

FURTHER CONSIDERATION OF APPLICATION NO. A/TWW/110
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

Proposed House Development at Plot Ratio of 0.75
Lots 210, 212, 213, 214, 215 s.A, 215 RP, 230, 231 RP, 234, 235 and 427 in D.D. 399,
and adjoining Government Land, Ting Kau, Tsuen Wan

1. Background

- 1.1 On 5.2.2016, the applicant, Queen's Electronic Manufacturing Company Limited represented by Aikon Development Consultancy Limited, submitted the current application seeking permission for proposed house development at plot ratio (PR) of 0.75 at the application site (the Site) (**Plan FA-1**). The Site falls within an area zoned "Residential (Group C)" ("R(C)") on the approved Tsuen Wan West Outline Zoning Plan No. S/TWW/19 (the OZP). According to the Notes of the OZP, while 'House' use at PR of 0.4 is always permitted within the "R(C)" zone, upon obtaining permission of the Town Planning Board (the Board) on application, the PR may be increased to a maximum of 0.75 provided that the noise impact from Castle Peak Road on the proposed development would be mitigated to the satisfaction of the Board.
- 1.2 At the Metro Planning Committee (the Committee) of the Board meeting held on 11.11.2016, while the Director of Environmental Protection (DEP) has no objection to the application on noise issue from environmental planning perspective and Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) and other relevant government departments had no objection to or no adverse comment on the application, the Committee was concerned about the visual impact of the proposed development on the surrounding area having regard to the high site formation level and the possible impact of the proposed retaining wall on House No. 65 to the south of the Site. After deliberation, the Committee decided to defer making a decision on the application pending the submission of further information from the applicant to address the above concerns. There is no change in zoning or stipulated planning restrictions to the Site since the last consideration of the Committee.
- 1.3 For Members' reference, the following documents are attached:
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| (a) | MPC Paper No. A/TWW/110B | Appendix F-I |
| (b) | Extract of minutes of the Committee's meeting held on 11.11.2016 | Appendix F-II |
| (c) | Secretary of the Board's letters dated 25.11.2016 informing the applicants of the deferment of the Committee's decision | Appendix F-III |
| (d) | Applicant's letter dated 17.7.2017 providing further information (FI)
(accepted and published for public comments) | Appendix F-IVa |

- (e) Applicant's email dated 17.8.2017 providing FI **Appendix F-IVb**
(accepted and exempted from publication)
- (f) Applicant's letter dated 28.8.2017 requesting **Appendix F-IVc**
deferral of the consideration of the application
- (g) Applicant's letter dated 19.3.2018 providing FI **Appendix F-IVd**
(accepted and published for public comments)
- (h) Applicant's letter dated 4.5.2018 providing FI **Appendix F-IVe**
(accepted and exempted from publication)
- (i) Applicant's letter dated 9.5.2018 requesting deferral **Appendix F-IVf**
of the consideration of the application
- (j) Applicant's letter dated 19.11.2018 providing FI **Appendix F-IVg**
(accepted and published for public comments)
- (k) Applicant's letter dated 2.1.2019 providing FI **Appendix F-IVh**
(accepted and exempted from publication)
- (l) Applicant's letter dated 10.1.2019 providing FI **Appendix F-IVi**
(accepted and exempted from publication)

2. Further Information submitted by the Applicant

2.1 In response to the Committee's concerns, the applicant has revised the proposed development scheme (**Drawings FA-1 to FA-20**) in the following main aspects:

- (a) Site formation level: with the location of the swimming pool and garden of Villa 2 swapped, a landscape garden along the southern boundary of Site has been proposed with the deck level lowered from 18.7mPD to 11.5mPD (**Drawing FA-19a**), and the level of the area east of Villa 2 for accommodating the swimming pool is also lowered from 17.65mPD to 15mPD (**Drawing FA-7**);
- (b) Retaining wall: upon lowering the deck levels as mentioned above, a retaining wall with a height of about 7.2m (south of Villa 2) (**Drawing FA-19a**) and 3.5m (east of Villa 2) (**Drawing FA-19b**) with setback distance ranging from 2.38m to 5.52m from the Site's boundary wall would be formed (**Drawing FA-20**). The height of the wall along the Site's southern boundary fronting on House No. 65 has been reduced from about 8.7m in the original scheme to 1.5m with a glass panel of 1.5m on top (**Drawing FA-19a**); and
- (c) Landscaping treatment: with an aim to help the proposed development to blend in with its surroundings, tree planting along the garden belt, vertical greening on the southern and western boundaries of the Site, as well as the use of panels of different cladding materials as a mean to breakdown the scale of the wall structure are proposed (**Drawings FA-6 and FA-11**). Visual appraisal in terms of photomontages comparing the visual effect of previously un-mitigated scheme with the current proposed scheme with mitigation are shown in **Drawings FA-12 to 18**.

2.2 Apart from the design improvements as mentioned in paragraph 2.1 above and slight modification in landscape design (**Drawing FA-6**), there is no change in the proposed planning parameters such as PR and building height, compared

with the original scheme.

- 2.3 The applicant reiterated that the proposed development on the platform of 22.2mPD (**Drawings FA-2 to FA-4**) is the best feasible proposal to come up with, to tackle the site constraints (i.e small lot size and level difference to the Castle Peak Road – Ting Kau), otherwise an extensive ramp system is required to erect on the Site for meeting the requirement of provision of access road and emergency vehicular access, which is considered not feasible and ineffective for a small application site (**Appendix F-IVh**). Besides, building car lifts like some other nearby developments has some drawbacks such as resulting in tailing back of vehicles at the Castle Peak Road, contrary to green building concept and incurring onerous maintenance responsibility to the owners of the lot (**Appendix F-IVd**).
- 2.4 The applicant opined that the approval of the previous application (No. A/TWW/80) with PR relaxation to 0.75 back in 2005 should be noted. Despite the approval has lapsed, he is entitled to have a legitimate expectation on the approval of current application given no fundamental change in important parameters of the current proposal compared with the previous application (**Appendix F-IVd**).

3. Comments from Relevant Government Departments

- 3.1 The following government departments have been consulted on the FIs submitted by the applicant, and their comments are summarised as follows:

Urban Design, Visual and Landscape

Urban Design and Visual

3.1.1 Comments of the CTP/UD&L, PlanD:

- (a) He notes that the FIs submitted by the applicant have included inter alia, revised architectural drawings, revised visual appraisal with supporting photomontages and comparison drawings. As compared to the original scheme, the applicant has in the revised scheme reduced the site formation level along the southern boundary i.e. deck level of the area located to the south of Villa 2 and also fronts onto the northern side of House No. 65 is proposed to be lowered from +18.7mPD to +11.5mPD and the area east of Villa 2 lowered from +17.65mPD to +15mPD. The area south of Villa 2 is now proposed for a buffer garden instead of for pool use, and the area to the east of the villa is proposed for a pool instead of garden. By lowering the deck levels, a retaining wall with a height of about 7.2m (south of Villa 2) (**Drawing FA-19a**) and 3.5m (east of Villa 2) (**Drawing FA-19b**) would be formed and set back from the southern boundary of the Site. According to **Drawing FA-20**, the separation distance (i.e. the buffer garden) of the retaining walls and Site boundary in the south would vary from 2.38m to 5.52m.

- (b) Considering the applicant's proposal of reducing the retaining wall's height would respond better to the surrounding context and the tree screening in the buffer garden that fronts onto the northern side of House No. 65 would help to soften the visual bulk of the retaining wall, the proposed development would unlikely have significant visual impact on the surrounding areas and House No. 65.

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

Based on the FIs submitted, it is noted that the applicant has satisfactorily responded to his comments regarding the visual impact and has no further comment on the application.

Landscape

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

- (a) He has no adverse comment on the FIs and maintains his stance of no objection to the application from landscape planning perspective.
- (b) In the case that the application is approved, the following approval condition is proposed:

The submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Environmental Hygiene

3.1.4 Comments of the Director of Food and Environmental Hygiene:

The applicant is reminded to make all necessary measures to keep the Site free of pest infestation and sanitary nuisance during construction. The applicant shall be responsible to clear all refuse on the site upon completion of construction works.

3.2 The following departments have no comments on the FIs/advise their previous comments on the application as mentioned in paragraph 9 of MPC Paper No. A/TWW/110B at **Appendix F-I** are still valid:

- (a) District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department;
- (b) Chief Building Surveyor/New Territories West, Buildings Department;
- (c) Commissioner for Transport;
- (d) Director of Fire Services;
- (e) Director of Environmental Protection;
- (f) Chief Engineer/Construction, Water Supplies Department;

- (g) Chief Engineer/Mainland South, Drainage Services Department;
- (h) Commissioner of Police;
- (i) District Officer (Tsuen Wan), Home Affairs Department;
- (j) Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD); and
- (k) Project Manager (West), CEDD

4. Public Comments Received During Statutory Publication Periods

- 4.1 Subsequent to the deferment by the Committee on 11.11.2016, the FIs were published for public inspection on 28.7.2017, 3.4.2018 and 27.11.2018. During the first three weeks of public inspection periods, a total of 45 public comments were received. Among them, there are 40 objecting comments (89%) (**Appendices F-V-1 to 7, 9 to 15, 17 to 22, 24 to 43**), 1 supporting comment (2%) (**Appendix F-V-16**) and 4 comments with views (9%) (**Appendices F-V-8, 23, 44 and 45**).
- 4.2 The objecting comments were made by the villagers/residents and an Indigenous Inhabitant Representative of Ting Kau, Mr. Tsang Man Tak (**Appendices F-V-3, 22 and 33**); the supporting comment was made by an individual, while the remaining four comments with views were made by Mr. Tsang Kwok Kwong, the Resident Representative (RR) of Ting Kau (**Appendices F-V-8, 23 and 45**) and an individual (**Appendix F-V-44**). These objecting comments are mainly on the following grounds:
- (a) The Site is within the ‘Village Environ’ (‘VE’) of Ting Kau Village and all the land within should be reserved for development by the villagers.
 - (b) The proposed development should not encroach onto Government land for private purpose.
 - (c) There is no ground to relax the PR restriction for the application and the proposed development should be based on the parameters of existing development.
 - (d) The proposed development would have adverse impact to the fung shui, landscape and development of the Ting Kau Village. The development has affected the only access road to the village and encroached on a piece of land where private-own fruit trees are located.
- 4.3 The supporting comment opined that the proposed development would unlikely cause adverse traffic, environmental, drainage, sewerage and visual impact to the area and the proposed development has improvement in visual terms.
- 4.4 For the comments with views made, the RR was concerned that linking up the vehicular run-in/out of the Site with the Castle Peak Road would jeopardise the safety of the pedestrians. Also, the height and the number of storey of the proposed development should be restricted. Another comment by an

individual expressed that the Site should be developed for more than a single private dwelling in view of shortage of land supply.

5. Planning Considerations and Assessment

- 5.1 The current application is for a proposed house development of a PR of 0.75 at the Site zoned “R(C)” on the OZP. According to the applicant’s scheme, it is proposed to erect two 3-storey houses at the Site, which is in line with the planning intention of the “R(C)” zone for low-rise, low-density residential development. There is no change to the major development parameters compared with the proposed scheme considered by the Committee on 11.11.2016.
- 5.2 As mentioned in paragraph 1.2 above, the Committee’s main concerns on the application are about the visual impact of the proposed development on the surrounding area having regard to the high site formation level and the possible impact of the proposed retaining wall on House No. 65 to the south of the Site.
- 5.3 The applicant has revised the proposed development scheme to address the Committee’s concerns. According to the applicant’s FIs, the southern portion of the Site fronting House No. 65 has been re-designed by providing a landscape garden along the southern boundary with the deck level lowered from 18.7mPD to 11.5mPD and relocating the swimming pool to the area east of Villa 2 with deck level lowered from 17.65mPD to 15mPD (**Drawing FA-7**). As a result, the retaining wall with a height of about 7.2m (south of Villa 2) (**Drawing FA-19a**) and 3.5m (east of Villa 2) (**Drawing FA-19b**) may maintain separation distance ranging from 2.38m to 5.52m from the Site’s boundary wall (**Drawing FA-20**), for which the height of such wall fronting House No. 65 has also been reduced from about 8.7m in the original scheme to 1.5m with a glass panel of 1.5m on top (**Drawing FA-19a**). With the retaining wall’s height reduced and proper screen planting provided in the landscape garden, the visual bulk impact to House No. 65 and the surrounding area has been softened. Both CA/CMD2, ArshSD and CTP/UD&L, PlanD consider that the applicant has satisfactorily responded to their comments regarding the visual impact and they have no further comment. Other relevant departments have maintained their previous view of no adverse comment/no objection to the application (paragraph 3.2 refers).
- 5.4 There are 45 public comments received in the three statutory publication periods and 40 of them object the application (paragraphs 4.2(a) to (d) refer), which are of similar grounds received in previous publication periods considered by the Committee on 11.11.2016. Regarding the public comments to reserve the Site for development by villagers of Ting Kau Village, the Site falls outside the “Village Type Development” zone but within the ‘VE’ of Ting Kau Village (**Plan FA-1**). Concerning the inclusion of Government land in the Site, DLO/TW&KT, LandsD advised that the land exchange to include the Government land shall be examined during later land grant stage (paragraph 11.7 of **Appendix F-I**).

- 5.5 For public comment concerning the proposed development would affect the only access road to the village and has encroached on a piece of land where private-own fruit trees are located (Appendices **F-V-15, 17** and **32**), it is noted that the concerned area where the fruit trees are located actually falls within the Site (**Plan FA-2**). Regarding the concern that the proposed development would affect the only access road to the village, there is no public access within the Site and the propose development would not block any existing public access leading to the village.
- 5.6 On other concerns raised by the public comments, the planning assessments above and departmental comments in paragraph 3 above and in paragraph 9 of **Appendix F-I** are relevant.

6. Planning Department's Views

- 6.1 Based on the assessments made in paragraph 5 above and having taken into account the public comments mentioned in paragraph 4, the Planning Department has no objection to the application.
- 6.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.1.2023, 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 conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the design and provision of noise mitigation measures as proposed in the Traffic Noise and Air Quality Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

- 6.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' consideration:
- the applicant fails to demonstrate that the proposed development would not have adverse visual impact to the surrounding area.

7. Decision Sought

- 7.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permission.
- 7.2 Should the Committee decide to approve the applications, 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.
- 7.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for the rejection should be given to the applicants.

Attachments

Appendix F-I	MPC Paper No. A/TWW/110
Appendix F-II	Extract of minutes of the MPC Meeting held on 11.11.2016
Appendix F-III	Secretary of the Board's letters dated 25.11.2017
Appendix F-IVa	Applicant's letter dated 17.7.2017 providing FI
Appendix F- IVb	Applicant's email dated 17.8.2017 providing FI
Appendix F- IVc	Applicant's letter dated 28.8.2017 requesting for deferral of consideration of application
Appendix F- IVd	Applicant's letter dated 19.3.2018 providing FI
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Appendix F- IVg	Applicant's letter dated 19.11.2018 providing FI
Appendix F-IVh	Applicant's letter dated 2.1.2019 providing FI
Appendix F-IVi	Applicant's letter dated 10.1.2019 providing FI
Appendix F-V	Public Comments
Appendix F-VI	Advisory Clauses

Drawing FA-1	Master Plan Ground Floor
Drawing FA-2	Master Plan Roof Plan
Drawing FA-3	Master Layout Plan Long Section
Drawing FA-4	Master Layout Plan Section A-A
Drawing FA-5	Master Layout Plan Section B-B
Drawing FA-6	Master Landscape Plan
Drawings FA-7 to 10	Comparison Drawings
Drawing FA-11	Proposed Mitigation Measures
Drawings FA-12 to 18	Photomontage
Drawings FA-19a and b	Sections of Retaining Wall
Drawing FA-20	Distance of Set Back of the Proposed Development
Plan FA-1	Location Plan
Plans FA-2 and 3	Site Plans
Plan FA-4	Aerial Photo
Plans FA-5 to 7	Site Photos

**PLANNING DEPARTMENT
JANUARY 2019**