

Section 16 Town Planning Application

Supplementary Planning Statement

Proposed Minor Relaxation of Building Height Restriction for
 Permitted Social Welfare Facility (Residential Care Home for The Elderly) AND Proposed House
 Use with Conservation Proposal at Lots 1695 S.E ss.1 RP, 1695 S.F ss.1 and 1695 S.H RP
 (Part) in D.D. 120 and Adjoining Government Land, Tai Kei Leng, Yuen Long, New Territories

Final Consolidated Report - August 2023



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EXECUTIVE SUMMARY

(Disclaimer: This Chinese translation is for reference only. If there is any discrepancy between the Chinese translation and the English original, the English original shall prevail.)

Si Mau Limited (“the Applicant”), as the sole registered land owner of the private lots concerned, seeks town planning permission from the Town Planning Board for proposed minor relaxation of Building Height Restriction (BHR) from 3 storeys to 6 storeys for permitted social welfare facility (Residential Care Home for the Elderly) and proposed “House” use with Conservation Proposal at Lot Nos.1695 S.E ss. 1 RP, 1695 S.F ss.1, 1695 S.H RP (Part) and adjoining government land in D.D. 120, Tai Kei Leng, Yuen Long, New Territories (the Application Site), with the purpose of incorporating amendments to the approved development proposal under planning application no. A/YL/289.

The Application Site is currently zoned as “Government, Institution or Community(1)” (“G/IC(1)”) under the Draft Yuen Long Outline Zoning Plan No. S/YL/26 (the OZP). According to the Notes of the OZP, the “G/IC(1)” zone is subject to a BHR of 3 storeys (8 storeys for ‘School’ and ‘Hospital’) excluding basement(s). Regarding the proposed conversion of the historic building (i.e. Siu Lo) as house, “House” is a Column 2 use which requires town planning permission from the Town Planning Board.

As a recap, in view of the presence of an existing Grade 3 historic building ‘Siu Lo’ currently occupying the northern portion of the Site, the Applicant has put forward a conservation-cum-development proposal in which Siu Lo will be preserved in-situ with the provision of a heritage garden and a RCHE building with not more than 5,400 sq.m of GFA is proposed at the southern remaining portion of the Site to fully optimize the development potential according to the “Incentive Scheme to Encourage Provision of Residential Care Home for the Elderly Premises in New Private Developments”. The conservation-cum-development proposal echoes with multiple Government Policies, including heritage conservation policy to strike a proper balance between respect for private property rights and heritage conservation and offer appropriate economic incentives to encourage private owners to conserve and revitalize their historic buildings; social welfare policy to encourage provision of RCHE premises in new private developments; and land supply policy idea of making better use of the valuable land resources, especially on “G/IC” site under the “single site, multiple use” model.

Upon in-depth review at the detailed design stage, amendments to the schematic layout, building forms and building height to the approved scheme are proposed for the enhancement to the schematic design, especially on the design compatibility between the proposed RCHE building and Siu Lo, and compliance with the technical requirements of EVA. For the building height, it is found that while limiting the nos. of columns around Siu Lo, a longer structural span and thicker structural elements are required to support the loading bearing wall or columns above it, such that the RCHE floor plates above could span over the Annex Block of Siu Lo. Without compromising the vertical clearance above the Annex Block for future roof maintenance, there is a need to further increase the floor-to-floor height at G/F. It is also proposed to increase in the floor-to-floor heights on typical floors to enable a larger ventilation system to comply with the latest guideline on prevention of communicable diseases in RCHE provided by the Department of Health. It is thus proposed to increase the absolute building height from 22.65m to 25.9m as measured from the mean street level. These amendments necessitate a fresh planning application to be submitted to the Town Planning Board for approval on the amendment to the approved overall building height. The setting of Siu Lo is further respected with the additional vertical and horizontal setback measures for the RCHE under the current scheme. It is anticipated that the proposed development would not result in insurmountable impacts to the surroundings on visual, landscape, heritage, environmental, sewerage, drainage and traffic aspects.

行政摘要

(聲明：此中文譯本僅供參考，如中文譯本和英文原文有差異時，應以英文原文為準。)

Si Mau Limited (“申請人”) 為新界元朗大旗嶺丈量約份第 120 約地段第 1695 號 E 分段第 1 小分段餘段、第 1695 號 F 分段第 1 小分段及第 1695 號 H 分段餘段 (部分) 的唯一「現行土地擁有人」，現尋求城市規劃委員會 (下稱城規會) 批准上述私人地段及毗鄰的政府土地 (申請地點) 擬議略為放寬建築物高度限制 3 層到 6 層以作准許的社會福利設施 (安老院舍) 及擬議「屋宇」用途連同保育方案，以容許對核准發展計劃的修訂。

根據元朗分區計劃大綱草圖編號 S/YL/26 (大綱圖)，申請地點現時被劃作「政府、機構或社區 (1)」。根據大綱圖的註釋，該用途地帶受限於最高建築物高度 3 層 (如用作「學校」或「醫院」用途，最高可建 8 層)。就擬議將歷史建築 (即筱廬) 改作屋宇而言，「屋宇」屬第二欄用途，需要獲得城市規劃委員會的規劃許可。

回顧先前申請，鑑於現有佔據申請地盤北部的三級歷史建築「筱廬」，申請人提出「保育及發展」建議，將筱廬原址保育，並盡用地盤南部分的剩餘用地興建建築面積不超過 5,400 平方米的安老院舍，以符合《鼓勵在新私人發展物業內提供安老院舍院址計劃》。此「保育及發展」建議符合多項政府政策，包括文物保育政策，於尊重私有產權和保護文物兩者之間取得平衡，並為擁有歷史建築的私人業主提供適合的經濟誘因，以換取他們同意保育及活化有關的歷史建築；鼓勵在新私人發展物業內提供安老院舍院址的社會福利政策；和土地供應的政策理念，以「一地多用」的發展模式，特別在「政府、機構或社區」的用途上，充分優化土地的發展潛力以更好地善用珍貴的土地資源。

經過詳細設計階段的深入檢討後，建議修訂核准發展計劃的佈局、建築物的外形及高度，以優化設計，特別是在擬建安老院舍與「筱廬」附屬樓的相容性，並符合緊急車輛通道的技術要求。對於建築物的高度，發現限制附屬樓周邊的支柱數量需要較長結構跨度和較厚的結構構件來支撐上方的承重牆或支柱，以容許安老院舍的樓板可以跨越於附屬樓的上方。在不影響「筱廬」附屬樓上方的垂直淨空作屋頂日後維修下，安老院舍的地面樓層的層高需要進一步增加。此外，亦建議增加一般樓層的層高，以安裝更大的通風系統以符合衛生署最新發布的安老院舍傳染病預防指引。因此，建議將建築物高度從 22.65 米增加到 25.9 米。這些修訂需要向城市規劃委員會重交規劃申請，以批准對核准發展計劃總高度的修訂。現行方案下安老院舍的進一步垂直和橫向後移亦對「筱廬」的風貌更加尊重。計劃在規劃、文物保育、社會福利，以及各種規劃和設計優點方面均有充分的理據。鑑於上述理由，預計擬議的發展不會對四周的視覺、景觀、文物保育、環境、排污、渠務和交通等方面造成不可克服的影響。

1. INTRODUCTION

The Applicant, Si Mau Limited, is the sole “current land owner” of Lot Nos.1695 S.E ss. 1 RP, 1695 S.F ss.1 and 1695 S.H RP (Part) in D.D. 120, Tai Kei Leng, Yuen Long, New Territories. The Applicant intends to develop a permitted social welfare facility (Residential Care Home for the Elderly) (RCHE) with conservation of Historic Building at the said private lots and adjoining government land (hereinafter referred to as “the Site/Application Site”). The Application Site is zoned as “Government, Institution or Community(1)” (“G/IC(1)”) under the Draft Yuen Long Outline Zoning Plan No. S/YL/26 (the OZP), which is subject to a Building Height restriction (BHR) of 3 storeys (or 8 storeys for ‘School’ and ‘Hospital’) excluding basement(s). No “Village” zone nor “Road” zone is included in this application. Please refer to **Figures 1 and 2** for the Site Plan and the Location Plan respectively.

The Site is currently occupied by an existing Grade 3 historic building ‘Siu Lo’ (筱廬) and parking of vehicles. The Site is a subject of a previously approved town planning case (RNTPC A/YL/256A dated 20.3.2020) submitted by the previous owner (hereinafter referred as the First Planning Application / the First Approved Scheme). In that previous case, an agreement with Commissioner for Heritage’s Office (CHO) and Antiquities and Monuments Office (AMO) was made in 2018 to preserve the entire Siu Lo in-situ, and convert the building into a “Gallery for Heritage Interpretation” for free public visit and enjoyment, whilst a five-storey RCHE was proposed to be constructed on the remaining area of the Site in a conservation-cum-development model. The CHO and AMO had rendered in-principle support to that application from the heritage conservation perspective.

In the relevant Town Planning Board meeting held on 20.3.2020 in relation to the First Approved Scheme, some board members were of the view that consideration might be given to further increasing the building height to attain more GFA for the proposed RCHE. Subsequently, the Applicant submitted a planning application to seek planning permission for minor relaxation of BHR from 3 storeys to 6 storeys (+ 3 storeys) for a permitted social welfare facility (RCHE) and proposed house use with conservation proposal for a Grade 3 historic building ‘Siu Lo’ (筱廬) at the Application Site (i.e. application no. A/YL/289) (hereinafter referred as the Second Planning Application / the Second Approved Scheme). The intention of the application was to further optimize the development potential of the Site by developing an RCHE with a GFA not exceeding 5,400 sq.m according to the policy of Incentive Scheme to Encourage Provision of Residential Care Home for the Elderly Premises in New Private Developments (hereinafter referred to as “the Incentive Scheme”) of the Lands Department and in response to the pressing societal need against the backdrop of ageing population and the genuine concerns of some TPB members. With the conservation-cum-development approach, Siu Lo will be preserved in-situ with the development of the proposed RCHE building at the southern portion of the Site under the Second Approved Scheme. The application was approved by the Rural and New Town Planning Committee on 29.7.2022.

Please be invited to note that in spite of the administrative nature of the Antiquities Advisory Board’s (“AAB”) grading system which does not affect the ownership management, usage and development rights of the buildings, the Applicant appreciates the unique historical value of Siu Lo and sincerely intends to preserve the entire of it. The Applicant is a bona fide private developer and operator of RCHEs committed to develop and operate this project, which will ensure a continued heritage conservation practice for Siu Lo. Through this planning application, it is proposed to resume the original use of Siu Lo as “house” which is a Column 2 use under the OZP. In the Second Approved Scheme, it is proposed to provide a compatible heritage garden at its side and to implement a conservation management plan to

be agreed with AMO and CHO. According to the Heritage Appraisal submitted, as compared to the external “Character Defining Elements” (CDEs), the internal features have relatively minor contribution to the overall significance of the place. As such, **the proposed Heritage Garden will become the area open for free public visits with guided and self-guided tours at regular intervals, educational display boards, thus allowing photo-taking spots around the external of Siu Lo and offering heritage information for public appreciation.** While the interior features of historical significance will be preserved as far as practicable as per the Heritage Appraisal, **glazed doors/ windows will be provided at the Siu Lo building to allow the public visitors to see-through the internal area from outside.** Overall, it is aimed to achieve a “win-win” solution by conserving Siu Lo and providing RCHE bedspaces in accordance with the prevailing conservation policy.

Yet, with the elongated, irregular configuration of the Application Site, the clearance required to conserve Siu Lo and a number of site constraints, the building footprint of RCHE is largely confined in terms of its possible spatial disposition. **With an optimized design under the proposed scheme while conserving Siu Lo, the new RCHE building is required to have 6 storeys to achieve the intended GFA of 6,600 sq.m.** The number of beds of the proposed RCHE was largely increased under the Second Approved Scheme.

Upon in-depth review and clarifications at the detailed design stage on several design requirements, changes to the schematic layout, building forms and building height under Second Approved Scheme were incorporated. The proposed absolute building height has to be increased from 22.65m to 25.9m as measured from mean street level. With the said BHR on the extant OZP and the building height being the subject of approval in the Second Planning Application, a further increase in the proposed building height, as per the Planning Department’s advice, has necessitated a fresh planning application as hereby kindly submitted to the Town Planning Board. Other layout changes are mostly for the benefits of conservation of Siu Lo and complying with building regulation and fire safety requirements. The rationales for the main changes to the Second Approved Scheme are summarized in Section 4.2 and 4.3.

Apart from the above schematic changes, additional merits are also proposed, including allowing the future guided tours and private tours for non-government organizations (“NGO”) and schools as previously proposed, to visit some of the interior areas of Siu Lo under the docent’s guidance, showcasing the display area and the historic kitchen.

The proposed RCHE development and conservation of Siu Lo are hereinafter referred to as “the Proposed Development”.



2. SITE CONTEXT AND HISTORY

2.1 Site Context and Surrounding Land uses

The Application Site with a site area of about 1,877.1 sq.m is situated in the southern part of Yuen Long New Town accessible via Tai Tong Road. (Figure 1 refers) The Site is currently used as a temporary open public car park and comprises a Grade 3 historic building (including its main building and annex block) i.e., Siu Lo, which was built in around 1941 and has been in existence long before the exhibition of the first draft Yuen Long OZP on 12 April 1991. It is noted that Siu Lo comprises a 2-storey main building with a single-storey annex block attached to the main block at an angle.

The surrounding areas have the following characteristics:

- the Site is situated in an area generally occupied by residential and village settlements;
- to its immediately north is the Yuen Long Baptist Church which is covered by a valid planning application No. A/YL/252 for a composite building comprising school and religious institution (church) with minor relaxation of BHR to 8 storeys which was approved with conditions by the Rural and New Town Planning Committee (RNTPC) on 3.5.2019, and to its further north are village houses;
- to its west and south-west are a temporary private ball court, vacant land, open storages, rural workshops and parking of vehicles;
- to its south are some village houses and the Hang Heung food factory which is covered by a valid planning application No. A/YL/263 for a 6-storey RCHE;
- to its immediate east is Tai Tong Road and a petrol filling station; and
- to its further east across Tai Tong Road are open storage, warehouse with retail sale and workshop, real estate agencies and car services.

2.2 Land Status

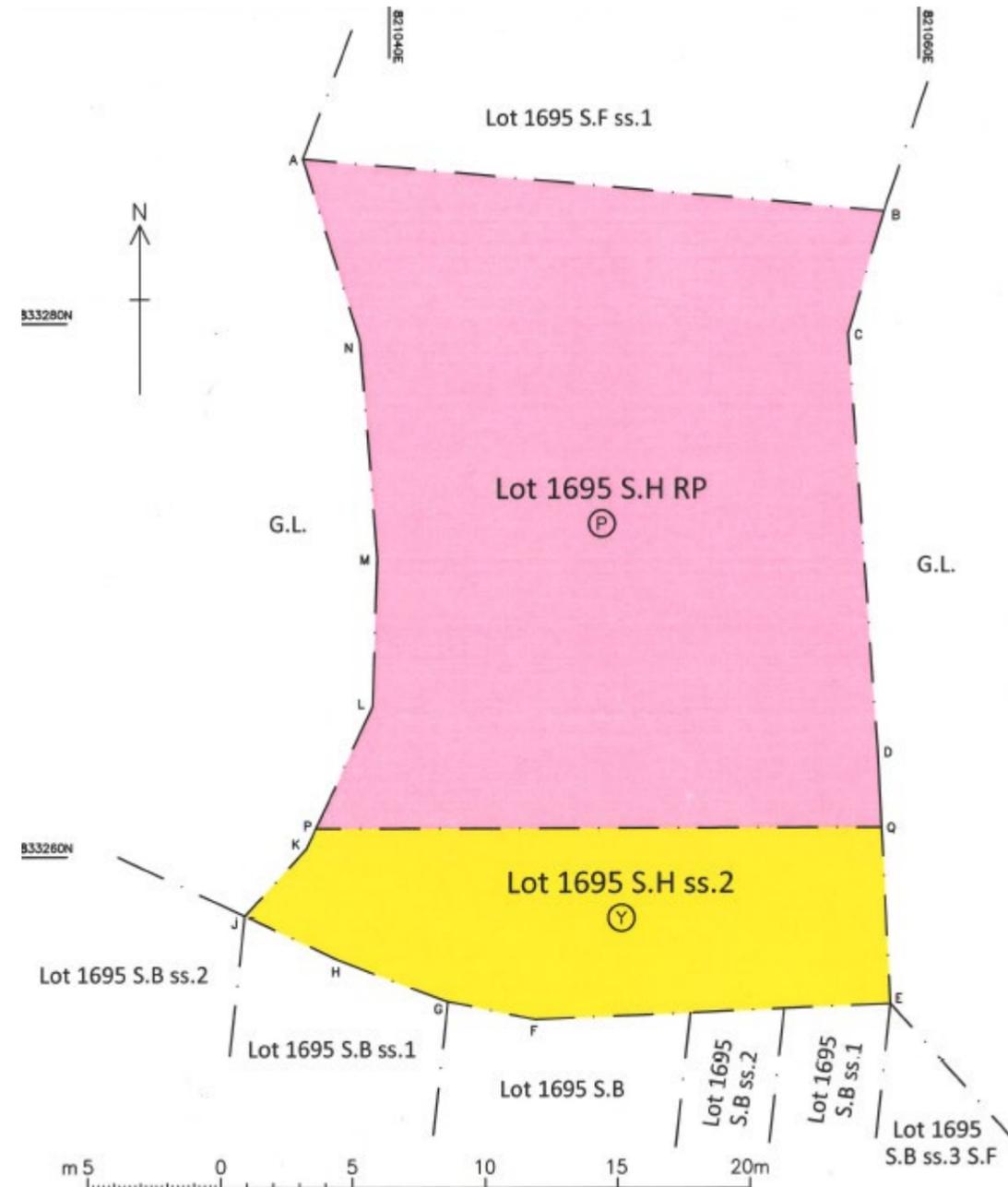
With reference to preliminary land status check, Lot Nos. 1695 S.E s.s.1 RP, 1695S.F s.s.1 and 1695 S.H RP (Part) in D.D. 120 of the subject Site are Old Scheduled agricultural lots whereas the lease is untraceable.

Taking into account the narrow, left-out space on government land to the west of the subject private lots, the current proposal has included a portion of the Government Land with about 144.8 sq.m into the Application Site boundary to put it into good use. This Government land involved is considered to be incapable of reasonable separate alienation or development. Where it is currently mainly zoned as "G/IC", it has also no foreseeable public use. **The proposed inclusion of the government land can allow a little more space and hence more flexibility for including the possible heritage conservation measures for Siu Lo**, which may include further setting back of the columns of the future RCHE building from the historic building, provision of a landscape strip along the western boundary for greater compatibility and so forth.

A land exchange application has been submitted and is now being processed by the Lands Department to facilitate the Proposed Development and inclusion of the portion of Government Land. At the processing of land grant, the site area has been measured as about 1,877.1 sq.m based on the latest

land survey carried out in August 2022, which is reflected in the subject application. The actual area and boundary of the Application Site will be subject to verification with the Lands Department in the finalization of the land exchange application.

Please note that a Deed Poll Plan of Lot No. 1695 S.H RP has been prepared, submitted and registered in the Land Registry vide memorial no. 23021401600066 on 14th February 2023. The Lot No. 1695 S.H RP will be subdivided into Lot No. 1695 S.H RP in the north (which is zoned as "G/IC") and Lot No. 1695 S.H ss.2 to the south, which is zoned as "V". Inasmuch, it is intended not to include any "V" zone in the subject S.16 town planning application. (see below)



2.3 Accessibility

The Application Site is assumed to be a Class A Site abutting and accessible via Tai Tong Road. Request to the Lands Department has been made for a right of way for using the local vehicular track rested on government land for the proposed vehicular & pedestrian access of the Site. The Site will be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access will be provided for all the buildings to be erected on the Site in accordance with the requirements under the B(P)R 41D.

The Area is also served by various modes of public transport including buses, public light bus and Tai Tong Road Light Rail Stop at about 650m walking distance from the Site.

3. TOWN PLANNING CONTEXT

3.1 Statutory Planning Context

3.1.1 Brief Planning Context of Yuen Long Town

The Site falls within the southern part of Yuen Long New Town. Under the OZP, the zonings around the Yuen Long Town Centre (known as the areas around Castle Peak Road – Yuen Long) are mainly planned for high-density residential developments. The planned development intensity then gradually descends towards the south, with village-type and “G/IC” developments in the area along Tai Tong Road.

With respect to the “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation” (the YLS Study), the rural land in the Yuen Long South area would in future accommodate more high-density housing developments to cater for a total population of about 101,200 upon full completion to meet the medium to long-term housing needs of Hong Kong. The rezoning of those sites to “Residential” uses have been completed, which is now covered by the approved Tong Yan San Tsuen OZP gazetted on 20 August 2021, as Stages 1 and 2 of the YLS Development.

3.1.2 Statutory Planning Context of the Application Site

The Site falls within an area zoned “G/IC(1)” on the OZP and is subject to BHR of 3 storeys (or max. BH of 8 storeys for “school” or “hospital” uses) in “G/IC(1)” zone. According to the Notes of the OZP, ‘Social Welfare Facility’ is always permitted in the “G/IC” zone. The proposed RCHE use is subsumed under the always permitted ‘Social Welfare Facility’ use according to the Definition of Terms in town planning. As the Proposed Development with a building height of 6 storeys exceeds the BHR of 3 storeys as stipulated on the OZP, a Section 16 planning application for minor relaxation of Building Height restriction is submitted to the Town Planning Board. There is no development restriction on plot ratio and site coverage ratio under the “G/IC” zone.

The planning intention of this zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also

intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

According to the Planning Report for Yuen Long New Town prepared by the Planning Department (PlanD) in 1990, “G/IC” sites were planned/reserved in the western and southern extension areas of the Yuen Long New Town for providing GIC facilities to cater for the unforeseen needs in future. For this case, while available space has been scarce throughout Hong Kong for accommodating the various G/IC facilities for serving the needs of the community, the development restrictions on these “G/IC” sites should be correspondingly adjusted in response to the everchanging needs in the society and the planning context.

The permitted BH of the prevailing “G/IC(1)” zone is actually much lower than those of the “R(A)” and “R(B)” zones in the general context of the urban fringe in Yuen Long. Developments planned for high-rise developments can be found within about 200m from the Site, and the permitted max. BH of 8 storeys for ‘School’ and ‘Hospital’ under the subject “G/IC(1)” zone is not out of context in terms of building height profile of the wider area.

3.2 Non-Statutory Planning Context & Relevant Policy

3.2.1 Optimal Use of Scarce Standalone “G/IC” Developments in Hong Kong

In view of the competing use of land in Hong Kong, available “G/IC” lands to accommodate standalone building of “G/IC” facilities have become more and more uncommon in Hong Kong. In recent years, the Government has begun to rely on housing sites for providing the required “G/IC” facilities to meet various societal demands. Since 2018, arrangements have been taken by the Government for the exemption of floor space for “G/IC” facilities from GFA calculation on housing sites, which have been facilitated through the town planning, land administrations and building development control mechanisms. Without compromising the housing production, this arrangement renders most of the new provision of “G/IC” facilities to be congested within larger podium blocks underneath housing developments in a higher density development mode, thus stacking up the overall building heights of many new housing developments in the urban area.

Apart from that, despite the separate access arrangements through design, interfacing problems are often revealed where RCHEs are operated as part of composite residential developments within a congested layout arrangement. For instance, due to limited space, it has often been criticized for the inadequate provision of lifts separately for the visitors, beds and waste disposal of RCHEs, and for residents of the residential portion, which has often caused much constraints to the operation of RCHE and nuisance to the residents.

3.2.2 The Surging Demand for RCHE in Hong Kong

Ageing population and the foreseeable threat of shortage of elderly facilities has been a focus of a wide range of policy initiatives and studies in Hong Kong, including the Chief Executive’s Policy Addresses and the latest version of strategic plan of Hong Kong, “HK2030+: Towards a Planning Vision and Strategy Transcending 2030” (HK2030+). Hong Kong has the highest life expectancy in the world – 81.7 for men and 87.66 for women. Statistics from Census and Statistic Department has indicated that the proportion

of population aged 65 or older will increase from 15.4 percent of the population to 36 percent in 2064. For elderly dependency ratio, it was estimated that 1,000 individuals supported 180 nos. of elderly in 2011 while in 2041, 1,000 individuals will be supporting nearly every 500 elderly (2 adults to 1 elderly). In 2016, about 8% of the population aged 65 or above (i.e. 93,600 nos.) lived in RCHEs.

According to “Elderly Services Programme Plan” completed by Working Group on Elderly Services Programme Plan Elderly Commission¹, the projected service demand for residential care for residential care for elderly would raise from 49,000 places in 2016 to about 68,000 places in 2046. However, the total number of subsidised and non-subsidised RCHE places is only 34,742 as at 30 Jun 2021².

According to the reply from the Secretary for Labour and Welfare in 17 Mar 2021 to a question from a Legislative Councillor³, as at end-December 2020, the waiting time and number of people waitlisted for subsidised care and attention (C&A) places and nursing home (NH) places are 21 and 26 months respectively. It is revealed that the supply of private RCHE places is also crucial to meet the acute demand.

3.2.3 The Surging Demand for RCHE in Yuen Long District (Short to Medium-term)

With respect to the population profile of Yuen Long District stated in the Population and Household Statistics Analyzed by District Council District in March 2021, the population in Yuen Long District was nearly 640,600 in 2020 whilst the population aged 65 or above accounted for about 16.8% (around 107,400 elders) of the district population. Making reference to the HKPSG requirements of 21.3 subsidised beds per 1 000 elderly persons aged 65 or above, there is currently a surging demand for subsidized beds for RCHE in the Yuen Long Town within the OZP area.

A sharp growth in Yuen Long’s elderly population has been projected by PlanD, according to the Projection of Population Distribution, 2021 – 2029. The population aged over 65 or above in Yuen Long area was estimated to be 169,400 in 2029 which accounted for about 23.9% of the district population.⁴

With the projected dramatic increase in elderly’s population by 2029 in the district, the proposed increase in RCHE places in the Application Site can help address the short to medium-term shortfall for elderly facilities and relieve the stress of service providers and carers in both the public and private sectors.

3.2.4 The Future Demand for RCHE in Yuen Long District (Long-term)

It was mentioned in para. 3.1.1 about the progress of the YLS planning and development. It is noteworthy that in the Panel on Development of the Legislative Council (LegCo) on Planning and Engineering Study for Housing Sites in Yuen Long South — Recommended Outline Development Plan on 27 February 2018 (LC Paper No. CB(1)608/17-18(07))⁵, there were LegCo members expressing disappointments that the

residential care places to be provided in the YLS Development Area were inadequate, given that residential care places for the elderly were in huge demand.

3.2.5 Government’s Prevailing Policies to Increase Supply of RCHE Places through Private Sector and Living Space of RCHE Residents

Policy to Encourage Provision of Residential Care Home for the Elderly premises and to Optimize the Development Potential of “G/IC” Sites

The acute demand for RCHE has long been an issue the Government trying to address. To encourage developers to provide RCHEs in **new private developments**, in July 2003, the Government launched the Premium Concession Scheme, under which eligible RCHE premises would be exempted from payment of land premium in respect of land transactions relating to lease modifications, land exchanges and private treaty grants for residential/commercial developments, subject to meeting certain conditions for the delivery of the RCHE premises, such as **a maximum limit of 5,400 sq.m for GFA. It is worth noting that the maximum total GFA eligible for premium payment exemption has been relaxed from 5,400sq.m to 12,000sq.m as per the Legislative Council Panel on Welfare Services Meeting (LC Paper No. CB(2) 535/2023(04)).**

On the other hand, the Government has indicated in the 2019’s Policy Address that “G/IC” sites currently earmarked for standalone public facility would be reviewed for optimizing site development potential under a “single site, multiple use” model. The Applicant’s proposal shares the same idea with this government policy.

Recent Proposal on Increasing the Minimum Area Per Resident for RCHE

The residential care services for the elderlies in Hong Kong in general have long been criticized for their low living standards as compared to the major cities internationally, especially with regards to the amount of living space. There have been persistent discussions among the society about increasing the minimum area per resident for RCHE. In the Report of “Working Group on the Review of Ordinances and Codes of Practice for Residential Care Homes” (“the Working Group”) dated May 2019⁶, it is proposed to increase the minimum area per resident for “Care-and-Attention Home” RCHE from 6.5 sq.m to 9.5 sq.m. The proposal will be submitted to the Legislative Council for the procedures of amendment of the Regulation.⁷

¹ Source: Working Group on Elderly Services Programme Plan of Elderly Commission: https://www.elderlycommission.gov.hk/en/download/library/ESPP_Final_Report_Eng.pdf

² Source: Social Welfare Department (last revision date: 9 July 2019): https://www.swd.gov.hk/en/index/site_pubsvc/page_elderly/sub_residentia/id_overviewon/

³ Source: HKSAR Government Press Release (17 Mar 2021): <https://www.info.gov.hk/gia/general/202103/17/P2021031700222.htm>

⁴ Source: Planning Department: http://www.pland.gov.hk/pland_en/index.html

⁵ Source: LegCo Panel on Development Minutes of Meeting on 27 February 2018: <https://www.legco.gov.hk/yr17-18/english/panels/dev/minutes/dev20180227.pdf>

⁶ Source: Working Group on the Review of Ordinances and Codes of Practice for Residential Care Homes: https://www.swd.gov.hk/en/index/site_pubsvc/page_lr/sub_working/

⁷ Source: “Paper on heritage conservation initiatives prepared by the Legislative Council Secretariat (Updated background brief),” *Minutes of meeting of the Panel on Development*, 10 May 2021.

3.2.6 Development Restrictions and Relevant Requirements related to RCHE

RCHE development shall comply with the followings:

- a) Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) (“the Ordinance”);
- b) Residential Care Homes (Elderly Persons) Regulation (Cap. 459A) (“the Regulation”); and
- c) Code of Practice for Residential Care Homes (Elderly Persons) (Revised Edition, March 2013) (“Code of Practice”).

3.2.7 Heritage Conservation

The government’s heritage conservation policy aims to strike a proper balance between respect for private property rights and heritage conservation, and offer appropriate economic incentives to encourage private owners to conserve and revitalize their historic buildings. A grading system for historic buildings has been put in place to provide an objective basis for determining the heritage value, hence the preservation need of individual historic buildings. The grading system is administrative in nature and does not affect the ownership management, usage and development rights of the buildings. Siu Lo is a Grade 3 historic building accorded by the Antiquities Advisory Board on 7.9.2017. By definition, Grade 3 historic buildings are “buildings of some merit; preservation in some form would be desirable and alternative means should be considered if preservation is not applicable”. On the Second Approved Scheme (A/YL/289, it is generally agreed that the proposed conservation-cum-development proposal is commensurate with Siu Lo’s grading and heritage value. The heritage conservation strategy outlined in the current application remains largely unchanged from the Second Approved Scheme, except for minor amendments on the development scheme of the new RCHE building.

In respecting private property rights, the Government is providing incentives to owners for historic building conservation. As officially released by the Secretary for Development⁸, LegCo⁹ and AMO¹⁰, the Government recognises that appropriate economic incentives should be offered to encourage the private owners to conserve historic buildings in their ownership. Economic incentives to be offered could take the form of financial assistance, relaxation of plot ratio and/or site coverage and land exchange to facilitate private owners to carry out timely maintenance works and protect historic buildings, and to compensate for their loss in a ‘conservation-cum-development’ model.

3.3 Hypothetical Scenario of Purely 3-storey RCHE without Siu Lo

In the Second Planning Application, a hypothetical scenario was presented which involved total demolition of Siu Lo to prove that the total intended GFA of the RCHE of 5,400 m² can be accommodated within the prevailing BHR of 3 storeys under the OZP and need for planning applications for minor relaxation of BHR is merely arisen from the good intention to preserve Siu Lo in-situ as a whole. In this regards, AMO has expressed that such hypothetical scenario is not supported from heritage conservation perspective. As such, the need for minor relaxation of building height has been justified and such hypothetical scenario is no longer a relevant consideration in the current fresh planning application.

⁸ Source: Government Press Release on January 27, 2016 - LCQ6: Policy Review on Conservation of Built Heritage <https://www.info.gov.hk/gia/general/201601/27/P201601270704.htm>

⁹ Source: Updated background brief on heritage conservation initiatives : <https://www.legco.gov.hk/yr15->

The preservation of Siu Lo, including its main building and annex block, faces some planning and design challenges that

- a) the development of the RCHE building needs to be confined outside the northern portion of the site and
- b) the periphery of Siu Lo is better to be freed up for the public appreciation and free public visits with guided and self-guided tours.

With a good view to strike a balance with the RCHE development and preservation of Siu Lo, the government’s in-principle policy support for the following items has been sought for:

- a) Inclusion of some government land (about 144.8 sq.m) to allow building design flexibility to allow no building development to the east of Siu Lo;
- ~~b) Separate calculation of covered car park and internal road spaces for Siu Lo (to be rendered outside the 5,400 sq.m RCHE portion to comply with the Incentive Scheme);~~
- c) Relaxing building height for RCHE for conservation merits;
- d) Justifications for high headroom on G/F of RCHE in order to materialize the conservation-cum-development proposal and allow a vertical clearance for occasional maintenance of the pitch roof of Siu Lo Annex Block (para. 4.2 and 4.4.4 refers); and
- e) Resuming the original use of Siu Lo as “house”.

Hypothetically, given the site area at 1877.1 sqm and the extant statutory planning requirement of building height restriction at 3 storeys, the maximum GFA for any G/IC use(s) can reach a maximum GFA of 5631.3 sqm. With a good planning intention to preserve in-situ the existing Siu Lo as well as its Annex Block, we need to apply to increase the number of storeys to 6 to achieve a comparable GFA at 6,600 sq.m. In particular, we need to adopt an exceptional high ground floor height to 7.45m to allow sufficient maintenance clear height over the Annex Block area. **To this end, the Commission of Heritage Officer (CHO) is invited to grant a policy (or in-principle support) for the exceptional high ground floor clear height on the conservation ground.**

3.4 Planning History

The Site is the subject of 2 previous planning applications under Section 16 of the Town Planning Ordinance – (i) Application No. A/YL/256 for Proposed Conservation of Historic Building and Minor Relaxation of BHR from 3 storeys to 5 storeys for Permitted Social Welfare Facility (Residential Care Home for the Elderly) (i.e. the First Planning Application), which was approved with condition(s) by the Town Planning Board on 20.3.2020; and (ii) Application No. A/YL/289 Proposed Minor Relaxation of Building Height Restriction (BHR) for Permitted Social Welfare Facility (Residential Care Home for the Elderly) (RCHE) and Proposed House Use with Conservation Proposal (i.e. the Second Planning Application).

<16/english/panels/dev/papers/dev20160621cb1-1034-4-e.pdf>

¹⁰ Source: Report on the Policy Review on Conservation of Built Heritage: https://www.aab.gov.hk/form/AAB_Report_e.pdf

In the First Planning Application, the Planning Department had no objection to the application based on the relevant planning intention, its compatibility with surrounding areas, technical assessments, etc. The CHO and AMO rendered support to the application from heritage conservation perspective. In the RNTPC held on 20.3.2020, some TPB Members were of the view that reduction in GFA for RCHE facilities due to preservation of Siu Lo was not ideal; the proposed minor relaxation of BH restriction was considered not unreasonable; and that consideration might be given to further increasing the building height to attain more GFA for the proposed RCHE. The Second Planning Application submitted by the Applicant was for the same goal to serve a bigger public gain through a more optimal utilization of the Site. The application was approved by the Rural and New Town Planning Committee on 29.7.2022

A fresh application is being submitted for reasons presented in Section 4.2 and 4.3.

3.5 Similar Planning Application(s)

For Section 16 planning applications for minor relaxation of BHR, there was also an approved case to the adjoining north of the subject site for proposed Composite School and Religious Institution (Church) Development by the Yuen Long Baptist Church (case no. A/YL/252), which was approved on 3.5.2019 by the RNTPC. The proposal involves a minor relaxation of BH from 3 storeys to 8 storeys (excluding 2 basement floors) for the proposed composite development. Being located next to the Yuen Long Baptist Church with an approved scheme of 8 storeys, the current proposal of 6 storeys is considered in a compatible scale.

4. THE PROPOSED CONSERVATION-CUM-DEVELOPMENT SCHEME

4.1 Development Rationale of Conservation-cum-Development Proposal

A conservation-cum-development proposal is prepared to preserve the architectural and cultural merits embodied in Siu Lo for the benefit of the general public as in line with the Government's heritage conservation policy which aims at respecting the private property rights. The objective is to create a win-win situation in which both the public interest and financial viability of the project could be properly attained. Major findings of the Heritage Appraisal will be respected. A heritage garden will be opened by advanced booking for free public visits with guided and self-guided tours at regular intervals whereas the interior part of Siu Lo including the Main Building and the Siu Lo Annex Block will be used for private "house" use as its original use, for the individual use of the Applicant itself. Interior features of historical significance will be preserved as far as practicable as per the Heritage Appraisal.

Taking into account the above-mentioned surging demand for RCHE in Hong Kong, the First Approved Scheme just has not fully utilized the Site to its full potential. To fully optimize on its convenient location in Yuen Long and in response to the genuine concern of some TPB members, the Applicant intends to increase development scale of the proposed RCHE licensing portion to a maximum gross floor area (GFA) of 6,600 sq.m as per the policy of LandsD's Incentive Scheme, which will require 6 storeys. The current proposal will also comply with the relevant Social Welfare Department's Best Practices Guidelines for the design, operation and basic provision schedule of RCHEs.¹¹

¹¹ Social Welfare Department (2005)

Upon in-depth review and clarifications at the detailed design stage on several design requirements in the aspects of fire safety, mechanical, electrical and plumbing (MEP) engineering, building structure and heritage conservation, amendments to the scheme layout, building form and building height have been made to the Second Approved Scheme. Drawings of the amended scheme under the current application including master layout plan, floor plans, sections and landscape plans are in **Appendix 1**. Drawings overlaying the amended scheme on the Second Approved Scheme (A/YL/289) for illustration and comparison purposes are in **Appendix 2**. The rationales for the amendments are summarized in Section 4.2 - 4.4.2 below.

4.2 Rationales and justifications for a fresh S.16 planning application for an amendment to building height

- ✓ *To increase the floor-to-floor height from 6.4m to 7.45m at G/F of the RCHE building to materialize the conservation of Siu Lo Annex Block in-situ and enable a wider vertical separation between the RCHE building and the roof of Annex Block*

A structural engineer has been appointed to provide a feasible structural design for the RCHE building. Under an optimized design limiting the nos. of columns around Siu Lo to 4 to reduce their visual impact, a longer structural span and thicker structural elements (i.e. a transfer beam) is required to support the loading bearing wall and/or columns above it, such that the floor plates above could span over the Annex Block of Siu Lo. The vertical separation between the RCHE building (bottom of the beam) and the Siu Lo Annex Block has also been increased to enhance the design compatibility with Siu Lo and to allow more space for occasional roof maintenances of the Annex Block in future. The said increase in beam's depth from a typical 0.6m to 1.65m and the increase in minimum vertical distance between the RCHE building and the Siu Lo Annex Block from 1.2m to 1.5m necessitates the amendment of floor-to-floor height at G/F from 6.4m to 7.45m, taking into account also a 0.3m reduction due to a slight increase in site formation level from 5.9mPD to 6.2mPD in the current proposal (**Figure 3** and **Schematic Section A and B** in **Appendix 2** refer).

- ✓ *To increase in the floor-to-floor height from 3.15m (1-4/F) and 3.5m (5/F) to 3.6m (1-5/F) of the RCHE building to accommodate a larger ventilation system to comply with the latest guideline on prevention of communicable diseases in RCHE provided by the Department of Health*

Upon in-depth review of the Mechanical, electrical and plumbing (MEP) requirements, a higher floor-to-floor height on each typical floor is required to accommodate a larger ventilation system to comply with the latest guideline on prevention of communicable diseases in RCHE provided by the Department of Health. As per the latest guideline, RCHE shall adopt mechanical ventilation with the rate of fresh air replacement to achieve a minimum of 10L/s/person. A 3.6m floor-to-floor height is required to accommodate 650mm-deep structural beams, 300mm-deep air duct for fresh air supplies, sprinkler / lighting fixtures /



other facilities installation, floor finishing, plus a vertical clearance of 2300mm – 2600mm in habitable space to comply with Residential Care Homes (Elderly Persons) Regulation (Cap. 459, section 23) and for a quality living condition for the elderly. (Figure 4 refers) In short, the increase in floor-to-floor height of typical floors will enhance the health, safety and living conditions of the future RCHE occupants.

4.3 Rationales and justifications for layout re-adjustments to the building blocks and internal transport facilities (Class B amendment)

The need for a re-arrangement in the layouts of the building blocks and internal transport facilities is arisen from an in-depth study and careful design among the design team with the full intention to enhance the compatibility and integration between Siu Lo and the new RCHE building. A number of merits of this re-arrangement is summarized below :

- ✓ Further setting back the internal road to enable a larger space around the Annex Block and an compliant EVA

In the Second Approved Scheme, the space around the Siu Lo Annex Block in the heritage garden is rather congested. With the intention to improve the design compatibility and to enable a wider physical space for the enjoyment of visitors, the internal road/EVA has been further setback from the Siu Lo Annex Block. This re-arrangement is also necessary for complying with the technical requirements for EVA under the Building (Planning) Regulation 41D and FSD's operational requirements. The loading/unloading bay and office at G/F are also relocated to increase the sense of spaciousness of visitors.

- ✓ Adjusting the angle of RCHE block for a more recessive and orderly design in response to Siu Lo

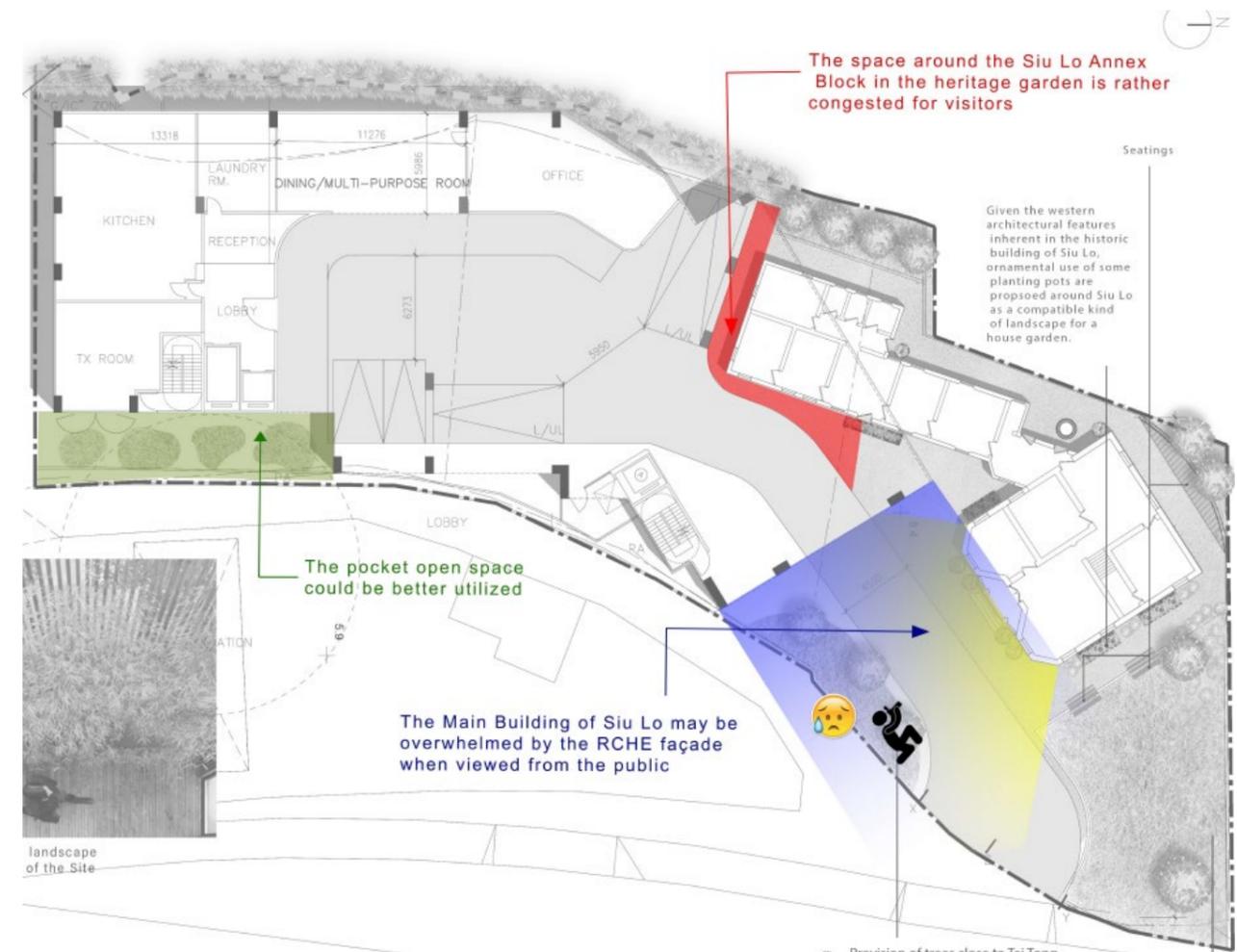
In the Second Approved Scheme, the northern portion of the new RCHE building is tilted towards site entrance that the Main Building of Siu Lo may be overwhelmed by the RCHE building façade when viewed from the street level. In other words, the RCHE building facade may steal the spotlight of Siu Lo and thus cannot allow the best spots for public appreciation and photo taking. In order to integrate better with Siu Lo, the RCHE building layout has been refined such that the building's northern portion is recessed towards the western boundary of the site, resulting in less clashing of frontage views with Siu Lo and a more orderly disposition in parallel with the Siu Lo Annex Block.

- ✓ The pocket open space is utilized as RCHE floor space such that less new building area will be close to Siu Lo

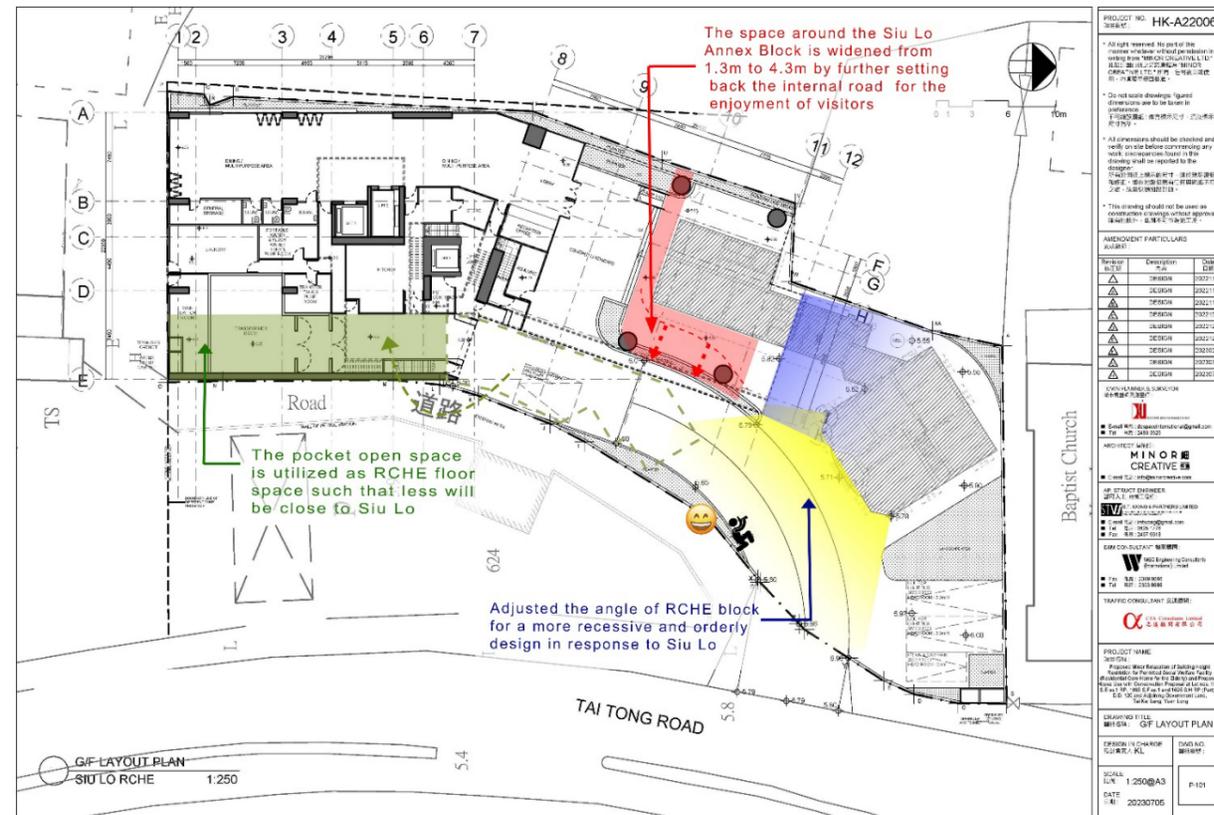
According to the QRA Statement submitted (Appendix 9A refers), with the adoption of proposed mitigation measures against the risks associated with the petrol filling station, the pocket open space in the approved scheme within the buffer zone along the southeastern site boundary can be freed up and better utilized as RCHE floor space. By an adjustment in the floor plates, more RCHE floor space will be concentrated on the southern part of the site and less will be close to Siu

Lo under the amended scheme. The design compatibility with Siu Lo will be enhanced by a reduced bulkiness of the northern portion of the RCHE block.

Before



After



The above adjustments in layout are proven to be technically feasible. A swept path analysis has been conducted for the revised internal road/EVA (see *EVA Plan-1* in **Appendix 1**). Although the two private car parking spaces have been relocated to the northeastern corner of the Site near the vehicular entrance, the nos. of parking spaces and loading/unloading provisions remain unchanged in the amended scheme. While the affected portion in the proposed amendments is subject to the application of acoustic windows as traffic noise mitigation measures under the approved scheme, an updated Noise Impact Assessment is submitted for this fresh planning application. For details, please refer to the submitted updated Noise Impact Assessment (NIA) in **Appendix 6** and Traffic Impact Assessment (TIA) with Traffic Statement (supplementary) in **Appendix 8 & 8A**.

4.4 Development Proposal

4.4.1 Development Parameters

The development proposal comprises a 6-storey (about 31.65 mPD) building of social welfare facility (RCHE) at the southern portion of the Site, providing 241 beds (or within a range of 220 – 260 beds). The disposition and layout of the proposed RCHE building are also specifically designed in responding to the irregular site configuration, conservation of Siu Lo, setback requirements and the surrounding environment. The master layout plan, floor plans, sections and landscape plans are shown in **Appendix 1**. The key development parameters with preservation of Siu Lo and proposed schedule of accommodation of the proposed RCHE scheme are summarized in **Table 4.1** below:

TABLE 4.1 – MAJOR DEVELOPMENT PARAMETERS OF THE PROPOSED DEVELOPMENT	
Major Development Parameters	Proposed Scheme
Site Area (about) (subject to detailed survey to be conducted and land exchange application)	1,877.1 sq.m. with private land at 1,732.3 sq.m. and Government Land at about 144.8 sq.m. ("G/IC(1)" zone only) *(based on the land survey provided by the authorized Land Surveyor)
Plot Ratio (PR)	About 3.71
Site Coverage (about)	Not more than 65% (Including Site Coverage of Siu Lo)
Total Gross Floor Area (GFA)	About 6,956 sq.m. (total) with the following split: <ul style="list-style-type: none"> i. Not more than 6,600 sq.m. (RCHE) ii. About 356 sq.m. (Siu Lo) iii. Covered internal road, L/UL bays and parking serving Siu Lo and the proposed RCHE (assuming 100% GFA disregarded according to BD's Practice Note APP-2)
Building Height	Not more than 31.65 mPD (NB: Ground level at 6.2 mPD and Mean street level at 5.75 mPD)
No. of Storeys	6
Total No. of beds	241 beds (or within a range of 220 – 260)
Provision of parking facilities: Private car parking spaces	2 (including 1 disabled car parking space) (Total) 1 (RCHE) 1 (Siu Lo)
Loading and Unloading (L/UL) / Light Bus	2 (RCHE)
Proposed Floor use (RCHE)	G/F: Kitchen cum Store, Laundry Room, Tx Room, Reception, Lobby, Lav., Dining/ Multi-purpose Room, E&M, Car Parking Spaces, Siu Lo 1/F: Dormitory, Multi-purpose Area, Office, Nursing Station, Accessible Toilets, Stores, E&M, Pantry, Isolation/Sick/ Quiet Room 2/F: Dormitory, Multi-purpose Area, Conference Room, Interview Room/ Family Room, Pharmacy, Nursing Station, Accessible Toilets, Stores, E&M, Isolation/ Sick/ Quiet Room, Pantry 3/F: Dormitory, Multi-purpose Area, Rehabilitation Area, Nursing Station, Accessible Toilets, Stores, E&M, Isolation/ Sick/ Quiet Room, Pantry

4/F: Dormitory, Multi-purpose Area, Rehabilitation Area, Nursing Station, Accessible Toilets, Stores, E&M, isolation/ Sick/ Quiet Room, Pantry
5/F: Dormitory, Multi-purpose Area, Small Group Activity Room, Nursing Station, Accessible Toilets, Stores, E&M, Isolation/ Sick room, Pantry
R/F: Ancillary E&M, Water Tanks, Roof Greening

The provision of greenery of not less than 20% will be provided. The HKPSG standard of provision of a minimum standard of 1m² per person of local open space is fulfilled. (**Greenery Plan and Open Space Plan in Appendix 1**) For safety reasons and in compliance with the height restriction as stipulated in S.20 of Residential Care Homes (Elderly Persons) Regulation, Cap. 459A, the roof level will not be accessible by the future elderly residents.

4.4.2 Comparison with the Previous Approved Schemes

The development parameters of the current proposal is compared against the Second Approved Scheme with approval condition(s) by the Town Planning Board on 29.7.2022. (see **Table 4.2**)

TABLE 4.2 – COMPARISONS OF THE PROPOSED DEVELOPMENT AND THE SECOND APPROVED SCHEME(A/YL/289)					
Major Development Parameters	Proposed Scheme [A]	Second Approved Scheme (A/YL/289) [B]	Difference [A] – [B]	Classification of Amendments	Justifications
Site Area (about)	About 1,877.1 sq.m.	About 1,953 sq.m.	- About 75.9 sq.m.	Class A	The site area based on the latest land survey carried out in August 2022 at the processing of land grant has been reflected in the current application
Plot Ratio (PR)	About 3.71	Not more than 3.04	+About 0.67 (22%)	Outside Class A and B	Increased with GFA on G/F of about 1,200 sqm to be double counted as per Building Authority's ruling
Site Coverage (about) (Including Site Coverage of Siu Lo)	Not more than 65%	Not more than 60%	+ About 5%	Class A	Increased due to a reduction in site area and layout re-adjustment upon clarification on design requirements and constraints
Total Gross Floor Area (GFA)	About 6,956 sq.m.	About 5,930 sq.m.	+ About 1,026 sq.m. (17.3%)	Outside Class A and B	Increased with GFA on G/F of about 1,200 sqm to be double counted as per Building Authority's ruling
GFA of RCHE portion	Not more than 6,600 sq.m.	Not more than 5,400 sq.m.	+ About 1,200 sq.m.	-	Increased with to GFA on G/F of about 1,200 sqm to

		(excluding covered car park GFA)			be double counted as per Building Authority's ruling
GFA of Siu Lo	356 sq.m. (excluding covered car park GFA)	368 sq.m. (excluding covered car park GFA)	- about 12 sq.m. (3%)	-	The existing GFA of Siu Lo is clarified to be 356 sq.m. upon detailed survey of the building
GFA of covered internal transport facilities	0 sq.m. (assuming 100% GFA disregarded)	About 162 sq.m. (assumed separate calculation outside RCHE and Siu Lo)	-about 162 sq.m.	-	Reduced due to relocation of private car parking spaces to the uncovered area, rendering 100% GFA disregarded for the covered L/UL associated facilities
Building Height in mPD	Not more than 31.65 mPD	Not more than 28.4mPD	+ About 3.25m (11%)	Outside Class A and B	Increased for reasons stated in Section 4.2
Absolute Building Height (mean street level at 5.75mPD)	About 25.9m	About 22.65m	+ About 3.25m (14%)	Outside Class A and B	Increased for reasons stated in Section 4.2
No. of Storeys (RCHE building)	6 (no basement floor)	6 (no basement floor)	No change	-	-
Total No. of beds (RCHE building)	241 beds (or within a range of 220 – 260)	281 beds (or within a range of 260 – 300)	- about 40 beds	Class A	Adjusted upon clarification on design and operational requirements and constraints, and for an enhanced living quality of future residents to be resided in the RCHE
Provision of internal transport facilities	Private car parking spaces: 2 (including 1 disabled car parking space) Loading and Unloading (L/UL) / Light Bus: 2	Private car parking spaces: 2 (including 1 disabled car parking space) Loading and Unloading (L/UL) / Light Bus: 2	No change	-	-

For the First Planning Application, as mentioned in Section 3.4, some Town Planning Board members shared a view that the site development potential in the First Approved Scheme **has not been fully optimized for the provision of more RCHE places**. In response, the nos. of beds of the proposed RCHE will be increased to 241 beds (or within a range of 220 – 260) in the current scheme from 170 under the

First Approved Scheme (i.e. about 42% increase). Drawings overlaying the amended scheme on the Second Approved Scheme (A/YL/289) for illustration and comparison purposes are in **Appendix 2**.

Most importantly, according to SWD's Code of Practice for Residential Care Homes (Elderly Persons), no part of an RCHE should be situated in the basement floor. In this regard, the First Approved Scheme is **just not a feasible design scheme that satisfies with the relevant licensing requirements**. Working as an RCHE operator for more than 30 years, the Applicant also considers that the First Approved Scheme has numerous drawbacks from users' perspectives in terms of the functional arrangements, spatial relationships and circulation, and some of which are not good for the elderly person's health. The Second Approved Scheme has rectified the drawbacks already and rendered the scheme largely in compliant with the relevant licensing requirements.

4.4.3 Heritage Conservation Strategy

A conservation-cum-development scheme is proposed as the applicant intends to preserve the architectural and cultural merits of Siu Lo for the benefit of the general public. Siu Lo, including its main building and annex block, will be preserved entirely in-situ and will remain as a freestanding building. A Heritage Appraisal is submitted in support of the planning application. (**Appendix 3** refers)

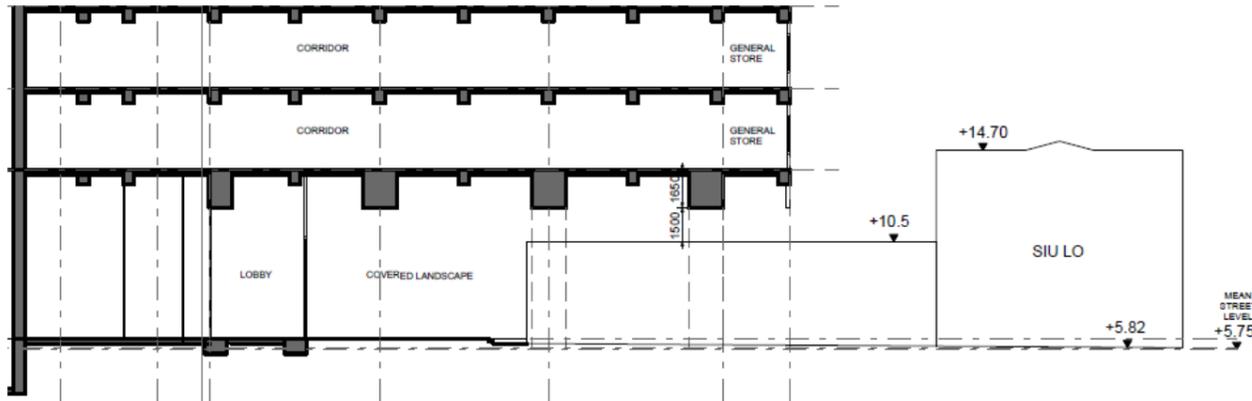
Subject to further liaison with AMO at the post-planning approval stage, the conservation of Siu Lo comprises the following aspects (**Heritage Conservation Strategy in Appendix 1** refers):

- a) Siu Lo, including its main building and annex block, will be preserved entirely in-situ, remain as a freestanding building and be maintained and upkept in sound condition. With the exception that the later added bathroom next to the transitional space connecting the main and annex block would be removed;
- b) Public views to the Siu Lo and its Annex Block from Tai Tong Road (the main road) would be maintained unobstructed and the façade treatment of the new RCHE building fronting Siu Lo will be carefully studied and designed to integrate with Siu Lo. The Applicant will devise a heritage sympathetic and sensible design for the two columns of the RCHE building at detailed design stage.
- c) To minimize the need for internal alteration and changes, thus to best reflect its historical nature and appearances, the original use of Siu Lo as "House" will be resumed;
- d) The Applicant would reserve the internal area for private use at this stage, except for the arrangement of certain guided tours as stated below;
- e) There is an old water well remaining in the backyard and it will become part of the Heritage Garden, and be preserved for interpretation and public visit.
- f) The external Heritage Garden will be provided with interpretation display boards to allow public visitors to understand the background of Siu Lo, the original owner's family life, and the history of the Tai Kei Leng and Yuen Long. Self-guided tours with audio guidance, in Cantonese and English, will be provided for visitors on a specific Sunday each month (i.e. once per month and 12 days each year) during the opening hours from 10:00 am – 18:00 pm with maximum 20 visitors each hour, who are allowed to stay at the Heritage Garden with restriction on unattended access to the proposed RCHE building. Among the 8 nos. of hourly sections, one of which will be a guided tour with maximum number of 20 visitors. Personnel with relevant knowledge of heritage conservation will be leading the guided tours, which would also visit some of the interior areas of Siu Lo under the docent's guidance. The number of visitors on that day will be controlled by the advanced booking arrangement.

- g) Private tours for non-government organizations ("NGO") and schools would be provided on a need-basis with maximum 20 visitors per group and allowed the visit of some of the internal areas of the Main Building and the Annex Block, including the display area and the historic kitchen;
- h) Virtual tours covering the interior and exterior of Siu Lo to be provided online;
- i) The above services will be provided free-of-charge for members of the public; and
- j) Photographic and cartographic records have been prepared at the applicant's own costs.

A Heritage Appraisal (**Appendix 3**) is submitted in support of this planning application. According to the Heritage Appraisal, **the Character Defining Elements (CDEs) of Siu Lo** (as the materials, forms, location, spatial configurations, uses, and cultural associations or meanings that contribute to the heritage value of a historic place), **which are classified as "high significance", comprise the external architectural features only**. As compared to the external features, including but not limited to the Chinese Eclectic style with Western architectural features, open porch with octagonal columns, the name plaques, splayed building corners with decorative patterns, the old water well, etc., the internal elements have relatively minor contribution to the overall significance of the place. As such, the proposed landscaped Heritage Garden will become the area open for the aforementioned public visits with **educational display boards**, thus allowing **photo-taking spots around the external of Siu Lo and offering heritage information for public appreciation**. Nevertheless, while the interior features of historical significance will be preserved as far as practicable as per the Heritage Appraisal, some existing windows of the Annex Block will be converted to **glazed windows** without the security bars to allow visitors to view the interior from the outside. On the other hand, more alternation works to Siu Lo will be required if all the internal area to be open to public visitors, such as accessible facilities for the disabled persons and installations for crowd control, together with the pandemic situation, which is considered not preferable. While it is intended that the future residency of Siu Lo will be retained for the Applicant itself, the Applicant will very much welcome the aforementioned free public visits in the external area of Siu Lo in future. Information of the interior features of Siu Lo and its Annex Block will be presented to visitors through the provision of virtual tours, guided tours (limited spots only) and display boards or interpretation areas at the "Heritage Garden" or locations that could be accessed by members of the public.

For conservation of the Siu Lo building in detail, major findings of the Heritage Appraisal will be respected. Whilst part of the new RCHE building (1/F and above) will be built over a portion of Siu Lo's annex block, they will have no physical connection with a sufficient headroom on the G/F and no structural load will be added on it.



The distance between the ceiling of the G/F of the proposed RCHE building and the pitched roof of the Annex Block of Siu Lo is ranged from approx. 1.5m (at the ridge) to 3.15m, which has considered the need for future necessary maintenance space for the pitched roof. The proposed space allows enough working space for the workers to stand straight within the space in between. More separation space can be provided at the locations without structural beams. This will allow enough working space for the workers to re-tile of the pitched roof under the deck-over area of the annex block. In addition, a circular form is adopted for the column shape to soften the visual impact when looking at the front façade of the annex block from the site entrance. Every effort would also be made to avoid any physical impact arising from the construction works on Siu Lo.

Thus, the proposed floor-to-floor height of 7.45m at G/F of the proposed RCHE building is considered an optimal height for providing the vertical clearance required while balancing the energy saving merit on G/F for air-conditioning, and the building structural considerations given in Section 4.2 above. An application for modifications / exemptions have been included for the GBP submission to exclude voids/high headroom on G/F from GFA calculations in respect of B(P)R 23(3)(A). CHO & AMO have been invited to grant a support for this exceptional floor-to-floor height due to the reason of historic building conservation on the same site. As per Building Authority's ruling on the first GBP submission, about 1,200 sqm of GFA on G/F needs to be double counted, which has been updated in this application.

Reference has also been made to other projects to study the space needed for the pitched roof maintenance works, which suggest that the 1.5m clearance (with additional 0.3m currently proposed as compared with the Second Approved Scheme) with a slant roof of the Annex Block as the basis will be sufficient for the future maintenance of the Annex Block including its roof.



Tsang Ancestral Hall

Tat Yan Study Hall

As an approval condition of the Second Planning Application, the Applicant has to submit a Conservation Management Plan (CMP) for the conservation of Siu Lo, and a full set of photographic and cartographic records to AMO for its endorsement. Comprehensive aspects of historic building conservation have been covered in the CMP, including but not limited to the following aspects:-

- An outline of the conservation approach of the development project;
- Documentation of the proposed works to 'Siu Lo';
- Evaluation of the impacts of the proposed works on 'Siu Lo';
- Provision of protective measures for 'Siu Lo' throughout the project period;
- Recommendations of mitigation measures for 'Siu Lo' for managing the changes arising from the development project; and
- The interpretation, future maintenance, management, documentation and implementation measures.

4.4.4 The Proposed Floor-to-Floor Heights

An application for “Modification of and/or Exemption from the Provisions of the Buildings Ordinance and/or Regulations Made Thereunder” has been submitted to the Building Department at the stage of General Building Plan submission to obtain the relevant exemption of voids/high headroom at the ground floor of the proposed RCHE building from GFA calculations in respect of B(P)R 23(3)(A) for the purpose of conservation of historic building on the same site. According to PNAP APP-69 “Conservation of Historic Buildings - List of Justifications and Information for Application for Modifications of / Exemptions from Relevant Statutory Requirements”, in handling preservation-cum-development proposals, the Building Department will adopt a pragmatic approach when considering applications for modification of or exemption from various building regulations, with due regard to the constraints posed by the original design of the existing buildings and the conservation needs of historic buildings, taking into account the advice from AMO.

A floor-to-floor height of 3.6m is proposed for the typical floors from 1/F to 5/F, which are less than the First Approved Scheme (i.e. 4.2m). The proposed floor-to-floor heights of 3.6m are sufficient. Without the provision of central MVAC system, the minimum headroom requirement stipulated in the Code of Practice for Residential Care Homes (Elderly Persons) will be complied with, which states that the ceiling (the ceiling structure or suspended false ceiling) of every room must be situated at a height not less than 2.5 m measuring vertically from the floor or not less than 2.3 m measuring vertically from the floor to the underside of any beam. The proposed floor-to-floor heights are optimal heights derived after taking into consideration the merits of lowering the overall building height to minimize the visual impact to the surrounding and of energy saving in air-conditioning. Please refer to Section 4.2 above for the rationale of the proposed 3.6m.

4.4.5 Provision of Internal Transport Facilities

2 private car parking spaces (5m (L) x 2.5m (W) x 2.4m (H)) and 2 loading/unloading bay (8m (L) x 3m (W) x 3.3m (H)) for light bus are proposed for the proposed RCHE development and Siu Lo. The nos. of provisions are remained unchanged as per the Second Approved Scheme.

4.4.6 Provision of Quality RCHE Bedspaces

The proposed RCHE will meet all the statutory requirements under the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459 and its regulations, the Code of Practice for Residential Care Homes (Elderly Persons) as well as other related statutory requirements.

All the facilities provided for elderly will be situated at a height of not more than 24m above ground level (measuring vertically from the street level to the floor of the premises in which the RCHE is or is to be situated), as pursuant to the requirements as set out by Social Welfare Department (SWD). In compliance with the said Code of Practice, the ceiling (the ceiling structure or suspended false ceiling) of every room will be situated at a height not less than 2.5 m measuring vertically from the floor or not less than 2.3 m measuring vertically from the floor to the underside of any beam. Proposed facilities and services for the RCHE premise are provided with respect to the “Best Practices in Design and Operation of Residential Care Home for the Elderly” developed by the SWD. The design details of the proposed RCHE are still subject to refinement at the General Buildings Plan (GBP) stage. Should a town planning approval is

obtained, the Applicant would review the details with the RCHE licensing requirements and update the relevant technical assessments and ancillary facilities required.

With reference to the Social Welfare Department’s Schedule of Accommodation (SoA) for a 250-place RCHE and the bed spacing requirement on the provision of function areas of the proposed RCHE, various function areas will be well provided in the proposed RCHE, including Bathroom/Shower Room to Dormitory Room, Accessible Toilet cum Shower Room to Dormitory Room, Accessible Toilet cum Shower Room attached to each Sick/Isolation/Quiet Room, End-of-life Care Room, Soiled Utility Room, Cleaner’s Room, Clean Utility Room, Refuse Room, Conference Room, Female/Male Staff Changing Room and Rest Room cum Pantry, Staff Toilet/Bath Room and Toilet for Communal Use. Cleaner’s Room and Clean Utility Room will be provided in two separated functional rooms in achieving better infection control. In accordance with the revised Code of Practice for Residential Home (Elderly Persons) (revised CoP) (Jan 2020), ONE(1) sick/isolation/quiet room is to be provided on each floor with dormitory rooms (i.e. 1/F to 5/F).

4.4.7 Siu Lo as “House” Use

Siu Lo was built in around 1941 for use as “house”. An investigation on the building entitlement of Siu Lo has been conducted by Wat & Co., Solicitors in November 2021. As aforementioned, the Original Grant, Lease Term, its date of commencement and Rent cannot be traced in the Land Registry. According to records obtainable from the Public Records Office for sale by auction by the government in the Notice No.S.104 dated 10th June 1910 (cross-referenced to notice C.S.O. 2108/1910), the then Lot 1695 in D.D. 120 was one of the lots sold by an auction subject to the General Conditions as detailed in Gazette No.365 of 1906 (“the General Conditions of Sale”). A copy of such records is attached as **Appendix 4**. The sale of the then Lot 1695 in D.D. 120 is NOT subject to the restrictive clause of “No Buildings of any description shall be erected on the Lot” which had been imposed on the sales of other lots sold in the same auction. The investigation by Wat & Co., Solicitors concludes that the differential treatment in the auction sale of the various lots bears out their opinion that a building right is implied and not ruled out in the General Conditions of Sale of the Lot 1695 in D.D.120. It follows that erection of messuages / tenements/ erections / buildings in Lot 1695 was foreseeable since the commencement of the General Conditions of Sale of the Lot was subject to certain and sensible conditions to be imposed by the Government. The investigation also confirms that the captioned land is still fully vested with all the rights privileges under the General Condition of Sale in spite of the Lot having been sub-divided into many smaller lots. The investigation report will be submitted to the Lands Department at the Land Exchange application stage.

From heritage conservation perspective, for most cases of conservation of graded buildings in private ownership, the area for residence would normally NOT open for public visit, except for the shops/restaurants parts. If the whole historic building is used for residence, such as the case of No. 71 San Wai Tsuen, public access is allowed to the “house” surrounding area and garden by appointment only. Some examples of conservation of graded private historic residences are shown below:

Graded Historic Buildings:	No.71 San Wai Tsuen, San Tin, Yuen Long (Grade 3) 	No.1-3 Playing Field Road, Phase I, Nos.1 & 3 Playing Field Road, Prince Edward (Grade 3) 	Tsang Tai Uk (Northwest Watch Tower), Shan Ha Wai Village, Shatin (Grade 1) 	NO. 8, San Lau Street, Sha Tau Kok (Grade 2) 
Remarks:	Public access is allowed to the house surrounding area and garden only by appointment at once a month.	Public access is allowed for the restaurant on Ground floor only. (residence portion is not opened to the public)	Public access to G/F public area is allowed only.	Public access to the Ground Floor is allowed through prior appointment.

a sharp growth in Yuen Long’s elderly population is anticipated as per the Projection of Population Distribution, 2021 – 2029 by PlanD. In long term, the comprehensive housing developments in Yuen Long South is estimated to bring about a total population of about 101,200 to the area after year 2030. As stated above, LegCo members have also raised concerns about the inadequate provision of residential care places for the elderly for serving the future residents. Coincidentally, the subject proposed RCHE located in close proximity will very likely be playing a part in addressing the demand arising from the YLS development. The proposed minor relaxation of the BHR of the Site from 3 storeys to 6 storeys to facilitate increase in provision of RCHE places from 170 to 241 beds (or within a range of 220 – 260) (+ about 42%) is more capable of helping to address the present and future shortfall for elderly facilities in the district.

5.3 In Line with Government Policy to Make Better Use of the Valuable Land Resources, Especially on “G/IC” Sites as an Overall Sustainable Mode of Development

The application is in line with the policy intention to provide more floor area to make better use of the valuable land resources. It also dovetails with the idea behind the Government’s land supply policy of "single site, multiple use". In particular, “G/IC” lands for standalone development to accommodate “G/IC” facilities have become more uncommon in Hong Kong and the subject site is one of those precious “G/IC” sites in Hong Kong. With the measure of exemption of floor space for G/IC facilities from GFA calculation within housing sites, many of “G/IC” facilities have been accommodated within a larger podium block in new housing projects, rendering a an even more congested living environment, and this higher density mode of developments are expected to be more in future. As mentioned in para. 3.2.1, this is not an ideal spatial arrangement with interfacing problems as reflected by many end users. As such, it is of particular importance and should be a general planning principle to cherish the precious “G/IC” sites for the development of purpose-built social welfare facilities, of which their development potential should be fully optimized through necessary relaxation in BHR.

In the Town Planning Board Meeting on 17.9.2021 on Proposed Amendments to the Draft Yau Ma Tei Outline Zoning Plan No. S/K2/22 (TPB Paper No. 10773), the Town Planning Board Chairman and the Planning Department were of the view that in the absence of concrete redevelopment proposals, it was difficult to predetermine any appropriate BHR for the “G/IC” sites. PlanD would, with the benefit of the redevelopment proposal(s) so put forward, review the BHRs of those sites and make suitable amendments to the OZP. The same principle of “case-by-case” should be applied to other similar “G/IC” sites in Hong Kong as well where the BHR should be imposed based on individual proposals, subject to no significant adverse impact from planning and technical points of view.

5.4 Planning Merits of the Conservation-cum-Development Approach

The application is in line with the policy of heritage conservation for private owners. As mentioned in Para. 3.2.7 above, it is the Government’s policy to encourage conservation of privately owned historic buildings while respecting private property rights by providing economic incentives, which include supporting applications to relax the restrictions on plot ratio and/or site coverage. While Siu Lo is a Grade 3 historic building which has no protection under current legislation, to echo the Government’s policy to conserve historic buildings in Hong Kong, the Applicant initiates a conservation-cum-development proposal, to restore, manage and maintain the historic building at his own cost, and develop the remaining part of the Site with a compatible use to the benefits of the community. While all the facilities

5. PLANNING AND TECHNICAL JUSTIFICATIONS

5.1 In Line with Government Policy to Provide RCHE Premises in New Private Developments

The Proposed Development of RCHE is not only in line with the planning intention of the “G/IC(1)” zone for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory, but also in immediate response to the policy intention to provide more floor area of purpose-built RCHE by developers in new private developments to meet the pressing demand for bedspaces. As a recap of para. 3.2.2, the projected service demand for residential care for elderly would raise from 49,000 places in 2016 to about 68,000 places in 2046. However, the total number of subsidised and non-subsidised RCHE places is only 34,392 as at 31 Mar 2021. The need to continuously allocate resources to strengthen and enhance elderly services in Hong Kong is highly recognized by the Government and the society. The subject proposal for minor relaxation of the BHR of the Site from 3 storeys to 6 storeys to facilitate increase in provision of RCHE places from 170 to 241 beds (or within a range of 220 – 260) (+ about 42%). It addresses the immediate and future shortfall for elderly facilities against the backdrop of ageing population, which can also relieve stress of both the service providers and the carers over the long run.

5.2 Addressing the Present and Future Demand for RCHE Provision in Yuen Long

As a recap of para. 3.2.3 and 3.2.4, it is foreseen that the short, medium and long-term demand for RCHE bedspaces in the district is surging. In short term, despite the current deficit as per HKPSG requirements,

for the operation of the proposed RCHE are self-contained, Siu Lo is also proposed to resume its original use as “house” to reflect its most genuine state in the past, while allowing for public appreciation and enjoyment of external of the historic building on a regular basis in the proposed Heritage Garden. Special design considerations are deployed to minimize any adverse impact to the historic building as mentioned in para. 4.4.3.

Additional merits are also proposed in the current application, including allowing the future guided tours and private tours for non-government organizations (“NGO”) and schools as previously proposed, to visit some of the interior areas of Siu Lo under the docent’s guidance, showcasing the display area and the historic kitchen.

The Applicant further proposes various added places of interest surrounding and inside Siu Lo with a good view to encourage the general public to fully appreciate the cultural and heritage context of Siu Lo. Newly added places of interest of "Life of Seed", "Life of Water", "Life of Trees" and "Life of Fruit" are proposed. (*Heritage Conservation Strategy* in **Appendix 1** refers) Details of the conservation proposals of these places will be further elaborated at later stage.

Whereas the proposed conservation of Siu Lo is mostly to the public interest, in order to attain the developable GFA of the Site for a financially viable model of operation of RCHE by the private sector, there is a genuine need for a relaxation of BHR to achieve optimized utilization of the Site with maximum 6,600 sq.m according to the updated Incentive Scheme.

5.5 An Optimized Design in Response to Site Constraints

Apart from the preservation of the historic building itself, the current proposal is an optimized design in response to the following site constraints (**Figure 1** refers):

- a) According to the Annual Traffic Census 2020 published by the Transport Department, Tai Tong Road is classified as Rural Road. According to HKPSG, a horizontal 10m Setback distance of more than 10m from Tai Tong Road is provided for an acceptable level of air quality impact due to vehicular emission;
- b) Sufficient set back distance from Tai Tong Road is required to reduce the noise impact especially to the elderlies to be resided therein;; and
- c) The Site is a congested, elongated site with an irregular configuration and minimal street frontage with the existing boundary wall for historical preservation that only the north-eastern side is abutting with street. However, the required load/unloading facilities cannot be provided close to the site entrance at the NE part of the Site in order to maintain an adequately clear space for the public enjoyment of and access to the historic building of Siu Lo, both physically and visually, and for provision of the proposed Heritage Garden. Space also has to be reserved for an EVA capable of serving a major facade having not less than one-fourth of the total length of all the perimeter walls of the building for compliance with B(P)R 41D. Therefore, the internal road has to take up a considerable amount of space at the G/F. (*EVA Plans* in **Appendix 1** refers)

Taking into account the above considerations, the proposed scheme is an optimized design in achieving the intended 6,600 sq.m of GFA.

5.6 A Compatible and Acceptable Building Height

The building heights of the existing developments in the surrounding comprise a variety of mixes, including the medium-to-high-rise residential estates of Brand (名御), Sereno Verde (蝶翠峰) and the Reach (尚悦) on land parcels zoned “Residential (Group B)” under the OZP subject to a BHR of 25 storeys; high-density residential estates namely Park Signature and La Grove along the Kung Um Road and Shap Pat Heung Road in the outer vicinity to the further south-west of the Site zoned “Residential (Group A)1” (“R(A)1”) under the OZP subject to a BHR of 25 storeys; and villages. The building heights of the planned developments in the near surrounding range from 6 to 8 storeys high, including (1) an 8-storey composite building comprising school and religious institution (church) at +37.9 mPD on the Yuen Long Baptist Church site (No. A/YL/252) and (2) a 6-storey RCHE building at +28.7 mPD on the Ex-Hang-Heung Factory site (No. A/YL/263). Although the subject “G/IC(1)” zone is subject to a max. BH of 3 storeys excluding basement(s) (or max. BH of 8 storeys for “school” or “hospital” uses), the permitted BH of the prevailing “G/IC(1)” zone is actually much lower than those of the “R(A)” and “R(B)” zones in the general context of the urban fringe in Yuen Long. A lower building height than 8 storeys, the maximum building height for the prevailing “G/IC(1)” zone for ‘School’ and ‘Hospital’ use as imposed by the Town Planning Board after careful studies, scrutiny and considerations, should be considered a compatible height in terms of the scale of building blocks.

5.7 No Insurmountable impact on the surroundings

It is anticipated that the Proposed Development would not result in any insurmountable impacts to the surroundings on visual, landscape, heritage, environmental, sewerage, drainage, traffic and risks aspects.

5.7.1 No Adverse Visual Impact

A VIA is conducted on 6 viewpoints in support of this planning application (Appendix 5). It is assessed to compare the visual impact of the Proposed Development against the existing condition. The photomontages from the Second Approved Scheme (No. A/YL/289) are also provided for easy reference. All the viewpoints are adopted to follow the Second Planning Application (No. A/YL/289).

The broader area of the Application Site is a vast piece of flat land, comprising small village blocks and temporary structures in a close distance and high-rise residential developments at a further distance. The setting of the area is typically an urban-village fringe area. Given that there are no open spaces and lookouts with a lack of public activity nodes, the VSRs in this VA mostly represent passers-by, cyclists and the nearby residents/villagers, who are transient/kinetic in nature. In this regard, the visual sensitivity in most viewpoints is not high. VP4 and VP5 are low visual sensitivity and the remaining VPs are considered to have a medium visual sensitivity.

In terms of the overall character and compatibility in mass and scale, the proposed RCHE development is largely comparable with the planned developments of Yuen Long Baptist Church (No. A/YL/252) and Ex-Hang-Heung Factory (No. A/YL/263) in the vicinity. These developments will form a compatible group

of buildings in this transitional area to the south of Yuen Long town centre. Overall, a visual harmony is hence maintained.

Although the Proposed Development will block partially the open sky view at some viewpoints, the resultant visual impacts are much reduced due to the transient/ kinetic nature of public viewers as the majority at most viewpoints. The opportunities of design merits and landscape features such as G/F heritage garden and R/F with trees and shrubs (see **Landscape Plans in Appendix 1**), a permeable design on the ground level (subject to detailed design), are maximised under the site constraints and in materializing the conservation-cum-development proposal. All of these features will help mitigate the visual impact.

Based on the above, the visual impacts at all 6 viewpoints are identified from negligible to slightly adverse. Hence, the overall visual impact of the proposed development is considered acceptable. It is anticipated that there is no adverse visual impact from the Proposed Development.

5.7.2 No Adverse Landscape Impact

There is currently no existing tree within the site. (see photos below taken in Jan 2023)



The Site is currently hard paved by concrete and is flat. In the Proposed Development, at-grade periphery planting and landscape treatments will be provided as far as possible to create visual amenity to the surrounding. A Landscape Master Plan is submitted to ensure a quality landscape environment for the Proposed Development. 11 nos. of trees will be replanted within the Site. The provided total planting area and green ratio are about 380 sq.m and at least 20% respectively. (**Landscape Plans & Greenery Plan in Appendix 1** refer)

It is advised by Heritage Conservation expert that it is not preferable to add new planters in front of Siu Lo at a close distance due to a risk of causing the rising damp to the brick building, with most of them may not have a waterproofing layer underneath the ground floor slab, resulting in risks to the structural stability of the historic building. Similar comments have been provided by AMO on other heritage conservation projects. Therefore, other planting methods such as fixed planters, will be explored in future, subject to further studies and the premise of no adverse impact to the conservation works of Siu Lo.

The Site boundary will be provided with a 2.5m high fence wall to protect the elderly residents within the RCHE and provide privacy screening. As indicated in the **Landscape Detail in Appendix 1**, a pleasant bamboo strip is proposed at the western edge of the site which is considered an effective means of maximizing greenery opportunities within the narrow space, also bringing an elegance and an oriental sense to the landscape. Seating facilities/benches will be provided for visitors' enjoyment.

In short, it is considered that there is no adverse landscape impact will be brought about by the Proposed Development.

5.7.3 No Adverse Heritage Impact

A Heritage Appraisal has been conducted in support of this planning application (**Appendix 3** refers). It has revealed that Siu Lo is a historic building with a high level of authenticity. Most parts of the buildings remain unaltered in the past 70 years. The interesting hybrid architectural design is hidden by unattended vegetation since then.

The Heritage Appraisal concludes that the proposed conservation-cum-development scheme provided an opportunity to revitalize Siu Lo. The in-situ conservation of Siu Lo (both the main building and the annex block) will bring along public benefits as Siu Lo will be preserved to ensure the building's integrity and safety, and provided for free public visits with guided tours around the historic building with the interpretation display boards for public visitors at regular intervals. While the proposal will help solve the shortage of elderly facilities in Hong Kong and its intention is in line with governmental policies, any negative impacts and alternation to the historic building has been minimized since Siu Lo will remain as a freestanding building to which no physical connection by the proposed building will be resulted.

5.7.4 No Insurmountable Environmental Impacts

Preliminary analysis and assessment on environmental impacts have been conducted in relation to the air, noise and land contamination respectively.



Air Impact Consideration

There are two potential sources of air pollution: (a) chimney emissions from adjacent industrial operations and (b) motor vehicles. Potential air nuisance will be mitigated by careful building disposition and building design.

Potential Chimney Emission

According to HKPSG, a recommended buffer distance of 200m from the industrial chimney(s) to the air sensitive uses is required. A site visit has been conducted in March 2023 and only one industrial chimney can be identified at Man Cheong Metals and Building Materials Co. Ltd. It is currently a warehouse storage for building materials and the chimney is no longer in use. No major industrial emission source has been identified within 200m from the Site.

Potential Vehicular Emission and Mitigation Measures

In addressing potential vehicular emission impact from adjacent road from Tai Tong Road, the mitigation measures are taken as -

No air sensitive uses of the Proposed Development will be located within the required 10m buffer distance from Tai Tong Road (**Figure 1** refers) based on the latest design.

Potential Air Impact During Construction Stage

During construction stage, construction dust and gas emissions from construction equipment and vehicles are possibly generated. Dust control measures as stipulated under the Air Pollution Control (Construction Dust) Regulation, together with proper site management and good housekeeping practices, will be implemented to minimize potential air impact during construction stage.

Noise Impact Consideration

Some of the habitable rooms in the eastern portion of the RCHE building under the Second Approved Scheme are subject to the application of acoustic windows as mitigation measures against traffic noise fixed noises from the nearby vehicle repairing workshops and warehouses, as well as the planned fixed plant of the Proposed Development. An updated Noise Impact Assessment is submitted for the current planning application from road traffic and fixed noise perspectives. (**Appendix 6** refers)

The updated NIA results indicate that after implementation of recommended mitigation measures, the predicted noise levels at all residential units comply with HKPSG L 10(1 hour) 70dB(A) noise criterion.

Fixed noise impact assessment has been carried out. The future residents are subjected to noises from the nearby vehicle repairing workshops and warehouses, as well as the planned fixed plant of the proposed Site. Based on the findings of site investigation and assessment results the predicted fixed noise levels of the proposed Site would comply with the relevant noise criteria.

Land Contamination

Historical Review of Land Use

A review of historical aerial photographs obtained from Survey and Mapping Office of Lands Department (LandsD) was undertaken in December 2021. It aims to identify potential land contaminated areas associated with previous land uses from 1963 to 2021. The reviewed aerial photographs are listed below:

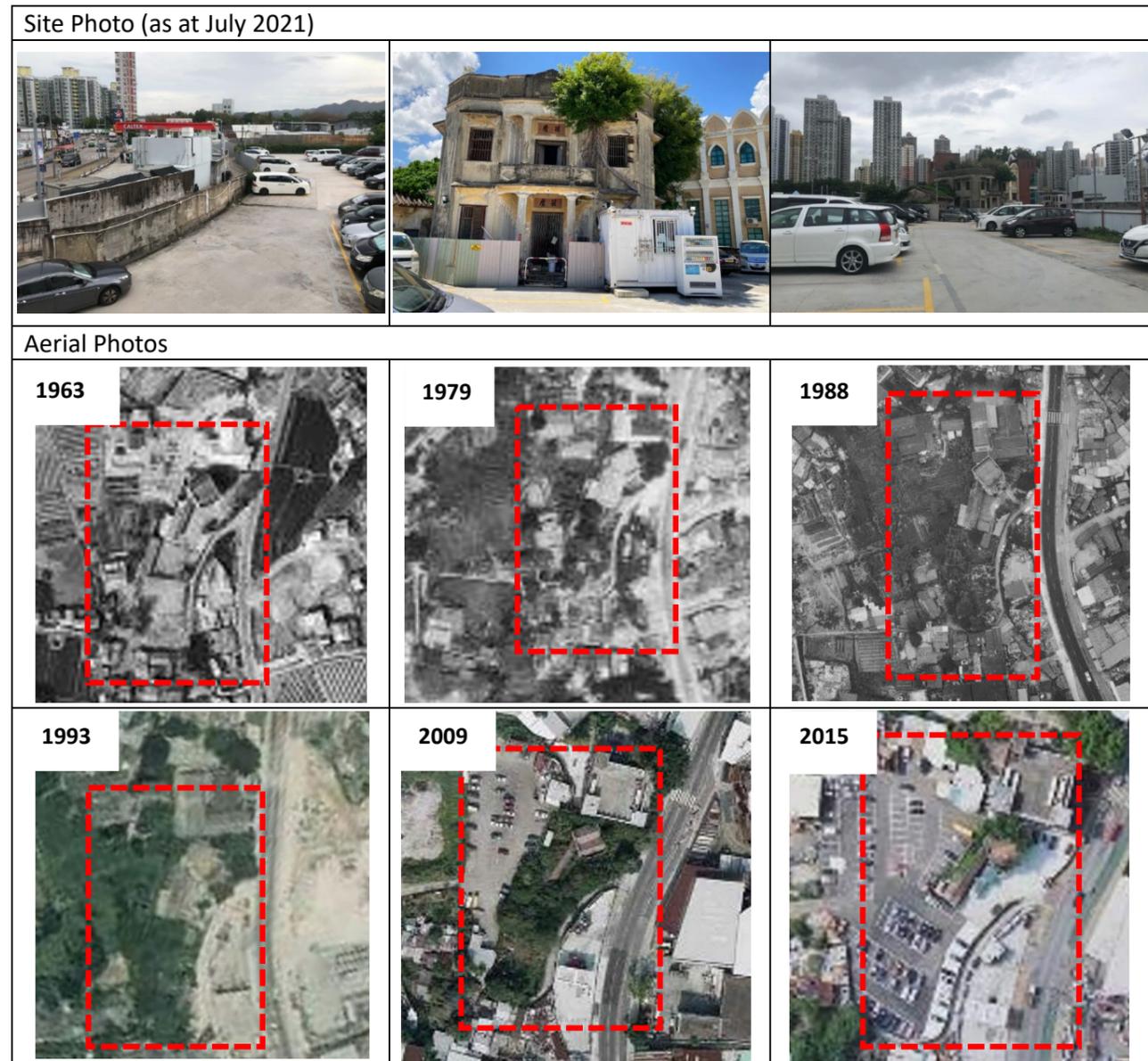
TABLE 5.1 – REVIEW OF HISTORICAL AERIAL PHOTOS			
Year	Height (feet)	Reference No.	Observations
1963	3900	63_8447	House and Agriculture
1979	6900	E064339C	House and vacant land with vegetations
1988	1400	A12529	House and vacant land with vegetations
1993	3000	CN03425	House and vacant land with vegetations
2009	2000	CW85470	House and vacant land with vegetations
2015	2500	CW116289	House and car park
2021	6900	E130378C	House and car park

Based on the aerial photographs reviewed, the historic building of Siu Lo exists since 1963 and the remaining portion of the Site is suspected to be in agricultural use at that time. From 1979 to 2009, the remaining portion of the Site was filled with vegetations and no land use was traceable within the Site aside from Siu Lo. From 2015 to present, the remaining portion of the Site aside from Siu Lo has been used as car park

No Polluting Activities

According to the Guidance Manual for Use of Risk-based Remediation Goals for Contaminated Land Management from EPD, contaminated land is caused by spillage, leakage or disposal of toxic chemical to the ground. Based on the history of land uses as observed from the aerial photos, there is no visible sign of land contamination within the Site and no potential land contamination issue is anticipated.

In summary, it is concluded that no insurmountable impact on the environment is anticipated in respect of air, noise and land contamination.



5.7.5 No Insurmountable Sewerage and Drainage Impact

The potential sewerage and drainage impact of the Proposed Development has been quantitatively addressed in the Sewerage and Drainage Impact Assessment. (**Appendix 7** refers) It concludes that no insurmountable sewerage and drainage impact to the existing drainage system is anticipated after the Proposed Development.

5.7.6 No Insurmountable Traffic Impact

A Traffic Impact Assessment (TIA) has been conducted to study the traffic impact of the Proposed Development on the surrounding road network under the Second Planning Application. (**Appendix 8** refers) The TIA concludes that the related traffic trips related to the Proposed Development can be absorbed by the nearby road network and no significant traffic impact will be induced. A Traffic Statement is submitted under the current application which justifies that the proposed amendments to the Second Approved Scheme will induce no insurmountable traffic impact. (**Appendix 8A** refers)

5.7.7 No Adverse Risk from Nearby Petrol Filling Station

A Quantitative Risk Assessment (QRA) Report conducted by Cundall Hong Kong Limited was previously submitted and approved by the EPD and Town Planning Board (hereafter called as approved QRA) in the First Planning Application. Given the proposed minor relaxation of BHR, additional population and the rescheduling of the construction period from 2021 to 2023, and the operation period from 2023 to 2025, a justification review has been conducted (**Appendix 9** refers) to evaluate if any changes in the key assessment parameters and thus the major risk levels associated with Caltex PFS compared with the approved QRA Study. This review has been conducted in compliance with the Hong Kong Risk Guidelines in terms of the individual risk and societal risk regarding the operation phase in 2025. It includes the updated data of Projection of Population, AADT, Road Traffic Accidents.

Individual Risk

The individual risk contour according to the approved QRA of 10^{-5} per year with consideration of exposure factor of 10% was unchanged and confined within the unchanged site boundary of Caltex PFS. Therefore, the individual risks of Caltex PFS are still in compliance with the Hong Kong Risk Guidelines.

Societal Risk

Comparing the data for 2025 and that for 2023, the two set of data was with high resemblance that the result had proven to be effective. Therefore, it could be concluded that the additional information in the review would not incur significant impact to the simulation result on the exiting risk. The societal risks associated with Caltex PFS during both Construction and Operation Phases are in compliance with Hong Kong Risk Guidelines in terms of societal risk.

The justification review concludes that the approved QRA report is still acceptable and valid for the operation phase of PFS by 2025 and no particular mitigation measures are required to manage the risks. In response to the letter from Fire Services Department (FSD), ref. no. (21) in FSD PG 242/791/98 Pt. 2 dated 3 Feb 2023, the following mitigation measures are proposed for FSD's consideration (see **Appendix 9A**):

- A solid reinforced concrete wall, with a Fire Resistance Rating of at least 2 hours and a thickness of at least 300 mm, to be built from G/F to 2/F along the wall of the proposed building facing the nearby Petrol Filling Station (PFS);
- No intake / exhaust openings of the proposed building should be built within 12m from the dispenser of the PFS; and
- No emergency exit/ entrance of the proposed building should be built within 12m from the dispenser of the PFS.

5.8 Merits of the Proposed Amendments to the Approved Scheme (A/YL/289)

As detailed in Section 4.2, the proposed increase in the floor-to-floor heights to 7.45m at G/F and to 3.6m at typical floors of the RCHE building have the merits of:

- I. Materializing the conservation-cum-development proposal and conservation of the Siu Lo Annex Block in-situ by allowing sufficient vertical space for thicker building structural elements as quintessential to enable the RCHE floor plates above to span over the Siu Lo Annex Block with a limited no. of columns to minimize the visual impact;
- II. Enhancing the design compatibility with Siu Lo and allowing more space for occasional roof maintenances for the Annex Block in future, by an increased vertical separation between the RCHE building and the Siu Lo Annex Block; and
- III. Enabling a larger ventilation system to comply with the latest guideline on prevention of communicable diseases in RCHE provided by the Department of Health, by an increased typical floor-to-floor height.

As detailed in Section 4.3 above, the re-arrangement in the layouts of the building blocks and internal transport facilities has the merits of enhancing the compatibility and integration between Siu Lo and the new RCHE building through:

- IV. Further setting back the internal road/EVA to enable a larger space around the Annex Block for the enjoyment of visitors and an EVA compliant with the relevant building regulations and fire safety requirements;
- V. An adjusted angle of the RCHE block for a more recessive and orderly design in response to Siu Lo; and
- VI. The pocket open space along the southeastern boundary is utilized as RCHE floor space such that less new building area will be close to Siu Lo.

6. CONCLUSION

This application is to seek planning permission from the Town Planning Board for proposed amendment to the Second Approved Scheme (i.e. application no. A/YL/289) as approved by the Town Planning Board on 29.7.2022 for minor relaxation of BHR from 3 storeys to 6 storeys for permitted social welfare facility (RCHE). In view of the presence of an existing Grade 3 historic building 'Siu Lo' currently occupying the northern portion of the Site, the Applicant proposes a conservation-cum-development approach in which Siu Lo will be preserved in-situ and a 6,600 sq.m of GFA for the RCHE building is proposed at the southern remaining portion of the Site to fully optimize the development potential according to the Incentive Scheme.

The proposal is in line with the Government's heritage conservation policy which also premises on respecting the private property rights. Siu Lo will be used for private "house" use as per its original purpose. According to the Heritage Appraisal submitted, as compared to the external "Character Defining Elements" (CDEs), the internal features have relatively minor contribution to the overall significance of the place. As such, while the interior features of historical significance will be preserved as per the Heritage Appraisal, **the proposed landscaped Heritage Garden will become the area open for free public visits with guided and self-guided tours, educational display boards, thus allowing photo-taking spots around the external of Siu Lo, while glazed doors/ windows will be provided at the Siu Lo building to allow the public visitors to see-through the internal area from outside.**

To fully optimize on its convenient location in Yuen Long, the Applicant intends to increase development scale of the proposed RCHE licensing portion to a maximum gross floor area (GFA) of 6,600 sq.m as per the policy of LandsD's Incentive Scheme. **With an optimized design under the proposed scheme while conserving Siu Lo, the new RCHE building is required to have 6 storeys to achieve the intended RCHE GFA of 6,600 sq.m.** Under the current proposal, the nos. of beds of the proposed RCHE will be increased to 241 beds (or within a range of 220 – 260) from 170 under the First Approved Scheme (i.e. about 42% increase).

The Town Planning Board is cordially invited to note that the Applicant has a genuine intention to submit a development proposal to suit the prevailing town planning context of Hong Kong and to tally with multiple policy objectives of the Government. In short, the proposed relaxation of BHR is justified based on the following planning grounds:

- 1 In line with Government Policy to provide RCHE premises in new private developments

- 2 Addressing the present and future demand for RCHE Provision in Yuen Long
- 3 In line with Government Policy to make better use of the valuable land resources, especially on “G/IC” site as an overall sustainable mode of development
- 4 Planning merits of the conservation-cum-development approach
- 5 An optimized design in response to site constraints
- 6 A compatible and acceptable building height
- 7 No insurmountable impact on the surroundings
- 8 Merits of the Proposed Amendments to the Approved Scheme

The front façade of the Main Building is unobstructed for public appreciation in the Second Approved Scheme. The subject amendments to the Second Approved Scheme is considered a further enhancement to the schematic design and a resolution to complying with the technical requirements of EVA. The setting of Siu Lo is further respected with the additional vertical and horizontal setback measures. Apart from the above schematic changes, additional merits are also proposed, including allowing the future guided tours and private tours for NGOs and schools as previously proposed, to visit some of the interior areas of Siu Lo under the docent’s guidance.

In view of the above, members of the Town Planning Board are respectfully requested to favourably consider this application.