

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

APPLICATION NO. Y/TW/13

Applicant : ENM Holdings Limited represented by Kenneth To & Associates Limited

Site : Hilltop Country Club, Hilltop Road, Tsuen Wan (Lot No. 360, Extension to Lot 360, Extension to Lot 360 in DD 454 and the Extension Thereto)

Site Area : About 40,024m²

Lease : Lots 360 in D.D.454 (171,400ft² i.e. about 15,924m²) (as the parent lot)

- (a) Held under New Grant No. 5399 (varied by two extension letters dated 15.7.1980 and 28.12.1985 and two modification letters dated 9.5.1984 and 22.5.1986)
- (b) To be expired on 30.6.2047
- (c) Restricted to use for carrying on the business of proprietary club or clubs of the nature of Country Club and to permit overnight-stay accommodation restricted to use by club members
- (d) Not more than 68,560ft² (i.e. 6,369.37m²) in gross floor area (GFA)
- (e) Building height (BH) not exceeding 35 feet (i.e. about 10.66m) above the mean site formation level of the lot nor contain more than 3 storeys. BH of badminton court shall not exceed 11.025m above mean site formation level of the lot for the lifetime of the building
- (f) Hilltop Road as a non-exclusive Right-of-way (ROW)

Extension to Lot 360 in D.D. 454 (1st Extension) (about 1,160m²)

- (a) Restricted to car parking purposes only
- (b) Shall not be taken into account for site coverage and plot ratio (PR) calculation

Extension to Lot 360 in D.D. 454 and the Extension thereto (2nd Extension) (about 22,940m²)

- (a) Restricted to garden and open space purposes only
- (b) No structure including boundary walls and fences and no building shall be erected, except with prior approval

Plan : Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33

Zoning : “Other Specified Uses” annotated “Sports and Recreation Club” (“OU(SRC)”)

[**Sub-area (A)**: subject to a maximum GFA of 6,370m² and a maximum BH of 4 storeys including car park, or the GFA and BH of the existing building, whichever is the greater; ‘Place of Recreation, Sports or Culture’ and ‘Private Club’ are Column 1 uses.

Sub-area (B): no PR/GFA/BH restriction; ‘Garden for Private Club’ is the only Column 1 use.]

Proposed Amendment : To rezone the application site from “OU(SRC)” to “Residential (Group B)6” (“R(B)6”)

[Maximum GFA of 49,300m² and maximum BHs of 197mPD, 203mPD and 211mPD]

1. The Proposal

- 1.1 The application site (the Site) (**Plan Z-1**) is zoned “OU(SRC)” on the approved Tsuen Wan OZP No. S/TW/33 and is currently occupied by the Hilltop Country Club with ancillary recreation and overnight accommodation facilities. The applicant proposes to redevelop the Site for residential use. As there is no provision under the OZP for submission of a section 16 planning application to the Town Planning Board (the Board) for residential use in the “OU(SRC)” zone, the applicant submitted the subject section 12A application to rezone the Site from “OU(SRC)” to a new “R(B)” sub-zone, i.e. “R(B)6” zone.
- 1.2 According to the applicant’s proposal, the proposed “R(B)6” zone would be subject to a maximum GFA of 49,300m² and maximum BHs of 197mPD, 203mPD and 211mPD on three sub-areas with a non-building area (NBA) of about 9,630m² along the eastern and southern boundaries of the Site (**Drawing Z-4**). The proposed Notes for the “R(B)6” zone submitted by the applicant is at **Appendix Ic**.
- 1.3 According to the applicant’s indicative scheme, the proposed development comprises 9 residential blocks with a clubhouse on ground floor and one level of basement for car park, clubhouse (portion) and E&M facilities. The BH of the residential towers ranges from 8 to 12 storeys (excluding basement) / 193.3mPD to 210.85mPD¹ (**Drawings Z-1 to Z-5**). The major development parameters of the indicative scheme are set out as follows:

¹ Taking into account various technical concerns raised by the relevant Government departments upon submission of the application, the applicant has reduced the development scale and BH of the proposed development, i.e. total GFA from 60,066m² to 49,300m² (-10,766m² or -18%), maximum BH from 226.65mPD to 210.85mPD (-15.8mPD or -7%), and number of flats from 828 to 458 units (-370 units or -45%).

Development Parameters	Proposed Development
Site Area	
- Gross Site Area	40,024m ²
- NBA	9,630m ²
- Net Site Area (excluding NBA)	30,394 m ²
Total GFA ²	Not more than 49,300m ²
PR	
- PR (based on Gross Site Area)	1.232
- PR (based on Net Site Area)	1.622
Site Coverage (SC)	Not more than 35%
BH	193.3mPD to 210.85mPD
No. of Storeys	
- Residential	8 to 12
- Clubhouse	2 (G/F and portion of basement)
- Basement	1
No. of Blocks	
- Residential	9
- Clubhouse	1
No. of Flats	458
Average Flat Size	About 107m ²
Designed Population	About 1,280
Overall Greening Ratio	About 35%
Private Open Space	Not less than 1,282m ²
No. of Car Parking Spaces	
- Private car	251 to 458 (including not less than 6 visitor parking spaces)
- Motorcycle	5
No. of Loading/Unloading (L/UL) Bay	9 (to be provided on G/F)
Tree Felling/Preservation Proposal	
A. <u>Within the Site</u>	
Existing trees	940
- <i>Trees to be retained</i>	533*
- <i>Trees to be transplanted</i>	33
- <i>Trees to be felled</i>	374**
Compensatory trees	708
B. <u>Within area affected by proposed road widening works</u>	
Existing trees	205
- <i>Trees to be retained</i>	111
- <i>Trees to be transplanted</i>	0
- <i>Trees to be felled</i>	94
Compensatory trees	1,234

* Including two existing incense trees (*Aquilaria sinensis*) protected under Protection of Endangered Species of Animals and Plants Ordinance (Cap.586), which are neither registered nor potential old

² According to the applicant, it is proposed to provide a non-domestic GFA of about 2,465m² (i.e. about 5% of the total GFA) for recreational use, which is largely within the proposed clubhouse for exclusive use by the owners and residents, and thus would be exempted by the Building Authority under APP-104 Exclusion of Floor Areas for Recreational Use.

and valuable trees (“OVTs”) (HT-638 and HT-739); and two potential OVTs (HT-377 and HT-849) (**Plan Z-5**).

- ** Including three potential OVTs, two of which would be affected by the proposed development with tree conditions not viable for transplanting and the remaining one was damaged by Typhoon Manghkut.

Proposed Road Widening and Junction Improvement Works

- 1.4 The Site is located at the foothill of Tai Mo Shan and to the north of Cheung Pei Shan Road. It is accessible via Hilltop Road leading from Lo Wai Road and Yi Pei Chun Road/Sam Tung Uk Road (**Plan Z-3a**). The existing ingress/egress located at the north-western corner of the Site will be maintained. To accommodate the traffic generated from the proposed residential development, the applicant proposed to carry out the following road widening and junction improvement works at his own cost, which will be completed prior to the population intake of the development:
- (a) to widen the Hilltop Road (existing single 2-lane carriageway) from 5m-6m wide to 7.3m-7.9m wide with a 1.5m-wide footpath on the side abutting the southern boundary of the Site (**Drawing Z-8a** and **Plan Z-3f**);
 - (b) to widen a section of Lo Wai Road in between Hilltop Road and Sam Tung Uk Road/Yi Pei Chun Road roundabout from existing 7m-wide single 2-lane carriageway to a 11m-wide 3-lane carriageway with 1.5m to 2m-wide footpaths on both sides of the road, and to provide a right-turning lane from Lo Wai Road for vehicles turning right to Hilltop Road without delaying the following vehicles (**Drawing Z-8b** and **Plan Z-3i**); and
 - (c) to improve the Tsuen Kam Interchange by providing an exclusive left turn lane from the Route Twisk (**Drawing Z-8c** and **Plan Z-3j**).

Proposed Traffic Management Plan

- 1.5 At present, Lo Wai Road is the only vehicular access serving the columbarium sites in the surrounding area of the Site, including Yuen Yuen Institute (YYI) and other monasteries (**Plans Z-1** and **Z-3a**). To improve the local traffic situation during the Ching Ming and Chung Yeung festival periods, Lo Wai Road would be temporarily closed to all vehicular traffic³ by Transport Department (TD). Special traffic management measures⁴ are currently implemented by YYI during these festival periods.
- 1.6 According to the applicant, to mitigate the traffic impact arising from the proposed development on Lo Wai Road during the Ching Ming and Chung Yeung festival periods, it is proposed to implement a traffic management plan by allowing only (i)

³ The traffic management measure has been implemented since 2017. Drivers of all motor vehicles, except franchised buses, taxis, public light buses, emergency vehicles and those with permits issued by TD, would be prohibited from driving into the closed road during the temporary closure period.

⁴ The special traffic management measures implemented by YYI include (i) providing shuttle bus service to/from MTR Tsuen Wan West Station, (ii) requiring all taxis to pick-up and drop-off inside YYI, (iii) providing a Green Mini-bus route No. 81 pick-up point inside YYI, and (iv) providing a franchised bus running between Tsuen Wan West Town Centre and Lo Wai Road outside YYI.

shuttle buses⁵ serving the proposed development; (ii) taxis and other permitted public transport; and (iii) emergency vehicles to access the Site during the Ching Ming and Chung Yeung Festival Days and the immediate weekends before and after (i.e. during the temporary road closure periods to be implemented by the Government).

- 1.7 To facilitate the implementation of the proposed road widening/junction improvement works and traffic mitigation measures as mentioned in paragraphs 1.4 to 1.6 above, the applicant has committed to submit an updated Traffic Impact Assessment (TIA) to TD during the lease modification/land exchange application stage. Among other considerations from relevant Government departments, TD's 'no objection/no comment' on the updated TIA will be the prerequisite for consideration of the lease modification/land exchange application. If appropriate, Lands Department may incorporate findings/measures in the updated TIA (including but not limited to, car parking provisions, road improvement, traffic management for Ching Ming and Chung Yeung Festivals, etc.) as clauses within the future land grant. The applicant also undertakes to notify the future residents about the future access arrangement as mentioned in paragraph 1.6 above through the Notice to Purchaser on sales brochure/displayed at the show flat, House Rules and Deeds of Mutual Covenant.

Proposed Slope Improvement and Utility Works

- 1.8 The applicant also proposed to carry out the following upgrading works at his own cost to facilitate the proposed development:
- (a) to upgrade all the slopes affected by the proposed road widening works as stated in paragraph 1.4 above (subsequent slope maintenance responsibility and management/maintenance responsibilities for Hilltop Road upon completion of the proposed improvement works would be considered at the lease modification stage);
 - (b) to upgrade the existing pipeworks or constructing new pipeworks for drainage/sewerage/water supplies along Hilltop Road and/or in the catchment of the Site⁶ (**Drawing Z-9**); and
 - (c) to upgrade the existing pump house at Lo Wai Road, which is currently serving the Site under Short Term Tenancy (STT) (**Drawing Z-9** and **Plan Z-3h**), for water supply to the proposed development⁷.

⁵ According to the applicant, the proposed shuttle buses for future residents will also be provided on a daily basis, with pick-up/drop-off points at MTR Tsuen Wan West Station and Kwai Hing Station.

⁶ According to the applicant, based on the current land status, the upper Hilltop Road (**Plan Z-3a**) is owned and managed by the applicant and hence the proposed drainage pipe and proposed sewer laid along the upper Hilltop Road would be maintained by the applicant. The existing drainage pipe and sewer to be upgraded along the lower Hilltop Road would be handed over to and maintained by the Drainage Services Department (DSD) upon completion of the proposed upgrading works.

⁷ According to the applicant, regarding the fresh water supply system upgrade, the existing pump house at Lo Wai Road (**Plan Z-3h**) and the proposed DN150 watermain connecting to the Site would be maintained by the applicant. The proposed and upgraded watermain along Lo Wai Road would be maintained by WSD.

Proposed Temporary Traffic Management (TTM) Scheme for Proposed Utility Works

- 1.9 The applicant prepared a conceptual TTM (Appendix 6 in **Appendix Ib**) in accordance with the “Code of Practice for the Lighting, Signing and Guarding of Road Works” to demonstrate that there would be no insurmountable impact on the existing road networks arising from the proposed construction works as mentioned in paragraph 1.4 above. The conceptual TTM includes four road sections, i.e. upper Hilltop Road section, lower Hilltop Road section, Lo Wai Road section and Cheung Pei Shan Road section. General arrangements of the conceptual TTM are summarised as follows:
- (a) works will be carried out in a stage-by-stage basis at construction stage (e.g. works area of no more than 25m in Hilltop Road and Lo Wai Road sections while 100m along Cheung Pei Shan Road section);
 - (b) conversion of Hilltop Road and Lo Wai Road sections from single-2 lane to one-lane two-way operation to maintain vehicular traffic and to maintain existing footpath for pedestrian/nearby residents;
 - (c) suspension of associated road works during Ching Ming and Chung Yeung festival periods; and
 - (d) temporary traffic signals will be provided and operated in such a manner as to enable vehicles to pass the obstruction or excavation in either direction without risk of accident and without unnecessary delay.

Drainage Aspect

- 1.10 As regards the drainage protection zone for the Tsuen Wan Drainage Tunnel (**Plan Z-2a**), the applicant undertakes to continue observing the Deed of Grant of Easement signed between the applicant and the Government in 2007 on the permission to exercise from time to time the rights for running the Tsuen Wan Drainage Tunnel underneath the Site.
- 1.11 In support of the application, the applicant has submitted the following documents:
- (a) Letters and Application form received on 30.1.2018 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) including Master Layout Plan (MLP), architectural drawings, Tree Preservation and Landscape Proposal (TPLP), TIA, Visual Impact Assessment (VIA), Air Ventilation Assessment – Expert Evaluation (AVA-EE), Environmental Assessment (EA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), Water Supply Impact Assessment (WSIA), Geotechnical Planning Review Report (GPRR)

- (c) Further Information (FI) 1 to 17 received between June 2018 and July 2020 providing new assessments including Conceptual TTM and Technical Notes of Traffic Analysis; and revised MLP, architectural drawings, TPLP, VIA, photomontages, TIA, DIA, SIA, WSIA and GPRR *(all cover letters of the FIs attached in Appendix Ia)*
- (d) FI 18 received on 16.7.2020 enclosing a consolidated report with an updated SPS and revised technical assessments as contained in FI 1 to 17 **(Appendix Ib)**

1.12 At the request of the applicant, the Metro Planning Committee (the Committee) of the Board on 20.4.2018 and 15.11.2019 agreed to defer making a decision on the application for two months respectively so as to allow more time for the applicant to submit FI to address departmental comments. Upon receipt of the FI on 6.5.2020, the application is scheduled for consideration by the Committee on 24.7.2020. In light of the special work arrangement for Government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Committee has agreed to adjourn consideration of the application. The application is now 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 updated SPS at **Appendix Ib**, which are summarised below:

In line with the Government Policy

- (a) The application is in line with Government's land use review in optimising use of existing privately-held land and helps to meet the imminent housing need by boosting supply.

Suitable Site to be Rezoned for Residential Use

- (b) The proposed development is located largely on the already formed land, which is about 40% of the Site, and no extensive slope cutting is anticipated. Besides, the Site is well-supported by various infrastructures with vehicular access. Locating at the foothill of Tai Mo Shan at about 1km away from Tsuen Wan New Town, the Site enjoys a peaceful and quiet environment and possesses a stunning view. Redeveloping the Site for residential use is considered appropriate.

Appropriate and Optimum Development Quantum

- (c) The indicative development scheme strikes a balance between maximising the number of units and respecting the existing green setting. The proposed PR, given the site context, is considered appropriate and optimised. It is comparable to medium-density residential developments, The Cairnhill and The Cliveden (**Plan Z-6**) on Route Twisk which share similar site characteristics. Besides, the

incorporation of wind corridors and NBA is able to improve the amenity of the Site.

Sustaining the Existing Landscape Amenity

- (d) The proposed landscape design aims to maximising the opportunity for soft landscape and establish pleasant landscape areas to meet the varying needs of the residents and satisfy the active and passive recreational requirement. Based on the tree survey, a total of 533 trees will be retained in-site, 33 will be transplanted and 708 numbers of heavy standard trees are proposed to compensate for the 374 trees to be felled. The quantity compensation ratio is about 1 to 1.89.

Acceptable Visual Impact

- (e) The submitted VIA (Appendix 3 in **Appendix Ib**) demonstrated that the proposed development will in overall terms have some negative visual effects to most of the identified key public viewpoints (**Drawings Z-7a to Z-7k**). Nevertheless, the proposed development will provide 15-25m building separations, a distinct stepped height profile and sensible BHs respecting to the topography, which altogether helps to improve the visual permeability and visual openness.

No Adverse Technical Impacts

- (f) The proposed development, with a PR and BH reduced from 1.5 to 1.232 (based on gross site area) and from 8-17 storeys to 8-12 storeys respectively as compared to the original scheme, is a compromised scheme with an aim to strike a balance between various technical issues and housing supply.
- (g) The submitted TPLP, VIA, TIA, AVA-EE, EA, DIA, SIA, WSIA and GPRR (all in **Appendix Ib**) have demonstrated that, with implementation of proposed mitigation measures, the proposed development will not cause any significant adverse impacts.
- (h) The TIA (Appendix 6 in **Appendix Ib**) reveals that all critical junctions in the vicinity will continue to be operating within capacities upon occupation. The conceptual TTM has demonstrated that no insurmountable impact on the existing road network due to the construction works for the proposed development is anticipated.
- (i) In response to public comments extracted in **Appendix V** concerning about the potential visual impact to be created by the proposed development, the applicant indicated that the indicative scheme aims to strike a balance between various technical issues and housing supply. As for the concern about possible impact during the construction stage, the applicant will ensure that the construction works of the proposed development shall adhere to all relevant regulations and guidelines and will work with all relevant authorities including the District Council to minimise the impact as far as practicable. The applicant will continue to maintain a good relationship with the neighbours and keep close liaison with stakeholders in the neighbourhood during construction stage to ease public's concern.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background of the Site

- 4.1 Before 1967, the Site was held under Block Government Lease and marked as agricultural land. In 1967, the Site was granted by way of land exchange for the purposes of animal husbandry and bird farming. Upon the Board’s approval for the first s.16 application (No. A/KC/1) for proposed country club with ancillary facilities on 16.7.1976 (paragraph 5.1 below refers), the Site was granted by way of land exchange for the purposes of carrying on the business of proprietary club(s) of the nature of country club.
- 4.2 The Site was zoned “Green Belt” (“GB”) on the then Tsuen Wan & District Outline Development Plan No. LTW/75 gazetted on 11.7.1963. In 1972, the Site was excised from the then Tsuen Wan & District Planning Scheme Area and zoned “GB” on the then Kwai Chung OZP No. LTW/132. Subsequently in 1986, the Site was excised from the then Kwai Chung Planning Scheme Area and included in the Tsuen Wan Planning Scheme Area, and was zoned “GB” on the Tsuen Wan OZP No. S/TW/2.
- 4.3 The Site is the subject of three approved planning applications for country club development and four rejected planning applications as mentioned in paragraph 5 below. The existing clubhouse building was firstly completed in 1979 with subsequent expansion in relation to the approved development schemes under various planning applications. To reflect the existing use, the Site was rezoned from “GB” and a minor portion zoned “Village Type Development” (“V”) to “OU(SRC)” on 5.9.2003. The country club portion together with its open-air carparking area was designated as sub-area (A) of the “OU” zone while the extension area was designated as sub-area (B) of the same “OU” zone. Under the sub-area (A), ‘Place of Recreation, Sports or Culture’ and ‘Private Club’ are always permitted subject to maximum GFA of 6,370m² and maximum BH of 4 storeys including carpark, whilst the sub-area (B) has no PR/GFA/BH restriction and ‘Garden for Private Club’ is the only always permitted use in this sub-area. The “OU(SRC)” zoning of the Site remains unchanged since then.

5. Previous Applications

- 5.1 The Site is the subject of three approved planning applications for country club development (**Plan Z-2b**). The first application (No. A/KC/1) was approved by the Board on 16.7.1976 for development of country club with ancillary facilities (e.g. miniature golf, swimming pools, tennis courts, badminton courts, etc.). On 16.7.1982, the second application (No. A/KC/36) was approved for development of club members’ stay over-night quarters and other ancillary club facilities. The third application (No. A/TW/112) was approved on 23.2.1990 for tennis court above a single storey carpark building.

- 5.2 Apart from the three approved applications mentioned above, the Site is the subject of four rejected planning applications (No. A/TW/97, A/TW135, A/TW/178 and A/TW/263) (**Plan Z-2b**). On 17.3.1989, the Board rejected an application (No. A/TW/97) upon review for further extension of the existing country club eastward for stay-overnight quarters and recreational facilities mainly on the grounds that the increase in area was excessive for the “GB” zone.
- 5.3 The remaining three applications (No. A/TW/135, A/TW/178 and A/TW263) were rejected on 6.12.1991, 15.10.1993 and 3.10.1998 for golf driving range and place of recreation, sports or culture; international school with dormitory and staff quarters; and residential and private club development respectively. These applications were rejected mainly on the grounds that there were no strong justifications for the proposed developments in the “GB” zone. Application No. A/TW/135 was rejected upon review on 24.4.1992.

6. Similar Applications

There is no similar rezoning application from recreational related-use to residential use in Tsuen Wan.

7. The Site and Its Surrounding Area

7.1 The Site (**Plans Z-1, Z-2a, Z-3b to 3e and Z-4**):

- (a) is located at the foothill of Tai Mo Shan and at a prominent location up the knoll at Lo Wai overlooking the Tsuen Wan New Town;
- (b) is accessible through Hilltop Road, as the only access, which leads to Lo Wai Road to the south;
- (c) has been operated as a country club for more than three decades;
- (d) comprises two major parts, the country club with ancillary facilities portion (sub-area (A) on the OZP) and the garden portion (sub-area (B) on the OZP). Sub-area (A) is occupied by a clubhouse building accommodating guestrooms, catering facilities, carparks, function rooms, etc., with the open area providing various recreational facilities such as swimming pool and tennis court, while sub-area (B) is mainly vegetated terrace; and
- (e) has a protection zone for the existing Tsuen Wan Drainage Tunnel running across its southern portion (**Plan Z-2a**).

7.2 The surrounding area has the following characteristics (**Plans Z-1, Z-3a and Z-4**):

- (a) the Site is surrounded by vegetated slopes which are zoned “GB” on the OZP, with Shing Mun and Tai Mo Shan Country Parks located to its northeast and northwest respectively;

- (b) to the west of the Site over Sheung Kok Shan Road are clusters of “Government, Institution or Community” (“G/IC”) zones including the YYI and Western Monastery (WM); and
- (c) to the immediate southeast and south of the Site is the “V” zone of Lo Wai.

8. Planning Intention

The planning intention of the “OU(SRC)” zone is primarily for the provision of land for the development of recreation club with ancillary overnight accommodations, sports and recreational facilities. The zoning is divided into two sub-areas. As mentioned in paragraph 8.11.18 of the Explanatory Statement of the OZP, sub-area (A) is to reflect the existing club facilities and its associated parking areas, while sub-area (B) should be restricted to uses including garden and open space only for conserving its existing landscape character which is mainly of hilly topography. Building development at sub-area (B) is not envisaged.

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, LandsD (DLO/TW&KT, LandsD):
- (a) it is noted that the applicant has committed to submit an updated TIA to address the traffic impact arising from and in connection with the site being developed for residential purposes during the land exchange application stage if the subject s.12A application is approved by the Committee. The applicant acknowledges/accepts that they will have to secure TD’s “no objection / no comment” on the updated TIA prior to submission to the District Lands Conference (DLC);
 - (b) if the subject s.12A application is approved by the Board, the lot owner will have to apply for a lease modification (or land exchange as appropriate) for implementation of the proposal as residential use is in breach of the existing lease conditions. The lease modification (or land exchange) application will only be considered upon LandsD’s receipt of the formal application from the lot owner. There is no guarantee that the application, if received by LandsD, will be approved and DLO/TW&KT, LandsD reserves her comments on such. The application upon receipt will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so,

including, among others, charging of premium and administrative fee;

- (c) lease modification (or land exchange) as mentioned involves variation of contractual matters, an application has to be submitted by the lot owner. Assuming that there will be no time limit imposed by the Board on implementation of the residential use upon successful rezoning, it is then entirely at the lot owner's sole decision on the timing of submission of lease modification application to LandsD for implementation of their proposed residential development in accordance with the OZP. Since the applicant is free to sell the lot to other developer at any time, lease modification (or land exchange) application to implement residential development upon rezoning approved by the Board may be submitted by another party being the lot owner, rather than the applicant. In this connection, it is essential to ascertain with TD that a satisfactory updated TIA with appropriate and feasible road improvement works and traffic mitigation/remedial measures is a pre-requisite for TD's consideration of the lease modification (or land exchange) application;
- (d) when an updated TIA is submitted by the lot owner in supporting of their lease modification (or land exchange) application, presumably it is required to be prepared based on the most up-to-date traffic data, on-site traffic conditions and the latest development in the surrounding at the time of lease modification (or land exchange) application, and should comply with Government departments' prevailing requirement and standards. Traffic mitigation/remedial measures as proposed, which may or may not be entirely the same as those suggested in the current TIA for rezoning purpose, will have to be agreed by TD and relevant departments during the lease modification (or land exchange) application stage;
- (e) generally speaking, mitigation measures that touches and concerns the land and capable to amount as a land covenant may be considered for incorporating into the land lease as requirements if practicable and enforceable, bearing in mind the limited sanctions under lease. Government department(s) seek and proposes to include certain requirements into the land lease shall assume responsibilities as the authority of administering the requirements under lease including checking or monitoring compliance. For measures concerning improvement of existing roads outside the Site (i.e. at Hilltop Road⁸, Lo Wai Road and Tsuen Kam Interchange), such proposed road widening/improvement works would be required to be considered and processed in accordance with the provisions and procedures under the Roads (Works, Use and Compensation) Ordinance Cap. 370 with necessary authorization under Cap. 370 obtained before

⁸ Hilltop Road is currently partly designated as a non-exclusive right-of-way ("ROW") of the lot and partly under Highways Department (HyD)'s purview and maintained by HyD. The maintenance responsibility of the overlapping portion as shown in Plan Z-3a is to be resolved at the lease modification stage.

such could be incorporated into the land lease. There is no guarantee that all the endorsed measures would be incorporated as land lease requirements and it is pre-mature at this planning stage to determine and specify the implementation/enforcement means as the mitigation/remedial measures are subject to submission of an updated TIA and departmental discussions during the lease modification (or land exchange) application stage. The implementation/enforcement matter for mitigation measures will be considered upon receipt of the updated TIA during the lease modification (or land exchange) application stage;

- (f) the applicant should note that the approving authority of the Deed of Mutual Covenant (DMC) is Legal Advisory and Conveyancing Office (LACO) of LandsD. The applicant should observe the relevant LACO Circular Memoranda in submitting any DMC for approval;
- (g) details of the proposed sewerage works and the alternative water supply proposal, including how the proposed watermain underneath public road between the private pump house within “V” zone and the Site (which WSD regards as inside service) would be documented, would be considered upon her receipt of formal lease modification (or land exchange) application from the owner. There is no guarantee that the application and also that in connection with the proposed sewerage works, the proposed upgraded pump house and possible laying of private watermain/pipeline on public road, if received by LandsD, will be approved and she reserves her comment on such;
- (h) in response to public comments concerning the structural safety of the nearby squatters would be affected by the proposed development, she advises that under prevailing Squatter Control Policy, rebuilding of both domestic and non-domestic Surveyed Squatter Structure in urban area is not allowed while repair of a Surveyed Squatter Structure on Government land may be allowed subject to certain conditions and approval by the LandsD. Pamphlet of LandsD on “Squatter Control Policy on Surveyed Squatter Structures” can be referred to; and
- (i) other detailed comments are set out in **Appendix II**.

Traffic Aspect

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

- (a) has no in-principle objection to the proposed development;
- (b) traffic congestion was observed along Lo Wai Road during the Ching Ming and Chung Yeung festival periods. In this regard, TD and Police have implemented special traffic management measures at Lo Wai Road since 2017 during the above festival periods. Drivers of

all motor vehicles, except franchised buses, taxis, public light buses, emergency vehicles and those with permits issued by TD, would be prohibited from driving into the closed road during the temporary closure period. Apart from the traffic congestion on Lo Wai Road mentioned above, it is noted that the Tsuen Kam Interchange is busy in the morning and evening rush hours;

- (c) to improve road conditions and mitigate the traffic impact arising from the proposed development on Lo Wai Road and the nearby roads, the applicant proposed to carry out road widening and junction improvement works at Hilltop Road, Lo Wai Road and Tsuen Kam Interchange at his own cost, and mitigation measures including the TTM scheme for implementing the proposed utility works as well as the traffic management plan during the Ching Ming and Chung Yeung festival periods to restrict access to the Site (paragraph 1.6 above refers);
- (d) having considered that the TIA (Appendix 6 in **Appendix Ib**) has demonstrated that all critical junctions will operate within their capacities in design year 2028 upon implementation of the proposed road improvement works and mitigation measures (including the traffic management plan which may be operated through permit system similar to the traffic management measures at Lo Wai Road during the Ching Ming and Chung Yeung festival periods, where the future residents of the development will not be issued a permit), it is anticipated that the proposed development would not induce insurmountable traffic impact onto the surrounding road network during construction and operation stages; and
- (e) it is considered necessary that the applicant's implementation proposal of the traffic management plan should be stated in the lease. The applicant should also notify future residents about the access restrictions under traffic management plan (which would be enforced through TD's permit system) through the future Notice to Purchaser, House Rules and Deed of Mutual Covenant etc.

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

has no objection in principle to the application given that the proposed development would not affect the public and road safety incurred from the proposed works as well as the measures of TIA to be taken duly.

9.1.4 Comments of the Chief Highway Engineer/New Territories West, HyD (CHE/NTW, HyD):

- (a) has no comment on the application from highways maintenance perspective;
- (b) as part of the Hilltop Road is within Government land but not maintained by HyD (**Plan Z-3a**), the applicant has to identify the current maintenance party and seek comments and approval from

DLO/TW&KT, LandsD regarding the proposed widening works;

- (c) for the proposed water supply works at Lo Wai Road and Hilltop Road, there should not be any private installation laid under the roads maintained by his Region unless permission from DLO/TW&KT, LandsD has been granted; and
- (d) other detailed comments are set out in **Appendix II**.

Urban Design, Visual, Air Ventilation and Landscape Aspects

Urban Design and Visual

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

- (a) the Site, currently occupied by a 3-storey recreational club (Hilltop Country Club), is located at the foothill of Shing Mun Country Park surrounded by a number of temples, monasteries and village houses (**Plan Z-2a**). To the west of the Site down the slope are the YYI and WM with BH ranging from 120mPD to 160mPD. To its immediate southeast is Lo Wai Tsuen where clusters of 1 to 3-storey village houses stand on a gently slope hill ranging from 60mPD to 110mPD; and
- (b) according to the indicative scheme, the proposed development comprises 9 domestic blocks ranging from 8 to 12 storeys. According to the submitted photomontages (**Drawings Z-7a to Z-7k**), the latest revised scheme of the proposed development with BH profile ranging from 193.3mPD to 210.85mPD seems to be visually less imposing comparing to the original scheme. The building design has also adopted a stepped BH profile responsive to the topography and the mountainous backdrop. Nevertheless, accommodation of the proposed development will introduce a different built form and land use character to the area north of Cheung Pei Shan Road. The resulting development will bring a relatively substantial increase in scale and massing to the surrounding traditional townscape characterised by low-rise temples and village houses.

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

the proposed development consists of 9 residential blocks with height ranging from 8 to 12 domestic storeys (excluding basement) which is about 167% to 300% higher than adjacent Lavender Garden, Chuen Yiu Terrace, Lo Wai Village, Hoi Pa Resite Village and Sam Tung Uk Resite Village with a BH of 3 storeys. It is undesirable from visual impact and architectural context point of view and may not be compatible to adjacent village type developments in terms of BH, massing, architectural context and character.

Air Ventilation

9.1.7 Comments of CTP/UD&L, PlanD:

- (a) according to the indicative scheme, there are several building gaps and building setbacks incorporated in the proposal (**Drawing Z-10**) to alleviate the potential impact on pedestrian wind environment. The six building separations include (i) about 18m between Block 2 and 9; (ii) about 15m between Block 2 and 3; (iii) about 24m between Block 4 and 5; (iv) about 16m between Block 6 and 7; (v) about 17m between Block 7 and 8; (vi) about 16m between Block 8 and 9. The three setbacks include (i) 28m from the northern boundary; (ii) 51m from the south-eastern boundary and (iii) 42m from the southern boundary;
- (b) other design principles would be further considered at the detailed design stage which include, building permeability, building setback, greenery and ground coverage; and
- (c) with the incorporation of the above features in the proposal, no significant adverse impact is anticipated to the surrounding pedestrian wind environment when compared to the existing development.

Landscape

9.1.8 Comments of CTP/UD&L, PlanD:

- (a) has reservations on the application from the landscape planning perspective;
- (b) the Site is located at the hillslope of Tai Mo Shan along Hilltop Road in Lo Wai, Tsuen Wan, with an area of about 40,024m². To the immediate north is Shing Mun Country Park, while to the immediate south is village clusters. Religious developments are found at the west of the Site. With reference to Landscape Value Mapping in Hong Kong, the surrounding area is of urban peripheral village landscape character, characterised by wooded slope and shrubland with scattered village houses and squatter settlement. The proposed development involves a BH ranging from 8 to 12 storeys (excluding basement). Public housing developments are located at the southbound of Cheung Pei Shan Road and are not in proximity to the Site. The proposed development is considered incompatible with the existing landscape setting; and
- (c) around 1/3 of the Site is undisturbed vegetated woodland and the rest is currently used as country club with private open space and amenity planting. The proposed development sits largely on existing platform with the north-east portion cutting into existing

vegetated slope. According to tree felling proposal (Appendix 2 in **Appendix Ib**), the major vegetation loss within the Site is on the re-graded slope/terrace and slope cutting due to the road widening. Although individual tree survey revealed that most trees are in fair conditions, those trees are of high landscape value as a group within the club area. The applicant should further explore the possibility of retaining trees at the club area.

9.1.9 Comments of Director of Leisure and Cultural Services (DLCS):

- (a) has no comment from district management, tree management and landscape perspective;
- (b) given no existing LCSD's facilities and/or roadside amenity would be affected, there is no particular comment from district operation perspective; and
- (c) other detailed comments are set out in **Appendix II**.

Environment

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

- (a) has no objection to the application; and
- (b) has no further comment on the technical content of the submitted Environmental Assessment and Sewerage Impact Assessment (Appendices 5 and 8 in **Appendix Ib**).

Nature Conservation

9.1.11 Comment of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) has no objection to the application;
- (b) it is noted from the MLP (**Drawing Z-1**) and the SPS (**Appendix Ib**) that the natural slope at the south and the northeast which contain native trees of various sizes will be left untouched, and that the former will be reserved as a NBA;
- (c) the Site has existed as a built-up area outside Shing Mun Country Park for a long time. While it is located downhill tangential to Shing Mun Country Park at its northeast corner, most of the wildlife recorded in the proximity are widely distributed in Hong Kong. According to the applicant's submitted documents, trees on the vegetated slope at the northeast will be left untouched with additional tree compensation, together of which may serve as a vegetated buffer between the proposed development and the Shing Mun Country Park;

- (d) according to the landscape proposal (Appendix 2 in **Appendix Ib**), proposed tree felling are largely confined to the existing developed area. It is also noted in the submission that the natural slope at the south and southeast will be left untouched with no tree felling proposed;
- (e) it is gathered from the submitted documents that the locations of the drainage channel and pump house are indicative and that they will be locally adjusted to avoid and minimise impact to the natural slope and existing trees; and
- (f) it is noted that the proposed drainage works had been updated such that there will not be any new pump house within the Site, and the proposed drainage works and manholes would fall along Hilltop Road instead of the natural slope at the south of the Site.

Drainage Aspect

9.1.12 Comments of the Chief Engineer/Mainland South, Drainage Service Department (CE/MS, DSD):

- (a) has no adverse comment on the proposed development from drainage maintenance perspective provided that the applicant illustrates that the proposal complies with the requirements as stipulated in DSD Practice Note (PN) No. 2/2017 “Assessment on the Effects of Construction Activities on Drainage and Sewerage Tunnels and their Associated Structures (Dec 2017)”;
- (b) in this connection, the applicant should be reminded to provide drawings showing the minimum clearance between the proposed works and the Tsuen Wan Drainage Tunnel before implementation of the proposed development. Calculations should also be submitted demonstrating that the change in pressure and differential movement, etc. are in compliance with DSD PN No. 2/2017; and
- (c) other detailed comments are set out in **Appendix II**.

Geotechnical Aspect

9.1.13 Comments of the Head of Geotechnical Engineering Office, CEDD (H(GEO) CEDD):

- (a) has no geotechnical objection to the application;
- (b) it is noted that the applicant will undertake to carry out a Natural Terrain Hazard Study (NTHS) before implementation of the proposed development for the proposed road widening works at Hilltop Road based on the latest findings of the submitted TIA;
- (c) in regard to the public’s concern (**Appendix V**) on slope stability

relating to proposed widening of the existing roads and the water/drainage upgrading works, it should be noted that the applicant's agents have submitted supporting information and GPRR indicating (i) the feasibility of the proposed widening of the existing roads, (ii) the proposed works for drainage and water supply is geotechnically feasible and it will not involve deep excavation, and (iii) that a leakage collection system will be provided in future drainage and water supply design to ensure adjacent sloping ground will not be adversely affected; and

- (d) other detailed comments are set out in **Appendix II**.

Water Supply

9.1.14 Comments of Chief Engineer/Construction, WSD (CE/C, WSD):

- (a) has no objection to the application;
- (b) no further comment on the proposed mitigation measures including the upgrading of existing water mains, construction of upgraded pump house with water tank (to break pressure) and the proposed inside service;
- (c) it should be noted that the “upgraded pump house with water tank (to break pressure)” is owned, managed and maintained by the applicant;
- (d) future water supply application for the Site will not be approved if the consent from HyD/LandsD for the laying of the inside services along Lo Wai Road and Hilltop Road cannot be obtained; and
- (e) other detailed comments are set out in **Appendix II**.

Building Matters

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

has no objection to the application subject to the following comments:

- (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 emergency vehicular access shall be provided for all the buildings to be erected on the Site in accordance with the requirements under B(P)R 41D; and
- (b) detailed comments will be given in the building plan submission stage.

Fire Safety

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

- (a) has no in-principle objection to the application subject to water supplies for fire-fighting and fire service installations being provided to the satisfaction of D of FS;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) the emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the BD.

Civil Aviation Safety

9.1.17 Comments from the Director-General of Civil Aviation (DG of CA):

in response to concern from the public comments over the impact of the proposed development on flight path and that of the future 3rd runway (**Appendix V**), he has the following comments:

- (a) the flight paths for the Hong Kong International Airport (HKIA) are all developed through careful studies in compliance with international standards and recommended practices promulgated by the International Civil Aviation Organisation;
- (b) it is noted that the maximum levels of the proposed development will not exceed +211mPD. On this understanding, the proposed development will not exceed the restricted height [more commonly known as the Airport Height Restriction (AHR) as prescribed under the Hong Kong Airport (Control of Obstructions) Ordinance (Cap.301)]; and
- (c) while the Three-Runway System (3RS) of the HKIA is under development, it is understood that the safeguarding requirement for the subject area under the operation of the 3RS would not be more stringent than the existing AHR.

District Officer's Comments

9.1.18 Comments of the District Officer (Tsuen Wan), Home Affairs Department (DO(TW), HAD):

- (a) members of the community are very concerned with the traffic conditions around Hilltop Road, and they have strong reservations on the feasibility of the application if no major improvements on traffic are brought about;

- (b) the application was discussed in the meetings of the Community Building, Planning and Development Committee (CBPDC) under the Tsuen Wan District Council (TWDC) of the previous term held on 13.3.2018, 15.5.2018, 10.7.2018, 4.9.2018, 13.11.2018, 15.1.2019, 12.3.2019 and 9.7.2019. Extract of minutes are at **Appendices III-a to III-h**; and
- (c) villagers of Lo Wai expressed strong objection to the application in view that the proposed development would bring adverse impacts to the surrounding villages, country park and green belt, as well as on the environment, traffic and traditional village living style (**Appendix IV**).

9.2 The following Government department has no comment on the application:

Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD)

10. Public Comments Received During Statutory Publication Periods

- 10.1 During the public inspection periods, a total of 224 public comments were received⁹. A full set of the public comments is deposited at the meeting for Members' inspection.
- 10.2 Among the 224 public comments (of which 36 comments were submitted in 8 standard formats), 99 (44.2%) supported the application (samples at **Appendix V-a**), 101 (45.1%) objected the application (samples at **Appendix V-b**), 16 (7.1%) provided comments/had reservation on the application (samples at **Appendix V-c**) and 8 (3.6%) had no comment on the application (samples at **Appendix V-d**). These public comments were submitted by the following parties:
 - (a) 17 comments submitted by the former Chairman and Members of TWDC (2016-2019), and the former Chairman of CBPDC of TWDC (2016-2019) expressing reservation / objection to the proposal;
 - (b) 35 comments submitted by the villagers of Lo Wai, Lo Wai Village Office and a village group named 老圍同和社, Hilltop Rezoning Concern Group (顯達改劃關注組), World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited raising objection to the proposal;
 - (c) 5 comments submitted by Lavender Garden and Chuen Yiu Terrace, resite villages in the vicinity of the proposed development, raising objection to the proposal;
 - (d) 3 comments submitted by Yuen Yuen Care & Attention Home for the

⁹ Duplicated comments were only counted once.

Aged (located at the further west of the Site in an area zoned “G/IC(2)”) (**Plan Z-1**) expressing no comment; and

- (e) the remaining 164 public comments were submitted by individuals with a mix of supporting and objecting comments as well as general comment and no comment.

Supporting Views (99 public comments) (**Appendix V-a**)

10.3 The supporting grounds are mainly as follows:

- (a) only few people can use the Hilltop Country Club currently. The proposal can increase housing and land supply;
- (b) the convenient location and pleasant surrounding environment makes the Site suitable for residential development;
- (c) agree with the proposed development provided that the density would not be too high and greenery to be maintained;
- (d) the proposal has already considered nearby environmental and traffic conditions with a road widening scheme proposed; and
- (e) it is reasonable to expect more environmental/noise impacts to the surrounding during the construction stage.

Objecting Views (101 public comments) (**Appendix V-b**)

10.4 The objecting grounds are mainly as follows:

Proposed development is not justified

- (a) the Site serves as a buffer between the urban development and the country park. The proposed development intensity is incompatible with the surrounding tranquil and natural environment, and rezoning the Site for an out-of-context development in the urban fringe areas and rural areas should be avoided;
- (b) rezoning the Site for the proposed development is not in line with Chapter 11 of the Hong Kong Planning Standards and Guidelines, which states that out-of-context development should be avoided in the urban fringe and rural areas;
- (c) “The Cairnhill” to the further northwest zoned “R(B)3” cannot be taken as a valid justification for the proposed development because it is supported by a much wider road (i.e. Route Twisk) while the Site’s access is the much narrower Hilltop Road;
- (d) there was no prior consultation with the existing members of Hilltop Country Club or the residents in the nearby area (i.e. residents of Lavendar Garden and Hermita Villa) regarding the proposed

development;

- (e) the proposed development would only provide accommodation and club facilities for its future residents without offering community benefits to existing residents in Lo Wai and Tsuen Wan; and
- (f) the right of the existing members of Hilltop Country Club would be affected by the proposed rezoning. If the applicant is no longer interested in operating recreational facilities at the Site, the Government should consider taking back the Site for public enjoyment.

Adverse traffic/visual/environmental impacts

- (g) there is inadequate provision of car parking spaces in the proposed development which would result in illegal parking in the area. Hilltop Road is narrow and may not be able to accommodate the future traffic;
- (h) there are limited public transport access to the Site. The minibus service may not support the sudden increase of passengers who will travel to religious institutes and residences along Yi Pei Chun Road and Shek Wai Kok Road;
- (i) the proposed development will intensify the traffic congestion of Lo Wai Road during Ching Ming and Chung Yeung festival periods;
- (j) the proposed development will block the ridgeline and view of nearby mountains, and the Fung Shui of Lo Wai will also be adversely affected; and
- (k) massive tree felling and vegetation clearance would cause adverse ecological impacts, and light brought by the proposed development will adversely affect the wildlife of Shing Mun Country Park. No ecological impact assessment has been conducted for the proposed development.

Other adverse impacts

- (l) construction of the proposed development would create noise impacts to the nearby residences, and affect structural safety of nearby squatters and the licence status of the squatters;
- (m) public fund should not be used for upgrading infrastructure works for private development;
- (n) the proposed development would affect the flight path and the future 3rd Runway System; and
- (o) approval of the application would create undesirable precedent for lot owners in “Open Space”, “V”, “GB” and “OU” zones to apply for rezoning.

Providing Views (16 public comments) (Appendix V-c)

10.5 Other comments on the application include the followings:

- (a) the intention of the application is good but the scale and intensity of the development should be reduced to avoid adverse traffic and visual impacts. Mitigation measures to minimize the adverse impacts on residents nearby should be proposed;
- (b) the traffic generated by the proposed development would lead to wear and tear of the Hilltop Road. In addition, Lo Wai Road is congested during grave sweeping seasons and widening of the road would be difficult in view of the sloping topography in the area;
- (c) the Site is located at a prominent location and it is in doubt that the proposed flats would be affordable;
- (d) more time should be allowed to consult the TWDC and the affected stakeholders; and
- (e) ownership of the Hilltop Country Club should be clarified that if it still belongs to Nina Wang's estate then it should be part of the charitable trust over which the Financial Secretary has ultimate say¹⁰.

11. Planning Considerations and Assessments

11.1 The application is for rezoning the Site from "OU(SRC)" to "R(B)6" for residential development subject to a maximum GFA of 49,300m² and maximum BHs of 197mPD, 203mPD and 211mPD for three sub-areas respectively with an NBA covering the natural slope at the southern and south-eastern parts of the Site (**Drawing Z-4**). Under the proposed "R(B)6" zone, residential development is always permitted and thus planning application is not required from the Board if the proposed rezoning is approved. The proposed Notes for the "R(B)6" zone submitted by the applicant is at **Appendix Ic**. According to the indicative scheme submitted by the applicant, the proposed development comprises 9 residential blocks on top of a level of basement providing a total of 458 flats (**Drawings Z-1 and Z-5**). Stepped BHs descending from north to south (from 210.85mPD to 193.3mPD) respecting to topography is proposed (**Drawings Z-2 and Z-3**).

Land Use Compatibility

11.2 The Site adjoins an area comprising mainly low-rise/low-density institutional and residential development in its immediate surroundings. To the south, southeast and southwest of the Site are a number of village clusters including Lo Wai, Sam Tung Uk Resite Village, Hoi Pa Resite Village, Sai Lau Kok Tsuen

¹⁰ In response to this public comment, the applicant clarified that the company is the sole owner of the Site.

and Pak Tin Pa Tsuen (**Plan Z-1**). To the west of the Site are clusters of “G/IC” zones covering a number of long-established religious institutions including YYI and WM. To the further south of the Site across Cheung Pei Shan Road, high-rise public housing estates (e.g. Cheung Shan Estate and Shek Wai Kok Estate) are located. The proposed residential use at the Site is considered not incompatible with the surrounding land uses.

Development Intensity

- 11.3 In terms of development intensity, the proposed “R(B)6” zone with a PR of 1.622 (based on the net site area), is on the low side as compared with the PR of other “R(B)” sites in the Tsuen Wan planning scheme area ranging from 2.1 to 3.3. Currently, there is no other “R(B)” development in the vicinity of the Site apart from the low-density village houses/religious institutions and the high-density public housing to the further south across Cheung Pei Shan Road as mentioned in paragraph 11.2 above. The closest “R(B)” developments in the area are found across the Tai Mo Shan Country Park to the west of the Site at similar altitude, namely The Cairnhill and The Cliveden (**Plan Z-6**), the PR of which is about 3. These two developments are also located adjacent to low-rise squatter development in the Route Twisk area. The proposed development with a total GFA of 49,300m² or PR of 1.622, which is generally in line with the PR restriction for “R(B)” zone, is not considered as exceptional for residential development in the Tsuen Wan area, subject to no insurmountable technical issues.

Urban Design, Landscape and Air Ventilation

Urban Design

- 11.4 The Site is located in a predominantly low-rise and low-density area, with village houses, temples and vegetated slopes in the vicinity (**Plans Z-3a** and **Z-4**). While the proposed residential use is compatible with the surrounding land uses, CA/CMD2, ArchSD comments that the proposed development may not be compatible to adjacent 3-storey village type developments in terms of BH, massing, architectural context and character. CTP/UD&L, PlanD advises that the building design in the indicative scheme has adopted a stepped BH profile in responsive to the topography and mountainous backdrop. However, she considers that with a different built form and land use character to the area north of Cheung Pei Shan Road introduced, the proposed development will bring a relatively substantial increase in scale and massing to the surrounding traditional townscape characterised by low-rise temples and village houses.
- 11.5 From district planning perspective, whilst currently there is no other “R(B)” development to the north of Cheung Pei Shan Road, the proposed 8 to 12-storey residential development transformed from the existing 3-storey country club at the Site is considered not unacceptable given that the stepped BH profile of the proposed development is responsive to the topography and the mountainous backdrop, and that the NBA along the eastern and southern boundaries of the Site will serve as a visual buffer between the Site and the existing low-rise village type development to the south. There is no significant visual impact caused by the proposed development according to the submitted VIA (**Drawings**

Z-7a to Z-7k). In general, the potential visual impact of the proposed development at a maximum BH of 211mPD is considered not substantial in the wider context of the Tsuen Wan New Town.

Landscape

- 11.6 The Site sits up the knoll of Lo Wai at the foothill of the Shing Mun and Tai Mo Shan Country Parks and is surrounded by vegetated green slopes. With reference to Landscape Value Mapping in Hong Kong, the surrounding area is of urban peripheral village landscape character, characterised by wooded slope and shrubland with scattered village houses and squatter settlement. CTP/UD&L, PlanD considers that the proposed development is incompatible with the existing landscape setting and thus has reservation from landscape planning perspective.
- 11.7 According to the applicant's proposal, the proposed development is largely located at the existing formed land (about 40% of the gross site area). With reference to the submitted Landscape Master Plan (**Drawing Z-6**), the applicant has demonstrated genuine effort in maximising greening opportunity within the Site by adopting a higher greening ratio of about 35% and tree compensation ratio of 1 to 1.89. The applicant has confined tree felling within the existing developed area and left the natural slopes at the northeast, southeast and south largely intact so as to minimise any possible adverse impact on the existing landscape resources, which also serve as landscape buffer (about 40m to 50m wide) between the proposed development and Shing Mun Country Park as well as the wooded hillside to the east and south. In this regard, DAFC has no objection to the proposed development. Generally speaking, considering that the applicant has proposed landscape mitigation measures and that the proposed development is designed in a way to respect the natural landscape and topography, the impact on the overall landscape character of the area is considered acceptable.

Air Ventilation

- 11.8 To alleviate the potential impact on pedestrian wind environment, the applicant has incorporated several building gaps and building setbacks in the proposal (**Drawing Z-10**). CTP/UD&L, PlanD advises that with the incorporation of the above features as proposed in the indicative scheme, significant adverse air ventilation impact to the surrounding wind environment is not anticipated.

Traffic

- 11.9 The Site is accessible via Hilltop Road leading from Lo Wai Road and Yi Pei Chun Road/Sam Tung Uk Road (**Plan Z-3a**). At present, Lo Wai Road is the only vehicular access serving the columbarium sites in the surrounding area of the Site, including YYI and WM. Traffic congestion was observed along Lo Wai Road during the Ching Ming and Chung Yeung festival periods. To improve the local traffic situation during the festival periods, traffic management measure has been implemented at Lo Wai Road since 2017 by temporarily closure to all vehicular traffic by TD, except public transport, emergency vehicles and those with permits issued by TD. Special traffic management measures are also currently implemented by YYI during the festival periods

(paragraph 1.5 above refers). Apart from the traffic congestion on Lo Wai Road mentioned above, the Tsuen Kam Interchange is busy in the morning and evening rush hours.

- 11.10 According to the applicant's indicative scheme, the proposed development involves 458 flats for a designed population of about 1,280. Considering the current traffic situation at the nearby road network, and that there is no guarantee that the YYI would continue to implement its own special traffic management measures, the applicant has proposed to carry out various road widening and junction improvement works (i.e. at Hilltop Road, Lo Wai Road and Tsuen Kam Interchange as mentioned in paragraph 1.4 above) at his own cost (**Drawings Z-8a to Z-8c**) so as to accommodate the traffic generated from the proposed development. In addition, the applicant has proposed to undertake a temporary traffic management scheme to facilitate the implementation of road/infrastructure upgrading works as well as a traffic management plan to mitigate the traffic impact on Lo Wai Road during the Ching Ming and Chung Yeung festival periods (paragraphs 1.6 and 1.7 above refer). Such traffic management plan, according to C for T, may be operated through permit system similar to the traffic management measure at Lo Wai Road during the Ching Ming and Chung Yeung festival periods, where the future residents of the development will not be issued a permit. In this regard, C for T has no objection to the application considering that the proposed development would not induce insurmountable traffic impact upon implementation of the proposed road widening/junction improvement works and traffic mitigation measures.

Other Technical Aspects

- 11.11 To facilitate the proposed development, the applicant proposed to carry out at his own cost various off-site utility works, including slope improvement works, upgrade of existing pipeworks or construction of new pipeworks for drainage/sewerage/water supplies, and upgrade of existing pump house at Lo Wai Road. The technical feasibility of these upgrading works has been demonstrated through the submitted GPRR, WSIA, DIA and SIA, and relevant Government departments (i.e. H(GEO), CEDD; CE/C, WSD; CE/MS, DSD and DEP) have no objection to the application. DLO/TW&KT, LandsD advises that since the proposed road widening works and utility works fall outside the Site, they would be required to be considered and processed in accordance with the provisions and procedures under the Roads (Works, Use and Compensation) Ordinance, Cap. 370.

Implementation

- 11.12 According to the submitted proposal, to facilitate the implementation of the proposed road widening/junction improvement works and traffic mitigation measures, the applicant is committed to submit an updated TIA to TD during the land exchange stage and TD's 'no objection/no comment' on the updated TIA will be the prerequisite for the lease modification (or land exchange) application to be considered by the Government. If appropriate, LandsD may incorporate findings/measures in the updated TIA (including but not limited to, car parking provisions, road improvement, traffic management for Ching Ming and Chung Yeung Festivals, etc.) as clauses in the future land grant.

- 11.13 In response to C for T's comment that the applicant's implementation proposal of the traffic management plan should be stated in the lease, DLO/KW&KT, LandsD advises that an updated TIA has to be submitted by the lot owner in support of the lease modification/land exchange application and the traffic mitigation/remedial measures proposed in the updated TIA will have to be agreed by TD and relevant departments. In general, mitigation measures that touches and concerns the land and capable to amount as a land covenant may be considered for incorporating into the land lease as requirements if practicable and enforceable, bearing in mind the limited sanctions under lease. The implementation/enforcement matter for mitigation measures will be considered upon receipt of the updated TIA during the lease modification/land exchange application stage. Generally speaking, the proposed traffic mitigation/remedial measures, if included into the lease on the advice of TD, will be checked and monitored by TD. In this regard, C for T advises that the traffic management plan on access restrictions to the Site can be operated through TD's permit system similar to the current traffic management measure undertaken at Lo Wai Road during the Ching Ming and Chung Yeung festival periods.

Public Comments

- 11.14 Among the 224 public comments received, there are 99 supportive, 101 opposing, 16 providing comments/having reservation and 8 having no comment. As for the adverse public comments, the planning assessment above and the departmental comments in paragraph 9 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no in-principle objection to the application and recommend the Committee to agree the application by rezoning the Site from "OU(SRC)" to "R(B)6" with stipulation of appropriate development restrictions and requirements on the OZP.
- 12.2 Should the Committee decide to agree or partially agree to the application, the relevant proposed amendments to the Tsuen Wan OZP would be submitted to the Committee for agreement prior to gazetting under the Town Planning Ordinance.
- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the development parameters of the proposed "R(B)6" zone including the building height and scale are significantly higher than the surrounding developments and incompatible with the present low-rise and low-density character of the area;
 - (b) there are insufficient planning merits to justify the proposed rezoning for residential development at the site; and

- (b) the approval of the application would set an undesirable precedent for similar rezoning applications in the area, the cumulative effect of which would affect the existing character of the area.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 13.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

14. Attachments

Appendix I	Application form received on 30.1.2018
Appendix Ia	Cover letters of FIs 1 to 17
Appendix Ib	FI 18 received on 16.7.2020 with consolidated report of updated SPS and revised technical assessments
Appendix Ic	Remarks for “R(B)6” zone proposed by the applicant
Appendix II	Detailed Departmental Comments
Appendices III-a to III-h	Extract of the confirmed minutes of the CBPDC meetings
Appendix IV	Letter from Lo Wai Villagers to DO/TW, HAD
Appendix V	Samples of Public Comments
Drawing Z-1	Master Layout Plan
Drawings Z-2 to Z-3	Sections
Drawing Z-4	Proposed Height Band
Drawing Z-5	Basement Plan
Drawing Z-6	Landscape Master Plan
Drawings Z-7a to Z-7k	Photomontages
Drawings Z-8a to Z-8c	Proposed Road Widening Works
Drawings Z-9	Proposed Water Supply Works
Drawing Z-10	Building Separations
Plan Z-1	Location Plan
Plans Z-2a to Z-2b	Site Plans
Plans Z-3a to Z-3j	Location Plan - Viewing Points and Site Photos
Plan Z-4	Aerial Photo
Plan Z-5	Applicant’s Proposed Road and Utility Works
Plan Z-6	Location Plan of The Cairnhill and The Cliveden