

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/MOS/122

<u>Applicant</u>	: Hong Kong Housing Authority
<u>Site</u>	: Government Land at Ma On Shan Road, Ma On Shan Area 81A
<u>Site Area</u>	: About 19,000m ²
<u>Land Status</u>	: Government Land
<u>Plan</u>	: Approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/22
<u>Zoning(s)</u>	: <u>“Residential(Group A)9” (“R(A)9”)</u> (about 17,800m ² or 93.7%) Subject to a maximum domestic plot ratio (PR) of 5.5, a maximum non-domestic PR of 0.3 and a maximum building height (BH) of 140mPD <u>“Green Belt” (“GB”)</u> (about 400m ² or 2.1%) <u>‘Road’</u> (about 800m ² ha or 4.2%)
<u>Application</u>	: Proposed Subsidized Sale Flats (SSF) development with minor relaxation of domestic PR restriction from 5.50 to 5.53

1. The Proposal

- 1.1 The Hong Kong Housing Authority (HKHA) sought planning permission for minor relaxation of domestic PR restriction from 5.50 to 5.53 for permitted SSF development at the application site (the Site) which falls within areas zoned “R(A)9”, “GB” and shown as ‘Road’ on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP, whilst ‘Flat’ is always permitted in “R(A)9” zone, such use in “GB” zone and area shown as ‘Road’ requires planning permission of the Town Planning Board (the Board).
- 1.2 The Site is the subject of a previous planning application (No. A/MOS/120) approved by the Committee on 7.12.2018. According to the HKHA, the proposed SSF development is at advanced piling stage. The proposed minor relaxation of domestic PR will increase the domestic GFA from 104,500m² to 105,070m² and provide an addition of 10 flats from 2,069 to 2,079 flats (**Drawings A-1 to A-5**). The building height of Block A with one additional storey is increased from 120.9mPD to 123.6mPD, which is still within the approved building height of 140mPD. The resulting design population will increase from 6,373 to 6,403.

1.3 The major development parameters of the current scheme are compared with the approved scheme as follows:

Development Parameters	Approved Scheme (A/MOS/120) (a)	Current Scheme (A/MOS/122) (b)	Difference (b) – (a)
Site Area (about)	1.9 ha	1.9 ha	Nil
Maximum Domestic PR	Not more than 5.50	Not more than 5.53	+ 0.03 (+0.5%)
Maximum Non-domestic PR	Not more than 0.3	Not more than 0.3	Nil
Total Domestic GFA	Not more than 104,500 m ²	Not more than 105,070 m ²	+570 (+0.5%)
Total Non-Domestic GFA	Not more than 5,700 m ²	Not more than 5,700 m ²	Nil
Maximum Building Height	Not exceeding 140 mPD	Not exceeding 140 mPD	Nil
No. of domestic blocks	5	5	Nil
Number of Flats (about)	2,069	2,079	+10 (+0.5%)
Local Open Space	Not less than 6,373 m ²	Not less than 6,403 m ²	+30 (+0.5%)
Children Play Area	Not less than 510 m ²	Not less than 512 m ²	+2 (+0.4%)
Basketball Court	1	1	Nil
Badminton Court	1	1	Nil
Table Tennis Table	1	1	Nil
Car Parking Provision			
- Private Car (domestic)	95	95	Nil
(office)	11	11	Nil
- Visitors (domestic)	10	10	Nil
- Loading/unloading bays (domestic)	5	5	Nil
(office)	1	1	Nil
- Motorcycle	21	21	Nil
- Bicycle	173	174	+1 (+0.6%)

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

- (a) Application Form with covering letter received on 17.5.2019 **(Appendix I)**
- (b) Planning Statement with appendices including **(Appendix Ia)**
 - Appendix 1 Master Layout Plan
 - Appendix 2 Section A-A
 - Appendix 3 Building Height Comparison
 - Appendix 4 Landscape Master Plan
- (c) Further Information (FI) to address departmental comments **(Appendix Ib)** was received on 25.6.2019

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 5 of the Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) In view of the shortage of land for public housing development, the Government has been adopting a multi-pronged approach in increasing public housing land supply, including optimization of development potential of sites where appropriate. In line with Government's initiative announced in end 2018 on Enhanced Development Intensity of Public Housing Sites, a review on the loading capacity of the foundation design was conducted and confirmed that a minor relaxation of domestic PR from 5.50 to 5.53 will provide an addition of about 10 flats at Block A without significant delay in project programme.
- (b) The additional land zoned "GB" and shown as 'Road' only accounts for about 6.3% of the total site area. The proposed minor relaxation of domestic PR restriction is in line with the planning intention of "R(A)" zone, which is intended for 'high-density residential developments', without compromising relevant planning principles and other technical considerations. Although the proposed increase in flat production is not substantial, it would still contribute from production standpoint to address the imminent housing need from the public.
- (c) The approved scheme has demonstrated technical feasibility and the current scheme with only a minor increase of 10 flats in flat production is considered insignificant in terms of impacts. Relevant departments have agreed that no further assessments are required for traffic, environmental, air ventilation, quantitative risk, drainage and visual aspects.

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

As the Site involves Government land only, the "Owner's Consent/Notification" requirement as set out in the Town Planning Board Guidelines on satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-31) is not applicable to the application.

4. **Previous Application**

The Site is the subject of a previous application (No. A/MOS/120) submitted by the HKHA for the proposed SSF development subject to a maximum domestic PR of 5.5, a maximum non-domestic PR of 0.3 and a maximum BH of 140mPD. The application was approved by the Committee on 7.12.2018 on the consideration that the proposal was in line with the planning intention and the Government policy and would not induce significant adverse impacts in terms of noise, traffic, visual and landscape.

5. **Similar Application**

There is no similar application within the same “GB” zone and area shown as ‘Road’ on the OZP.

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

6.1 The Site is:

- (a) located at the south-eastern fringe of the Ma On Shan New Town. It is currently used as a works area by the Housing Department for carrying out site formation, building and associated works for the proposed SSF development; and
- (b) elongated in configuration and bounded by Ma On Shan Road and Sai Sha Road to the west and footpath/cycle track to the east.

6.2 The surrounding areas have the following characteristics:

- (a) to the north of the Site across Ma On Shan Road are Yan On Estate and the proposed Yan On Estate Extension;
- (b) to the west across Ma On Shan Road and MTR Ma On Shan Line are medium-density private residential developments of Sausalito and Mountain Shore and a HOS development of Kam Tai Court;
- (c) to the east is the major area of “GB” zone mostly wooded and further east is the Ma On Shan Country Park; and
- (d) to the south are the village type developments of Tai Shui Hang Tsuen and the residential development of Chevalier Garden.

7. **Planning Intentions**

7.1 The “R(A)9” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

7.2 The “GB” zone is intended primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

8. Comments from Relevant Government Departments

8.1 The following Government departments have been consulted and their views on the application and/or the public comments received are summarized as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD):

- (a) he has no adverse comment on the application from land administration point of view;
- (b) the area zoned “R(A)9” involved in this application has been let to HKHA under STT No. 2133 for carrying out site formation, building and associated works for the SSF development; and
- (c) regarding the three areas zoned ‘Road’ and the strip of land zoned “GB” included in this application, they have been allocated to Director of Housing up to 28.2.2022 as works area in connection with a SSF development.

Traffic

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

he has no comment on the application from traffic engineering point of view as the traffic impact caused by the addition of 10 flats is considered insignificant.

Environment

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

- (a) he has no objection to the application; and
- (b) it is understood that the applicant will complete the Final Environmental Assessment Study (EAS) for the proposed housing development in due course.

Urban Design and Landscape

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

Urban Design

- (a) she has no comment on this application;

- (b) she considers that the proposed minor relaxation of domestic PR and increase in number of flats would not induce adverse visual impacts.

Landscape

- (c) she has no objection to the application from the landscape planning perspective. Referring to the aerial photo dated 22.3.2018, the narrow strip of “GB” zone is situated in an area of urban fringe landscape character comprising of high density residential developments, small houses and natural woodland. The proposed development is not incompatible with the surrounding environment. Adverse impact on significant landscape resources arising from the proposed development is not anticipated; and
- (d) given the “GB” zone within the Site is proposed to be converted to landscape area, and proper landscape treatment is already proposed along the southern boundary next to the existing cycling track, landscape condition is therefore not necessary. Advisory comments on the revised Landscape Master Plan are incorporated at **Appendix III**.

8.2 The following Government departments have no objection to/comment on the application:

- (a) Project Manager (North), Civil Engineering and Development Department (PM/(N), CEDD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MS,DSD);
- (e) Director of Fire Services (D of FS);
- (f) District Officer/Shu Tin, Home Affairs Department (DO/ST, HAD);
- (g) Director of Electrical and Mechanical Services (DEMS); and
- (h) Director of Leisure and Cultural Services (DLCS).

9. Public Comments Received During Statutory Publication Period

On 24.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three comments including a STDC member and two private individuals were received (**Appendix II**). One individual is in support of the application. The others object to or raise concerns on the application. The adverse comments are mainly related to shortage of parking spaces, need for provision of traffic-related facilities, relocation of Liquefied Petroleum Gas (LPG) station near Yan On Estate and adverse impact to the environment.

10. Planning Considerations and Assessments

- 10.1 The Site is the subject of an approved scheme under application No. A/MOS/120 for proposed SSF development with a domestic PR of 5.50. The current application is for a minor relaxation of domestic PR restriction from 5.50 to 5.53 for the committed SSF development. The proposed minor relaxation of domestic PR by 0.03 will increase the domestic GFA from 104,500m² to 105,070m² leading to an increase in flat production from 2,069 to 2,079 flats (i.e. an addition of 10 flats). The non-domestic PR and maximum BH of the development will remain unchanged at 0.3 and 140mPD respectively. According to the applicant, the proposed development is at advanced piling stage. Minor relaxation of the domestic PR is in line with the Government policy to optimize land resources to meet the housing needs.
- 10.2 The Site is located at the south-eastern fringe of the Ma On Shan New Town where high-rise public and private housing blocks can be found in the vicinity. The proposed minor relaxation of the domestic PR by 0.03 leading to an increase in building height of one of the residential towers by one storey is not incompatible with the overall development profile in Ma On Shan. The building height of Block A with one additional storey is increased from 120.9mPD to 123.6mPD, which is still within the approved building height of 140mPD. CTP/UD&L, PlanD has no adverse comment on the application from the urban design, visual and landscape perspectives.
- 10.3 The current scheme is not anticipated to induce significant adverse environmental impacts and DEP has no objection to the application. According to the prevailing standard practice for public housing projects, the applicant is required to submit a Final EAS to DEP to finalize the environmental mitigation measures. C for T has no objection to the application from traffic engineering point of view. Other relevant departments including DEMS have no objection to or no comment on the application.
- 10.4 The Site is the subject of a previous planning application (No. A/MOS/120) approved by the Committee on 7.12.2018 mainly on the consideration that the proposal was in line with the planning intention and the Government policy, and would not induce significant adverse impacts in terms of noise, traffic, visual and landscape. The circumstances of the current application are similar to the previously approved application.
- 10.5 A total of three comments, including a STDC member and two private individuals, with 2 objecting to or raising concerns on shortage of parking spaces, provision of more traffic facilities, relocation of petrol filling station and adverse impact to the environment. Regarding the concerns on shortage of parking spaces, need for provision of traffic-related facilities, and environmental impacts, the planning assessment and comments of Government departments above are relevant. As regarding LPG station near Yan On Estate which is located about 115m away from the Site and falls outside the scope of the proposed SSF development, hence the relocation of the LPG station issue is considered as irrelevant in this application.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9 above, Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 5.7.2023, 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 advisory clauses are suggested for Members' reference:
- Advisory Clauses
- The recommended advisory clauses are attached at **Appendix III**.
- 11.3 There is no strong reason to recommend rejection of the application.

12. Decision Sought

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

13. Attachments

Appendix I	Application Form with covering letter received on 17.5.2019
Appendix Ia	Planning Statement with appendices including Appendix 1 Master Layout Plan Appendix 2 Section A-A Appendix 3 Building Height Comparison Appendix 4 Landscape Master Plan
Appendix Ib	Further Information received on 25.6.2019
Appendix II	Public Comments
Appendix III	Recommended Advisory Clause
Drawing A-1	Application Site
Drawing A-2	Comparison of the Master Layout Plan under Application No. A/MOS/120 and the Current Application

Drawing A-3	Comparison of Section A-A under Application No. A/MOS/120 and the Current Application
Drawing A-4	Building Height Comparison
Drawing A-5	Comparison of Landscape Master Plan under Application No. A/MOS/120 and the Current Application
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & 4b	Site Photos

**PLANNING DEPARTMENT
JULY 2019**