

Similar Application

Rejected Application

	<u>Application No.</u>	<u>Development</u>	<u>Date of Consideration and Decision</u>	<u>Main Reasons for Rejection</u>
1.	A/DPA/TW-CLHFS/3	Proposed Residential Development (House) and Excavation of Land	Rejected upon review (3.11.2017)	(1) and (2)

Rejection Reasons:

- (a) the proposed residential development is considered not in line with the general planning intention for the Chuen Lung and Ha Fa Shan area as stated on the Chuen Lung and Ha Fa Shan Development Permission Area Plan to protect the natural habitats and the rural landscape which complement the overall natural environment and the landscape beauty of the surrounding Country Parks; and
- (b) the proposed residential development is considered not compatible with the surrounding natural environment and Country Parks. Approval of the application may set an undesirable precedent encouraging similar residential development nearby, the cumulative impact of which would result in general degradation of the rural landscape quality of the surrounding Country Parks.



**Detailed Departmental Comments**

**Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department**

- (a) Noting only portion of the Lot 404 in D.D. 433 is included at the Site, further verification of the said portion site area is required.
- (b) There is no guarantee that GFA exemption for the E&M rooms and carports would be granted under the new lease upon the land exchange. Details of the residential development proposal including the proposed land filling and excavation will be examined at the building plan submission stage.
- (c) Details of the proposed gateway and local track should be provided. There is no guarantee that the proposed local track will be granted if the land exchange is approved. Comments from DO (Tsuen Wan) are required for the proposed re-provision of local track should be sought.
- (d) There are discrepancies on the submitted plans and materials.

**Comments of the Chief Building Surveyor/New Territories West, Buildings Department**

- (a) The Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation (B(P)R)5 and EVA shall be provided for all the buildings to be erected on the site in accordance with the requirements under the B(P)R 41D.
- (b) If the Site does not abut on a specified street having a width of not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) during plan submission stage.
- (c) Any non-mandatory or non-essential plant rooms are accountable for GFA calculation, application for exemption from which will only be considered upon paragraphs 6 and 7 of PNAP APP-151 (e.g. BEAM Plus Certification) and Sustainable Building Design Guidelines for building separation, building setback and site coverage of greenery as set out in PNAP APP-152.
- (d) Application for GFA exemption for carpark bays will be considered according to the relevant criteria under paragraph 16(b) of PNAP APP-2. The excessive space adjacent to the carpark bays at House Nos. 9-11 are GFA accountable under the BO.

**Comments of the Director of Agriculture Fisheries and Conservation**

*Ecological Baseline Information*

- (a) Item AFCD1 –For Ecological Baseline Information, the classification of agricultural land should be reviewed. The “separate planning application” mentioned in the RtoC may refer to A/DPA/TW-CLHFS/1 and 5. However, the concerned area with ambiguous habitat classification falls largely within the development site of the subject application (item (i) via my memo dated 2.11.2016 refers; i.e. direct habitat loss), and is of some distance away from A/DPA/TW-CLHFS/1 and 5.

*Ecological Impact Assessment and/or Mitigation*

- (b) Item AFCD2 – It appears that the applicant may refer to the MLP (Plan G) instead of Figure 5 in the RtoC. We gathered from the RtoC Items AFCD2 and 3, as well as the revised plans (Figure 5, Plans G, H, M, O) that there will be a minimum of 7m clearance distance between the sheet pilings and the top of the stream, and that any works, including the erection of retaining wall, shall be carried out to the east of the sheet pilings. Whilst, it is uncertain whether the top of the stream was plotted based on the topology or the water level. The applicant should confirm/ advise the above and include the text in the EcoIA.
- (c) We assume that Item (b) above be affirmative, which there will be no works to the west of the sheet pilings; and the area will be left untouched for landscape use. However, it was mentioned in Section 5.3.2 that “... the filled slope between site boundary and the residential houses will be used for compensatory tree planting and therefore will provide additional physical and visual buffer to the watercourse and Country Park”. We further note from Appendix III (Landscape and Tree Preservation Proposal) Section 4.4 that some trees near the stream course are proposed to be felled as the proposed formation level of the private garden is different from the existing level; the Tree Survey Plan also mentioned that the “river edge trees” which fall within the landscape area are to be felled since the formation level is different from the existing level. We remain unconvinced that works will actually not be carried out in the “landscape area”, i.e. area westward to the sheet piling.
- (d) Further to Item (c) above, the applicant should advise what does the “private garden” in Section 4.4 of the Landscape and Tree Preservation Proposal refer to. Such item was not indicated in the MLP or the EcoIA. With the characterization of being untouched and the purpose of buffering as described in the submission, intensive human disturbance is not expected in the “landscape area” between the stream and the retaining wall.

- (e) R to C AFCD4 – We note the applicant has confirmed that “if any mitigation measures is required after the study of natural terrain, it will be designed not to encroach on the stream”. The applicant should include this statement in the EcoIA and clarify in the EcoIA whether natural terrain mitigation measures would be required inside Tai Lam Country Park. Such mitigation measures inside country park should be avoided as far as possible.
- (f) Section 5.3.2 – The applicant should confirm whether “permanent fence walls” that will be constructed to separate the development from the Country Park and the stream course, the “retaining wall” in Section 5.2.11 and Plan H, as well as the “green wall” in Plans G and M are referring to the same item.
- (g) Figure 5 (annotation in green) – The applicant should review whether “the minimum width of the clearance can increase to 4m” in the last sentence should read “the minimum width of the clearance can increase to 4m 7m”.
- (h) Appendix III, Section 3.1 last bullet – While it was indicated in the EcoIA and the Compensatory Planting Plan that native trees will be planted along the western boundary, it was mentioned in this Section that clusters of exotic trees, *Garcinia subelliptica* (菲島福木), will be planted instead. The applicant is required to clarify.
- (i) Page 17 – We are uncertain which part of the submission does this page belong to. Nevertheless, tree treatment proposal appear to be relevant to landscape matter; please remove “According to Landscape Proposal... 68 new ornamental compensatory trees will be planted” from the paragraph which should concern ecological mitigation measures as in the title. Indeed, the quoted text seems to deviate from that in the EcoIA or the Landscape Proposal.
- (j) We note from the RtoC that discrepancies in the submissions had been an issue. Discrepancies are noted in fundamental elements (e.g. item (c) and (e) above) mainly among different Appendices. The applicant may wish to ensure that the latest development scheme tally among various sections of the submission so that holistic assessments and consistent mitigations based on the same development scheme would be conducted.

**Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department**

*Urban Design Aspect*

- (a) The applicant is urged to cross check the whole submission and make sure all the information/drawings are tally before the next round of submission.
- (b) The applicant has confirmed the minimum buffer distance measurement as 7m in the R-to-C (Item UD&L(U1)) and reflected the same in the inset **Section C drawing of Plan H** (F.I. of 10.1.2018). For easy reference, the respective viewpoints in relation to the perspective drawings at **Plan H** (F.I. of 10.1.2018) and **Plan Q** (F.I. of 19.1.2018) should be indicated on **Plan G**. Section BB' should also be indicated on **Plan G**. Furthermore, it appears that the building form/arrangement and the footpath at the left of Drive way/EVA as illustrated in **Plan H, Plan Q** and **Plan G** does not tally with each other..

*Landscape Planning Aspect*

**Comments on F.I. dated 10.1.2018 (Appendix Ie)**

- a) It is noted that the roundabout with feature paving and signature tree located at the north of the site is erased and replaced by grass paver. The applicant is still unable to provide neither amenity facility nor outdoor furniture within the area for public enjoyment at the area. Moreover, continuous tree buffer along the boundary is still missing. The consultant should realign the loading bay and provide buffer planting along the east boundary next to the gateway.
- b) A gateway has been proposed at the roundabout for the re-provision of access road to the adjacent stakeholders. Since the traffic flow of the access road is unknown, for the sake of pedestrian safety, bollard/fencing to differentiate the access road should be provided. A proper footpath along the vehicular access should also be provided within the site.
- c) The planting layout at shown in Plan G: Master Layout Plan is not tally with Plan M: Landscape Master Plan and Plan O: Compensatory Planting Plan.
- d) An in-scale Landscape Master Plan should be provided for next round of submission, if any.

Annex III: Tree Preservation Protective Measures

- e) The applicant should make reference to *Guidelines on Tree Transplanting* and *Guidelines on Tree Preservation during Development* promulgated by DEVB.
- f) Method statement for root pruning should be clearly stated in the proposal. Details regarding the 3 stages pruning including the max. pruning percentage, the max. root diameter, and the pruning schedule etc should be provided.

Comments on F.I. dated 19.1.2018 (Appendix Ie)

- g) Outline for Section –BB in Plan I is missing.





Recommended Advisory Clauses

- (a) to note all the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department recorded in the Metro Planning Committee Paper No. A/DPA/TW-CLHFS/5C and its **Appendix III**;
- (b) to note all the comments of the Commissioner for Transport recorded in the Metro Planning Committee Paper No. A/DPA/TW-CLHFS/5C;
- (c) to note all the comments of the Commissioner of Police recorded in the Metro Planning Committee Paper No. A/DPA/TW-CLHFS/5C;
- (d) to note all the comments of the Chief Building Surveyor/New Territories West, Buildings Department recorded in the Metro Planning Committee Paper No. A/DPA/TW-CLHFS/5C and its **Appendix III**;
- (e) to note all the comments of the Director of Environmental Protection recorded in the Metro Planning Committee Paper No. A/DPA/TW-CLHFS/5C;
- (f) to note all the comments of the Chief Engineer/Mainland South, Drainage Services Department recorded in the Metro Planning Committee Paper No. A/DPA/TW-CLHFS/5C;
- (g) to note all the comments of the Chief Engineer/Construction, Water Supplies Department recorded in the Metro Planning Committee Paper No. A/DPA/TW-CLHFS/5C;
- (h) to note all the comments of Director of Agriculture Fisheries and Conversation recorded in the Metro Planning Committee Paper No. A/DPA/TW-CLHFS/5C and its **Appendix III**;
- (i) to note the comments of Director of Fire Services that the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011;
- (j) to note all the comments of the Director of Electrical and Mechanical Services recorded in the Metro Planning Committee Paper No. A/DPA/TW-CLHFS/5C;
- (k) to note the comments of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that a natural terrain hazard study and any necessary mitigation measures as part of the development should be conducted; and
- (l) to note all the comments of the Chief Town Planner/Urban Design and Landscape recorded in the Metro Planning Committee Paper No. A/DPA/TW-CLHFS/5C and its **Appendix III**.

