

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/291

- Applicant** : Profit Point Enterprises Limited represented by Masterplan Limited
- Site** : Lots 43 S.A RP, 50 S.A and 50 RP in D.D. 101, Wo Shang Wai, Mai Po, Yuen Long, New Territories
- Site Area** : 207,408m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
- Zoning** : “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) [restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 6 storeys including car park]
- Application** : Proposed Comprehensive House and Wetland Habitat Development with Filling and Excavation of Land (Amendments to an Approved Scheme)

1. Proposal

- 1.1 The applicant seeks planning permission to amend an approved scheme for a proposed comprehensive house and wetland habitat development with a PR of 0.4 and a BH of 2 to 3 storeys (i.e. 9m to 21m (16.8mPD to 28.8mPD)) on top of basement car park floor (4.5m), and wetland restoration area (WRA) (47,400m² or 22.85% of the Site) at the application site (the Site) with filling (about 90,804m² in area and 4 to 5.2m in depth) and excavation of land (about 69,204m² in area and 1 to 2.9m in depth) (**Drawings A-1 to A-2**). The proposed amendments are mainly to revise the layout for the residential portion of the previously approved scheme, with reduction in the number of houses and car parking spaces; change in flat size mix and increase in average flat size and in maximum BH. There is no change to the WRA and the proposed development parameters including plot ratio (PR), gross floor area (GFA), site coverage (SC), maximum number of storeys, site formation level and site access. The proposed land filling/excavation limit is similar to the previous scheme, and for accommodating basement carpark, driveway and plant rooms.

- 1.2 The Site falls within an area zoned “OU(CDWRA)” on the approved Mai Po and Fairview Park OZP. According to the Notes for “OU(CDWRA)” zone of the OZP, ‘House’, ‘Wetland Habitat’ and filling and excavation of land require planning permission from the Town Planning Board (the Board).
- 1.3 The Site is the subject of 3 previously approved Applications No. A/YL-MP/166, 185 and 229 submitted by the current applicant for the same uses but of varied schemes. All applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 19.9.2008, 21.10.2011 and 27.2.2015 respectively. The latest approved scheme under Application No. A/YL-MP/229 has commenced with general building plan approved in 2016. The construction works for the wetland habitat at the WRA has been completed with site formation works for the residential portion are in progress (site photos on **Plans A-4a and A-4b**).
- 1.4 The proposed development under the current application comprises 268 detached houses with WRA, clubhouse, communal open spaces and other associated facilities. It would accommodate a population of 854. It is anticipated to be implemented in four phases (**Drawing A-3**) and completed between December 2024 and December 2025. The proposed houses comprise the following:
- (a) a principal residence (House 1) (GFA of 22,885m²) at the centre of the Site in the form of a large three storey principal house (footprint of 3,800m² and GFA of 12,350m²) surrounded by 1-to-2-storey ancillary buildings¹ (footprint of 11,700m² and GFA of 10,535m²) and courtyard, water features and swimming pool. House 1 comprises 8 sub-units for an extended family of 3 or more generations (24 members) (**Drawing A-4a to A-4d**). A pitch-roof design will be adopted for House 1 with a maximum BH of 21m/28.8mPD;
 - (b) for the ancillary buildings of House 1, the north wing buildings (4.5m/11.9mPD and 9m/16.4mPD high respectively) are fully enclosed within a thick and vegetated soil bund, resulting in 2 vegetated knolls of 14.9mPD and 18.9mPD high respectively; while the northern portions of the west and east wings buildings (4.5m/11.9mPD) are mostly enclosed in 14.4mPD high vegetated soil bund (except the sides facing the other houses of the proposed development) (**Drawing A-4d**).
 - (c) the second largest house is House 2 with a footprint of 1,871m², GFA of 1,900m² and BH of 12m/19.8mPD (**Drawing A-5a to A-5b**) located to the northwest of House 1.
 - (d) the other 266 detached houses (House Type A to J) have footprint ranging from 118m² to 555m², GFA from 150m² to 950m² and BH from 9m/16.8mPD to 12m/19.8mPD (2 or 3 storeys over basement carparks) and are located at the eastern and western parts of the Site fronting internal driveways (**Drawing A-6a to A-6d**).

¹ The ancillary buildings accommodate activity rooms/areas, gym room, music room, reading room, children room, display room, family theatre, indoor swimming pool, spa room, garage, storage room, guard rooms, dormitories, and associated plant/E&M rooms, etc. (**Drawing A-4a & A-4d**).

- 1.5 The Master Layout Plan (MLP), basement plan, phasing plan, communal landscape/open space plans/sections, house floor plans/sections and Landscape Master Plan (LMP) are at **Drawings A-1 to A-7g**. The applicant has submitted Environment Assessment (EA) (including assessment on ecological aspect), sewerage impact assessment (SIA), drainage impact assessment (DIA), traffic impact assessment (TIA), landscape proposal as well as maintenance and management plan for the WRA in support of the current application.
- 1.6 According to the applicant, the major development parameters of the proposed scheme including PR, GFA, SC, land filling/excavation extent, site access and drainage proposal are generally the same as those of the approved scheme under the last application No. A/YL-MP/229. There is also no change to the WRA already completed at the Site and under management for conservation purpose since 2010 (**Drawing A-7d**). The major amendments proposed are as follows:
- (a) reduction in number of houses from 400 to 268 and the corresponding increase in average house size and decrease in parking provision;
 - (b) introduction of the principal residence (House 1) with ancillary buildings (some enclosed within soil bunds) and the second largest House 2. The GFA of the largest house in the previous scheme is 950m²;
 - (c) change in internal layout of the proposed development with redistribution of the remaining houses, communal clubhouse building and communal open spaces;
 - (d) increase in number of 3-storey houses in order to accommodate the same GFA;
 - (e) increase in BH from 7.8m to 9m for 2-storey houses and from 11.3m to 12m and 21m (for House 1 only) for 3-storey houses, resulting in increase in the highest BH to 28.8mPD (for House 1 only);
 - (f) increase in total area of communal landscape/greenery coverage and decrease in open space;
 - (g) change in layout of the basement carpark in accordance with the revised layout (**Drawing A-2**);
 - (h) change in the anticipated year of completion from 2017 to 2025; and
 - (i) implementation of development in 4 phases (**Drawing A-3**).
- 1.7 A comparison of the major development parameters of the previously approved scheme under Application No. A/YL-MP/229 and the current proposed scheme are listed as follows (**Drawing A-1**):

Major Development Parameters	Previously Approved Application (No. A/YL-MP/229) (a)	Current Application (No. A/YL-MP/291) (b)	Difference (b) - (a)
Gross Site Area (m ²)	207,408 (about)	207,408 (about)	0
Residential Area (m ²)	160,008 (77.15%)	160,008 (77.15%)	0
WRA (m ²)	47,400 (22.85%)	47,400 (22.85%)	0
Plot Ratio (PR)			
Gross site	0.4	0.4	0
Net site (excluding WRA)	0.52	0.52	0
Maximum Domestic GFA (m ²)	82,963.2	82,963.2	0

Major Development Parameters	Previously Approved Application (No. A/YL-MP/229) (a)	Current Application (No. A/YL-MP/291) (b)	Difference (b) - (a)
SC (%)	25	25	0
Number of Houses	400 -248 houses with 2-storey above ground -152 houses with 3-storey above ground	268 -55 houses with 2-storey above ground -213 houses with 3-storey above ground	-132 (-33%)
Number of Storeys and BH (for Houses)	-2 storeys above ground (7.8m/15.6mPD) -3 storeys above ground (11.3m/19.1mPD) (floor-to-floor height ranges from 3.5m to 4.5m)	-2 storeys above ground (9m/16.8mPD) -3 storeys above ground (21m/28.8mPD for House 1 ² and 12m/19.8mPD for House 2 and other houses) (floor-to-floor height ranges from 3.5m to 13m)	+1.2 m + 9.7m (for House 1) +0.7m (for House 2 and other houses)
House 1 Ancillary Buildings:	0	-1 storey above ground (4.5m-9m/11.9-16.4mPD), enclosed within vegetated soil bund (7-11.5m/14.4-18.9mPD) - 2-storey above ground for green house at north wing and guard room at south wing (9-9.2m/16.4-16.6mPD)	N.A.
Average House Size (m ² /GFA)	207.4 (ranges from 160 to 950)	309.56 or 225 excluding House 1 & its ancillary building (22,885 for House 1 ³ , 1,900 for House 2 and 150-950 for others)	+102.16 or +17.6 excluding House 1 & its ancillary building
Estimated Population	1,200	854	-346
Clubhouse Floor Area (m ²)	3,000 (3.6% of domestic GFA)	3,000 (3.6% of domestic GFA)	0
Clubhouse BH	3 storeys (including basement)(17mPD)	3 storeys (including basement)(16.5mPD)	-0.5m
Communal Landscape/Greenery and Open Space	24,022 (including 13,066m ² of open space)	30,267 (including not less than 825m ² of open space)(Drawings A-7b and A-7c)	+6,245 (-12,241 of open space)
Private Garden (m ²)	60,697	63,125 (including 5,435 of private swimming pools)	+2,428

² subject to BD's confirmation that the proposed floor height/void (with a floor-to-floor height ranging from 3.5m to 13m (**Drawing A-4c**)) is not excessive and is not BH/PR accountable under the Buildings Ordinance (BO) at the stage of processing the building plans, otherwise, the excessive floor/area countable towards BH/PR may render the development intensity exceeding the current scheme and the OZP restrictions. Under that scenario, fresh application will be required.

³ including ancillary buildings GFA of 10,535m² of House 1

Major Development Parameters	Previously Approved Application (No. A/YL-MP/229) (a)	Current Application (No. A/YL-MP/291) (b)	Difference (b) - (a)
No. of Car Parking Spaces:	835	582	-253
Residents	829	577	(-30.3%)
Visitor	6 (including 1 for the disabled)	5 (including 1 for the disabled)	
Loading/Unloading Bay	1	1	0
Mean Site Formation Level	6.8mPD	6.8mPD	0
Interim Sewage Treatment Plant (STP)	1	1	0

Environmental Assessment

- 1.8 In the submitted EA, potential environmental impacts have been assessed in terms of air quality, noise, ecological and water quality aspects. For air quality, the potential air quality impacts to the proposed development include off-site and on-site traffic, STPs on-site and nearby, and the planned public trunk sewer at Castle Peak Road. Given these facilities are designed in accordance with the relevant standards and guidelines, no adverse residual air quality impact is expected as a result of the proposed amendments to the approved scheme. The noise impact assessment identified and assessed the fixed noise generated around the Site, including the STPs on-site and nearby, the on-site electricity & mechanical buildings and the Mai Po Ventilation Building of the Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) to the northeast of the Site. The assessment concluded that, with the implementation of noise mitigation measures like noise reduction design at source, and introduction of acoustic balcony and architectural fin at selected houses, there will be no adverse noise impact as a result of the proposed amendments to the approved scheme.
- 1.9 In terms of ecological aspect, there is no change in the WRA which will continue to serve its ecological function and as a buffer between the residential development and the fishponds in Deep Bay (**Drawing A-7d**). Appropriate buffer is maintained to mitigate any potential visual impact and disturbance to the WRA. The overall BHs remain comparable to the previously approved scheme and thus additional impacts to bird flight paths are not expected. The water quality assessment concludes that the proposed development will not have adverse impact on the surrounding fish ponds, the Deep Bay Water Control Zone and the Mai Po Nature Reserve.

Sewage Treatment Arrangement and Drainage Proposal

- 1.10 The SIA demonstrated that the previous approved sewerage system including the on-site interim STP and effluent reuse facility will be of sufficient capacity to cater for the flows generated by the amended scheme. At present, there is no public sewer in the area and proposed public trunk sewer connecting Ngau Tam Mei and San Tin with the Yuen Long Sewage Treatment Works (**Drawing A-9**) is yet to be implemented. As a long term measure, sewage generated from the proposed development is proposed to be conveyed to the Ngau Tam Mei Sewage Pumping Station for eventual discharge to the Yuen Long Sewage Treatment Works. Before the implementation of public sewerage system, the applicant proposed an on-site interim STP to cater for the short term sewage treatment needs and the plant will be decommissioned once the Government public sewage system becomes available. With the reduced population, it is expected that the sewage generated by the amended scheme would be reduced. There will be no net increase in pollution load

to the Deep Bay area and no adverse sewerage impact arisen from the proposed development.

- 1.11 According to the applicant, the drainage arrangement comprising a box culvert and a drainage pipe network adopted in the approved scheme will also be suitable for the revised scheme (**Drawing A-8**). With the provision of the proposed drainage system and flood mitigation measures in the DIA, no adverse drainage impact arising from the proposed development to the surrounding area is anticipated.

Traffic Arrangement

- 1.12 Same as the approved scheme, the Site is accessible from Castle Peak Road – Mai Po via an access road. The car parks and loading/unloading bays are proposed at the basement of the proposed development (**Drawing A-2**). The amended scheme will result in less trip generation than the approved scheme and thus would not induce any adverse traffic impact to the surrounding road network as concluded in the TIA under the last Application No. A/YL-MP/229. The improvement works at the junction of Castle Peak Road – Mai Po/Palm Springs Boulevard as required under approval condition of the last application had been completed.

Landscape and Tree Preservation Proposals

- 1.13 Apart from the completed ponds and marshes at the WRA, landscape elements including street tree planting and communal greenery will be provided in the proposed development (**Drawings A-7a and A-7g**). To minimize potential visual impact on the adjacent areas and vice versa, a 3m wide landscape buffer is proposed at the perimeter of the Site same as the approved scheme. To avoid disturbance to the WRA, an approximately 5m wide buffer planting will be provided alongside the WRA within the residential portion of the Site same as the approved scheme. According to the applicant, more communal landscape/greenery and open space are proposed under the amended scheme as compared with the approved scheme.
- 1.14 According to the tree preservation proposal, there are 46 existing trees within the Site, of which 30 trees are proposed to be felled and the remaining 16 be transplanted. A minimum of 1,200 new trees (including 49 compensatory trees) are proposed to be planted (**Drawings A-7e and A-7f**).

Long-term Maintenance and Management of the Wetland Restoration Area

- 1.15 The applicant is taking up the sole responsibility for management of the WRA in the long term and stated that the maintenance and management plan for the WRA dated March 2015 which has been approved by the Director of Agriculture, Fisheries and Conservation (DAFC) is still applicable to the current application. The annual recurrent cost estimate, the funding arrangement proposal and the formal application for ensuring the long-term maintenance and management of the restored wetland have been agreed in principle with the Environment and Conservation Fund Committee. The applicant agreed that the approval condition (h) of previous Application No. A/YL-MP/229 requiring the submission and implementation of a funding arrangement proposal and condition (i) stipulating that land exchange and/or lease modification for the proposed development should not be executed prior to the compliance with condition (h) are to be imposed should the current application be approved (**Appendix Ie**).
- 1.16 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 8.1.2020 **(Appendix I)**
- (b) Planning Statement including MLP, conceptual drawings, LMP, landscape and tree preservation proposals, EA, SIA, DIA and Traffic Note **(Appendix Ia)**
- (c) Further Information (FI)* dated 31.3.2020 with responses to departmental and public comments and a TIA **(Appendix Ib)**
- (d) FI* dated 12.5.2020 with responses to departmental comments and replacement pages of EA and DIA **(Appendix Ic)**
- (e) FI* dated 18.5.2020 with responses to departmental comments and maintenance and management plan for the WRA **(Appendix Id)**
- (f) FI dated 26.6.2020 with responses to EPD's comments **(Appendix Ie)**
- (g) FI dated 6.7.2020 providing clarifications on development proposal including ancillary buildings with revised MLP and new section plan **(Appendix If)**
- (h) FI dated 6.7.2020 providing clarifications on development proposal with revised MLP **(Appendix Ig)**
*(*published for comment)*

1.17 On 6.3.2020, the Committee agreed to defer a decision on the application for a period of two months, as requested by the applicant's representative. Subsequently, six FIs (**Appendices Ib to Ig**) were received as detailed in paragraph 1.16(c) to 1.16(h) above. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement and FIs at **Appendices Ia to Ig**. They can be summarised as follows: -

- (a) The proposed development is in line with the planning intention of the "OU(CDWRA)" zone. The proposed development parameters are comparable to the previously approved scheme by keeping the same PR, GFA and SC while improving communal landscape/greenery and open space provision. The amended scheme with revised layout and house types aims to respond to the housing market situation.
- (b) The amended scheme embodies enhanced amenity for residents. A main communal open space has been designed and integrated with the previously

adopted tree-lined pedestrian pathways networks. Future residents will enjoy healthy lifestyles and social opportunities. The relocation of the communal clubhouse will maximise the resident's appreciation and educational opportunity to the conserved nature, while preventing visual and noise disturbance to the WRA.

- (c) Same as the approved scheme, the amended scheme respects the natural and built neighbourhood. With appropriate boundary treatment, the proposed development will not have adverse impact on the visual amenity, noise and air quality. There is no change to the WRA which has been completed in 2010 and under management for conservation purpose. The changes in the residential portion will not give rise to adverse ecological impact. This is achieved by the introduction of proper setback areas, buffer planting, landscaped areas and the reduced building bulk of the principal residence's ancillary buildings at the residential portion fronting the WRA. Two circular earth bunds are proposed to cover the ancillary buildings of House 1 (**Drawing A-4d**) which are to serve as buffers between the wetland and the proposed houses, to provide screening of the human activities to protect the habitats of the wetland; and green vegetation will be provided on the bunds for more green coverage to reduce the heat island effect due to the proposed development. The proposed development will not result in adverse impact to the Deep Bay area and is considered to be consistent with the Town Planning Board Guidelines No. 12C.
- (d) Technical assessments in support of the application confirm that there will not be adverse impact arising from the proposed development. There will be adequate infrastructural capacity to serve the proposed development, including road network, carpark, drainage and sewerage facilities with mitigation measures proposed.
- (e) In response to the public comments, the applicant stated that the proposed development is comparable to the adjacent low-rise development of Palm Springs. The proposed BH does not exceed the BH restriction of the OZP and would not affect the bird flight paths over the Site. The proposed amendments to the approved scheme would lead to reduced traffic and improved drainage conditions. The proposed development in private-public partnership is in line with the Government's New Nature Conservation Policy to restore the wetland and there is no change to the ecological function of the WRA. The WRA has to be secured to prevent unauthorized access with actual/visual barriers to prevent disturbance. The site formation is governed by the Environmental Permit (EP).

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

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

4. Town Planning Board Guidelines

According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), the site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and

wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. A buffer area of about 500m along the landward boundary of the WCA is thus designated as a WBA;

- (b) within the WBA, for development or redevelopment which requires planning permission from the Board, an Ecological Impact Assessment (EcoIA) would also need to be submitted. Development/redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the Board, unless the EcoIA can demonstrate that the negative impacts could be mitigated through positive measures. The assessment study should also demonstrate that the development will not cause net increase in pollution load to Deep Bay; and
- (c) proposals for residential/recreational developments on degraded sites to remove/replace existing open storage or container back-up uses and/or to restore lost wetlands may be given sympathetic consideration by the Board subject to satisfactory ecological and other impact assessments. Residential developments should be compatible with the surrounding land uses and the rural setting of the area. Consideration should also be given to the compatibility of recreational use with any adjoining fish pond area and to other planning and environmental implications of the development.

5. **Background**

- 5.1 The Site falls within an “Unspecified Use” area on the draft Mai Po and Fairview Park Interim Development Permission Area (IDPA) Plan No. IDPA/YL-MP/1 gazetted on 17.8.1990 and was then largely a vacant formed land with a pond at the south and an open storage yard for trailers at the northeast. The Site was subsequently zoned “Conservation Area” (“CA”) on the draft Mai Po and Fairview Park Outline Zoning Plan No. S/YL-MP/1 gazetted on 3.6.1994, and the then aerial photo showed that the Site was largely vacant formed land with vegetation and an open storage yard for trailers remained at the northeast. During the plan exhibition period, there was an objection against the “CA” zoning for the Site as the objector’s future development plan for the Site would be jeopardised by the “CA” zoning. The objector proposed to rezone the site from “CA” to “Residential (Group C)” (“R(C)”). After giving preliminary consideration to the objection and taking into account the findings of the Fish Pond Study completed in 1997, which recommended to preserve all contiguous fish ponds, in 1999 the Board decided to propose amendments to the draft OZP to partially meet the objection by rezoning portion of the objection site and its adjoining area from “CA” to “OU(CDWRA)” zone to allow an appropriate level of residential/recreation development in order to provide incentive for the removal of the existing open storage and container related uses and encourage the restoration of wetland then existed in the area. The draft Mai Po and Fairview Park OZP (and re-numbered as S/YL-MP/2) was approved on 18.5.2001 and the subject “OU (CDWRA)” zone has remained unchanged since then.
- 5.2 At the time when the first application covering the Site (Application No. A/YL-MP/166) was approved (i.e. 19.9.2008), the Site was mostly vacant with the northeastern portion being occupied by open storage of new tractors/coaches/vehicle parts and converted containers for storage use. According to the then submitted EcoIA, the Site comprised grassland, seasonal marsh,

freshwater marsh/reedbed (considered as low to moderate significance) and there was no pond within the Site. The WRA was proposed by the applicant and imposed as an approval condition.

5.3 Following approval of Application No. A/YL-MP/166, the construction of the WRA at the northern part of the Site was completed in 2010.

5.4 The Site is not a subject of any planning enforcement action.

6. Previous Applications

6.1 The Site is the subject of three previous planning applications submitted by the current applicant for residential developments with WRAs. They were approved with conditions by the Committee between 2008 to 2015.

6.2 Application No. A/YL-MP/166 for the same use with a plot ratio of 0.4, 172 houses plus 190 duplex units, a maximum BH of 13.1m above ground and the same WRA as the current application was approved with conditions by the Committee on 19.9.2008 mainly on the considerations that the proposed development was in line with the planning intention of "OU(CDWRA)" zone and the BH was in line with the OZP restriction; the proposed development satisfied various technical requirements and concerned departments had no objection to the application; the applicant undertook the long-term management responsibility of the wetland; and there was no fundamental interface problem with the XRL project. The planning permission lapsed on 19.9.2012.

6.3 Application No. A/YL-MP/185 for the same use with the same plot ratio of 0.4, 344 houses, the maximum BH of 13.1m above ground and the same WRA was approved with conditions by the Committee on 21.10.2011. The application was approved on the grounds that it mainly involved amendments to the previously approved scheme Application No. A/YL-MP/166 with smaller site area/GFA/number of units; amendments to the general layout; the WRA under the approved scheme had already been implemented to the satisfaction of the DAFC; the proposed development would not worsen the previous approved scheme; the proposed development was in line with the TPB PG-No. 12B; and concerned departments had no adverse comment on the application. Application No. A/YL-MP/185-1 mainly relating to minor change in disposition of houses and addition of a basement floor to the two clubhouses was approved with conditions by the Director of Planning under the delegated authority of the Board on 19.7.2012. The permissions under Applications No. A/YL-MP/185 and 185-1 lapsed on 21.10.2015.

6.4 Application No. A/YL-MP/229 for the same use with a plot ratio of 0.4, 400 houses, a maximum BH of 11.3m above ground (19.1mPD) and the same WRA was approved with conditions by the Committee on 27.2.2015. The application involved amendments to the approved scheme under Application No. A/YL-MP/185 and mainly included increase in number of houses and decrease in average house size. The application was approved mainly on the considerations that the proposed development was in line with the planning intention of "OU(CDWRA)" zone; there was no change in PR and SC; and concerned departments had no objection to or no adverse comment on the application.

Approval conditions on the interface arrangement for XRL project, the submission of revised LMP, revised DIA, revised SIA and maintenance and management plan for the WRA, the design and provision of improvement measures at junction of Palm Springs Boulevard and Castle Peak Road – Mai Po, as well as the design of parking and loading/unloading facilities, access connection between the development and the public road and mitigation measures to alleviate the visual impact of the noise barriers had been complied with. The corresponding building plan was approved on 6.5.2016 and the proposed development has commenced.

6.5 Details of these previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

7. **Similar Application**

There is no similar application within the same “OU(CDWRA)” zone.

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

8.1 The Site:

- (a) falls within the WBA of the Deep Bay area;
- (b) is accessible via an access road off Castle Peak Road – Mai Po; and
- (c) is largely vacant and partly covered with wild grass and partly paved. The completed WRA is in the northern part of the Site.

8.2 The surrounding areas are predominated by low-rise, low density residential dwellings/village settlement and fish ponds, and have the following characteristics:

- (a) to the north and northwest are contiguous fish ponds under “CA” zone, extending to the Mai Po Nature Reserve to its further west and northwest in the “Site of Special Scientific Interest” zone;
- (b) to the northeast is the remaining portion of the subject “OU(CDWRA)” zone with a ventilation building for the XRL project; to the further northeast are the village settlements of Mai Po San Tsuen and Mai Po Lo Wai within “V” zone;
- (c) to the east are Castle Peak Road - Mai Po and San Tin Highway; to the further east across San Tin Highway are a mix of uses including the residential development of Maple Gardens and unused land; and
- (d) to the immediate south are the residential developments of Palm Springs, Royal Palms and Wo Shang Wai within “R(C)” zone.

9. **Planning Intention**

9.1 The “OU(CDWRA)” zone is intended to provide incentive for the restoration of

degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include WRA. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

- 9.2 To ensure that development and/or redevelopment would be developed in a comprehensive manner, an applicant should submit to the Board a development and/or redevelopment proposal in the form of a comprehensive development scheme to include a layout plan with supporting documents, including an environmental impact study which should include, inter alia, an EcoIA and a visual impact assessment; and traffic, drainage and sewerage impacts study reports as well as information on programming, phasing and implementation schedule of the development. The applicant should also submit a wetland restoration and/or creation scheme, including its detailed design, wetland buffer proposals to mitigate the potential impact on the nearby existing wetland, a maintenance and management plan with implementation details, arrangement of funding and monitoring programme to ensure the long-term management of the restored wetland. The EcoIA should demonstrate that any negative ecological impacts on the area could be fully mitigated through positive measures. The submission should demonstrate that the development and/or redevelopment would not cause a net increase of pollution load into Deep Bay.
- 9.3 To be in line with the rural setting which is mainly low-rise residential developments and village houses, to minimise visual impact and to take into account the capacities of local road network and infrastructure in this area, development and/or redevelopment shall not result in a total development or redevelopment intensity in excess of a total plot ratio of 0.4 and a maximum BH of 6 storeys including car park. Minor relaxation of these restrictions may be considered to provide flexibility for innovative design adapted to the characteristics of particular sites.

10. Comments from Relevant Government Departments

- 10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) From desktop checking, the Site would involve 3 private lots 43 s.A RP, 50 s.A and 50 R.P. in D.D. 101. The said private lots are held under Block Government lease, in which their details would be checked during the processing of the land application.
 - (b) It is noted that there were a number of previous approvals granted to the Site subject to conditions. The Site is currently under a proposed land exchange at an advanced stage for residential development based on previous Application No. A/YL-MP/229. The said application was approved with conditions by the Committee on 27.2.2015.

- (c) It is noted that the current application involves changes in development parameters and layout (such as number of houses, average house size, carparking provision and BH, etc). Hence, he defers to other relevant Government departments for their technical comments accordingly (e.g. Transport Department (TD) on carparking and loading/unloading requirements and Planning Department (PlanD) on BH).
- (d) Should the application lead to any amendment of the provisional basic terms of the proposed land exchange under processing by his office, the applicant is required to submit an application to LandsD for consideration. Such application will be dealt with by LandsD acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD.

Nature Conservation

10.1.2 Comments of the DAFC:

- (a) He notes that the application is largely similar to the previous approved scheme under Application No. A/YL-MP/229. The PR, GFA and development intensity of the residential portion remain the same, as well as the area of WRA. Compared with the previous approved scheme, the amendments are related to the layout and form of houses. The number of units and houses proposed at the Site will decrease while the BH of the 2-3 storey houses will increase but the increase of 0.7m & 1.2m is not considered significant. For House 1, the proposed increase of 9.7m in BH is considered acceptable from ecological perspective.
- (b) The applicant clarified in the FI that no additional disturbance to the WRA would be resulted from the relocation of the clubhouse, and measures would be taken to prevent unauthorised access and disturbance from the driveway to the WRA. As such, he has no further comment on the application.
- (c) Should the application be approved, the following approval conditions imposed under the last application (No. A/YL-MP/229) should be retained:
 - (i) the implementation of the mitigation measures identified therein in the ecological assessment to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board; and
 - (ii) the implementation of a maintenance and management plan which covers implementation details and the estimated annual recurrent costs with breakdown required for maintaining the restored wetland area to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board.

- (d) There is no adverse comments on the proposed earth bunds on top of the ancillary buildings. Nevertheless, for the green vegetation on the proposed earth bunds, the applicant should be advised to avoid planting trees as far as possible.

Environment

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

Nature Conservation Policy

- (a) The Site is zoned “OU(CDWRA)” under the OZP. According to the Remarks of the OZP for the zone, a wetland restoration and/or creation scheme (the Scheme) should be submitted for consideration of the Board for the application for permission of development, which should include its detailed design, wetland buffer proposals, a long-term maintenance and management plan, as well as the monitoring and implementation mechanism. The applicant should also be advised to submit a funding arrangement proposal for ensuring the long-term maintenance and management of the WRA and compliance with requirements of the Public Private Partnership Scheme under Environment Protection Department (EPD).
- (b) The applicant reverted in the FI that the WRA has been completed and provided the long-term maintenance and management plan for the WRA dated March 2015 which was submitted to fulfil the approval conditions for the Application No. A/YL-MP/229. The applicant had provided a written confirmation that he would fully adopt the mentioned maintenance and management plan as approved by DAFC for the current application.
- (c) As for the funding arrangement, the applicant agreed that the previous planning approval condition (h) submission and implementation of a funding arrangement proposal and (i) not to execute the land exchange and/or lease modification prior to the compliance with condition (h), could be applied to the current application. The applicant had further confirmed in writing that the long-term funding arrangement as agreed with the Environment and Conservation Fund (ECF) Committee for its previous applications for the same Site should be fully applicable to the current application. In view of the above, DEP has no further comment on the proposed amendments.

EA and SIA

- (d) The Site falls within an area zoned “OU(CDWRA)” zone on the OZP and the applicant seeks planning approval for proposed houses, WRA, filling and excavation of land for site formation (amendments to an approved scheme).
- (e) The Site is the subject of the previous Application No. A/YL-MP/229 approved with conditions by the Committee in February 2015. When compared with the previously approved application, the current application has the same boundary and for the same use, but involves

changes in development parameters and layout. The key changes are summarized in Table 1 of the Planning Statement. The proposed scheme will provide less number of units (268) (vs 400 in the approved scheme) and different sizes of houses.

- (f) The applicant submitted EA and SIA in Annex D and E of the Planning Statement respectively and replacement pages for EA in the FI to support the application. It is expected that with the implementation of environmental mitigation measures committed by the applicant as highlighted below, the proposed development would unlikely be subject to or cause adverse environmental impacts exceeding the Hong Kong Planning Standards and Guidelines (HKPSG)'s criteria:
 - (i) provision of an on-site STP and the reuse of treated effluent before the public sewerage system is available for connection;
 - (ii) adequate setback distance stipulated in the HKPSG would be provided to ensure that there is no adverse air quality impact from vehicular emissions on the proposed development;
 - (iii) the interim STP will be properly designed (with inlet chamber and wet well will be located underground and enclosed with covers) and installed with de-odourization unit (with odour removal efficiency of 99.5%) with a forced ventilation system to minimize odour impact from the STP; and
 - (iv) provision of noise mitigation measures (including acoustic balcony, vertical fins and screening from two electricity & mechanical buildings).
- (g) Based on the above consideration, he has no objection to the application. To address possible changes in the proposed development and the required environmental mitigation measures during design stage, he considers that the following approval conditions imposed under the last application (No. A/YL-MP/229) should be retained:
 - (i) the submission of a revised SIA to the satisfaction of the DEP or of the Board;
 - (ii) the implementation of mitigation measures identified in the revised SIA to the satisfaction of the DEP or of the Board; and
 - (iii) the implementation of sewage disposal arrangement including the interim on-site STP, the reuse of treated effluent and the irrigation system, as proposed by applicant, to the satisfaction of the DEP or of the Board.
- (h) The proposed house development under the planning application is covered by an EP (EP-311/2008/E) issued under the Environmental Impact Assessment Ordinance (EIAO) and it noted that the project layout and environmental mitigation measures recommended in the current application are different from those specified in the EP. For

example, the proposed on-site STP does not comply with Condition 5.13 of the EP. Also, Conditions 5.14 and 5.15 require submission of Noise Mitigation Plan to update noise mitigation measures to minimize fixed and traffic noise impacts during the operation of the development. The applicant should be advised to go through the statutory EIAO process to ensure compliance with the EP requirements should the current development scheme go ahead.

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) The Site is connected to the public road network via a section of a local access which is not managed by TD. The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) Should the application be approved, the following conditions should be incorporated:
 - (i) the design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development to the satisfaction of the C for T or of the Board; and
 - (ii) the design and provision of the access connection between the development and the public road to the satisfaction of the C for T or of the Board.

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

- (a) The access arrangement to the Site from Castle Peak Road – Mai Po should be commented by TD.
- (b) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Mai Po. Presumably, the relevant department will provide their comments, if any.
- (c) It is noted that the Site falls within the gazetted railway boundary of XRL. Comments from the Railway Development Office of HyD should be sought.
- (d) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

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

- (a) He has no comment on the application from railway development point of view.
- (b) The Site falls within the existing gazetted scheme boundary of the XRL. As the operation of the XRL has been entrusted to MTRCL since 23 September 2018 and that the operation of existing railway network is not under the jurisdiction of his office, the applicant should consult MTRCL railway protection team with respect to operation, maintenance and safety of existing railway network.

Fire Safety

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

- (a) He has no objection in principle to the application subject to the water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) Furthermore, the emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation [B(P)R] 41D which is administered by the BD.

Building

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

- (a) The Site does not abut to any existing specified street and the development intensity of the Site shall be determined by the Building Authority under Regulation 19(3) of the B(P)R at building plan submission stage.
- (b) The Site shall be provided with means of obtaining access thereto from a street under the Regulation 5 of the B(P)R and emergency vehicular access shall be provide for all the buildings to be erected on the Site in accordance with the requirements under Regulation 41D of the B(P)R.
- (c) Each phase of the development should be self-sustainable under the BO.
- (d) For features applied to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes and Practice Notes for Authorized Persons, Registered Structure Engineers and Registered Geotechnical Engineers (PNAP). For example, the requirements of building set back, building separation and SC of greenery as stipulated in PNAP APP-152.

- (e) Detailed comments under the BO will be provided at building plan submission stage.
- (f) As regards the BH of the House 1, he has reservation on the proposed BH and the applicant should provide justifications to support such proposed height for his consideration during the building plan submission stage.

Drainage

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

- (a) He has no objection in principle to the proposed development.
- (b) Should the Board consider that the application is acceptable from the planning point of view, conditions should be stipulated in the approval letter to the applicant of the development (i) to submit a revised DIA and a revised SIA report and (ii) to implement the drainage and sewerage proposals identified in the revised DIA and revised SIA respectively to the satisfaction of the Director of Drainage Services (for DIA and SIA) and the DEP (for SIA only) or of the Board.
- (c) His detailed comments are at **Appendix III**.

Landscape and Visual Aspects

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

- (a) Based on the information and the FI provided, he has the following comments from architectural and visual impact point of view.
- (b) It is noted that the amended development proposal involves adjustment of total numbers of houses from 400 to 268 with slight adjustment of BH or 2-storey houses and 3-storey houses but without any changes of overall GFA while increasing substantial area of communal landscape and private garden. In this regard, he would have no comment from architectural and visual impact point of view.
- (c) As noted in House 1-Section A (**Drawing A-4c**), the 2 living rooms and 2 study rooms on second floor with average floor-to-floor height of about 9m together with pitch-roof tops up to 21m and 18.45m appears to be excessive. The applicant is advised to reduce these heights to minimize the visual impact.

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

Urban Design

- (a) The Site is set within an area characterised by low-rise, low-density residential developments subject to maximum BH of 2-3 storeys. The

proposed developments with 268 two to three-storey houses are considered not incompatible with the neighbourhood.

- (b) As compared with the previously approved scheme (Application No. A/YL-MP/229), the proposed scheme maintains the same PR and SC. The major changes from the approved scheme are the decreased number of houses from 400 to 268 including a large three-storey building of principal residence and swimming pool at the centre of the Site. With the reduction of the number of houses and increasing provision of communal landscape area, the current proposal would enhance the overall visual permeability of the development. It is not expected to result in adverse visual impact to the surroundings.

Landscape Planning

- (c) The Site, located to the north of Wo Shang Wai and Royal Palms, falls within an area zoned “OU(CDWRA)” on the OZP. The current application has the same site boundary as compared with Application No. A/YL-MP/229 for the same use, which was approved with conditions by the Committee on 27.2.2015. Compared with the previously approved application, the current application involves changes in development parameters and layout.
- (d) According to the aerial photo taken in 2018, the Site is situated in an area of rural landscape character. The surrounding area of the Site comprises ponds to the north, northeast and northwest, low rise residential to the south and east of the Site, and clustered tree group in the surrounding of the Site. The proposed use is considered not incompatible with the existing landscape setting in proximity.
- (e) With reference to the aerial photo taken in 2018, ponds are found at the northern part of Site and no significant vegetation is observed. With reference to the Planning Statement, wetland planting in the WRA at the northern part of the Site has been completed. In view that adequate open space and landscaping including provision of newly planted trees are proposed, and further adverse landscape impact arising from the proposed development is not anticipated, he has no objection to the application from the landscape planning perspective.
- (f) Should the application be approved by the Board, a condition for the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the Board should be included in the planning approval.

Others

10.1.12 Comments of Director of Food and Environmental Hygiene (DFEH):

- (a) If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, Food and Environmental Hygiene Department (FEHD) should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to him.

- (b) If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

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

He has no adverse geotechnical comment on the application and the Planning Statement. It is noted that land filling of about 4-5.2 high and land excavation of about 1-2.9m high, and earth bunds covering the ancillary buildings of House 1 fronting the WRA are proposed.

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

- (a) He has no objection to the application.
- (b) For provision of water supply to the proposed development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the connection, operation and maintenance of the inside services within the private lots to WSD's standards.
- (c) Fresh water from Government mains shall not be used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use fresh water from the mains for such purposes may be given on concessionary supply basis if an alternative supply is impracticable and evidence to that effect is offered to and accepted by the Water Authority. Such permission will be withdrawn if in the opinion of the Water Authority the supply situation requires it.

10.1.15 Comments of Director of Electrical and Mechanical Services (DEMS):

- (a) Given the application is a low density residential development (i.e. plot ratio is 0.4) and the minimum proximity distance of the proposed houses to the concerned high pressure gas pipeline in San Tam Road is about 150m, it should not be a mandatory requirement for the applicant to submit a risk assessment as requested in the public comments.
- (b) Nevertheless, the applicant should maintain liaison/ coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/ gas installations if any excavation works are required during the design and construction stages of the development.

- (c) The applicant shall also note the requirements of the Electrical and Mechanical Services Department on the “Avoidance of Damage to Gas Pipes 2nd Edition” for reference. The webpage address is: [https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf).

District Officer’s Comments

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

His office has no comment on the application. He relayed a letter from a Yuen Long District Council (YLDC) member (**Appendix IV**) objecting to the application, mainly on the grounds of adverse impacts on traffic and drainage of surrounding areas and concern on flooding risk. The same objection letter was also received by the Board as public comment.

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

- (a) Commissioner of Police (C of P);
- (b) Director of Leisure and Cultural Services (DLCS); and
- (c) Project Manager (West), CEDD (PM(W), CEDD).

11. Public Comments Received During the Statutory Publication Periods

- 11.1 On 17.1.2020, 17.4.2020 and 29.5.2020, the application and its FIs were published for public inspection. During the statutory publication periods, 16 public comments were received, including one supporting comment and 15 objecting comments (**Appendix V**).

- 11.2 The supporting comment is from a member of the public stating that the proposed amendments to the approved scheme with reduced number of houses and increased greening area can better protect the natural environment of the surrounding areas; the Principal House will enhance people’s perception on Yuen Long District; there is a severe shortage of large houses in the Hong Kong market; and the revised scheme will reduce traffic pressure on the surrounding areas.

- 11.3 The objecting comments are from the YLDC member (submitted twice, one of which was also received by DO(YL) at **Appendix IV**), San Tin Rural Committee (submitted twice), Villager Representatives (VR) of Mai Po Tsuen (submitted three times), Royal Palms Phase A Owners’ Committee, The Conservancy Association, Hong Kong & China Gas Co. Ltd. and individuals of public. Their main concerns are that:

- (i) the proposed development is on a massive site accommodates only a small population, which is not an effective use of scarce land for housing;
- (ii) the 3-storey houses and the Principal House of 28.8mPD high is incompatible with the surrounding low density residential developments and rural environment;
- (iii) the proposed development will have adverse traffic, noise, drainage and

ecological impact on the surrounding areas. There is currently traffic congestion problem at Castle Peak Road – Mai Po and the Fairview Park Roundabout during the peak hours and the application does not propose any measures to alleviate the problem. There is concern on the drainage arrangement of Wo Shang Wai Village after the proposed development is implemented. The proposed development is close to an existing high pressure gas pipeline along San Tam Road;

- (iv) the area of WRA is too small and the 3-storey houses, House 1 and the clubhouse locating close to the WRA might have adverse environmental, visual and ecological impact on the WRA;
- (v) there is no active recreational use in the open space proposed and no public passage for the general public to enjoy the wetland. The compensatory trees are mostly non-native species;
- (vi) the proposed filling of land will severely damage the natural environment of the area;
- (vii) there is no assessment on the impact on the local freshwater fishery industry and no compensation to the industry;
- (viii) a quantitative risk assessment should be undertaken to evaluate the risk and mitigation measures required for the 600mm high pressure pipeline along San Tam Road and that applicant should consult HK & China Gas Co. Ltd. at design stage; and
- (ix) the applicant did not consult the district council members, local residents and fishermen on the proposal.

12. Planning Considerations and Assessments

Planning Intention and Land Use Compatibility

- 12.1 The application seeks to amend an approved scheme (Application No. A/YL-MP/229) for proposed comprehensive house development and wetland habitat development with filling and excavation of land. The proposed development is for residential development (16 ha or 77.15% of the Site) with a plot ratio of 0.4 and a BH of 2 to 3 storeys (i.e. 9m to 21m (16.8mPD to 28.8mPD)) on top of basement car park floor, the restoration of about 4.7 ha (22.85% of the Site) of wetland at the northern part of the Site, i.e. the WRA, and filling (about 90,804m² in area and 4 to 5.2m in depth) and excavation (about 69,204m² in area and 1 to 2.9m in depth) of land.
- 12.2 Compared with the scheme approved with conditions by the Committee on 27.2.2015, the proposed amendments are mainly for revision to the layout for the residential portion of the previously approved scheme, with the WRA remains unchanged. The current proposal involves reduction in number of houses (from 400 to 268), change in flat size mix and increase in average house size (from 207.4m² to 309.56m²), increase in proposed BH (15.6mPD/19.1mPD to 16.8mPD/28.8mPD) and floor-to-floor height (from 3.5-4.5m to 3.5m-13m), change in internal layout with the introduction of the principal residence (House 1) and its ancillary buildings, the second largest house (House 2), increase in number of 3-storey houses and overall communal landscape/greenery/open space provision (from 24,022m² to 30,267m²) with decrease in open space (from 13,066m² to 825m²), and decrease in parking provision (from 835 to 582). There is no change

to the overall PR, GFA and SC of the proposed development as well as the WRA already completed at the Site. The proposed development is considered not incompatible with the surrounding land uses which are predominated by low-rise, low density residential dwellings/village settlement and fish ponds.

- 12.3 The proposed development is in line with the planning intention of the “OU(CDWRA)” zone which is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include WRA. Developments within the “OU(CDWRA)” zone are restricted to a maximum PR of 0.4 and a maximum BH of 6 storeys including car park. The proposed development conforms to the PR and BH restrictions as stipulated in the Notes of the OZP.
- 12.4 Although the reduction in number of houses by 132 nos. is not conducive to the need for flat supply and the large footprint and GFA of House 1 (footprint of 3,800m²/GFA of 12,350m²), its ancillary building (footprint of 11,700m²/GFA of 10,535m²) and House 2 (footprint of 1,871m²/GFA of 1,900m²) and the BH (3 storeys and 21m/28.8mPD, with floor-to-floor height ranging from 3.5m to 13m) is not conventional, concerned departments raised no objection. Regarding the increase in maximum BH from 11.3/19.1mPD to 12m/19.8mPD and 21m/28.8mPD for House 1, although CBS/NTW, BD has reservation and CA/CMD2, ArchSD have concerns on the height of the House 1, CTP/UD&L, PlanD and DAFC have no adverse comment on the proposed BHs from urban design/visual and ecological perspectives. CBS/NTW, BD has advised that the BH of House 1 has to be justified during the building plan submission stage. If the high floor height and large void of the houses are considered excessive and should be counted towards BH/PR calculation under BO, the resultant BH/PR would exceed the current scheme, and may also exceed the OZP restrictions. Under the circumstances, a fresh application to the Board would be required. In this regard, the applicant should be advised of the above. On the provision of communal landscape/greenery and open space, CTP/UD&L, PlanD has no objection from landscape planning perspective as adequate open space and landscaping including provision of newly planted trees are proposed and further adverse landscape impact arising from the proposed development is not anticipated.

TPB-PG No. 12C

Ecological Consideration and long-term Maintenance and Management of the WRA

- 12.5 The Site falls within the WBA under the TPB PG-No. 12C requiring EcoIA submission and provision of ecological and visual buffer to the WCA, and observing the principles of no net loss in wetland and no net increase in pollution load to Deep Bay. DAFC has no adverse comment on the application and the ecological assessment. The WRA has already been implemented to the satisfaction of DAFC with a wetland of about 4.7 ha restored at the northern part of the Site. With regard to the long-term maintenance and management of the WRA, the applicant stated that the maintenance and management plan for the WRA previously approved by the DAFC is still applicable to the current application. The annual recurrent cost estimate, the funding arrangement proposal and the formal application for ensuring the long-term maintenance and management of the restored wetland have been agreed in principle with the ECF Committee. DEP has no adverse comment on the application noting the applicant agreed that the approval condition (h) of previous Application No. A/YL-MP/229 requiring the submission and implementation of a funding arrangement proposal and condition (i)

stipulating that land exchange and/or lease modification for the proposed development should not be executed prior to the compliance with condition (h) are to be imposed should approval be given.

No Net Increase in Pollution Load to the Deep Bay area

- 12.6 According to the submission, the applicant proposes an on-site interim STP to cater for the interim need until the public trunk sewer is available. To ensure that the proposed development would not cause net increase in pollution load to Deep Bay area, the applicant proposes in the SIA to reuse the treated effluent from the STP for toilet flushing and landscape irrigation within the Site and the SIA concludes that since all sewage generated from the proposed development will be fully reused on site, it will not cause any net increase in pollution load to the Deep Bay area. DEP considers that with the implementation of environmental mitigation measures including the provision of the on-site STP and the reuse of treated effluent before the public sewerage system is available for connection, the proposed development would unlikely be subject to or cause adverse environmental impacts. He proposes to impose a condition in the planning approval requiring the applicant to implement the sewage disposal arrangement including the interim on-site STP, the reuse of treated effluent and the irrigation system, as proposed by applicant, to his satisfaction or of the Board (as recommended in paragraph 13.2 (n)).

Technical Considerations

- 12.7 With reduction in number of houses, less traffic and sewage are expected to be generated. The applicant has submitted EA (including assessment on ecological aspect), SIA, DIA, TIA, landscape proposal as well as maintenance and management plan for the WRA in support of the current application. Concerned Government departments including DEP, DAFC, CE/MN of DSD, C for T, CTP/UD&L of PlanD have no objection to or no adverse comment on the application from environmental, ecological, sewerage, drainage, traffic, urban design and landscape aspects. Their technical requirements and/or concerns could be addressed by imposing relevant approval conditions as recommended in paragraph 13.2 (b) to (n) below, should the application be approved.

Previous Applications

- 12.8 The Site is the subject of 3 previously approved applications for residential development as detailed in paragraph 6. The last Application No. A/YL-MP/229 for the same use was approved by the Committee on 27.2.2015. Approval conditions on the interface arrangement for XRL project, the submission of revised LMP, revised DIA, revised SIA and maintenance and management plan for the WRA, the design and provision of improvement measures at junction of Palm Springs Boulevard and Castle Peak Road – Mai Po, as well as the design of parking and loading/unloading facilities, access connection between the development and the public road and mitigation measures to alleviate the visual impact of the noise barriers have been complied with. The corresponding building plan was approved in 2016 and the proposed development has commenced. Approval of the application is in line with the Committee's previous decisions.

Public Comments

- 12.9 There are 16 public comments on the application, including one supporting and 15 objecting comments as detailed in paragraph 11 above. The planning assessments and departmental comments above are of relevance.

13. Planning Department's Views

13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 10.7.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of a revised Master Layout Plan to take into account conditions (b) to (n) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission of a revised Drainage Impact Assessment (DIA) to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) in relation to (c) above, the implementation of drainage proposal identified in the revised DIA to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) the implementation of the mitigation measures identified therein in the ecological assessment to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (f) the implementation of a maintenance and management plan which covers implementation details and the estimated annual recurrent costs with breakdown required for maintaining the restored wetland area to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (g) the submission and implementation of a funding arrangement proposal for ensuring the long-term maintenance and management of the restored wetland area to the satisfaction of the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation, or of the Town Planning Board;
- (h) as proposed by the applicant, land exchange and/or lease modification for the proposed development if considered and approved by the Director of Lands, should not be executed prior to the compliance with condition (g) to the satisfaction of the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation, or of the Town Planning Board;

- (i) the design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (j) the design and provision of the access connection between the development and the public road to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (k) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (l) the submission of a revised Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (m) in relation to (l) above, the implementation of mitigation measures identified in the revised SIA to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (n) the implementation of sewage disposal arrangement including the interim on-site sewerage treatment plant, the reuse of treated effluent and the irrigation system, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

[The above conditions are similar to those imposed under previous Application No. A/YL-MP/229, except for conditions (b) to (f) and (i) which are amended and the previous conditions (b) on interface arrangement for XRL project, (j) on the design and provision of improvement measures at the junction of Palm Springs Boulevard and Castle Peak Road - Mai Po and (n) on the design and provision of mitigation measures to alleviate the visual impact of the noise barriers which have been deleted to accord with the latest circumstances/comments of the relevant departments.]

Advisory Clauses

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

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

The proposed BH and floor-to-floor height of the principal residence (House 1) is excessive. No strong justification has been provided for the proposed design and excessive BH.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 8.1.2020
Appendix Ia	Planning Statement including MLP, conceptual drawings, LMP, landscape and tree preservation proposals, EA, SIA, DIA and Traffic Note
Appendix Ib	FI dated 31.3.2020
Appendix Ic	FI dated 12.5.2020
Appendix Id	FI dated 18.5.2020
Appendix Ie	FI dated 26.6.2020
Appendix If	FI dated 6.7.2020
Appendix Ig	FI dated 6.7.2020
Appendix II	Previous s.16 Applications covering the Site
Appendix III	Detailed Comments of CE/MN, DSD
Appendix IV	Letter from a YLDC member relayed by DO/YL, HAD
Appendix V	Public Comments received during the Statutory Publication Periods
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan of Previously Approved Scheme (No. A/YL-MP/229) and the Current Scheme
Drawing A-2	Basement Plan of Previously Approved Scheme (No. A/YL-MP/229) and the Current Scheme
Drawing A-3	Phasing Plan
Drawings A-4a to A-4d	Floor Plans and Sections of Principal Residence (House 1) and its ancillary buildings
Drawings A-5a to A-5b	Floor Plans and Sections of House 2
Drawings A-6a to A-6d	Typical House Layout Plans and Sections of House Type A to J
Drawing A-7a	Landscape Master Plan of Previously Approved Scheme (No. A/YL-MP/229) and the Current Scheme
Drawing A-7b	Communal Landscape/Greenery Demarcation Plan of Previously Approved Scheme (No. A/YL-MP/229) and the Current Scheme

Drawing A-7c	Open Space Demarcation Plan
Drawing A-7d	Habitat in the WRA
Drawing A-7e	Tree Felling Plan
Drawing A-7f	Compensation Tree Planting Plan
Drawing A-7g	Landscape Sections
Drawing A-8	Existing and Proposed Drainage System
Drawing A-9	Proposed Ngau Tam Mei Trunk Sewer
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3a to 3c	Aerial Photos in 2018, 2011 and 2007
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2020**