

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/DPA/TW-CLHFS/5

- Applicant** : Fortune Houses Development Ltd. represented by Toco Planning Consultants Ltd.
- Site** : Lots 385, 386RP, 387, 388, 389, 392, 394, 395, 396, 400 and 404 (Part) in D.D. 433 and adjoining Government land, Route Twisk, Chuen Lung, Tsuen Wan
- Site Area** : About 3,997.2m² (including 833m² (20.8%) of Government land)
- Land Status** : Block Government Lease (demised for agricultural purpose)
- Plan** : Draft Chuen Lung and Ha Fa Shan Outline Zoning Plan (OZP) No. S/TW-CLHFS/1 (currently in force)
- Approved Chuen Lung and Ha Fa Shan Development Permission Area (DPA) Plan No. DPA/TW-CLHFS/2 (in force at the time of submission)
- Zoning** : “Green Belt” (“GB”) on the draft Chuen Lung and Ha Fa Shan OZP No. S/TW-CLHFS/1
- “Unspecified Use” (“UNSP”) area on the approved Chuen Lung and Ha Fa Shan DPA Plan No. DPA/TW-CLHFS/2
- Application** : Proposed Low-density Residential Development, Filling of Land and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed low-density residential development, filling of land and excavation of land at the application site (the Site) (**Plan A-1a**), which fell within the “Unspecified Use”(“UNSP”) area on the approved Chuen Lung and Ha Fa Shan DPA Plan No. DPA/TW-CLHFS/2 in force at the time of submission (**Plan A-1b**). According to the Notes of the approved DPA Plan, any use or development in the “UNSP” area, other than ‘Agricultural Use’ or the uses or development always permitted under the covering Notes required planning permission from the Town Planning Board (the Board). Therefore, ‘House’, ‘Filling of Land’ and ‘Excavation of Land’ in the “UNSP” area required the Board’s permission. The Site is currently zoned “GB”

on the draft Chuen Lung and Ha Fa Shan OZP No. S/TW-CLHFS/1 (**Plan A-1a**). According to the Notes of the OZP, ‘House¹’, ‘Filling of Land/Pond’ and ‘Excavation of Land’ require planning permission from the Board.

- 1.2 The proposed development includes 11 three-storey detached houses and 1 one-storey guard house. The Master Layout Plan (MLP), Landscape Master Plan (LMP) and sections submitted by the applicant are shown in **Drawings A-1 to A-7**.
- 1.3 Major development parameters are summarised in the following table:

Development parameters	
Application site area (m ²) (about)	3,997.2
Total plot ratio (PR)	0.399
Total gross floor area (GFA) (m ²) (about)	1,596.54
– Domestic	1,590.54
– Guard House	6
Site coverage (SC) (about)	19.2%
No. of block ²	11
Flat size (m ²) (about)	144.596
Maximum building height (BH) (mPD)	297.405
No. of storeys	
– House ³	3
– Guard House	1
Absolute BH (m)	
– House	9.625
– Guard House	2.5
Parking provision	
– Private car	18
– Motorcycle ⁴	1
– Loading/unloading for goods vehicle	1
Design population (about)	32
Landscape area (about) ⁵	2,422m ²
Buffer distance from river edge	Minimum clearance of at least 7m
Tree preservation proposal	
– Tree retained	10
– Tree transplanted	2
– Tree fell	17
– Compensatory tree	85

- 1.4 The 11 houses and their private gardens are built on the both sides of the driveway on the G/F (**Drawing A-1**). Each house is 2 domestic storeys over one storey for carports and electrical and mechanical (E&M) facilities (**Drawings A-5 to A7**).

¹ According to the Notes of the OZP, ‘House (other than rebuilding of New Territories Exempted House (NTEH) or replacement of existing domestic building by NTEH permitted under the covering Notes)’ requires planning permission from the Board.

² It includes 11 houses.

³ Each house is 2 domestic storeys over 1 storey for carports and E&M facilities.

⁴ The motorcycle space is provided inside House 11 only.

⁵ It includes 1,717m² of soft landscape and 704m² of roof garden.

The G/F driveway is for vehicular circulation and emergency vehicle access (EVA) purposes. Its northern end with a turnaround area is for manoeuvring of emergency or serving vehicles while its southern end with an ingress/egress point is connected with Route Twisk. The existing access traversing the Site to adjacent temporary structures at the east will be retained by provision of a gateway at the northeast side of the turnaround area for pedestrian access only (**Drawing A-1**). However, the existing footpath traversing the Site to Ma Tong and Tai Lam Country Park at the north will not be re-provided as residents at Ma Tong mainly use another access road at further east of the Site.

- 1.5 To the west of the Site is a natural stream. All structures and construction work will not encroach onto a minimum 7m-wide buffer area setback from the north-western edge of the Site (**Drawing A-1**). Green fence walls of 2.4m high, and buffer planting will be provided along the site periphery except the north-eastern edge where the proposed gateway is located (**Drawing A-2**).
- 1.6 There are 29 existing trees within the Site. While 17 of them will be felled, the remaining will be either retained or transplanted (**Drawing A-8**). A total of 85 compensatory trees will be planted to achieve a compensation ratio of >1:2 by quality and quantity⁶. Suitable landscaping including peripheral planting and vertical greening will also be provided (**Drawings A-3 and A-4**).
- 1.7 Peripheral channels along the site boundary and a new drainage connection to the stream will be provided. Sewer from the proposed development will be discharged to the existing public sewer network (**Drawing A-9**). To mitigate the noise impacts from road traffic at House 1 (which is located at the south end of the Site), acoustic windows (top hung type) will be adopted. For all houses, non-noise sensitive uses such as kitchen or toilet will be located at the façade facing towards Route Twisk.
- 1.8 In support of the application, the applicant have submitted the following:
 - (a) Application form and letters received on 27.9.2016 (**Appendix I**)
 - (b) Supporting planning statement (SPS) (**Appendix Ia**)
 - (c) Further information (FI) received on 26.1.2017 (FI1) (**Appendix Ib**)
providing responses to departmental comments with revised technical assessments
(accepted but not exempted from publication and recounting requirements)
 - (d) FI received on 17.5.2017 (FI2) providing responses to departmental comments with revised technical assessments (**Appendix Ic**)
(accepted but not exempted from publication and recounting requirements)
 - (e) FI received on 13.9.2017 (FI3) providing responses to departmental comments with revised technical assessments (**Appendix Id**)
(accepted but not exempted from publication and recounting requirements)

⁶ The tree compensation ratio is not less than 1:2 with a quantity compensation ratio of 1:5 and a Diameter at Breast Height compensatory ratio of 1:2.64.

- (f) FIs received on 10.1.2018 (FI4) and 19.1.2018 (FI5) **(Appendix Ie)** providing responses to departmental comments with revised Ecological Impact Assessment and plans/drawings (accepted but not exempted from publication and recounting requirements)

1.9 The application was originally scheduled for consideration by the Metro Planning Committee (the Committee) on 25.11.2016. On 25.11.2016, 17.3.2017, 14.7.2017 and 10.11.2017, upon the request of the applicant, the Committee agreed to defer a decision on the application 4 times for two months respectively to allow time to prepare FI to address the departmental comments. With the FI4 and FI5 received on 10.1.2018 and 19.1.2018 respectively, 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 consolidated SPS at **Appendix Ia**, which are summarised as follows:

- (a) The proposed development is to make use of a piece of abandoned agricultural land to meet the current shortfall in high class housing supply in Hong Kong.
- (b) The Site is suitable for domestic use. It is easily accessible by Route Twisk and is located adjacent to several existing and planned developments.
- (c) The proposed development is compatible with the surrounding area in terms of land use and development intensity.
- (d) The development proposal will not be in conflict with the Government's plan making mechanism.
- (e) As concluded in the submitted technical reports, the proposed development will not result in any significant traffic, environmental including noise, drainage, sewerage, land use, visual, landscape, ecological geotechnical and risk impacts.
- (f) The application will not set an undesirable precedent for similar applications in view of its background, unique location and scale.

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

- 3.1 The applicant is the sole 'current land owner' of the Site. Detailed information would be deposited at the meeting for Members' inspection.
- 3.2 The "owner's consent/notification" requirement as set out in the TPB-PG No.31 is not applicable to the Government land portion.

4. **Background**

- 4.1 Before 2013, there is no statutory plan covering Chuen Lung and Ha Fa Shan area (the Area) where the Site is located.
- 4.2 On 20.12.2013, the first statutory plan, i.e. the draft Chuen Lung and Ha Fa Shan DPA Plan No. DPA/TW-CLHFS/1 was exhibition for public inspection. The Site was designated as “UNSP” area pending further study on the appropriate land use zoning in the course of OZP preparation (**Plan A-1b**). A total of 19 representations were received during the exhibition period of the DPA Plan. During the publication of the representations, two representations in relation to the Site⁷ were received. Both representations proposed to develop the concerned lots within the Site for residential uses with a plot ratio ranging from 0.4 to 0.75 in the “UNSP” area. After giving consideration to the representations on 6.6.2014, the Board decided not to uphold the representations⁸.
- 4.3 On 9.12.2016, the draft Chuen Lung and Ha Fa Shan OZP No. S/TW-CLHFS/1 was exhibited for public inspection, which is currently in force. The Site is zoned “GB” for protection and conservation of the natural and rural character. Upon expiry of the exhibition period, a total of 253 representations were received and one of the representations was related to the Site. The representation proposed to rezone the Site to “Residential (Group C)” (“R(C)”)⁹. After giving consideration to the representation on 7.7.2017, the Board decided not to uphold the representation¹⁰.

5. **Previous Application**

The Site was the subject of an application (No. A/DPA/TW-CLHFS/1) (**Plan A-1a**) submitted by the same applicant for proposed low-density residential development (house) and excavation in the “UNSP” area with same site area¹¹. The application was withdrawn on 14.7.2015.

6. **Similar Application**

There is one similar application (No. A/DPA/TW-CLHFS/3) for proposed residential development and excavation of land in the “UNSP” area in the Area (**Plan A-1**). The application which is located to the east of the Site zoned “Recreation” on the OZP was rejected upon review by the Board on 3.11.2017. Details of the application are at **Appendix II**.

⁷ Two representations were not submitted by the applicant. They were submitted by owners of private lots in the Area (including the concerned lots within the Site except Lot 389 in D.D.433).

⁸ Regarding the representations, the Board considered that detailed land use assessments for the Area, including the Site, would be carried out during the OZP preparation. Therefore, it was not appropriate to designate the Site and other lots for residential use in the “UNSP” area.

⁹ The representation was submitted by the applicant, with an indicative scheme proposing a total plot ratio of 0.399, site coverage of 19.2%, building height of 2 domestic storeys over 1 storey of carport (9.625m).

¹⁰ The Board considered that the “GB” zonings for conservation of the natural and rural character were appropriate and residential developments were considered not compatible with the surrounding areas. The zoning restrictions had also taken into consideration all relevant facts and circumstances.

¹¹ Areas of both applications are the same but their site boundaries slightly vary after the proposed adjustment of the site boundary by the applicant under FI3 submitted on 13.9.2017.

7. **The Site and Its Surrounding Areas** (Plans A-1a, A-1b and A-2, aerial photo on Plan A-3 and site photos on Plans A-4 to A-10)

7.1 The Site:

- (a) is located off Route Twisk in Chuen Lung;
- (b) is partly formed for open storage use and partly covered by vegetation (Plans A-4 and A-5);
- (c) has an access road connecting with Route Twisk to the temporary structures and a residential structure at its east (Photo 4 at Plan A-5, Photos 7 and 8 at Plans A-7 and A-8 respectively);
- (d) has a footpath running through its central portion and linking with Ma Tong and Tai Lam Country Park at its north (Photo 3 at Plan A-5, Photo 5 at Plan A-6, Photo 9 at Plan A-8 and Photo 10 at Plan A-9); and
- (e) is within the upper indirect water gathering ground (WGG) (Plan A-11).

7.2 The surrounding area has the following characteristics:

- (a) to the immediate west is a natural stream originating from the uphill area while to the immediate east is woodland, vegetated land and scattered rural workshops/domestic structure;
- (b) to the north and south are Tai Lam Country Park and Tai Mo Shan Country Park respectively (Plan A-3);
- (c) to the further northeast are some scattered temporary structures mainly for domestic use in Ma Tong;
- (d) to the south across Route Twisk is occupied by plots of active farmland and scattered temporary structures mainly for domestic use.

8. **Planning Intention**

8.1 The general planning intention of the Area on the approved DPA Plan No. DPA/TW-CLHFS/2 in force at the time of submission of the application was to protect the natural habitats and the rural landscape which complement the overall natural environment and the landscape beauty of the surrounding Tai Lam Country Park and Tai Mo Shan Country Park, and to prevent haphazard developments. Except land within the “Village Type Development” zone, the Area was designated as “UNSP” pending detailed analysis and studies to establish the appropriate land use zoning in the course of OZP preparation.

8.2 The general planning intention of the Area on the draft OZP No. S/TW-CLHFS/1 currently in force is to protect the natural environment and the rural landscape, with a view to complementing the overall natural environment and the landscape characters of the surrounding Tai Lam Country Park and Tai Mo Shan Country Park. In the designation of various zones for the Area, considerations have been

given to the protection of natural environment including the natural habitats, wooded areas and streams, physical landform and availability of infrastructure. Development which would cause adverse impacts on the water quality and water resources of the WGG is not encouraged.

- 8.3 The planning intention of the “GB” zone for the Site on the draft OZP No. S/TW-CLHFS/1 currently in force 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 within this zone. Designation of the “GB” zones would protect the natural vegetated areas, streams and woodland, and conserve the natural and rural character of the Area.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD):

- (a) The Site comprises 11 private lots, namely Lots 385, 386RP, 387, 388, 389, 392, 394, 395, 396, 400 and 404 (part) in D.D. 433 all with lease terms expiring on 30th June 2047 as well as some adjoining Government land. All these lots are held under Block Government Lease for agricultural purposes.
- (b) The Site falls within Drainage Services Department (DSD)’s project limit under Project title “Agreement No. CE 25/2013(DS) West Kowloon and Tsuen Wan Village Sewerage and North District Sewerage – Investigation Design and Construction, PWP Item No. 4391 DS – West.
- (c) The proposed residential development with a plot ratio 0.399 would be in breach of the lease conditions.
- (d) If planning approval is given, the lot owner will have to apply to LandsD for a land exchange for the implementation of proposed residential development involving Government land. There is no guarantee that the lease modification/land exchange will be approved or the Government land will be granted. The lease modification/land exchange will be considered by LandsD acting in the capacity as landlord at its sole discretion. If the lease modification/land exchange application is approved, it will be subject to such terms and conditions including, among others, payment of premium as imposed by the LandsD.

- (e) Other detailed comments on the land status, GFA exemption, proposed landfilling/excavation, gateway/existing local track and the SPS are provided in **Appendix III**.

Traffic

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

- (a) He has no adverse comment on the application.
- (b) The applicant is required to submit a drawing showing clearly the layout and dimension of the small size hammer head at the end of the EVA.
- (c) The applicant is required to submit swept paths to demonstrate that lorries and emergency vehicles can reserve smoothly in the small size hammer head.
- (d) Should the application be approved, the following approval condition is recommended to be incorporated:

the submission of a revised Traffic Impact Assessment, and the design and provision of vehicular access, car parking and loading/unloading facilities to the satisfaction of the C for T or of the Board.

9.1.3 Comments of the Commissioner of Police (C of P):

Traffic issues including the traffic impact during the construction period and the number of parking space of the proposed residential development are the issues of concern at the Site. As such, comments from C for T is vital in the processing of the application.

Building Matters

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

- (a) He has no objection to the application.
- (b) In accordance with Government's committed policy to implement building design to foster a quality and sustainable built environment, building set back and site coverage of greenery should be included, where possible, in the conditions in the planning approvals.
- (c) Private covered landscaped areas within individual houses are accountable for GFA calculation. Application for exemption will not be considered.

- (d) The exact use of E&M rooms should be clarified and the size of the E&M rooms and underground sewage treatment room should be justified for application for GFA exemption.
- (e) Other detailed comments on mean of access and GFA exemption under the Buildings Ordinance are provided in **Appendix III**.

Environment, Water Supply and Drainage

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

- (a) The applicant is proposing a low-density residential development comprising eleven 3-storey houses with carports at ground level and a guardhouse in the subject site. The site which is within the WGG has a total area of about 4,000m² and is in close proximity to a natural stream, Tai Mo Shan Country Park and Tai Lam Country Park, as well as the previously proposed residential development in TWTL No. 389 (Application No. A/DPA/TW-CLHFS/3)¹².
- (b) The submitted Sewerage Impact Assessment (SIA) under the subject application has already included the sewage generated from Application No. A/DPA/TW-CLHFS/3 but the capacities of some existing sewer serving the Area are still insufficient to cater for the cumulative sewage generation. With a view to reducing the risk of sewage overflowing into WGGs, the applicant proposes to upgrade long segments of existing sewers along Route Twisk of approximate 400m from the Site. EPD has no adverse comment for the proposed sewerage upgrading works from sewerage infrastructure planning perspective. However, DSD's comment should be sought as the maintenance authority of public sewerage network.
- (c) It is noted that the originally proposed 4.5m boundary walls would be deleted, while the layout of the houses would remain unchanged. Instead, the applicant would propose top hung acoustic windows as alternative noise mitigation measures.
- (d) In view of the above, EPD would have no in-principle objection to the application. However, planning conditions for submission of a revised SIA and traffic noise impact assessment and implementation of the proposed mitigation measures therein would be recommended.

9.1.6 Comments of the Director of Water Supplies (DWS):

- (a) He objects to the application.
- (b) The applicant cannot obtain the DSD's confirmation regarding the proposed utilisation of existing/proposed DSD sewerage system for the collection of sewerage generated from the proposed

¹² Please refer to paragraph 6 above and Appendix II for details of the application no. A/DPA/TW-CLHFS/3

development. As such, the sewerage discharged from the proposed development would be vulnerable to cause pollution to WGG.

- (c) There is no confirmation from DSD regarding the proposed utilization of existing drainage system for the collection of surface runoff and stormwater drainage from the proposed development. The proposed peripheral channels around the site boundary and a new drainage connection to the stream would have potential to cause pollution to WGG.
- (d) As there is risk of pollution to the WGG not yet eliminated, the proposal is not acceptable from the perspective of protection of the WGG.

9.1.7 Comments of the Chief Engineer/Mainland South, DSD (CE/MS, DSD):

- (a) He has no in-principle objection to the application.
- (b) The imposition of an approval condition for submitting a SIA for assessing the sewerage impact and implementing necessary mitigation measures is considered necessary.

Natural Conservation

9.1.8 Comments of the Director of Agriculture Fisheries and Conservation (DAFC):

- (a) He has reservation on the application.
- (b) He notes from the comments of WSD that the runoff and pollution issues are outstanding. He has concern on the potential adverse impacts to the natural stream during both the construction and operation phases.
- (c) The applicant should 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.
- (d) Detailed comments on EcoIA Report and the proposed mitigation measures are provided at **Appendix III**.

Fire Safety

9.1.9 Comments of the Director of Fire Services:

- (a) He has no objection in principle to the application subject to water supplies for firefighting, fire service installations and Emergency Vehicular Access (EVA) being provided to the satisfaction of Director of Fire Services.

- (b) An EVA paved with grass surface is considered undesirable from fire services point of view. The applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011.
- (c) Should the application be approved, the following approval condition is recommended to be incorporated:

the submission and implementation of the proposal of fire service installations, water supplies for firefighting and provision of an Emergency Vehicular Access to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Electrical and Mechanical

9.1.10 Comments of the Director of Electrical and Mechanical Services:

- (a) He has no comment on the application from electricity supply safety aspect.
- (b) There is a high pressure underground town gas transmission pipeline (running along Route Twisk) and a Chuen Lung West Pigging Station in the close vicinity of the application site. The applicant has submitted a Quantitative Risk Assessment (QRA) Report to demonstrate that the risk levels due to the proposed development are in compliance with the Hong Kong Risk Guidelines. If there is change in the design parameters adopted in the QRA Report, the applicant shall review and update the report to reflect the risk levels of the latest design of the proposed development.
- (c) No structure should be built over the gas pipeline and no building should be situated within 3m from the high pressure gas pipeline. The applicant shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the proposed work areas and any required minimum set back distance away from them during the design and construction stages of development.

Geotechnical

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

- (a) He has no comment on the application from geotechnical point of view and reserves further comments upon receipt of detailed design submission of the development.
- (b) It is noted from the preliminary geotechnical review on the natural terrain hazard in the submitted document that the development site may be affected by the natural hillside

overlooking it. The applicant will undertake to carry out a natural terrain hazard study and any necessary mitigation measures as part of the development.

Urban Design and Visual

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

- (a) It is noted that the 4.5m high solid wall along the southern and south-western boundary as well as the 6m high solid wall along the south-eastern has been reduced to 2.4m with vertical greening. It is also noted that the proposed clubhouse has been deleted to maximize the opportunity for greenery.
- (b) The applicant has also confirmed that the buffer distance between the proposed building block and the stream course is at least 7m.
- (c) The subject application is proposed for a low-rise residential cluster comprising 11 two-storey houses each over one storey carport with a maximum building height of 9.625m at the subject site. A single-storey (2.5m) guard house is also proposed. Strictly from a visual point of view, by virtue of the scale of the development, significant visual impact is unlikely.
- (d) Other detailed comments on the proposal are provided at **Appendix III**.

Landscape

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

- (a) She objects to the application from the landscape planning perspective.
- (b) The submitted landscape and tree preservation proposal is considered unacceptable and discrepancies can be found in the Master Layout Plan.
- (c) 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.
- (d) According to the aerial photo dated 1.1.2010, the Site was mostly vegetated with shrubs and scattered trees. The proposed

residential development, if approved, would set an undesirable precedent encouraging similar site modification prior to application, thus resulting in piecemeal development destroying the tranquil nature of the rural area. Approval of the application would encourage similar residential development nearby and the cumulative effect of which would degrade the existing woodland landscape character of the Area.

- (e) Should the application be approved by the TPB, the following approval condition is recommended to be included in the planning permission:

the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Board.

- (f) Other detailed comments on the landscape and tree preservation proposal are provided at **Appendix III**.

District Officer's View

9.1.14 Comments of the District Officer (Tsuen Wan), Home Affairs Department:

- (a) She notes opposition from various locals on the application. Views of the relevant village representatives, members of rural committee and District Council should be sought.
- (b) At the District Management Committee and the Culture, Recreation and Sports Committee of the Tsuen Wan District Council held on 19.12.2017 and 9.1.2018, there were members raised concerns on adverse traffic impact generated by the proposed development.

9.2 The following Government departments have no comment on the application:

- (a) Chief Highway Engineer/New Territories West, Highways Department;
(b) Commissioner of Police; and
(c) Project Manager (New Territories West), CEDD

10. Public Comments Received During Statutory Publication Periods

10.1 The application, FI1, FI2, FI3, FI4 and FI5 were published for public inspection on 4.10.2016, 7.2.2017, 26.5.2017, 20.9.2017 and 26.1.2018 respectively. During the first three weeks of each statutory public inspection periods, a total of 53 public comments which are submitted by the following parties were received:

- (a) 12 public comments submitted by the Chuen Lung Village Office with signatures of the village representatives and a group of indigenous villagers (**Appendices IV-1 to IV-12**);

- (b) 4 public comments submitted by a member of Tsuen Wan West Area Committee (**Appendices IV-13 to IV-16**);
- (c) 18 public comments submitted by 6 green/concern groups namely The Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong, Land Justice League and Ho Koon Nature Education cum Astronomical Centre (**Appendices IV-17 to IV-34**); and
- (d) 19 public comments submitted by individuals (**Appendices IV-35 to IV-53**).

10.2 All commenters raise objection to the application with the following major objecting grounds:

- (a) The Site is surrounded by Tai Mo Shan Country Park and Tai Lam Country Park, Tai Tso Stream and the butterfly hotspot at Chuen Lung which are of high ecological and landscape values and should be well-protected against development. The proposed development would generate adverse impacts on ecological and environmental aspects to the locality.
- (b) The Site falls within the upper WGG and close to a natural stream. The proposed development might cause water pollution to adjacent water bodies and adversely affect the stream ecosystem, its riparian zone and the WGG.
- (c) The Area supports a population of birds, which is typical of secondary woodland habitats. There are many woodland bird species recorded in Chuen Lung where is popular place for field studies of the students. The proposed development would increase human disturbance including light and noise pollution and thus have negative impacts on wildlife.
- (d) The proposed development is not in line with the planning intention of the DPA Plan or the “GB” zone on the OZP.
- (e) The proposed development would block access to Ma Tong, adjacent private lots, agricultural land and natural streams, and thus deprive the right of access of local villagers and the public including the visitors of the Country Parks.
- (f) Ancestral graves are located in the vicinity. The proposed development would block public access to the graves and adversely affect their fung shui.
- (g) Route Twisk has reached its full capacity. Additional traffic generated during construction and implementation stages would create traffic and road safety problems to the residents nearby and visitors, hikers and mountain bikers in the Country Parks.

11. Planning Considerations and Assessments

- 11.1 The current application is for a proposed residential development, filling of land and excavation of land at the Site. The proposal comprises 11 three-storey detached houses and one one-storey guard house with a PR, BH and SC of 0.399, three storeys and 19.2% respectively.

Planning Intention

- 11.2 At the time of the submission of the application, the Site fell within the “UNSP” area on the approved Chuen Lung and Ha Fa Shan DPA Plan (**Plan A-1b**), which was pending detailed analysis and studies to establish the appropriate land use zoning in the course of OZP preparation. The general planning intention for the Area on the DPA Plan was to protect the natural habitats and the rural landscape which complement the overall natural environment and the landscape beauty of the surrounding Tai Lam Country Park and Tai Mo Shan Country Park, and to prevent haphazard developments. The proposed residential development is considered not in line with the general planning intention for the Area as stated on the approved DPA Plan and the OZP.
- 11.3 The DPA Plan has been replaced by the draft Chuen Lung and Ha Fa Shan OZP No. S/TW-CLHFS/1 on 9.12.2016. The general planning intention for the Area under the OZP is to protect the natural environment and the rural landscape, with a view to complementing the overall natural environment and the landscape characters of the surrounding Tai Lam Country Park and Tai Mo Shan Country Park. It is also the intention to provide appropriate planning control over recreation development within the Area. Development which would cause adverse impacts on the water quality and water resources of the WGG is not encouraged. During the public inspection period which ended on 9.2.2017, one of the representations which related to the Site was submitted by the applicant to rezone the site from “GB” to “R(C)” for low density residential development. However, the Board decided not to uphold the representation as the “GB” zoning for conservation of natural and rural character was considered appropriate for the site, and residential developments were considered not compatible with the surrounding areas.
- 11.4 The Site is zoned “GB” on the extant OZP (**Plan A-1a**), where ‘House’, ‘Filling of Land/Pond’ and ‘Excavation of Land’ require planning permission from the Board. 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 within this zone. Designation of the “GB” zones would protect the natural vegetated areas, streams and woodland, and conserve the natural and rural character of the Area. No strong justification has been given in the submission for a departure from this planning intention. In this regard, the proposed development is not in line with the latest planning intention of the “GB” zone as shown on the extant OZP, and there is no exceptional circumstance to justify a departure from the planning intention.

Land Use Compatibility

- 11.5 The Site is situated to the immediate south and north of Tai Lam Country Park and Tai Mo Shan Country Park where natural vegetated areas and wooded knolls are commonly found. The applicant's lots are all held under Block Government Lease for agricultural purposes. The proposed residential development with 11 houses is considered not compatible with the surrounding natural environment and the Country Parks. The approval of the application may set an undesirable precedent encouraging similar residential developments nearby, the cumulative impact of which would result in general degradation of the rural landscape quality of the surrounding Country Parks. In this regard, CTP/UD&L, PlanD objects to the application.

Development Intensity

- 11.6 While there was no development restriction for the "UNSP" area stipulated on the approved DPA Plan and the "GB" zone on the extant OZP, the applicant has not provided sufficient information to justify the proposed development intensity at the Site, in particular in view of its location immediate next to the Country Parks and surrounded by natural environment.

Technical Aspects

- 11.7 The site falls within the upper indirect WGG. Given its sensitive location, the applicants are required to demonstrate that the proposed residential development would not induce any adverse impact on the WGG. However, DWS objects to the proposed development from the perspective of protection of the WGG as risk of pollution to the WGG is not yet eliminated. DAFC also has reservation on the proposed development as he has concern on the potential adverse impacts to the natural stream during both the construction and operation phases.
- 11.8 There are public comments that the proposed development would block access to Ma Tong and nearby private lots (**Plans A5 to A9**). In this regards, it is noted that there are some private lots located to the east of the application site (**Plan A-2**) which are occupied by a residential structure and some vehicle repair workshops. The applicant has suggested that the residents of Ma Tong could use an alternative access located to the east of the application site (**Plan A-1a**) which is even more convenient for accessing the public transport (**Plan A-10**). While the applicant proposes a gateway at the north-east of the application site for maintaining the access to the private lots located to its east, it is noted that this proposed gateway is not exactly aligned with the existing access to these private lots and is for pedestrian access only, not for vehicular access.
- 11.9 On other technical aspects, the consulted Government departments, including C for T, EPD, CE/MS, DSD, H(GEO), CEDD and PM(NTW), CEDD have no adverse comments on/no objection to the application subject to the imposition of appropriate approval conditions.

Public Comments

11.10 A total of 53 public comments were received during the public inspection periods and all are objecting the application mainly on the grounds of adverse traffic, environmental, landscape and ecological impacts and not in line with the planning intention. The planning assessments above and departmental comments in paragraph 10 are relevant.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:

- (a) the proposed development is not in line with the general planning intention for the Chuen Lung and Ha Fa Shan area, which is to protect the natural habitats and the rural landscape which complement the overall natural environment and the landscape beauty of the surrounding Country Parks;
- (b) the proposed development is not in line with the latest planning intention of the "GB" zone for the area which is to define the limits of urban and sub-urban development areas by natural features and to provide passive recreational outlets. There is a presumption against development with this zone. There is no exceptional circumstance to justify a departure from this planning intention; and
- (c) the applicant fails to demonstrate that the proposed residential development would not induce any adverse impact on the water gathering ground.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 2.3.2022, 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 are suggested for Members' reference:

Approval conditions

- (a) the submission of a revised Traffic Impact Assessment, and the design and provision of vehicular access, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of the proposal of fire service installations, water supplies for firefighting and provision of an Emergency Vehicular Access to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the submission of a revised Sewerage Impact Assessment and implementation of the proposed mitigation measures identified therein to

the satisfaction of the Director of Environmental Protection and the Director of Drainage Services or of the Town Planning Board;

- (d) the submission of a revised Noise Impact Assessment and implementation of the proposed mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the submission and implementation of landscape and tree preservation 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 V**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application form and letters received on 27.9.2016
Appendix Ia	SPS received on 27.9.2016
Appendix Ib	FI1 received on 26.1.2017
Appendix Ic	FI2 received on 17.5.2017
Appendix Id	FI3 received on 13.9.2017
Appendix Ie	FI4 and FI5 received on 10.1.2018 and 19.1.2018
Appendix II	Similar application
Appendix III	Detailed departmental comments
Appendices IV-1 to IV-53	Public comments
Appendix V	Recommended advisory clauses
Drawing A-1	MLP
Drawings A-2	LMP
Drawings A-3 to A-7	Sections
Drawing A-8	Tree Survey Plan
Drawing A-9	Existing Sewerage system
Plans A-1a and A-1b	Location plans
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4 to A-10	Site photos
Plan A-11	Water gathering grounds in the vicinity

**PLANNING DEPARTMENT
MARCH 2018**