S/YL-NSW/1 since 1994. It was so designated as several major transport and drainage projects, including Yuen Long Highway, West Rail (WR) and YLBF, which were under planning at that moment and would traverse the area. According to the ES of the Nam Sang Wai OZP, these areas are within a transitional location between the urban and rural areas. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardizing the long-term planning intention of the areas. Under the “U” zone, any private developments or redevelopments require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, GIC facilities, open space are adequately provided. The proposed development should also take into account the WR and the

YLBF. To realize a built-form which represents a transition from the Yuen Long New Town to the rural area, the development intensity should take into account the urban type developments immediately to the west of the “U” zone and the rural characteristics of the area to its north (**Plan A-1a**).

- 4.2 Following the completion of the infrastructure projects of Yuen Long Highway, WR and YLBF, and upon preliminary review, the “U” zone to the south of the Site across Yuen Long Highway is considered to have potential for housing developments and other uses. According to the 2017 Policy Address, that “U” zone is one of the potential sites for public housing development in the short to medium term. The detailed land use proposal and appropriate development parameters are subject to engineering feasibility study.

## **5. Previous Applications (Plan A-1a)**

- 5.1 The Site is the subject of 3 previous applications No. A/YL-NSW/172, 224 and 233 submitted by the current applicant for residential development. They were approved with conditions by the Committee between 2007 and 2016. Details of the applications are summarized in **Appendix II**.
- 5.2 Application No. A/YL-NSW/172 for a proposed residential development of 100 houses with a domestic PR of 0.37 and BH of 11m (3 storeys (including carport) was approved with conditions by the Committee on 14.12.2007 mainly on the considerations that the proposed development was not incompatible with the surrounding land uses; the ‘wetland’ proposal was acceptable; it was in line with TPB PG-No. 12B; and there would not be significant adverse impacts on the ecology, traffic and infrastructure of the area. The planning permission was valid until 14.12.2011, which was extended to 14.12.2015 (No. A/YL-NSW/172-1). The planning permission has lapsed.
- 5.3 Application No. A/YL-NSW/224 was for a similar proposed residential development on a slightly smaller site. The proposal comprised 65 houses with domestic PR of 0.37 and BH of 11m (3 storeys (including carport)). The application was approved by the Committee with conditions on 23.5.2014 mainly on the considerations that approval of the application was in line with the Committee’s previous decision; the proposed residential development was not incompatible with the surrounding existing and planned developments; it was in line with TPB PG-No. 12B as ecological impacts arising from the proposed residential development would be insignificant; and there would not be significant adverse impacts on the ecology, traffic and infrastructure of the area. The planning permission has lapsed.
- 5.4 Application No. A/YL-NSW/233 was for a proposed residential development consisting of 6 apartment blocks with a domestic PR of 0.74 and BH of 6 to 10 storeys, providing 455 flats. The application was approved by the Committee with conditions on 22.1.2016 mainly on the considerations that approval of the application was in line with the Committee’s previous decision, the proposed residential development was not incompatible with the surrounding existing and planned developments; it was in line with TPB PG-No. 12C as ecological impacts arising from the proposed residential development would be insignificant; and there would not be significant adverse impacts on the ecology, traffic and infrastructure of the

area. The planning permission was valid until 22.1.2020, which has been extended to 22.2.2024 under the applicant's subsequent application for Class B amendment (No. A/YL-NSW/233-1).

## 6. **Similar Applications (Plan A-1a)**

- 6.1 There are 6 similar applications (No. A/YL-NSW/5, 7, 10, 15, 73 and 105) within the "U" zones to the east and south of the Site. Except application No. A/YL-NSW/15, all applications (No. A/YL-NSW/5, 7, 10, 73 and 105) were rejected. Details of the applications are summarized in **Appendix III**.
- 6.2 Applications No. A/YL-NSW/5, 7, 10 and 15 were all for residential development at a site to the west of Pok Oi Hospital. Application No. A/YL-NSW/5 for a proposed residential development with a PR of 5, SC of 29.7%, BH of 21 storeys (63.1 mPD), 187 flats and 172 car parking spaces was rejected by the Committee on 17.2.1995. Application No. A/YL-NSW/7 for a proposed residential development with a PR of 3, SC of 29.9%, BH of 13-14 storeys (44.4 mPD), 118 flats and 118 car parking spaces as well as public open space of 169 m<sup>2</sup> was rejected by the Committee on 21.7.1995. Application No. A/YL-NSW/10 for a proposed residential development with a PR of 2.66, SC of 16.7%, BH of 14-17 storeys (58.5 mPD), 95 flats and 38 car parking spaces as well as public open space of 1,400 m<sup>2</sup> was also rejected by the Committee on 28.6.1996 on the ground that the car parking space provision for the proposed development is insufficient. Application No. A/YL-NSW/15 for a proposed residential development with a PR of 2.66, SC of 16.7%, BH of 14-17 storeys (58.5 mPD), 95 flats and 84 car parking spaces as well as public open space of 1,400 m<sup>2</sup> was approved by the Committee on 18.10.1996 on the consideration that the issue on the provision of car parking space had been resolved and there were planning merits in the proposal as Pun Uk, a Grade I historical building, would be restored and preserved. Validity of the planning permission had been extended 6 times up to 18.10.2007. The planning permission has lapsed.
- 6.3 Application No. A/YL-NSW/73 for a proposed residential development (with a PR of 0.95) at the "U" zone to the east of the Site was rejected by the Committee on 17.3.2000 mainly on grounds of incompatible land use; non-compliance with TPB-PG No.12B; frustration of implementation of YLBF; no provision of proper vehicular access and insufficient assessments on various development impacts.
- 6.4 Application No. A/YL-NSW/105 for a proposed residential development (with a PR of 2.5 and BH of 15-21 storeys) in the "U" zone at Tung Shing Lei was rejected by the Committee on 5.10.2001 mainly on grounds of frustration of implementation of YLBF and imposing constraints on the land use review for the whole area, incompatible land use, and insufficient information to demonstrate that the proposed development would not have adverse traffic, visual, environmental and ecological impacts on the surrounding areas.

## 7. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) are relevant to

the application. According to the Guidelines, the Site falls within the WBA. The relevant assessment criteria are summarized as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds;
- (b) an ecological impact assessment (EcoIA) would need to be submitted for application for planning permission within the WBA. However, some local and minor uses and temporary uses are exempted from the requirement of EcoIA; and
- (c) proposals for residential/recreation developments on degraded sites to remove/replace existing open storage or container back-up uses and/or to restore lost wetlands may be given sympathetic consideration by the Board subject to satisfactory ecological and other impact assessments.

## **8. The Site and Its Surrounding Areas (Plans A-1a to A-4b)**

8.1 The Site is:

- (a) currently vacant and covered with vegetation;
- (b) within the WBA; and
- (c) accessible from the east via a local road off Ho Chau Road (which is a 3.5m wide single-track access road with passing bays) connecting to Nam Sang Wai Road.

8.2 The Site is located at the north-eastern fringe (about 600m away) of the Yuen Long town centre. The MTR Yuen Long Station and Yuen Long town centre is a high-density residential node with a cluster of high-density residential developments zoned “Comprehensive Development Area” (“CDA”). To its north and east are mainly rural areas scattered with low-rise and low-density village houses (**Plan A-1b**).

8.3 The immediate surrounding areas have the following characteristics:

- (a) to the immediate east and north-east is a “Residential (Group D)” (“R(D)”) zone with scattered residential dwellings. An Application No. Y/YL-NSW/4 for rezoning part of the “R(D)” zone to “R(D)1” for residential development with a PR of 0.34 and BH of 3 storeys for 57 houses was approved on 12.1.2018;
- (b) to the immediate south is Yuen Long Highway. Area to the further south across Yuen Long Highway is zoned “U” which has been identified to have potential for public housing development subject to further study;
- (c) to the west is a “Village Type Development” (“V”) zone which falls within the Yuen Long OZP, including village settlement of Shan Pin Tsuen, Tai Wai

Tsuen, Tung Tau Tsuen, Wong Uk Tsuen, etc.; and

- (d) to the north is a “V” zone with mainly vacant land and fish ponds.

## **9. The Planning Intention**

Under the “U” zone, any private developments or redevelopments require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, GIC facilities, open space are adequately provided. The proposed development should also take into account the WR and the YLBF. To realize a built-form which represents a transition from the Yuen Long New Town to the rural area, the development intensity should take into account the urban type developments immediately to the west of the “U” zone and the rural characteristics of the area to its north.

## **10. Comments from Relevant Government Departments and Bureau**

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

### **Land Administration**

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

- (a) It is noted that there were previous approvals granted to the Site under planning applications Nos. A/YL-NSW/172, 224 and 233 subject to conditions. The concerned lots are also under a proposed land exchange for residential development based on planning application No. A/YL-NSW/233 approved with conditions by the Board on 22.1.2016 which is valid until 22.1.2020, which was further extended to 22.2.2024 by the Board on 20.9.2019. The proposed land exchange (new lot to be known as Lot No. 1696 in D.D. 115) is being processed by LandsD pending the finalization of design of the related proposed road widening of Ho Chau Road and the access road connecting the Site to the said road. However, as planning Application No. A./YL-NSW/274 contains development parameters which are fundamentally different from the previously approved schemes, the application is considered as new application from land administrative point of view and a new land exchange application has to be submitted to LandsD for consideration.
- (b) From land status perspective, the Site consists of Lots No. 592 s.C ss.1 s.A, 592 s.C ss.4 and 1252 s.C in D.D. 115 which are old schedule agricultural lots held under Block Government Lease which contains a restriction that no structures are allowed to be erected without the prior approval of the Government and affects various Modification of Tenancies (MoTs) Nos. 15134, M9940, M9966, M15303 and

MT/LM11573, which will need to be cancelled as appropriate for the proposed land exchange.

- (c) The proposed access road of the Site is located at the south eastern corner of the Site connecting to Ho Chau Road, which is to be constructed by the applicant and straddles on Government land and private land namely Lot No. 592 s.C ss.6 in D.D. 115 which is also held by the applicant. Since the proposed access road straddles upon a private lot, if this lot be transacted to a different party other than the owner of the lots of the Site, the implementation of the proposed access road as well as the application would be adversely affected. The future management and maintenance responsibility of the future access road and other related facilities (e.g. drainage etc.) to be provided underneath therein shall be agreed by relevant department/parties before the commencement of works.
- (d) The proposed road widening of Ho Chau Road may encroach land of different statuses, including but not limited to private lots. His office would not invoke the relevant Ordinance for resumption of any private lots or creation of any rights for the implementation of the proposed development. In view of the substantial scale of the road widening proposal, the applicant should check with Transport Department (TD) and Highways Department (HyD) on the gazetting procedure under the relevant Ordinance and obtain their agreement of taking up the management and maintenance responsibilities of the public road after the completion of road widening works to their satisfaction.
- (e) The proposed sewer connection to existing Au Tau Sewage Pumping Station would run underneath Yuen Long Highway, YLBF and a Government control site. In view of the substantial scale of the proposed sewer connection works for serving the future intake of population, it would be desirable for Drainage Services Department (DSD) to take up the said sewer connection after completion of works to their satisfaction so as to avoid any future maintenance problems. The applicant has to apply to his office for a land document for permitting underground drainage pipes to be laid during its construction.
- (f) Should approval be given for the application to pursue the development under the application, the lot owner should make a fresh land exchange application to LandsD for consideration. However, there is no guarantee that such land exchange application, including granting of additional Government land, the proposed access road and underground drainage pipes as mentioned above would be approved. Such application will be dealt with by LandsD acting in the capacity of the landlord at their discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by LandsD.

## **Traffic**

### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment from traffic engineering perspective. Having considered the submitted TIA, it was concluded that no insurmountable traffic impact would be induced by the development.
- (b) Should the application be approved, the following approval conditions should be incorporated:
  - (i) the design and provision of vehicular access to the satisfaction of C for T and the Director of Highways or of the Board;
  - (ii) the design and provision of car parking, loading/unloading and public transport facilities for the proposed development to the satisfaction of C for T or of the Board; and
  - (iii) the design and implementation of road improvement works, as proposed in the TIA, to the satisfaction of C for T and the Director of Highways or of the Board.

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

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Ho Chau Road.
- (b) Comment from TD should be sought on the proposed road improvement works from traffic management point of view. The proposed road improvement works, if agreed by TD, should be designed and implemented by the applicant at its own cost and to the satisfaction of TD and HyD.
- (c) Adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.

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

He has no comment from railway development viewpoint as the Site falls outside any administrative route protection boundary, gazetted railway scheme boundary or existing railway protection boundary of any railway systems.

## **Nature Conservation**

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

- (a) According to the submitted EcoIA, the Site has low ecological value. Although it is located within the WBA in close proximity to the WCA, it is at a considerable distance from the areas of relatively higher ecological value including the Tung Shing Lei egret, Mai Po Bent-winged Firefly habitat at Shan Pui River Drainage Channel and old Kam Tin River meander, and Great Cormorant night roost in Nam Sang Wai.
- (b) Impact to firefly and avifauna including the cormorant night roost and flight paths of ardeids from Tung Shing Lei Egretty have been addressed, and evaluation of disturbance impact and cumulative impacts from concurrent projects within 500m Study Area have been addressed in the EcoIA.
- (c) The application is generally in line with TPB PG-No. 12C as off-site disturbance impacts arising from the proposed residential development would be acceptable after implementation of the measures recommended in the EcoIA.
- (d) Given the current application is based on a previously approved scheme with similar development footprint, the undertaking of verification surveys is considered adequate for impact assessment purpose.
- (e) Although she has no major further comment on the EcoIA, the previous design of the Landscaped Area with natural habitat and water feature (the design in the previously approved scheme) should be retained. As stipulated in the TPB Guideline No. 12C, “wetland and visual buffer to separate the development from the WCA” is required.
- (f) Should the application be approved by the Board, the following approval conditions shall be included:
  - (i) design and provision of Landscape Area with Natural Habitat and Water Feature to the satisfaction of DAFC or of the Board; and
  - (ii) the submission of a report on the methodology and programme of the construction works with details on any piling works no later than 3 months prior to the commencement of construction to the satisfaction of DAFC or of the Board.

### **Urban Design, Air Ventilation and Visual Aspects**

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

#### Urban Design

- (a) The Site falling within “U” zone is bounded by Yuen Long Highway to its south, “U” and “Government, Institution or Community” (“G/IC”) zones to its further south, “GB” and “V” zones to its west,

“V” and “CA” zones to its north and further north, “R(D)” and “U” to its east and further east. According to the Notes of the OZP, developments within “R(D)” and “V” zones are subject to a maximum BH of 2 and 3 storeys respectively. The Site is also the subject of a previous application for residential development with a PR of 0.74 and BH of 6 to 10 storeys up to 38.7mPD which was approved by the Committee on 22.1.2016 (Application No. A/YL-NSW/233).

- (b) According to the Explanatory Statement of the OZP, the subject “U” zone together with the adjoining two “U” zones (the areas) are located in close proximity to the Yuen Long New Town and within a transitional location between the urban and rural areas. To represent a transition from the Yuen Long New Town to the rural area, the development intensity in the areas should take into account the urban type developments to the immediate west and rural characteristics to its north. The areas are subject to future land use review. It is understood that the “U” zone to the south across Yuen Long Highway in Tung Shing Lei has been identified as one of the potential public housing sites, the appropriate uses and development intensity of which are subject to engineering feasibility study.
- (c) The Site is sandwiched between urban type development in Yuen Long New Town to its southwest (with BH up to about 174mPD) and a cluster of existing and planned low-rise low-density developments consisting village houses and low-rise residential developments of 2-3 storeys (up to about 14.5mPD in height) to its north and northeast and the conservation area/wetlands in Nam Sang Wai to its further north. Based on the revised proposal submitted by the applicant on 27.8.2020, the total PR is reduced from 2.797 to 2.29 and the maximum BH is adjusted from 6-29 storeys (up to 103.2mPD) to 6-19 storeys (up to 75mPD). The proposed development of a reduced scale would still be somewhat taller and larger than other existing developments in the vicinity. However, judging from the photomontages in the revised VIA (**Drawings A-10 to A-16**) and noting from the applicant’s assessment, the visual impact of the revised development scheme, as compared with the approved scheme under Application No. A/YL-NSW/233, would be slightly adverse in overall terms. According to the submission, the applicant states that some visual mitigation measures, including various building height in transition, building-free landscape area, peripheral planting, building separation and setback, etc. are proposed to reduce the visual impact.
- (d) Apart from the above, according to the applicant, the revised proposal also adopts various building height in response to the context by placing taller buildings on the southwest corner with the two lowest buildings of 6 storeys located at the northeastern corner to harmonize with the surrounding suburban/rural landscape. Moreover, a building-free Landscape Area with peripheral planting is proposed at the northeastern portion of the Site to strengthen the buffer effect with the WCA/WBA.

### Air Ventilation

- (e) She has no comment from air ventilation perspective.

### Landscape

- (f) She has no objection from landscape planning perspective.
- (g) With reference to the aerial photo taken in 2018, the Site is situated in an area of rural landscape character. The Site is immediately surrounded by the “V” zone to its north and southwest, the “G/IC” zone to its west and the “R(D)” zone to its east. The surrounding area of the Site comprises small houses and clustered tree groups. The proposed use is not incompatible with the landscape setting in proximity.
- (h) According to tree survey findings submitted by the applicant, 4 tree groups containing a total of approximately 60 nos. of “*Leucaena leucocephala* (銀合歡)” were found within the Site. These existing “*Leucaena leucocephala* (銀合歡)”, which are proposed to be felled, are invasive species and will prevent natural succession of indigenous species. With reference to the LMP, the provision of open space and landscaping including new trees and shrubs planting for the development has been properly addressed. Significant adverse landscape impact arising from the proposed development is not anticipated.
- (i) Should the Board approve the application, he would suggest including the following landscape condition in the planning approval:

Submission and implementation of Landscape Proposal to the satisfaction of D of Plan or the Board.

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

It is noted that the proposed development mainly consists of 8 residential towers with height ranging from 6 to 19 storeys which are 100% to 533% higher than adjacent village type development with 3 domestic storeys. It is undesirable from visual impact point of view and may not be compatible to adjacent village type developments in terms of height, massing and character.

### Environment

#### 10.1.8 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the planning application.
- (b) The Site is the subject of the previous Application No. A/YL-NSW/233 approved with conditions by the Board in 2016 and the

current application has the same site boundary as compared on the Application No. A/YL-NSW/233. When compared with the previously approved application, the current application will provide more number of units (1,518) (vs 455 in the approved scheme) with addition of a community hub and there are changes in development parameters and layout.

- (c) It is expected that with the implementation of environmental mitigation measures committed by the applicant as highlighted below, the subject development would unlikely be subject to or cause adverse environmental impacts exceeding the Hong Kong Planning Standards and Guidelines (HKPSG) criteria.
  - (i) the provision of sewer (of about 830m long and 450mm diameter gravity sewer) connecting the proposed development to the Au Tau Sewage Pumping Station (**Drawing A-24**); and
  - (ii) provision of noise mitigation measures (including acoustic balcony, acoustic window and auto-closing maintenance access door for utility platform and fixed glazing).
- (d) To address possible changes on the subject development and required environmental mitigation measures during design stage, he considers that the following approval condition imposed under the previous application (No. A/YL-NSW/233) should be retained:

the submission of a revised EA and the implementation of the mitigation measures identified in the EA to the satisfaction of DEP or of the Board.

### **Drainage**

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) He notes that the proposed sewer from the Site to Au Tau Sewage Pumping Station would be exclusively used by the subject development which shall be constructed, operated and maintained by the applicant and the successive owners.
- (c) Should the Board consider that the application is acceptable from the planning point of view, the following conditions should be stipulated in the approval letter to the satisfaction of DSD or of the Board:
  - (i) Submission and implementation of the detailed storm water drainage design to ensure the surface runoff of the Site with approximate 32,711m<sup>2</sup> cover area is properly conveyed to the two proposed detention tanks.

- (ii) Submission of a detailed schedule of maintenance of the two proposed detention tanks and the associated pumping system to ensure their satisfactory operation. Testing and maintenance works of the system shall be completed before the onset of wet season every year and the report for such testing and maintenance works shall be kept for free inspection and/or submitted within a month upon request by DSD or of the Board.
- (iii) The applicant shall maintain all the drainage facilities on Site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (iv) The design and provision of sewer connecting the proposed development to the Au Tau Sewage Pumping Station to the satisfaction of DSD or of the Board.
- (v) The proposed sewer connecting the proposed development to the Au Tau Sewage Pumping Station shall be implemented and maintained by the applicant and the successive owners of the proposed development at their own resources. The applicant and the successive owners of the proposed development should be duly bound by such obligations and all other conditions related to sewerage.
- (vi) The applicant shall allow all time free access for the Government and its agent to conduct site inspection on his completed sewer, if necessary.
- (vii) The applicant and the successive owners of the proposed development shall allow connections from the others to the completed sewerage on Government Land when so required.
- (viii) No filling and excavation of land on site prior to implementation of the flood relief mitigation measures identified in the DIA is accepted by DSD or the Board.

### **Building Matters**

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

- (a) The Site does not abut on any existing specified street and the development intensity of the Site shall be determined by the Building Authority under Regulation 19(3) of the Building (Planning) Regulation (B(P)R) at building plan submission stage.
- (b) The Site shall be provided with means of obtaining access thereto from a street under Regulation 5 of B(P)R and emergency vehicular access (EVA) shall be provided for all the buildings to be erected on

the Site in accordance with the requirements under Regulation 41D of B(P)R.

- (c) 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 Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP). For example, the requirements of building set back, building separation and site coverage of greenery as stipulated in PNAP APP-152.
- (d) Detailed comments under the Buildings Ordinance (BO) will be provided during the plan submission stage.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.
- (c) Furthermore, the 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 B(P)R 41D which is administered by BD.

### **Water Supply**

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

- (a) He has no objection to the application with the proposed development scale and programme based on the current water supply situation in the area.
- (b) It is noted that the proposed development consists of 1,518 units of housing supply with fresh water demand and salt water demand being 1,336m<sup>3</sup>/day and 286m<sup>3</sup>/day respectively.
- (c) The applicant proposed sourcing fresh water from the existing nearby water network which is supplied by the existing Au Tau Fresh Water Service Reservoirs; and salt water from the existing nearby water network which is supplied by Lok On Pai Salt Water Pumping Station.
- (d) Nevertheless, WSIA is required for any future change in development scale and programme of the application to determine whether any waterworks infrastructure (including new fresh water service

reservoir, new pumping facilities, new water mains, etc.) has to be provided.

- (e) The applicant should approach NTW Region of his office for their agreement on the actual connection point and details during the design stage of the development.
- (f) Should the application be approved by the Board, the following approval condition shall be included:

the design and provision of fresh water connection point and salt water connection point to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

### **Others**

#### 10.1.13 Comments of the Director of Social Welfare (DSW):

- (a) The proposed 60-place SCCC is supported from a welfare point of view. The proposed SCCC should be provided as an integral part of the development and will be assigned back to the Financial Secretary Incorporated as a Government Accommodation upon completion of construction and assignment. The construction cost of the welfare premises or Consideration Sum (whichever is the less) would be borne by SWD and the service operator would be selected by SWD.
- (b) He recognizes and welcomes the initiative of incorporating elderly friendly designs in the residential flats and common areas to facilitate “Ageing-in-Place”. Since the services provided in the “Wellness Centre” and “Community Hub” are self-financing, he has no comment on the proposal.
- (c) His comments on the proposed design scheme for the SCCC are provided below:
  - (i) As required by Clause 21 of the Child Care Service Regulations (CAP. 243A), the ceiling of every room in the SCCC should be not less than 3m above the finished floor level of the room. The applicant should make sure that a clear headroom from the finished floor level to the finished ceiling level (e.g. false ceiling, if any) in the SCCC would be not less than 3m so as to comply with the licensing requirement.
  - (ii) One parking space measuring 3.5m (W) x 12.0m (L) with a minimum headroom of 3.8m for the exclusive use by the SCCC for 48-seater coach with a safe and convenient L/UL bay in close proximity to the entrance of the centre should be provided.
- (d) Further comments will be provided when the detailed layout plan is available at a later stage.

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

- (a) He has no in-principle geotechnical objection to the application.
- (b) It is noted that the proposed development would involve filling of land. GEO is not a law enforcement agency for the control of land filling activities.
- (c) It is also noted that the proposed development would involve excavation of land with 9.65m depth. GEO is not in the position to provide comment on the proposed excavation. Nevertheless, the applicant is reminded to submit the building works plans to BD for approval as required under the provisions of BO.

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

- (a) Proper licence/permit issued by the Food and Environmental Hygiene Department is required if there is any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.
- (b) His detailed comments are at **Appendix VII**.

#### **District Officer's Comments**

10.1.16 Comments of the District Officer/Yuen Long (DO(YL)):

- (a) His office has received a total of 15 letters, including one supporting letter from the Shap Pat Heung Rural Committee Chairman (**Appendix IVa**) and 14 objecting letters from Tai Wai Tsuen Resident Representative and Indigenous Inhabitant Representative (IIR) (**Appendices IVb to IVf**), Shan Pui Tsuen IIR (**Appendices IVg to IVh**) and Shan Pui Tsuen Residents (**Appendix IVi**). Among the 15 letters relayed by DO, the 5 letters from Tai Wai Tsuen Resident Representative and IIR mainly expressed concerns on the adverse traffic and air ventilation impact of the proposed development, and insufficient land for Small House development by indigenous villagers. The remaining 10 letters were also received by the Board during the statutory public inspection period.
- (b) It is noted that the Housing, Town Planning and Development Committee of the Yuen Long District Council (YLDC) discussed the subject application at its meeting of 18.11.2020, with a motion objecting to the subject application passed. (**Appendix V**).

10.2 The following Government departments have no comment on the application:

- (a) Project Manager (West), Civil Engineering and Development Department;
- (b) Commissioner of Police;
- (c) Director of Electrical and Mechanical Services; and

- (d) Director of Leisure and Cultural Services.

## 11. **Public Comments Received During the Statutory Publication Periods**

11.1 During the eight statutory public inspection periods, a total of 2,535 public comments on the application were received, including 1,425 supporting comments and 1,110 objecting comments. Full set of public comments will be deposited at the Board's Secretariat for Members' inspection and reference. Extracts of the comments are at **Appendices VIa to VIv**. Their major views are summarized as follows:

	<b>Supporting</b>	<b>Objecting</b>	<b>Total</b>
<b>First Publication</b>	484	823	1,307
<b>FI-1</b>	117	3	120
<b>FI-2</b>	221	13	234
<b>FI-3</b>	0	7	7
<b>FI-4</b>	101	7	108
<b>FI-5</b>	0	6	6
<b>FI-6</b>	400	243	643
<b>FI-7</b>	102	8	110
<b>Total</b>	<b>1,425</b>	<b>1,110</b>	<b>2,535</b>

### Supporting comments

- 11.2 The 1,425 supporting comments were submitted by the Shap Pat Heung Rural Committee (**Appendix VIa**) and private individuals (sample comments at **Appendices VIb to VIId**). The main supporting reasons are summarized as follows:
- (a) the proposed development is in line with government policy and planning intention;
  - (b) the development is strategically located near the border and/or existing infrastructure; the development is compatible with the current land use and the surrounding environment with no adverse impact on ecology, environment, visual, air and traffic conditions;
  - (c) a Community Hub is proposed providing community elderly care services and facilities, commercial uses and transportation hub, to reduce the use of public healthcare services; and
  - (d) the proposed development can satisfy the current market demand by providing medium and small housing units; encourage multi-generation community; utilize vacant land and improve the environment; and boosts economy by creating job opportunities.

### Objecting Comments

- 11.3 The 1,110 objecting comments were received from (i) 2 members of YLDC

(**Appendices VIe and VI f**); (ii) VRs of Shan Pui Tsuen and Shap Pat Heung Tung Tau Tsuen (**Appendices VIg and VIh**); (iii) Tung Shing Lane Village Residents' Welfare Association and Grand YOHO Owners' Committee (**Appendices VIi to VIj**); (iv) 6 green groups (viz. World Wide Fund for Nature Hong Kong, The Conservancy Association, Hong Kong Bird Watching Society, Kadoorie Farm & Botanic Garden Corporation, Hong Kong Wild Bird Conservation Concern Group and Green Sense (**Appendices VIk to VIp**)); (v) Designing Hong Kong (**Appendix VIq**); and (vi) individuals (sample comments at **Appendices VIr to VIv**). Their major views are:

Adverse ecological impacts

- (a) the proposed development shall be located within vacant/brownfield sites instead of land with special ecological value;
- (b) the applicant only conducted a 12-month field survey in 2011 and a few months of verification surveys in 2014, 2015, 2018 and 2019-2020. This does not meet the requirement of comprehensive 12-month survey under the TPB PG-No. 12C. A comprehensive survey of at least 12 months should be conducted for the current application;
- (c) the proposed large-scale development would induce adverse off-site disturbance impacts on the ecological function and integrity of the Deep Bay ecosystems;
- (d) the proposed development would obstruct bird flight lines and increase risks of bird collision. The massive development scale would deteriorate the habitat quality of the area and reduce the breeding success of the breeding birds and hence the ecological function of the area;
- (e) the recently approved/planned developments are close to the Cormorant roost, breeding site and flight path of Tung Shing Lei egret. The cumulative human disturbance might result in abandonment of these breeding site and night roost;
- (f) various applications for development projects in WBA have been approved recently. Cumulative impacts to the adjacent ecologically sensitive areas need to be carefully assessed;
- (g) there is only a Landscape Area proposed within the Site without any wetland restoration. The proposed development is not in line with the planning intention of the WBA and does not comply with TPB PG-No.12C;
- (h) no information to guarantee light/glare impact will be properly managed after occupation of the development;

Others

- (i) the development scale is unacceptable and is visually intrusive to the surrounding area;

- (j) the proposed development would impose adverse impacts on air ventilation, traffic and infrastructure;
- (k) the proposed development will induce flooding risk, affect the structure of the nearby small houses in the villages, and may lead to ground subsidence; and
- (l) the proposed development would set an undesirable precedent for other developments.

## 12. Planning Considerations and Assessment

12.1 The application is for a proposed residential development with community and social welfare facilities, commercial uses and transport laybys at the Site with a total PR of 2.29, BH of 6 to 19 storeys above 1 storey of basement, providing 1,518 flats. The Site falls within an area zoned “U” on the Nam Sang Wai OZP which is bordering the Yuen Long New Town and within a transitional location between urban and rural areas. The MTR Yuen Long Station is located about 600m from the southern boundary of the Site. Developments in the “U” zone require planning permission so as to ensure that the environment would not be adversely affected and that infrastructure, GIC facilities, open space are adequately provided. To realize a built-form which represents a transition from the Yuen Long New Town to the rural area, the development intensity should take into account the urban type developments immediately to the west of the “U” zone and the rural characteristics of the area to its north.

### Development Intensity and Building Height

12.2 As compared to the previously approved scheme (No. A/YL-NSW/233), the current application involves an increased development intensity from a total PR of 0.74 to 2.29, with domestic PR increase from 0.74 to 2.15 providing an additional 1,063 number of flats and inclusion of non-domestic PR of 0.14 for the provision of a community hub providing community/social welfare/commercial and transport facilities at the Site serving the residents and general public. To the southwest at about 600m of the Site is Yuen Long town centre and MTR Yuen Long Station. MTR Yuen Long Station and surrounding areas are a high-density residential node with a cluster of residential developments having PR of above 5 and BH up to 44 storeys (**Plan A-1b**). To the northwest of the Yuen Long town centre known as Yuen Long Tung Tau is a cluster of medium-rise residential developments including Parcville, One Regent Place and Twin Regency with PR of about 3 to 5 and BH ranging from 16 to 23 storeys. To the east along Kam Tin River further away from the Yuen Long New Town is another cluster of low to medium-rise residential developments including Park YOHO, Riva and Crescent Green with PR of about 1 to 1.3 and BH ranging from 13 to 23 storeys. The “U” zone to the south of the Site has been identified to have potential for public housing development subject to engineering feasibility study. To address departmental comments on visual and ecological aspects, the applicant has reduced the proposed PR from 2.797 to 2.29. The proposed residential development of a PR of 2.29 is considered not entirely out of context comparing with the surrounding developments taking into account these urban type developments and the rural characteristics of the area to its north.

- 12.3 In tandem with the reduction in the proposed PR, the applicant has also proposed to reduce the BH from a maximum of 29 storeys to 19 storeys. Provision of stepped building height design from 19 storeys to 6 storeys towards a building-free Landscape Area is proposed in response to the findings of the birds' flight paths in the EcoIA. In this regard, ArchSD considers that the proposed development of 6 to 19 storeys may not be compatible with the adjacent village type development in terms of height, massing and character. However, the transitional location of the Site between urban and rural areas should also be acknowledged. While CTP/UD&L pointed out that, as compared with the approved scheme under Application No. A/YL-NSW/233, the visual impact of the proposed development would be slightly adverse in overall terms, the applicant has proposed some visual mitigation measures, including various building heights, building-free landscape area, peripheral planting, building separations and setbacks to reduce the visual impact and to harmonize with the surrounding suburban/rural landscape as well as to strengthen the buffer effect with the WCA/WBA (**Drawings A-10 to A-16**).

Ecological Aspect and TPB-PG No. 12C

- 12.4 According to TPB PG-No. 12C, the Site falls within the WBA which is intended to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have off-site disturbance impact on the ecological value of fish ponds. The applicant has submitted an EcoIA in support of the application. The proposed development, situated in the landward part of WBA close to the existing urban developments, would not involve any filling of wetland and no wetland would be affected. As confirmed in the applicant's EcoIA, the Site itself does not possess significant ecological value.
- 12.5 For off-site disturbance impact, the Site is at a considerable distance from the areas of relatively higher ecological value including the Tung Shing Lei egretty to the southeast, Mai Po Bent-winged Firefly habitat at Shan Pui River Drainage Channel and old Kam Tin River meander to the northwest, and Great Cormorant night roost in Nam Sang Wai to the north and northwest. To maintain the flight lines of the breeding ardeids at Tung Shing Lei egretty (which is 500m to the southeast of the Site) (**Drawing A-17**), a building-free Landscape Area (not less than 2,400m<sup>2</sup>) is proposed to be located at the northeastern part of the Site as well as setbacks of towers nearest to the Landscape Area. The increase in light intensity due to the proposed development at the firefly habitat (550m to 1,100m to the northwest of the Site) and Cormorant roost (750m to 2,200m to the north and northwest of the Site), both at Nam Sang Wai, would be negligible. To minimize any potential glare impact, any external flood light at the Site shall be oriented away from the firefly habitat and Cormorant roost in Nam Sang Wai. Besides, quieter piling methods will be explored for construction and the applicant will submit the construction methodology and programme to AFCD for agreement before commencement of any piling works. Other unacceptable off-site disturbance impact from the proposed development on the surrounding ecologically sensitive areas in WBA and WCA is also unlikely. In view of these, AFCD has no major comment on the EcoIA, but considers that the previous design of the Landscape Area with Natural Habitat and Water Feature (under the previously approved schemes) should be retained. Approval conditions are suggested in paragraphs 13.2(h) and (i) below to ensure the design and provision of Landscape Area with Natural Habitat and Water Feature and the submission of a report on the methodology and programme of the construction

works prior to commencement of piling works to DAFC's satisfaction. AFCD is of the view that the application is generally in line with TPB PG-No. 12C as off-site disturbance impacts arising from the proposed residential development would be acceptable after implementation of the above measures.

### Planning Merits

- 12.6 The applicant submitted that the proposed development is in line with the Government policy of increasing housing supply. Taking into account the increased population (3,795) brought about by the proposed development, the provision of GIC facilities in the Nam Sang Wai area is generally adequate, except for classroom for primary school, secondary school and kindergarten/nursery, local open space, child care centre, and community care services facilities for elderly. It should be noted that the shortfall in classroom of primary and secondary school could be met by the existing/planned facilities in the Yuen Long. A kindergarten and 3,795m<sup>2</sup> of private open space will be provided at the Site. While the provision for child care centre and community care services facilities for elderly would be addressed by SWD on a wider district basis, the proposed 60-place SCCC and Wellness Centre within the Site will be open to the public, serving not only the residents, but also the neighbourhood. The proposed SCCC is supported by SWD from welfare point of view. According to the applicant, the proposed Wellness Centre can cater for 15,000 visits per year by different elderly users suffering from different levels of physical decline or requiring different leisure/social services or strength training programme and the services provided are equivalent to a publicly funded 65-place Day Care Centre for the Elderly/Day Care Unit.
- 12.7 The applicant's intention to create a multi-generational community would contribute to the Government's policy directions in achieving "Ageing-in-Place" and encouraging private developers to provide welfare facilities in private developments. Similar to the SCCC and Wellness Centre, the proposed retail facilities and transport laybys within the development would also serve the neighbourhood.

### Landscape

- 12.8 According to the Landscape Design Proposal, the existing trees (about 60 numbers) at the Site which are in poor condition will be felled. New trees will be planted at the Site and a minimum of 30% greening ratio will be achieved, providing a total greenery area of about 9,800m<sup>2</sup>. CTP/UD&L has no objection on the proposed development from landscape point of view. A landscape condition is suggested in paragraph 13.2(b) below.

### Other Technical Aspects

- 12.9 On environmental aspect, with the implementation of environmental mitigation measures committed by the applicant, namely provision of sewers connecting the proposed development to Au Tau Sewage Pumping Station (**Drawing A-24**) and provision of noise mitigation measures (including acoustic balcony, acoustic window and auto-closing maintenance access door for utility platform and fixed glazing), DEP has no adverse comment on the EA and SIA, and expects that the proposed development would unlikely be subject to or cause adverse environmental impacts. The proposed sewers will be ensured through the approval condition in paragraph

13.2(n). As suggested by DEP, flexibility to cater for possible changes in the proposed mitigation measures in the EA at detailed design stage is allowed through the approval condition in paragraph 13.2(j) below.

- 12.10 In traffic and transport terms, C for T has no adverse comment on the submitted TIA as well as the proposed access arrangements, road improvement works (i.e. proposed widening of Ho Chau Road and the section of Nam Sang Wai Road near the junction Castle Peak Road – Tam Mi, provision of the 38m-long bus/GMB layby at the widened Ho Chau Road, and junction improvement works at Au Tau Interchange and Castel Peak Road – Tam Mi/ San Tam Road), provision of car parking, loading/unloading and public transport facilities. Relevant conditions are suggested in paragraphs 13.2(c) to (e) below to ensure implementation of the proposed road widening, junction improvements and parking and transport facilities.
- 12.11 On air ventilation, drainage, water supply, fire safety and building safety aspects, CTP/UD&L, DSD, WSD, FSD and BD have no objection to the application. The technical requirements of DSD, WSD and FSD would be imposed through approval conditions in paragraphs 13.2(k) to (o) below.
- 12.12 The Housing, Town Planning and Development Committee of Yuen Long District Council raised concerns on traffic, environmental and ecological aspects, and passed a motion against the subject application on 18.11.2020. During the statutory publication periods of the application, a total of 2,535 public comments were received, including 1,425 supporting comments and 1,110 objecting comments as detailed in paragraph 11 above. For the objectors' concerns on the adverse development impact on ecological, traffic, visual, air ventilation, drainage and building safety aspects, the planning assessments and considerations set out in the above paragraphs are relevant. Regarding the concern on precedent effect of approval, it should be noted that each application will be considered by the Board on individual merits.

### **13. Planning Department's Views**

- 13.1 Based on the assessment made in paragraph 12 above, and taking into account the public comments in paragraph 11, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 26.2.2025, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) the submission and implementation of a revised Master Layout Plan to incorporate where appropriate the approval conditions (b), (c), (d), (f), (h), (j) and (k) below, to the satisfaction of the Director of Planning or of the Town Planning Board;

- (b) the submission and implementation of a Landscape Proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the design and provision of vehicular access to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (d) the design and provision of car parking, loading/unloading and public transport facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and implementation of road improvement works, as proposed in the TIA, to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (f) the design and provision of a Special Child Care Centre to the satisfaction of the Director of Social Welfare or of the Town Planning Board;
- (g) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (h) design and provision of Landscape Area with Natural Habitat and Water Feature to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (i) the submission of a report on the methodology and programme of the construction works with details on any piling works no later than 3 months prior to the commencement of construction to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (j) the submission of a revised Environmental Assessment (EA) and the implementation of the mitigation measures identified in the EA to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (k) the submission and implementation of the detailed storm water drainage design to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (l) the submission of a detailed schedule of maintenance of the two proposed detention tanks and the associated pumping system to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (m) no filling and excavation of land on site prior to implementation of the flood relief mitigation measures is accepted by the Director of Drainage Services or of the Town Planning Board;
- (n) the design and provision of sewer connecting the proposed development to the Au Tau Sewage Pumping Station to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

- (o) the design and provision of fresh water connection point and salt water connection point to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

13.3 Alternatively, should the Committee decide to reject the application, the following reason is suggested for Members' consideration:

The development intensity of the proposed residential development is excessive. Approving the proposed development would set an undesirable precedent for similar applications, the cumulative impact of which would overstrain the capacity of the existing and planned infrastructure of the area.

#### **14. Advisory Clauses**

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

#### **15. Decision Sought**

- 15.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 15.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 15.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicants.

#### **16. Attachments**

<b>Appendix I</b>	Application Form received on 27.9.2019
<b>Appendix Ia</b>	FI-8 received on 22.2.2021 with consolidated SPS
<b>Appendix Ib</b>	FI-9 received on 23.2.2021
<b>Appendix II</b>	Previous s.16 Application Covering the Site
<b>Appendix III</b>	Similar s.16 Applications for Residential Development within "U" Zones on the OZP
<b>Appendices IVa to IVi</b>	Letters relayed by DO(YL)
<b>Appendix V</b>	Meeting Minutes of the Housing, Town Planning and Development Committee of Yuen Long District Council held on 18.11.2020
<b>Appendices VIa to VId</b>	Public Comments Received (Supporting)
<b>Appendices VIe to VIv</b>	Public Comments Received (Objecting)
<b>Appendix VII</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Comparison of MLPs of the Previously Approved Scheme (Application No. A/YL-NSW/233) and the Current Scheme
<b>Drawings A-2 to A-4</b>	Section Plans

<b>Drawing A-5</b>	Basement Plan of the Proposed Development
<b>Drawing A-6</b>	Ground Floor Plan of the Proposed Development
<b>Drawing A-7</b>	Landscape Master Plan
<b>Drawing A-8</b>	Private Open Space Provision
<b>Drawing A-9</b>	Greenery Provision
<b>Drawings A-10 to A-16</b>	Photomontages
<b>Drawing A-17</b>	Observed Ardeid Flight Lines during 2018 Breeding Season
<b>Drawing A-18</b>	Development Access
<b>Drawings A-19 to A-21</b>	Proposed Road Improvement Works
<b>Drawing A-22</b>	Illustrative Diagram with Building Separations and Setbacks
<b>Drawing A-23</b>	Proposed Drainage Connection
<b>Drawing A-24</b>	Proposed Sewer Connection
<b>Drawing A-25</b>	Proposed Water Connection
<b>Plan A-1a</b>	Location Plan with Previous and Similar Applications
<b>Plan A-1b</b>	Plot Ratio and Building Heights of Existing and Proposed Residential Developments in the Area
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2021**