

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

APPLICATION NO. Y/ST/41

- Applicant** : Sea View Villa Limited and Skiway Limited represented by PlanPlus Consultancy
- Plan** : Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34
- Site** : Lots 59 S.A and 59 RP in D.D. 175, Sha Tin, New Territories
- Site Area** : About 1,672.86m²
- Lease** (a) New Grant No. 9209
(b) Restricted for private residential use
(c) Roofed-over area restricted to a one or two-storey building (with height not to exceed 25 feet above mean formation level of the lot) and a three-storey building (with height not to exceed 37 feet above mean formation level of the lot)
(d) Not less than one private car parking space per flat
- Zoning** : “Green Belt” (“GB”)
- Proposed Amendment** : To rezone the application site from “GB” to “Residential (Group B)2” (“R(B)2”)

1. The Proposal

- 1.1 The applicant seeks planning permission to rezone the application site (the Site) from “GB” to “R(B)2” to facilitate a private medium-density residential development at the Site subject to a plot ratio (PR) of 3.6 and building height (BH) of 57.25mPD, notwithstanding that the restriction for “R(B)2” zone on the OZP is currently subject to a PR of 3.6 and BH of 120mPD or 140mPD¹. The applicant has not proposed a new or separate set of Notes for the Site, and it has been clarified that the development restrictions proposed to be imposed for the Site are PR of 3.6 and BH of 57.25mPD.
- 1.2 According to the indicative scheme submitted by the applicant (**Drawings Z-3 to Z-9**), the proposed development comprises two residential towers of 11 storeys including one-storey basement carpark providing 68 units. The major development parameters are summarised as follows:

Site Area	About 1,672.86m ²
Total Gross Floor Area (GFA)	6,022.30m ²
Maximum PR	3.6
Maximum BH (at main roof level)	57.25mPD
No. of Storeys	11 (including one-storey basement carpark)

¹ 120mPD for the “R(B)2” site at To Shek and 140mPD for the other “R(B)2” site at Lai Ping Road

Site Coverage	40.43%
No. of Flats	68
Average Flat Size	About 88.56m ²
No. of Blocks	2
No. of Parking Spaces	37 (including 1 disabled parking space and 2 motor-cycle parking spaces)
No. of Loading/Unloading Bays	1

- 1.3 The Site is currently occupied by a three-storey house over a single-storey carport on Lot 59 S.A in D.D. 175 and a three-storey 30-bed nursing home for the elderly over a single-storey carport on Lot 59 RP in D.D. 175. According to the applicant, all existing structures on Site will be demolished for the proposed residential development.
- 1.4 According to the information provided by the applicant, the total GFA of the existing developments at the Site is 1,037.8m² (or equivalent to a PR of about 0.62).
- 1.5 All surveyed trees within and immediately adjacent to the Site are of common species. One tree (*araucaria heterophylla*) located within the Site is proposed to be felled with compensatory tree planting at a ratio of 1:2. The green coverage for the proposed development will be about 21.1%. All 62 existing trees located immediately adjacent to the Site will be retained (**Drawing Z-10**).
- 1.6 The Site is accessible by a road branching off Tai Po Road (Ma Liu Shui). The Site is also served by public transport such as bus and minibus in its vicinity.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 23.10.2018 **(Appendix I)**
 - (b) Supporting planning statement **(Appendix Ia)**
 - (c) Further Information (FI) received on 18.3.2019 providing responses to departmental comments with revised Visual Impact Assessment (VIA), revised Traffic Impact Assessment (TIA), and submission of Environmental Review (ER) and Geotechnical Planning Review Report (GPRR) # **(Appendix Ib)**
 - (c) FI received on 31.7.2019 providing responses to departmental comments and submission of Land Contamination Review Report ^ **(Appendix Ic)**
 - (d) FI received on 15.11.2019 providing responses to departmental comments, revised architectural drawings and submission of Environment Assessment Report (EAR) # **(Appendix Id)**
 - (e) FI received on 29.1.2020 providing responses to departmental comments # **(Appendix Ie)**
 - (f) FI received on 14.4.2020 providing responses to departmental comments with a revised EAR # **(Appendix If)**

[^] accepted and exempted from publication and recounting requirements

[#] accepted but not exempted from publication and recounting requirements

- 1.8 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) on 18.1.2019. Upon request by the applicant, the Committee agreed to defer a decision on the application for two months each on 18.1.2019, 31.5.2019 and 20.9.2019. The applicant submitted FIs on 18.3.2019, 31.7.2019, 15.11.2019, 29.1.2020 and 14.4.2020 in response to the departmental comments received (**Appendices Ib to If**). The application is re-scheduled for consideration by the Committee on 10.7.2020.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supporting planning statement and the FIs received (**Appendices Ia to If**). They can be summarized as follows:

- (a) The redevelopment proposal echoes with the Government's incentive to increase the overall housing supply in Hong Kong by providing 68 units to meet the imminent demand of private housing.
- (b) Given its prime location between the Racecourse Station and the University Station and that the Site is previously developed, it would be more beneficial to redevelop the Site to intensify the housing potential. Under-utilisation of a site in Sha Tin with such a convenient location and well-served by public transport is considered to be a waste of the scarce land resource.
- (c) An 8.4m building separation, located between the two residential blocks, is designed to create a more permeable building frontage and reduce the apparent visual mass of the development. Meanwhile, the buildings are set back from the main access road for 3.2m to 4m to avoid potential visual impacts.
- (d) The proposed residential development has adopted a responsive BH profile of 34.2m (+57.25mPD) in height below the surrounding hillsides. Located on a lower platform as compared to other hillside developments in the northwest, it is designed to maintain uninterrupted views of Tolo Harbour for the residents at the neighbouring Kau To Shan.
- (e) All residence parking will be provided at the basement level, thereby freeing up ground level area for landscaping and recreational activities for residents. The findings of various technical assessments conclude that there are no significant impacts on traffic, sewerage, geotechnical, environmental, visual and landscape aspects arising from the rezoning proposal.
- (f) The Site is located at a devegetated and developed "GB" zone, which was formed and developed for decades. The proposal is in line with the Government's initiative to increase the supply of housing land by reviewing "GB" sites that were formed, deserted or devegetated. A similar proposal to rezone a site at Lai Ping Road from "GB" to "R(B)2" was agreed by the Committee in 2015 (**Plan Z-1**).

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

The applicants are the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. **Previous Application**

There is no previous application at the Site.

5. **Similar Application**

There is one similar rezoning application No. Z/ST/2 for residential development at a site (previously known as ‘雍雅山房’) within the same “GB” zone subject to a maximum PR of 0.6 and BH of three storeys over one-storey carport. The rezoning application was agreed by the Committee in 1999 (**Plan Z-1**) on the considerations that the “GB” site had been disturbed, devegetated and formed, and no longer serving the intended function; the proposal was compatible with the adjacent developments; the proposal would not cause adverse impacts on visual, traffic, infrastructure provision aspects; and relevant departments had no adverse comment. The site was subsequently rezoned to “Residential (Group C)3” on OZP No. S/ST/14 gazetted on 4.8.2000.

6. **The Site and its Surrounding Areas (Plans Z-1 to Z-4d)**

6.1 The Site is:

- (a) located at the bottom of Cove Hill, commonly known as Kau To Shan;
- (b) accessible by a road branching off Tai Po Road (Ma Liu Shui);
- (c) currently occupied by a 3-storey residential building over a single-storey carport in the south; and
- (d) a 3-storey 30-bed nursing home for the elderly over a single-storey carport in the north with the first licence for home for the elderly issued in 2003.

6.2 The surrounding areas have the following characteristics:

- (a) to the east is Tai Po Road (Ma Liu Shui). To the further east are the Kowloon-Canton Railway (KCR), Tolo Highway and the Sha Tin Sewage Treatment Works;
- (b) the Site is surrounded by a natural slope covered with vegetation to the immediate north, west and south. There is no ancestral grave or ‘Kam Tap’ shelter in the vicinity of the Site;
- (c) to its immediate northeast is the Kau To Fresh Water Pumping Station;
- (d) to the further west and northwest is an area zoned “Residential (Group B)” (“R(B)”) which consists of residential development of Kam On Garden, Shatin Knoll, Windsor Park Phase I, Wesley Villa, Windsor Heights, Shatin Lookout and Greenfields at a higher topographic level of Kau To Shan area. The plot ratio and building height of these developments are about 0.4 and about 84mPD to 97mPD respectively;
- (e) the “R(B)2” site located at the northern side of Lai Ping Road consists of medium density residential development with a plot ratio and building height of about 3.6 and 140mPD; and

- (f) adjacent to the Lai Ping Road “R(B)2” site is another “R(B)” site consists of medium density development including The Cavaridge, Mount Regalia, La Cresta, La Vetta, St. Moritz, and Dragons Range. The plot ratio and building height of these developments range from 0.91 to 4.16 and 160mPD to 230mPD.

7. Planning Intention

The planning intention of the “GB” zone is 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 in this zone.

8. Comments from Relevant Government Departments

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

Land Administration

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

- (a) Lot No. 59 in D.D. 175 (the Lot), which is divided into S.A and RP, is governed under New Grant No. 9209 (the New Grant) with a registered site area of 18,000 sq.ft. Under the New Grant, the Lot is restricted for private residential use. The New Grant further restricts the roofed-over area (ROA) of the Lot in a form of formula for a one or two-storey building (with height not to exceed 25 ft. above mean formation level of the Lot) and a three-storey building (with height not to exceed 37 ft. above mean formation level of the Lot) which would in effect limit the total ROA of the Lot to not more than 20% to 25% of the Lot area. The car parking requirement shall be at the rate of not less than one private car parking space per flat. The owner of the Lot is granted a non-exclusive right-of-way who shall construct, uphold and maintain a road or path over the right-of-way; and
- (b) the proposed development in the present application would be in breach of the above stipulated ROA, height and car parking restrictions. If the subject planning application is approved by the Town Planning Board, the owner(s) of the subject lots have to apply from LandsD for a lease modification or land exchange to implement this proposal. However, there is no guarantee that the application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in its capacity as the landlord at its sole discretion, and any approval would be subject to such terms and conditions including, amongst others, payment of land premium and administrative fee as may be imposed by LandsD. Furthermore, detailed design of the development will be further scrutinized at the building plan stage and it shall not be construed that the schematic designs (other than those aspects mentioned above) as presently proposed in the planning application must be accepted under lease. The Government further

reserves all rights to take appropriate actions against any irregularities which may be detected in future, whether they are related to the existing use or the proposed new development.

Traffic

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

he has no in-principle objection to the application from traffic engineering point of view.

Environment

8.1.3 Comments of the Director of Environmental Protection (DEP)

- (a) having reviewed the planning statement and the FIs submitted by the applicant, he is of the view that the proposed development, with proper implementation of mitigation measures, would not be subject to insurmountable environmental impacts. Hence, he has no in-principle objection to the application;
- (b) nonetheless, considering the Site is in close proximity to surrounding major roads (i.e. Tolo Highway) and MTR East Rail Line, it is necessary to require the applicant / lot owner to review and submit updated Noise Impact Assessment (NIA) report and implement necessary mitigation measures under relevant land title documents, if applicable; and
- (c) as the application would involve demolition of the existing buildings, the applicant is also advised to minimise the C&D materials generation; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with legislative requirements and prevailing guidelines on proper waste management for the proposed development.

Urban Design and Landscape

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

Urban Design and Visual

- (a) the Site is located at the foot of Kau To Shan and sandwiched between the residential developments within “R(B)” zone at Kau To Shan area at its west and the Tolo Highway at its east. In a scenic setting with Kau To Shan ridgeline as backdrop overlooking the Shatin Sewage Treatment Works (STSTW) and Sha Tin Hoi, the Site is currently occupied by existing 3-storey tall buildings (about 36mPD) on a flat land at 25mPD. Surrounded by its immediate steep slopes at its north, west and south, the Site is relatively seclusive with road access at its immediate east linking to Tai Po Road (Ma Liu Shui). Due to the sloping environment in the proximity, there is only Kau To Fresh Water Pumping Station (BH of 29mPD) at its northeast with both Tai Po Road (Ma Liu Shui) and Tolo Highway running along at its south, east and northeast while one to three-storey tall residential

developments of Kam On Garden, Shatin Knoll, Windsor Park Phase I, Wesley Villa, Windsor Heights, Shatin Lookout and Greenfields with BH ranging from about 84mPD to 97mPD are located at a higher topographic level of Kau To Shan area zoned as “R(B)” at its further west and northwest;

- (b) as demonstrated in the photomontages from the VIA, the indicative scheme of the proposed development would not induce significant adverse visual impact in the overall setting. Only the pedestrian and vehicular users along Tai Po Road (Ma Liu Shui) at Vantage Point 1 would inevitably have moderate visual impact as it is very close to the proposed development. While the proposed development would become apparent when viewed by pedestrian and drivers approaching the Site and lead to a loss of views to the vegetated knoll, it is expected that this could be mitigated by existing roadside plantation and responsive design (i.e. adoption of visually recessive finishes and maintaining the BH profile of 57.25mPD with consideration of residential development at Kau To Shan) as proposed by the applicant in the planning statement and VIA. In view that the Site is already occupied by existing buildings in a seclusive setting and its further west is characterized with residential developments of “R(B)” zone near Kau To Shan, the proposed scheme at BH of 57.25mPD with PR of 3.6 is not anticipated to induce visual impact to the surroundings;
- (c) in this regard, CTP/UD&L, PlanD’s no objection is solely based on the building height restriction of 57.25mPD as provided under the indicative scheme;

Landscape

- (d) the Site is situated in an area of urban fringe landscape character, with low-rise building in the “R(B)” zone approximately 60m away from the Site at the west. Based on the aerial photo of 2018, the Site is hard-paved and is currently occupied by buildings. The Site is surrounded by dense tree groups and vegetation, with Tai Po Road (Ma Liu Shui) behind the vegetated buffer to the east of the Site, and a low density residential area, Kam On Garden, at a distance less than 100m to the west of the Site. An existing vehicular access is connecting the Site with Tai Po Road (Ma Liu Shui). The proposed residential use is considered not incompatible with the surrounding environment;
- (e) it is noted in the application that among the 63 nos. of surveyed trees, 62 trees are located outside the Site and 1 tree is within the Site. All surveyed trees are of common species. According to the Tree Recommendation Plan and Compensatory Planting Plan, only one existing tree within the Site (*araucaria heterophylla*) is proposed to be felled as it is in direct conflict with the proposed development; two of heavy standard trees are proposed to be planted within the Site as compensatory tree planting. In consideration of the above, significant adverse impact on landscape resources arising from the proposed residential development within the Site is not anticipated. In view of the above, she has no objection to the application from landscape planning perspective; and

- (f) the applicant is reminded that tree protection measures should be provided to ensure no damage to canopy and root spread of trees at adjoining slope by the construction works associated with proposed residential development.

Social Welfare

8.1.5 Comments of the Director of Social Welfare (D of SW):

- (a) regarding the figures quoted in the applicant's response, Social Welfare Department (SWD) wishes to clarify that there were 39 residential care home for the elderly (RCHEs) in Sha Tin district, providing a total of 1,451 and 2,158 subsidised places and non-subsidised places respectively as at end December 2018. Upon further review on the service demand and in view of the closing of the existing elderly home at the Site if the development plan is to be taken forward, SWD would like to propose an additional 100-place RCHE to be incorporated as part and parcel of the residential development;
- (b) the detailed justifications and the basic requirements of the above-mentioned facility as follows:
 - (i) to follow up on the new initiatives in the 2018 Policy Address and Policy Agenda, the Government has reinstated the population-based planning ratios for elderly facilities in the HKPSG. This would facilitate early reservation of suitable sites for provision of elderly services and facilities by the SWD and relevant departments in planning new residential development projects;
 - (ii) in addition, to expedite the implementation timetable for social welfare facilities with a pressing need, in particular for subsidised residential care services (RCS) places for the elderly, the Government has adopted multi-pronged measures, which include incorporating conditions in suitable land development projects (i.e. public housing development projects and private land development projects, etc.) for the developers or works agents to construct in tandem RCHE facilities specified by the Government;
 - (iii) the Site falls within the New Territories East (NTE) cluster. Taking into account the existing and planned provision, there is a shortfall of subsidised RCS places in the NTE cluster. According to the Planning Statement submitted by the applicant, the existing RCHE will be demolished for residential development, which may lead to a greater demand for RCS places for the elderly within the NTE cluster;
 - (iv) to meet the shortfall of subsidised RCS places in the NTE cluster and relieve the high service demand, SWD will seize each and every opportunity to increase its overall supply. As such, the applicant should incorporate a 100-place RCHE with NOFA of 1,354m² as part of their new residential development and the proposed 100-place RCHE should be not more than two floors

from service and operational perspectives;

- (v) subject to the agreement of the incorporation of the social welfare facility in the development, the premises for the agreed social welfare facility should be provided as an integral part of the development and will be assigned back to the Financial Secretary Incorporated as a Government Accommodation upon completion of construction. Upon satisfactory completion of works by the developer, the Government will reimburse the developer the actual cost of construction or the consideration sum as stipulated in the land lease (to be confirmed by departments concerned before the lease modification), where appropriate, whichever is the lesser, according to the established practice. The service operator would be selected by SWD; and
- (c) the basic requirements of a 100-place RCHE is provided at **Appendix III**.

Fire Safety

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

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of Fire Services Department;
- (b) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department; and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

he has no objection to the application under Buildings Ordinance (BO) subject to the following:

- (a) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulation (B(P)R) respectively;
- (b) if the Site does not abut on a specified street having a width of not less than 4.5m, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (c) all features, including carpark and loading and unloading facilities, to be excluded from GFA calculation under BO shall be subject to compliance with the requirements laid down in the relevant JPNs and

PNAPs. If GFA concession is applied, GFA concession policy in PNAP APP-151 and sustainable building design guideline in PNAP APP-152 is also applicable; and

- (d) detailed comments would be given at the building plan submission stage.

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

- (a) District Officer/Shu Tin, Home Affairs Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Highway Engineer/New Territories East, Highways Department;
- (d) Commissioner of Police;
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (f) Project Manager/North, Civil Engineering and Development Department;
- (g) Director of Food and Environmental Hygiene;
- (h) Director of Agriculture, Fisheries and Conservation;
- (i) Chief Engineer/Construction, Water Supplies Department; and
- (j) Director of Leisure and Cultural Services.

9. Public Comments Received During Statutory Publication Period

9.1 On 2.11.2018, 29.3.2019, 22.11.2019, 21.2.2020 and 24.4.2020, the application and the submitted FIs were published for public inspection. During the statutory public inspection periods, eight public comments from the World Wide Fund for Nature Hong Kong, MTRC, Sha Tin Rural Committee, the Village Representative of Kau To Village and a member of the general public were received (**Appendix II**). They object to the application mainly on the following grounds:

- (a) the existing transport infrastructure is insufficient to support additional population and the proposed development will cause adverse traffic impact on the surrounding areas.
- (b) the 'GB' area is a passive open space with ecological value for public enjoyment. There is no justification for the proposal and the application has no merit. The proposed private housing development is unaffordable and thus will not resolve housing problems in Hong Kong;
- (c) there is a grave concern on the significant increase of ecological disturbance to the nearby "GB" area during construction and operation phases. No ecological impact assessment was submitted to assess the potential ecological impacts arising from the proposed development;
- (d) the proposed development would have significant negative visual impact on the "GB" area and the proposal would entail the felling of a number of mature trees. The proposal would set an undesirable precedent for similar application and open the floodgate of developments within the concerned "GB" zone;
- (e) the elderly residents residing in the existing residential care home for the elderly will be affected by the proposed development and will be required to relocate if the application is approved;

- (f) as the proposed development is close to the East Rail Line, noise from train operations could have potential impact on the future occupants. Some of the assumptions adopted in the Railway Noise Impact Assessment may potentially result in an underestimation of the overall noise impact on the Site; and
- (g) the proposed development would cause implications on the ancestral grave and 'Kam Tap' shelter in Kau To Village and will adversely affect the 'Fung Shui' of Kau To Village.

10. Planning Considerations and Assessments

- 10.1 The application is for the rezoning of the Site from "GB" to "R(B)2" to facilitate the redevelopment to a private residential development subject to a maximum PR of 3.6 and a maximum BH of 57.25mPD. The applicant has not proposed a new set of Notes for the Site. According to the indicative development scheme submitted by the applicant, the proposed development comprises two 11-storey residential towers (including one-storey basement carpark) providing 68 units.

Urban Design and Visual

- 10.2 The Site has been devegetated and formed since 1960s. It is currently occupied by two 3-storey buildings over a single-storey carport with a total GFA of 1,037.8m² (or equivalent to a PR of about 0.62). The Site located at the bottom of Kau To Shan is relatively seclusive and is encircled by steep vegetated slopes. To the west and northwest of the Site is an area zoned "R(B)" characterised by low-density residential developments with plot ratio of about 0.4 and building heights of about 84mPD to 97mPD, while to the further north of the Site is an area zoned "R(B)2" subject to a plot ratio of 3.6 and a building height of 140mPD.
- 10.3 As demonstrated in the photomontages (**Drawings Z-11 to Z-16**), there will not be significant adverse visual impact in the overall setting except the pedestrian and vehicular users along Tai Po Road (Ma Liu Shui) at Vantage Point 1 which would have moderate visual impact as it is very close to the proposed development. While the proposed development would become apparent when viewed by pedestrians and drivers approaching the Site and lead to a loss of views to the vegetated knoll, it is expected that this could be mitigated by existing roadside plantation and responsive design as proposed by the applicant. In view that the Site is already occupied by existing buildings in a seclusive setting, and its further west and northwest are characterized with residential developments of "R(B)" zone at a higher topographic level of Kau To Shan area, CTP/UD&L, PlanD considers that the proposed scheme at BH of 57.25mPD with PR of 3.6 is not anticipated to induce visual impact to the surrounding.

Landscape and Nature Conservation

- 10.4 The Site is hard-paved and situated in an area of urban fringe landscape character. The proposed residential use is considered not incompatible with the surrounding environment. In addition, all surveyed trees are of common species and the proposal will fell one tree within the Site while two trees are proposed to be planted within the Site as compensatory tree planting. In view of the above, CTP/UD&L, PlanD has no objection to the application from landscape planning perspective as significant adverse impact on landscape resources arising from the proposed

residential development is not anticipated. Meanwhile, in view that the Site is currently occupied by two existing buildings, DAFC has no comment on the application from nature conservation point of view.

Social Welfare Facilities

- 10.5 Part of the Site has been operating as a 30-bed nursing home for the elderly with its first licence issued in 2003. To follow up on the new initiatives in the 2018 Policy Address and Policy Agenda and to alleviate the shortfall of RCHE places in the NTE cluster, SWD has requested the applicant to incorporate a 100-place RCHE as part of their new residential development. The applicant has not acceded to SWD's request and fails to demonstrate that the proposed rezoning with the demolition of the existing RCHE will not adversely affect the provision of social welfare facilities for the local community. There are insufficient planning merits to justify the proposed intensification of residential development from an existing plot ratio of 0.62 to a proposed plot ratio of 3.6.

Environment

- 10.6 DEP has no in-principle objection to the application in view that the proposed development would not be subject to insurmountable environmental impacts with implementation of mitigation measures. The applicant / lot owner is required to review and submit an updated NIA and implement necessary mitigation measures under relevant land title documents, if applicable.
- 10.7 Concerned Government departments including TD, HyD, GEO, DSD, WSD, LandsD and HAD have no adverse comments on the application.

Similar Application

- 10.8 A similar rezoning application (No. Z/ST/2) for residential use at a site (previously known as '雍雅山房') within the same "GB" zone was approved by the Committee in 1999. Nevertheless, the rezoning application was for low-density residential development with a PR of 0.6 and BH of three storeys over one-storey carport. Relevant departments had no adverse comment on the application. Therefore, the planning circumstances of that application are not relevant to the subject application.
- 10.9 Regarding the eight public comments objecting to the application, the comments of Government departments and planning assessment above are relevant. The objection ground related to the 'fung shui' concern is not relevant to the 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, the Planning Department does not support the application for the following reason:

there are insufficient planning merits to justify the proposed rezoning to facilitate the intensification of residential development.

- 11.2 Alternatively, should the Committee decide to agree/partially agree to the subject application, PlanD will recommend zoning amendment to the OZP for consideration

of the Committee. The proposed amendment to the approved Sha Tin OZP together with revised Notes and Explanatory Statement will be submitted to the Committee for approval prior to gazetting under Section 5 of the Town Planning Ordinance after reference back of the OZP.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 12.2 Should the Committee decide not to agree to the application, Members are invited to advise what reasons for the decision should be given to the applicant.

13. Attachments

Appendix I	Application form received on 23.10.2018
Appendix Ia	Supplementary planning statement
Appendix Ib	FI received on 18.3.2019 providing responses to departmental comments with revised VIA, revised TIA, and submission of ER and GPRR
Appendix Ic	FI received on 31.7.2019 providing responses to departmental comments and submission of Land Contamination Review Report
Appendix Id	FI received on 15.11.2019 providing responses to departmental comments, revised architectural drawings and submission of EAR
Appendix Ie	FI received on 29.1.2020 providing responses to departmental comments
Appendix If	FI received on 14.4.2020 providing responses to departmental comments with a revised EAR
Appendix II	Public Comments
Appendix III	Basic Requirements for 100-place RCHE
Drawing Z-1	Location Plan
Drawing Z-2	Block Plan
Drawing Z-3	Master Layout Plan
Drawing Z-4	Typical Floor Plan – Tower 1
Drawing Z-5	9/F Floor Plan – Tower 1
Drawing Z-6	Typical Floor Plan – Tower 2
Drawing Z-7	9/F Floor Plan – Tower 2
Drawing Z-8	B1 Floor Plan
Drawing Z-9	Sectional Plan
Drawing Z-10	Tree Location Plan
Drawings Z-11 to Z16	Photomontage
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plans Z-4a to Z-4d	Site Photos