

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTY Y/383

- Applicant** : Jantix Realty (Hong Kong) Limited represented by Vision Planning Consultants Limited
- Site** : Lot 2883 in D.D. 130, Lam Tei, Tuen Mun, New Territories
- Site Area** : About 1,748m²
- Lease** : New Grant No. 22688 (the New Grant)
(a) Restricted to private residential purposes
(b) Maximum total gross floor area (GFA) of 943.9m²
(c) Maximum building heights (BH) of 6 storeys over single-storey car park
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/10
- Zoning** : “Comprehensive Development Area” (“CDA”)
[Restricted to a maximum plot ratio of 0.54 and a maximum building height of 6 storeys over single-storey car park]
- Application** : Proposed Residential Development (House)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed residential development (house) at the application site (the Site). The Site falls within the western portion of an area zoned “CDA” on the approved Lam Tei and Yick Yuen (LTY Y) OZP No. S/TM-LTY Y/10 (**Plan A-1a**). According to the Notes of the OZP, ‘House’ is a Column 2 use under the “CDA” zone which requires planning permission from the Town Planning Board (the Board). The “CDA” zone is also subject to a maximum plot ratio of 0.54 and a maximum BH of 6 storeys over single-storey car park. Application for permission for development on land designated “CDA” shall prepare a Master Layout Plan (MLP) for the approval of the Board with support of technical assessments. The Site is currently vacant, fenced-off and overgrown with vegetation (**Plan A-4**).
- 1.2 The Site covers the western portion of the subject “CDA” zone (**Plan A-1a**) which is not covered by any valid permission. The eastern portion of the subject “CDA” zone, which was owned by a different applicant, was covered by application No. A/TM-LTY Y/249 for proposed comprehensive development (flat, house, village office and

public open space) approved with conditions by the Rural and New Town Planning Committee (the Committee) on 19.7.2013 and upon review by the Board on 11.4.2014 for amendment of approval condition (**Plan A-1b**). The proposed development at the eastern portion of the “CDA” zone has commenced with building plans approved on 15.4.2020.

- 1.3 The Site was involved in two previous applications (No. A/DPA/TM-LTY Y/104 and 111) for proposed residential development when the Site was designated as “Unspecified Use” on the then LTY Y Development Permission Area (DPA) Plan¹. The last previous application (No. A/DPA/TM-LTY Y/111), which covered nearly the whole “CDA” site of the current OZP, was approved by the Board upon review on 29.11.1996 (**Plan A-1a**). The planning permission lapsed on 30.11.2002. The Site was not involved in any planning application since then. Details of the previous applications are summarised in paragraph 6 below and at **Appendix II**.
- 1.4 The applicant submitted a MLP covering the Site (**Drawing A-1**). According to the applicant, the Site would be developed for 15 three-storey houses in two rows of terraced blocks with two clubhouse structures and five detached covered carports. It has a plot ratio of about 0.54 and a maximum building height of 3 storeys including carport (11.85m at main roof) (**Drawing A-6**). The Site is accessible to Fuk Hang Tsuen Road via Fuk Hang Tsuen Lane (**Plan A-3**). The applicant proposes to widen Fuk Hang Tsuen Lane by increasing the carriageway width from 3.8m to 5m with an additional 1.5m wide footpath on one side (**Drawing A-2**). The MLP, floor plan, section plan, landscape plans and perspective image of the proposed development are shown in **Drawings A-1 to A-9**. The major development parameters of the application are as follows:

| | |
|---|---|
| Site Area | About 1,748m ² |
| Proposed Gross Floor Area (GFA) | About 943.8m ² * |
| Proposed Plot Ratio (PR) | About 0.54 * |
| Proposed Site Coverage | About 37.46% |
| No. of Blocks | 22 (15 houses in 2 terraced blocks, 5 detached covered carport blocks and 2 clubhouse blocks) (Drawing A-1) |
| <u>Building Height</u> <u>Houses</u> In metres (about) No. of Storeys (including carport) | 11.85m (main roof) 3 |
| <u>Clubhouses</u> In metres (about) No. of Storeys | 7.65m 2 |

¹ The Site was rezoned as “Village Type Development” (“V”) on the draft LTY Y OZP No. S/TM-LTY Y/1 gazetted on 7.6.1996, during the processing of the application No. A/DPA/TM-LTY Y/111.

| | |
|---|---|
| <u>Detached Covered Carports</u> In metres (about) No. of Storeys | 2.80m 1 |
| No. of Unit | 15 |
| Average Flat Size | 62.92m ² |
| Car Parking Spaces <i>Private Car Loading /Unloading Space</i> | 25 (including 2 for visitors and 1 for disabled) 1 for Light Good Vehicles |
| Private Open Space | 1,038.61m ² |
| Design Population (Persons) | 44 |
| Envisaged Completion Year | End of 2022 |

* The applicant claims that the GFA for Clubhouse (55.10m²), Caretaker Office-cum-Clubhouse (38.38m²) (Total: 93.48m²) and ancillary car parking spaces (including the detached covered carports) are excluded from the GFA and PR calculation (**Appendices Ib and Im**).

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form and Supplementary Information (SI) (**Appendix I**) received on 6.8.2019
- (b) Supplementary Planning Statement (SPS) attached to **Appendix I**
- (c) SI Received on 19.8.2019 (**Appendix Ib**)
- (d) Further Information (FI) providing responses to departmental comments and revised traffic calculations on the Traffic Impact Assessment (TIA) received on 23.9.2019 (**Appendix Ic**)
- (e) FI providing responses to departmental comments and a revised Landscape Master Plan (LMP) with relevant plans and a revised Drainage Impact Assessment (DIA) received on 31.10.2019 (**Appendix Id**)
- (f) FI providing responses to departmental comments and a revised TIA received on 29.11.2019 (**Appendix Ie**)
- (g) FI providing responses to departmental comments and a revised Environmental Assessment (EA) received on 9.3.2020 (**Appendix If**)
- (h) FI providing responses to departmental comments and a revised Sewerage Impact Assessment (SIA) received on 9.4.2020 (**Appendix Ig**)
- (i) FI providing responses to departmental comments and a revised EA received on 15.5.2020 (**Appendix Ih**)

- (j) FI providing responses to departmental comments received on 18.5.2020* **(Appendix Ii)**
- (k) FI providing a MLP of the development received on 26.6.2020 **(Appendix Ij)**
- (l) FI providing responses to departmental comments received on 29.6.2020* **(Appendix Ik)**
- (m) FI providing responses to departmental comments and a plan rectifying typo on the MLP submitted received on 28.7.2020* **(Appendix Il)**
- (n) FI providing minor clarifications on the GFA calculation of the car parking spaces and a plan rectifying typo on the MLP submitted received on 17.8.2020* **(Appendix Im)**

** exempted from publication requirement*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the SPS at **Appendix Ia**. They can be summarised as follows:

- (a) The development scheme is in line with the planning intention of the “CDA” zone.
- (b) Relevant plans, information and technical documents as required under the Notes are submitted in support of the application.
- (c) The implementation of the development will bring positive and active effect to speed up the development of the “CDA” zone.
- (d) The development is in line with the Government policy/ objective of supplying private housing to meet the needs of the community in short-term.
- (e) The development achieves unique design merits which are beneficial to the local community (Figure 5 of **Appendix Ia**), e.g. achieving a descending development profile in the local area, creating peripheral green buffers against developments in its immediate surrounding (**Drawing A-6**) and offering a building separation for greater visual and natural wind permeability (**Drawing A-2**).
- (f) Technical assessments including EA, TIA and SIA have been conducted and the results indicated that the proposed development will not generate or suffer any unacceptable traffic, air-quality and noise, drainage or sewerage impacts to/from the local area.

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

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

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Designation of “CDA” Zones and Monitoring the Progress of “CDA” Developments (TPB PG-No. 17A) are relevant to this application. The relevant assessment criteria are summarized as follows:

For “CDA” site not under single ownership, if the developer can demonstrate with evidence that due effort has been made to acquire the remaining portion of the site for development but no agreement can be reached with the landowner(s), allowance for phased development could be considered. In deriving the phasing of the development, it should be demonstrated that the planning intention of the “CDA” zone will not be undermined; the comprehensiveness of the proposed development will not be adversely affected; the resultant development will be self-contained; and the development potential of the unacquired lot(s) will not be absorbed in the early phases of the development and the individual lot owner’s landed interest will not be adversely affected.

5. Background

- 5.1 The Site was designated as “Unspecified Use” on the draft LTY Y DPA Plan No. DPA/TM-LTY Y/1 gazetted on 18.6.1993 and was zoned “Village Type Development” (“V”) on the draft LTY Y OZP No. S/TM-LTY Y/1 gazetted on 7.6.1996 until the Site together with its adjoining area was agreed by the Board to rezone to the current “CDA” zoning on 1.5.1998 to meet an objection.
- 5.2 On 29.11.1996, the Board upon review approved a planning application (No. A/DPA/TM-LTY Y/111) for proposed residential development, which was submitted when the Site and its adjoining area was designated as “Unspecified Use” on the draft LTY Y DPA Plan No. DPA/TM-LTY Y/1 (i.e. covering the entire area now zoned “CDA”) ² (**Plan A-1a**). In early 2002, the landowner of the approved application surrendered the private land covering the Site to the Government contemporaneously with the land exchange for a residential development to the north of the Site (owned by the same land owner), i.e. the Sherwood (**Plan A-1a**). The planning permission of application No. A/DPA/TM-LTY Y/111 lapsed in November 2002. For the eastern portion of the “CDA” zone, it was subsequently covered by another planning application for comprehensive residential development (No. A/TM-LTY Y/249) approved in 2013 and the related building plan was approved on 15.4.2020 (**Plan A-1b**).
- 5.3 In October 2018, the Site was tendered under New Grant No. 22688 for private residential purpose and the applicant of the current application acquired the Site.

² The application site under Application No. A/DPA/TM-LTY Y/111 covered the areas zoned “V” and “Green Belt” on the then draft LTY Y OZP No. S/TM-LTY Y/1.

6. Previous Applications

- 6.1 The Site was involved in two previous applications (No. A/DPA/TM-LTY Y/104 and 111) for proposed residential development when the Site was designated as “Unspecified Use” on the draft LTY Y DPA Plan No. DPA/TM-LTY Y/1. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1a**.
- 6.2 Application No. A/DPA/TM-LTY Y/104 (covering the Site and the land to its east) was rejected by the Committee on 24.5.1996 mainly on the grounds that the proposed development was not in line with the planning intention of the area, the proposed development intensity with PR of 0.9 was excessive, and the TIA and the proposed emergency vehicular access of the proposed development were not satisfactory from traffic and fire safety point of views.
- 6.3 Application No. A/DPA/TM-LTY Y/111 (same site as A/DPA/TM-LTY Y/104) was approved by the Board upon review on 29.11.1996 mainly on the ground that the scale and development intensity (with PR of 0.54) was not excessive and the applicant had satisfactorily addressed the traffic and fire safety concerns under application No. A/DPA/TM-LTY Y/104. The planning permission lapsed on 30.11.2002.

7. Similar Applications

- 7.1 There are six similar applications submitted by the same applicant (No. A/TM-LTY Y/101, 109, 119, 158, 190 and 249) for proposed comprehensive residential development covering largely the same site (i.e. the eastern portion of the subject “CDA” zone on the OZP) (**Plan A-1b**). All were approved by the Committee or the Board, except application No. A/TM-LTY Y/190. Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.
- 7.2 Applications No. A/TM-LTY Y/101, 109, 119, 158 and 249 for proposed comprehensive residential development with/without minor relaxation of BH restriction were approved by the Committee or the Board upon review between 2002 and 2013 mainly on the consideration that the proposed development was in line with the planning intention of the “CDA” zone and its development intensity complied with OZP restriction; no adverse environmental and traffic impacts on the surrounding areas were anticipated; and there was no adverse comment/objection from relevant government departments. The proposed development under the latest application (No. A/TM-LTY Y/249) has commenced with building plan approved on 15.4.2020 (approved MLP at **Appendix IV**).
- 7.3 Application No. A/TM-LTY Y/190 for amendments to the approved MLP under application No. A/TM-LTY Y/158 for changing the public open space to communal open space for residents of the proposed residential development was rejected by the Committee on 19.3.2010 mainly for the reasons that the conversion of the public open space to communal open space would constitute forfeiture of the planning gain; and approval of the application would set an undesirable precedent for similar applications for conversion of public open space.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

8.1 The Site is:

- (a) currently vacant, fenced-off and overgrown with vegetation; and
- (b) accessible from Fuk Hang Tsuen Lane connected to Fuk Hang Tsuen Road.

8.2 The surrounding areas have the following characteristics:

- (a) generally for residential use with parking of vehicles and workshop;
- (b) to the immediate north across Fuk Hang Tsuen Lane is Botania Villa, a medium-rise residential development in an area zoned “Residential (Group B) 3” (“R(B)3”) with a maximum PR of 2.1, site coverage of 40% and building height of 12 storeys excluding car park (36m), to the further north is The Sherwood, a medium-rise residential development in an area zoned “CDA” with a maximum PR of 0.11 and building height of 15 storeys excluding car park (45m);
- (c) to the immediate east is currently used for parking of vehicle. It is the subject site of application No. A/TM-LTYYY/249 for proposed comprehensive development (flat, house, village office and public open space) with a maximum PR of 0.54 and building height of 6 storeys over single-storey car park; and
- (d) to the south and west are mainly low density and low-rise residential use intermixed with vacant land, cultivated agricultural land, parking of vehicles and vehicle workshop which are suspected unauthorised development.

9. Planning Intention

The planning intention of the “CDA” zone is for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

10. Comments from Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application are summarized as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) The subject lot is held under New Grant No. 22688 (the New Grant) for private residential purpose only.
- (b) The proposal involves 15 blocks of 3 storeys of terraced residential blocks with each block apparently intended for single family residence. The applicant is reminded to observe the respective requirements for provisions of car parking spaces and office accommodation for watchmen under the New Grant. Detailed checking on the GFA calculation and car parking provisions will be carried out in building plan submission stage.
- (c) Detached covered carports are proposed at ground level and there are also carports at ground level of each residential block (**Drawing A-7**). The applicant is reminded to observe the GFA calculation under SC (26) of the New Grant.
- (d) Noting that there are 15 no. of existing trees identified on site as advised by the applicant, please ensure that the Tree Survey Plan indicates the same. Detailed comments will be provided when the tree preservation and landscape proposal has been submitted under SC (12) of the New Grant.
- (e) The proposals have not been checked against the conditions under the New Grant. Detail checking will only be done at the building plan submission stage and he reserves his position to comment on the submission where appropriate. Irrespective of whether planning permission will be given or not, LandsD is acting in the capacity of the landlord and there is no guarantee that the proposal will be accepted under the New Grant.
- (f) Detailed comments are at **Appendix VI**.

Traffic

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

It is noted that the provision of car parking spaces complies with the requirement set out under the Hong Kong Planning Standards and Guidelines. He has no comment on the application subject to the approval condition that the applicant should submit a revised/updated TIA to address the outstanding traffic concerns in relation to the capacity of affected roads and junctions including the junction of Fuk Han Tsuen Road/Castle Peak Road to his satisfaction.

10.1.3 Comments of the Chief Highway Engineer/New Territories North, Highways Department (CHE/NTW, HyD):

- (a) The applicant should design and construct the proposed roadworks in accordance with the latest version of Highways Standard to the satisfaction of the Director of Highways and C for T.

- (b) If any highway features are affected, proposal to deal with the affected features shall be submitted for his agreement.
- (c) The existing U-channel along Fuk Hang Tsuen Lane is not and will not be maintained by HyD.

Environment

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

- (a) According to the SIA, the applicant proposed to use septic tank and soakaway (STS) system as a temporary provision to treat the effluent and upon completion of construction public sewer at Fuk Hang Tsuen (Lower), the effluent generated by the proposed development will be discharged into public sewer. The proposed STS system is acceptable as a transitional measure for on-site sewage and wastewater treatment and he has no adverse comment from water quality perspective. Having said that, the construction and design of the proposed STS system should follow the requirements stipulated in Practice Note for Professional Persons (ProPECC PN) 5/93 “Drainage Plans Subject to Comment by the Environmental Protection Department” and the applicant should explore a suitable location for the construction of STS system such that the maintenance of the STS system would not block the driveway/Emergency Vehicle Access of the Site. The applicant should make connection to the public sewer once available.
- (b) In the Noise Impact Assessment (NIA) of the EA, the applicant demonstrated that no exceedance of road traffic noise and noise impact from fixed noise source is anticipated and hence no noise mitigation measure is required. He has no objection to the application from noise planning perspective provided that the applicant is required, under relevant planning approval condition, to submit NIA report for the MLP/General Building Plan (GBP) and to provide noise mitigation measures to achieve 100% compliance with the noise criteria of Hong Kong Planning Standards and Guidelines (HKPSG) including road traffic noise standard as committed by the applicant in the EA (**Appendix If**) and the replacement pages in **Appendix Ih**, to his satisfaction. Having said that, his observations on the NIA are at **Appendix VI** for the applicant to address in the future NIA submission when the actual MLP/GBP has been developed.

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

He has no comment from public drainage and sewerage viewpoints subject to the following:

- (a) Should the application be approved, a condition should be stipulated requiring the applicant to submit and implement a drainage proposal for the development to the satisfaction of the Director of Drainage Services.
- (b) Should the proposed development be connected to the public sewerage system in future, the applicant is reminded that hydraulic assessment of the downstream sewers is required.
- (c) The SIA for the planning application needs to meet the full satisfaction of Environmental Protection Department (EPD), the planning authority of sewerage infrastructure. DSD's comments on the SIA are subject to views and agreement of EPD.
- (d) Should the application be approved, a condition should be stipulated requiring the applicant to submit a sewerage proposal for the development and to implement the sewerage modification works proposed to the satisfaction of the Director of Drainage Services.

Fire Safety

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

- (a) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (b) Furthermore, 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 in 2011 under Building (Planning) Regulation 41D which is administered by the Buildings Department (BD).

Urban Design and Landscape

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

Urban Design

- (a) According to the MLP (**Drawings A-1 to A-4**), the LMP (**Drawings A-7 and A-8**) and indicative perspective image (**Drawing A-9**), the applicant proposes a strip of peripheral greening/landscaping buffer along the four sides of the Site which can soften screening effect as well as enhance the visual amenity of the development and blend in with the surrounding existing low-rise development. Besides, the applicant proposes a separation with width ranging from 19.8m in the northern end to 24.6m in the southern end between the two rows of terraced houses (**Drawing A-2**). As such, he has no comment from the urban design and visual point of view.

Landscape

- (b) With reference to the aerial photo of 2018, the Site is situated in an area of urban fringe landscape character predominated by village houses, residential buildings and temporary structures. According to the planning statement at **Appendix Ia**, 15 existing trees of common and invasive species are identified on the Site. All of them are proposed to be felled and 28 heavy standard trees are proposed to be planted within the proposed development. In view that there are similar developments within the vicinity of the Site, the proposed development is not incompatible with the surrounding environment. Significant landscape impact is not envisaged.
- (c) Should the application be approved, he would recommend that an approval condition requiring the applicant to submit and implement a revised LMP to the satisfaction of Director of Planning or of the Board.
- (d) The applicant is advised that approval of the s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works.

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

He has the following comments from architectural and visual impact point of view.

- (a) It is noted that the proposed development mainly consists of 15 houses with 2-storey flat over 1-storey carport which complies with the building height restriction of 6 storeys over a single-storey car park permitted in the OZP and may not be incompatible with the adjacent developments with building height ranging from 1 storey to 12 storeys. In this regard, he would have no comment from visual impact point of view.
- (b) It is noted that some façade area of the houses H1 to H8 are facing west. Solar control devices should be considered to reduce solar heat gain and avoid glare affecting adjacent area/buildings as far as practicable.

Building Matters

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

- (a) He has no in-principle objection under the Buildings Ordinance (BO) to the proposed use on the Site.
- (b) His comments under the BO are as follows.

- (i) If existing structures are erected on leased land without approval of the Buildings Authority (BA) (not being a New Territories Exempted House), they are unauthorized under BO and should not be designated for any approved use under the application.
- (ii) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent from BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with BO.
- (iii) For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO.
- (iv) If the proposed use under the application is subject to the issue of a license, please be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as maybe imposed by the licensing authority.

Others

10.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

If the Food and Environmental Hygiene Department (FEHD) is requested to provide refuse collection service, FEHD shall be separately consulted with submission of building plan.

District Officer's Comments

10.1.11 Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

He has distributed consultation letters to the concerned locals and their comments (if any) will be provided to the Board direct.

10.2 The following government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Land Drainage, DSD (CE/LD, DSD);
- (d) Chief Engineer/Project Management, DSD (CE/PM, DSD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Leisure and Cultural Services (DLCS);
- (g) Director of Housing (D of Housing);
- (h) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO); and
- (i) Commissioner of Police (C of P).

11. Public Comments Received During the Statutory Publication Period

- 11.1 The application and the subsequent FIs were published for public inspection. During the statutory public inspection periods, a total of 125 public comments were received. Amongst the public comments received, 102 of them support the application and 23 raise objections to/express concern on the application. Samples of the comments are attached at **Appendices V-1 to V-20**. All the public comments received are deposited at the Secretariat for Members' inspection at the meeting.
- 11.2 Of the 102 supporting public comments from individuals and a company (**Appendices V-1 to V-4**), 31 are in the form of five types of standard letters (**Appendices V-5 to V-9**). They support the application on the grounds that the proposed development is in line with the planning intention of the "CDA" zone for residential development, the development parameters are in line with the OZP and the land lease, the proposed development is in line with the government policy on increasing housing supply, the proposed development can improve the property mix in the area and enhance land use efficiency, it is compatible with the surroundings, and no adverse impacts on traffic, environmental (including noise and sewage), drainage, visual and air ventilation aspects arising from the proposed development are envisaged.
- 11.3 The remaining 23 public comments from a member of the Tuen Mun District Council (**Appendices V-10 and V-12**), Representatives of To Yuen Wai and Nai Wai (**Appendices V-13 to V-14**), the management company of the Botania Villa (**Appendix V-15**), residents of Tuen Mun San Tsuen (**Appendices V-16 and V-17**) and other individuals (**Appendices V-18 to V-20**) object to/express concern on the application. Their major objection grounds and concerns are that the proposed development will cause adverse traffic and environmental (noise, air quality and sewerage) impacts, public order and safety problems, social welfare facilities are inadequate and the design of the development is poor.

12. Planning Considerations and Assessments

Planning Intention

- 12.1 The application is for proposed residential development (house) at the Site within an area zoned "CDA" which is intended for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. The "CDA" is subject to a maximum PR of 0.54 and a maximum building height of 6 storeys over single-storey car park. The Notes of the "CDA" zone also require the submission of a MLP with supporting technical assessments.
- 12.2 According to the MLP submitted, the proposed residential development comprises 15 houses with carpark, ancillary club houses and detached covered carport (**Drawings A-1 to A-4**). The proposed residential development would result in a maximum PR of about 0.54 and a maximum building height of 3 storeys including single-storey car park. Private open space and peripheral planting would also be provided within the

Site (**Drawing A-7**). The proposed development is in line with the planning intention of “CDA” zone and complies with the development restrictions on the OZP.

Comprehensive Development

- 12.3 The eastern portion of the “CDA” zone, under a different land owner, is subject to a planning permission granted in 2013 under application No. A/TM-LTY/249 for proposed comprehensive development (flat, house, village office and public open space) (**Plan A-1b**), which has commenced with building plan approved on 15.4.2020. The Site, which was tendered through land sale in 2018, covers the remaining portion of the “CDA” zone on the OZP (**Plan A-1a**). In this regard, the proposed development at the Site will not adversely affect the comprehensiveness of the “CDA” zone (**Drawing A-1** and **Appendix IV**). Nevertheless, to better illustrate the comprehensive development of the whole “CDA” zone, the applicant is advised to include a plan showing the approved development scheme within the entire “CDA” zone in the future submission of revised MLP as recommended under approval condition (a) in paragraph 13.2 below.

Land Use Compatibility

- 12.4 The proposed development is considered not incompatible with the surrounding area which is mainly dominated by residential use (**Plans A-2 and A-3**) with planned comprehensive development to its immediate east (application No. A/TM-LTY/249) (**Plan A-1b**).

Technical Feasibility

- 12.5 The applicant has submitted relevant technical assessments, including EA, DIA, SIA and TIA together with a MLP and tree preservation and landscape proposal including a LMP in support of the application. Relevant government departments have no objection to/adverse comments on the application.

Urban Design and Landscape

- 12.6 The applicant proposes a strip of peripheral greening/landscaping buffer along the four sides of the Site which can soften screening effect as well as enhance the visual amenity of the development and blend in with the surrounding existing low-rise developments (**Drawings A-7 and A-8**). Meanwhile, the applicant also proposes a separation with a width ranging from 19.8m in the northern end to 24.6m in the southern end between the two rows of terraced houses (**Drawings A-2 and A-9**). Both CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comment on the application from visual and urban design points of view. CTP/UD&L, PlanD considers that as there are similar developments within the vicinity of the Site, the proposed development is not incompatible with the surrounding environment. Significant landscape impact is not envisaged.

Traffic

- 12.7 According to the TIA, the proposed development would not generate adverse traffic impact on the surrounding areas. The applicant also proposes carrying out road widening works on Fuk Hang Tseun Lane along the Site frontage for the provision of a 5m carriageway with additional 1.5m footpath on one side (**Drawing A-2**). Both

C for T and CHE/NTW, HyD have no adverse comments on the application. To address the technical concerns and requirements of TD and HyD, appropriate approval conditions are recommended in paragraph 13.2 below.

Environmental

- 12.8 The applicant has submitted an EA demonstrating that no exceedance of road traffic noise and noise impact from fixed noise source is anticipated and hence no noise mitigation measure is required. DEP has no objection to/adverse comment on the submissions from water quality and noise planning perspectives. To address the technical requirements of EPD, appropriate approval conditions are recommended in paragraph 13.2 below.

Sewerage and Drainage

- 12.9 The applicant has submitted a SIA demonstrating that the effluent generated by the proposed development will be discharged into public sewer. The proposed STS system is acceptable to DEP as a transitional measure for on-site sewage and wastewater treatment. The DIA and SIA demonstrated that the proposed development would not cause adverse drainage and sewerage impacts. CE/MN, DSD and DEP have no adverse comments on the application. Approval conditions on the submission and implementation of a drainage proposal and a sewerage proposal are recommended in paragraph 13.2 below.

- 12.10 Regarding the public comments received, the planning assessments in paragraphs 12.1 to 12.9 above and the departmental comments in paragraph 10 are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application and the MLP under sections 4A and 16 of the Town Planning Ordinance, it is suggested that the permission shall be valid until 21.8.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of a revised Master Layout Plan (MLP) to take into account conditions (b) to (h) below to the satisfaction of the Director of Planning or of the Town Planning Board ;
- (b) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;

- (c) the submission of a revised Traffic Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the design and provision of parking and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and provision of vehicular access for the proposed development to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board;
- (f) the submission of a Noise Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environment Protection or of the Town Planning Board;
- (g) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (h) the submission of a sewerage proposal and the implementation of the sewerage modification works identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' consideration:

the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact or be subject to adverse environmental impact in the area.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

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| Appendix I | Application Form and SI Received on 6.8.2019 |
| Appendix Ia | Supplementary Planning Statement |
| Appendix Ib | SI Received on 19.8.2019 |
| Appendix Ic | FI Received on 23.9.2019 |
| Appendix Id | FI Received on 31.10.2019 |
| Appendix Ie | FI Received on 29.11.2019 |
| Appendix If | FI Received on 9.3.2020 |
| Appendix Ig | FI Received on 9.4.2020 |
| Appendix Ih | FI Received on 15.5.2020 |
| Appendix Ii | FI Received on 18.5.2020 |
| Appendix Ij | FI Received on 26.6.2020 |
| Appendix Ik | FI Received on 29.6.2020 |
| Appendix Il | FI Received on 28.7.2020 |
| Appendix Im | FI Received on 17.8.2020 |
| Appendix II | Previous Applications |
| Appendix III | Similar Applications |
| Appendix IV | Approved Master Layout Plan of the Eastern Portion of the “CDA” zone (Application No. A/TM-LTY/249) |
| Appendices V-1 to V-20 | Samples of Public Comments Received During Statutory Publication Periods |
| Appendix VI | Recommended Advisory Clauses |
| Drawing A-1 | Master Layout Plan |
| Drawing A-2 | Master Layout Plan (Ground Floor) |
| Drawing A-3 | Master Layout Plan (First Floor) |
| Drawing A-4 | Master Layout Plan (Second Floor) |
| Drawing A-5 | Typical Floor Plan |
| Drawing A-6 | Section Plan |
| Drawings A-7 and A-8 | Landscape Master Plan |
| Drawing A-9 | Indicative Perspective Image |
| Plan A-1a | Location Plan |
| Plan A-1b | Similar Application Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
AUGUST 2020**