

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/532

<u>Applicant</u>	Fill Year Ltd. and Heatex Ceramic Ltd. represented by Llewelyn-Davies Hong Kong Ltd.
<u>Site</u>	Lots 398 RP, 406 RP, 407, 408 RP, 409, 410 RP, 411 RP, 412 S.B, 412 RP, 413, 442 RP, 443 RP, 444, 445 S.A, 445 RP, 446 S.A, 446 RP, 447, 448, 449, 450, 451, 453(part), 454, 455, 456, 457, 458, 459(part), 462(part), 464 RP and 466 RP in D.D. 374 and Lots 248 RP, 249 S.A RP, 249 S.B, 250 RP, 251, 253(part), 255 RP(part) in D.D. 375 and adjoining Government land, So Kwun Wat, Area 56, Tuen Mun
<u>Site Area</u>	About 22,165m ² (including about 5,699m ² (about 25.7%) of Government land)
<u>Land Status</u>	Old schedule agricultural lots
<u>Plan</u>	Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/34 (at the time of submission) Approved Tuen Mun OZP No. S/TM/35 (currently in force. The zoning and development restrictions for the Site remain unchanged)
<u>Zoning</u>	“Comprehensive Development Area (3)” (“CDA(3)”) <i>[Restricted to a maximum plot ratio (PR) of 2.6 and a maximum building height (BH) of 79mPD]</i>
<u>Application</u>	Proposed Comprehensive Residential Development

1. The Proposal

- 1.1 Pursuant to Section 4(A)2 of the Town Planning Ordinance, the applicant has submitted Master Layout Plan (MLP) under this application to seek planning permission for a comprehensive residential development with PR of 2.6 and maximum BH of 79mPD at the application site (the Site) (**Plans A-1 and A-2**).
- 1.2 The Site, falling on “CDA(3)” zone and the residential development on the east namely Avignon on “CDA” zone were previously both zoned “CDA” with PR 1.3 and maximum BH of 10 storeys above G/F and 1-storey of basement carpark

(Plan A-1). Avignon, being Phase one development, was approved with conditions by the Board under Application No. A/TM/331-2 and was completed in 2012. Phase two of the “CDA” zone subject to development restrictions of PR 1.3 and maximum BH of 10 storeys above G/F and 1-storey of basement carpark was approved with conditions by the Board on 1.3.2013 (application No. A/TM/432). Subsequently, the applicant submitted a s.12A application (No. Y/TM/16) in 2014 to increase the development intensity of the site for a comprehensive residential development with PR of 2.6 and maximum BH of 79mPD. The s.12A application was agreed by the Board on 4.9.2015 and the Site was subsequently rezoned from “CDA” to “CDA(3)” in 2017.

1.3 The current application is a comprehensive residential development proposal with two phases (Phase A and Phase B) **(Drawings A-1 to A-6)**. Phase A comprises of 6 residential towers above a level of basement carpark with two blocks of clubhouse. The BH of these 6 residential towers ranges from 71.65mPD (Tower 1) to 79mPD (Towers 2 to 6) and the clubhouse blocks are of 1 to 2 storeys. For Phase B, it involves two private lots which are yet to be acquired by the applicant **(Plan A-2a)**. It consists of one residential tower of 11 storeys (46.5mPD at main roof) without basement. The major development parameters of the proposed development are summarized as follows:

Development Parameters	Phase A	Phase B	Overall (A + B)
Site Area (m ²) (about)	21,975	190	22,165
Total PR	2.6	2.6	2.6
Domestic GFA (m ²) (about)	57,135 (99.1%)	494 (0.9%)	57,629
Clubhouse GFA (m ²) (about)	2,285 (about 4% of domestic GFA of Phase A)	Nil	2,285
Site Coverage	Not more than 20%	Not more than 25%	Not more than 25%
Max. BH (at main roof)	79mPD	46.5mPD	Not more than 79mPD
No. of Storeys	18 to 20 above a level of basement	11 (no basement)	11 to 20
No. of Blocks	Domestic: 6 Non-domestic: 2	Domestic: 1 Non-domestic: 0	9
No. of Units	1,316 (99.2%)	10 (0.8%)	1,326
Average Flat Size (m ²) (about)	43.4	49.4	43.5
Communal Open Space (m ²)	Not less than 3,581		
Car Parking Provision			
- Residents	162	2	164
- Visitors	30	0	30
- Motorcycle	14	0	14
Loading/Unloading Bay			
- Residents	6	1	7
- Clubhouse	2	0	2

- 1.4 According to the applicant, out of the total 118 trees surveyed, 2 will be retained and the remaining 116 trees will be felled. 232 compensatory trees will be planted. The landscape master plan is in **Drawing A-7**. Also, the applicant has proposed to extend the northern lay-by at So Kwun Wat Road to provide an additional bus bay and conduct improvement works at the junction of Castle Peak Road - Castle Peak Bay and Tsing Ying Road as well as the junction of Castle Peak Road – Castle Peak Bay and So Kwun Wat Road. The details of the proposed works are in **Drawings A-11 to A-13**.
- 1.5 The MLP, section plans, landscape master plan (LMP), plan showing the proposed roadworks and photomontages of the proposed development submitted by the applicant are in **Drawings A-1 to A-17**.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form and letters received on 24.8.2018 **(Appendix I)**
 - (b) Supplementary Planning Statement **(Appendix Ia)**
 - (c) Applicant's letter received on 3.12.2018 providing responses to departmental comments; a revised master layout plan, G/F plan, B/F plan, section plans and development schedule; revised Urban Design Proposal; revised Air Ventilation Assessment; replacement pages of planning statement, Landscape Design Proposal, Tree Survey and Preservation Proposal, Drainage Impact Assessment; revised Water Supply Assessment; revised Traffic Impact Assessment; and revised Sewerage Impact Assessment **(Appendix Ib)**
 - (d) Applicant's letter received on 21.12.2018 providing responses to departmental comments, revised Environmental Assessment and revised Air Ventilation Assessment **(Appendix Ic)**
 - (e) Applicant's letter received on 7.1.2019 providing responses to departmental comments, revised Air Ventilation Assessment and replacement pages for Sewerage Impact Assessment and Visual Impact Assessment **(Appendix Id)**
 - (f) Applicant's letter received on 8.2.2019 providing responses to departmental comments, replacement pages of Air Ventilation Assessment and planning statement **(Appendix Ie)**
 - (g) Applicant's letter received on 27.3.2019 providing responses to departmental comments **(Appendix If)**

- (h) Applicant's letter received on 3.4.2019 providing (**Appendix Ig**) responses to departmental comments

1.7 On 19.10.2018, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application as recommended by the Planning Department (see paragraphs 5.2 and 5.3 below). Subsequently, the applicant submitted on 3.12.2018 further information to reactivate the application. On 1.2.2019 and 22.3.2019, at the request of the applicant, the Committee agreed to defer a decision for two and one month(s) respectively so as to allow time for the applicant to submit further information (FI) to address departmental comments. The latest FI was submitted on 3.4.2019 to reactivate the case and the application is scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in section 9 of the Supplementary Planning Statement (**Appendix Ia**) and the subsequent further information (**Appendices Ib to Ig**). They can be summarised as follows:

In line with Government's Policy

- (a) The January 2017 Policy Address has outlined comprehensive plans to boost short, medium and long-term housing and land supply. The housing supply target for the decade from 2017/2018 is set at 460,000 units. The Hong Kong 2030+ also highlights the pursuit of a liveable compact city. Against such background, the proposed 1,326 housing units would contribute to the number of housing units available within the area and help to alleviate the housing shortage problem.

Conform with Planning Intention of "CDA(3)" zone

- (b) The planning intention of the Site is for comprehensive development for residential use with the provision of commercial, open space and other supporting facilities to serve the residential neighbourhood. The proposed development is in line with the planning intention to improve the general environment by phasing out the existing incompatible uses (e.g. open storage). The proposed scheme also integrates well with the nearby residential developments.

Conform with Development Restrictions of "CDA(3)" zone

- (c) The changing planning and development context in Tuen Mun Area 56 and its surrounding has been considered when formulating the proposed development. Given that the area would be transformed from low-density to medium- to high-density residential developments, the proposed development with maximum BH of not more than 79mPD is able to blend in with the surrounding neighbourhood of similar development scale. Also, the proposed scheme does not exceed the maximum permissible development intensity allowed under the "CDA(3)" zone. It would be compatible with existing and committed developments in the area which have similar BH and PR.

Proposed Scheme Formulated with Design Merits

- (d) Urban design considerations have been thoroughly explored when formulating the proposed scheme. Key design principles have been strictly adhered to. The key design principles include (i) being compatible with urban context in the area; (ii) incorporating building setbacks from adjacent roads; (iii) scheme being prepared in accordance with maximum BH as stipulated under the OZP; (iv) not bringing adverse visual and air permeability impacts to the area; and (v) commit to create a pleasant living environment with quality landscape provision.

Land Ownership Largely Secured for Timely Implementation

- (e) The applicant has acquired most of the private lots within the Site. It is anticipated that the proposed development can be implemented in a timely fashion and contribute to the housing supply in the short term. For the lots under negotiation, their development rights have been duly respected by demarcating a Phase B development.

No Insurmountable Technical Problems

- (f) Technical assessments covering visual, traffic, environmental, air ventilation, drainage and sewerage aspects have been conducted for the proposed development. No significant adverse impacts are envisaged. The capacity of the planned engineering infrastructures would not be exceeded. With the incorporation of mitigation and improvement measures proposed, there will be no insurmountable problem induced by the proposed development.

Sufficient Retail Facilities at the neighbourhood and district levels

- (g) Due consideration has been given and study has been conducted to explore the need and opportunity of providing retail facilities in the proposed development at the Site. At the district level, there are a number of shopping malls in Tuen Mun District and those shopping facilities are well-served by public transport. At the neighbourhood level, the residents in Tuen Mun East tend to patronize the Gold Coast Piazza at Hong Kong Gold Coast. The residents can also reach Aegean Coast Shopping Arcade within 8-minute walk from the Site. It is observed that residents in the neighbourhood mostly rely on driving or taking green mini-bus or walking to these retail facilities (Figure 1 in **Appendix If** refers). Furthermore, a maximum of 2,000m² of non-domestic GFA will be provided at a site zoned “Residential (Group B)14” in Tuen Mun East (**Plan A-1**) and new retail facilities will be provided in the nearby area. In fact, there are also retail premises provided in Avignon located to the immediate east of the site which are currently used for beauty services or storage purposes. These premises can be flexibly converted back to retail shops in future should market demand arises. In view of the above, retail facilities are not proposed under the subject application.

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

The applicant is one of the “current land owners”. In respect of the other “current land owner(s)”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) by publishing newspaper notices and posting site notices. Detailed information

would be deposited at the meeting for Members' inspection.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines (TPB PG-No. 17A) for 'Designation of "CDA" Zone and Monitoring the Progress of "CDA" Developments' and TPB PG-No. 18A for "Submission of Master Layout Plan under section 4A(2) of the Town Planning Ordinance" are relevant to this application. The major relevant points are as follows:

(a) TPB PG-No. 17A

For "CDA" sites which are 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 landowners, allowance for phased development could be considered. In deriving the phasing of the development, it should be demonstrated that:

- (i) the planning intention of the "CDA" zone will not be undermined;
- (ii) the comprehensiveness of the proposed development will not be adversely affected as a result of the revised phasing;
- (iii) the resultant development should be self-contained in terms of layout design and provision of open space and appropriate GIC, transport and other infrastructure facilities; and
- (iv) the development potential of the unacquired lots within the "CDA" zone should not be absorbed in the early phases of the development, access to these lots should be retained, and the individual lot owners' landed interest should not be adversely affected.

(b) TPB PG-No. 18A

- (i) the Board may require all applications for permission in an area zoned as "CDA" to be in the form of MLP and supported by other relevant information;
- (ii) in general, the MLP should include plans showing the location of the "CDA" site and the general layout of the whole development and a development schedule showing the main development parameters;
- (iii) if the "CDA" site is not under single ownership, the applicant should be required to demonstrate that the proposed phasing of development has taken due consideration of the development potential of the lots which are not under his ownership. The corresponding GFA and flat number distribution as well as provision of GIC, open space and other public facilities in each phase should be clearly indicated;

- (iv) the MLP should be supported by an explanatory statement which contains an adequate explanation of the development proposal, including such basic information as land tenure, relevant lease conditions, existing conditions of the site, the character of the site in relation to the surrounding areas, principles of layout design, design population, provision of GIC, recreation and open space facilities including responsibility for their construction cost and operation/management, vehicular and pedestrian circulation system including widths and levels of roads/footbridges and whether they would be handed back to the Government on completion; and
- (v) additional information such as TIA, EA, HA, VIA and drainage/sewage impact studies may also be required, where appropriate.

5. Background

- 5.1 The Site was originally zoned “Other Specified Uses” annotated “Agricultural” on the Tuen Mun OZP No. S/TM/1. It was subsequently rezoned to “CDA” (subject to PR of 1.3) on the Tuen Mun OZP No. S/TM/10 in 1997 as a planning mechanism to encourage the phasing out of container storage yards in the area to make way for low density residential developments. Subsequent to the approval of MLP for the Site under application No. A/TM/432 on 1.3.2013, a s.12A application (No. Y/TM/16) for rezoning the Site to “CDA(3)” to facilitate a comprehensive residential development with maximum PR of 2.6, maximum site coverage of 25% and maximum BH of 79mPD was agreed by the Board on 4.9.2015.
- 5.2 On 3.11.2017, the draft Tuen Mun OZP No. S/TM/34 incorporating amendments mainly related to rezoning of 6 sites for residential use and other technical amendments (including rezoning the Site to “CDA(3)” to reflect the Board’s decision on application No. Y/TM/16) was exhibited under s.5 of the Town Planning Ordinance (the Ordinance) for public inspection. Representations objecting to the “CDA(3)” zoning and other amendments were received during the public inspection period. On 19.10.2018, the Committee agreed to defer consideration of the application as recommended by the Planning Department, and that the application should be submitted for the Board’s consideration after the Chief Executive in Council (CE in C) has considered the draft OZP and the representations.
- 5.3 After hearing the representations and comments in August and October 2018, the Board decided not to uphold the representations. The draft OZP was subsequently approved by the CE in C and the approved Tuen Mun OZP No. S/TM/35 was exhibited on 21.12.2018 for public inspection under section 9(5) of the Ordinance.

6. Previous Applications

- 6.1 The Site is the subject of two previous s.16 applications (Nos. A/TM/376 and

A/TM/432) and one previous s.12A application (No. Y/TM/16) for comprehensive residential development (**Plan A-1**). Application No. A/TM/376 for development with PR of 1.3 also sought minor relaxation of the site coverage restriction from 25% to 37.1% and minor relaxation of building height restriction (podium only) from 10 storeys above car park to 10 storeys above a 3-storey podium. The application was approved with conditions by the Board on 30.7.2010 on considerations that the application would not be incompatible with residential development across Kwun Chui Road and that the applicant has responded to the Committee's concerns to reduce the overall site coverage.

- 6.2 Application No. A/TM/432 was for proposed comprehensive residential development with PR of 1.3 and minor relaxation of building height restriction from 10 storeys above car park to 10 storeys above 2-levels of podium. The scheme was considered to have shown improvements compared to the previous application No. A/TM/376 in terms of reduced site coverage and building height, wider building gaps and non-building areas and was approved with conditions by the Board on 1.3.2013.
- 6.3 The s.12A application No. Y/TM/16 for rezoning the Site from "CDA" to "CDA(3)" to facilitate a comprehensive residential development with maximum PR of 2.6, maximum site coverage of 25% and maximum BH of 79mPD was agreed by the Board on 4.9.2015. The Board also agreed that the applicants should be advised to explore the opportunity for providing retail facilities in the future residential development.

7. Similar Applications

- 7.1 On 2.2.2001, the Committee approved with conditions a similar application for proposed comprehensive residential development with PR of 1.3 (No. A/TM/262) in the "CDA" zone to the immediate east of the Site (Phase I of the proposed development) submitted by the same applicant (**Plan A-1**). Subsequent applications (Nos. A/TM/314, 323, 331, 331-1 and 331-2) for amendments to the approved scheme were also approved with conditions on 15.4.2004, 4.10.2004, 14.9.2007, 28.2.2008 and 31.5.2011 respectively.
- 7.2 Application No. A/TM/262 was for comprehensive residential development with PR of 1.3 and minor relaxation of building height restriction from 10 storeys above carports to 10 domestic storeys above a landscaped recreational podium/lobby and 2-storey carports as well as relaxation of site coverage from a maximum of 25% to 40% for the podium. The application was approved with conditions by the Committee on 2.2.2001 mainly on the grounds that it was in line with the planning intention of the "CDA" zone and the proposed development intensity with the proposed plot ratio complied with the restriction of the OZP. In the subsequent approved amendment schemes, the basic development parameters remained the same as the first approved scheme (i.e. A/TM/262).
- 7.3 The details of these six similar applications are summarised in **Appendix II**.

8. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-4a to A-4b)

8.1 The Site is:

- (a) largely formed and mainly used for open storage of construction machinery and materials;
- (b) about 20m east of Tuen Mun Road and about 25m west of an existing residential development known as Avignon. This part of Tuen Mun Road is on elevated structure; and
- (c) accessible via So Kwun Wat Road to its north.

8.2 The surrounding areas have the following characteristics:

- (a) the Site is at the fringe of Tuen Mun New Town and the surrounding area is dominated by medium density residential developments with scattered village houses. In particular, there are several sites zoned “Residential (Group B)” committed for medium density residential developments along So Kwun Wat Road to the southeast of the Site. These developments have development intensity ranging from PR 1.3 to 3.6 and BH from 80mPD to 90mPD;
- (b) to its immediate south is a nullah running westward. To the further south are scattered dwellings of Ngau Kok Lung Village in the “GB” zone;
- (c) to its north across So Kwun Wat Road is a sloping area in “GB” zone. Further north is the “Green Belt” zone on the So Kwun Wat OZP, mainly occupied by vegetation and scattered dwellings; and
- (d) to the west across Tuen Mun Road is a petrol filling station and area used for open storage of containers.

9. Planning Intention

The “CDA(3)” zone is intended primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any, to serve the residential neighbourhood. The zone is also 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 summarised as follows:

Land Administration

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

- (a) The Site comprises various private lots in D.D. 374 and D.D. 375 and some parcels of Government land. Of the private lots included in the Site, two lots (i.e. Lot 444 in D.D. 374 and Lot 248 RP in D.D. 375) are not under the ownership of the applicant. The private lots within the Site are old schedule agricultural lots and a number of them are subject to Building Licences and Short Term Waivers.
- (b) Her office has the following comments on the application:
 - (i) The applicant has applied to DLO/TM, LandsD for a land exchange proposing to surrender the private lots within the Site except the two private lots which are not owned by the applicant for the grant of a site tallying with the previously approved planning application, excluding the two private lots under different ownership. The application has been put on hold pending resolution of the planning application. Should the subject planning application be approved by the Board, the applicant may consider approaching her office to re-start the processing of the land exchange application taking into account the approved proposal. However, there is no guarantee that the land exchange application and in particular the inclusion of Government land will be approved and she reserves her position on such. The land exchange application 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 fees as may be imposed by LandsD.
 - (ii) Concerning the two private lots which are excluded from the land exchange application but included as Phase B of the subject planning application, no structure shall be allowed to be erected in or above or below the lots under the existing lease conditions.
 - (iii) It is noted that Phase B comprises two private lots (Lot 248 RP in D.D. 375 and Lot 444 in D.D. 374) and are separated. The PR of Phase B is all to be provided in Lot 248 RP while Lot 444 will not be built upon. She shall defer to relevant departments to consider whether the proposal is acceptable. She will reserve her comments when application to LandsD is received and there is no guarantee that approval will be

given.

- (iv) The applicant should provide and/or maintain pedestrian and/or vehicular access, where appropriate, to serve local villagers nearby and those land-locked private lots which are not under its ownership. The following approval condition imposed on the previous planning approval under application No. A/TM/432 should be retained:

“The design and provision of pedestrian/vehicular access to Ngau Kok Lung Village, Lot 444 in D.D. 374 and Lot 248 RP in D.D. 375 to the satisfaction of the Director of Lands or of the Town Planning Board”

- (v) She has no comment on the proposed gravity sewer across So Kwun Wat Road.

Traffic

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

- (a) He has no in-principle objection to the captioned planning application subject to imposition of the following approval conditions:
 - (i) The submission of a consolidated Traffic Impact Assessment and the design and implementation of the proposed traffic improvement measures to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
 - (ii) The design and provision of vehicular access and car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Environment

10.1.3 Comments of Director of Environmental Protection (DEP):

- (a) He has no objection to the application from noise impact perspective if the applicant will be required to submit noise impact assessment (NIA) report for the Master Layout Plan/General Building Plan and provision of noise mitigation measures to achieve 100% compliance with road traffic noise standard to the satisfaction of DEP/TPB under the relevant planning approval condition or land title document.
- (b) Regarding the revised Sewerage Impact Assessment (SIA), he has no objection to the SIA conclusion from sewerage planning viewpoint subject to no adverse comments on the proposed gravity

sewers across So Kwun Wat Road from other departments.

[DLO/TM, LandsD and CE/MN, DSD have no comment on the proposed sewers. CHE/NTW, HyD's comments are in **Appendix III**]

Urban Design and Visual

10.1.4 Comments of Chief Town Planner/Urban Design and Landscape (CTP/UD&L) (Urban Design Unit):

- (a) It is noted that the applicant has introduced height variations for Towers 2 to 5 to generate more visual interests of the proposed development and such measures have been reflected on the revised Urban Design Proposal (UDP). The applicant has also supplemented that he has made efforts to assess the feasibility of breaking up T2/T3 and T4/T5 but it is not environmentally desirable. As such, she has no further comment on the revised UDP from urban design viewpoint. She also has no further comment on the application from visual impact point of view.
- (b) She has no adverse comment from air ventilation perspective. Her detailed comments on the Air Ventilation Assessment from air ventilation perspective are in **Appendix III**.

Landscape

10.1.5 Comments of the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) (Landscape Unit):

Having reviewed the revised landscape plan in the FI (**Appendix Ib**), she notes her previous comments have been addressed and she has no further comment on the application. Should the Board approve this application, she would recommend the following landscape condition to be included in the planning permission:

The submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the Board.

Nature Conservation

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

- (a) The Site falls within "CDA(3)" zone on the OZP concerned. According to the most recent aerial photo from Geospatial Information Hub of LandsD, the Site is largely a disturbed area with trees/vegetation at vicinity. From the Tree Survey and

Preservation Proposal submitted by the applicant, it is noted that among 118 nos. of existing trees surveyed within the Site, only 2 nos. of living trees were suggested to be retained in-situ. Although most of the existing trees proposed to be felled are common species and compensatory tree planting is proposed, the applicant should be advised to minimize tree felling and avoid disturbance to adjacent environment as far as practicable should the application be justified.

- (b) Other detailed comments are in **Appendix III**.

Drainage

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

He has no adverse comment on the revision of details for the drainage impact assessment as provided in the FI (**Appendix Ib**). He also has no adverse comment on the SIA from public sewerage viewpoint.

Building Matters

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

- (a) He has no comment on the application.
- (b) The applicant's attention should be drawn to the following points:
- (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application.
 - (ii) Before any new building works (including containers/open sheds as temporary buildings and connection of drains) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (iii) For UBW erected on leased land, enforcement action may be taken by the BD 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 the BO.

- (iv) In connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) regulation at the building plan submission stage.
- (vi) Formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be made at the building plan submission stage.

Fire Safety

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

- (a) He has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his Department.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.
- (c) The emergency vehicular access (EVA) 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 BD.

Others

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

- (a) He has the following comments on the application from highways maintenance point of view.
 - (i) The proposed access arrangement and the TIA should be commented and approved by TD;
 - (ii) If the above access arrangement is agreed by TD, the applicant should construct a run in/out at the access point at Kwun Chui Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or

H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement;

- (iii) If the proposed roadworks in the TIA are acceptable by TD, the applicant should design and construct them in accordance with the latest version of Highways Standard to the satisfaction of HyD and TD;
- (iv) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (v) Other detailed comments are in **Appendix III**.

10.1.11 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains will be affected. All of the cost of any necessary diversion shall be borne by the developer.
- (c) Regarding paragraph 2.4.1 of the revised Water Supply Assessment (**Appendix Ib**), as the Site is within existing salt water supply zone, salt water instead of Temporary Mains Water for Flushing (TMF) should be provided to the proposed development for flushing purpose.

10.1.12 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer's Comments

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

- (a) She understands that the public consultation has been in progress and locals concerned have forwarded their view to the Board direct.
- (b) Technical issues aside, Tuen Mun District Council (TMDC) members and locals have long been dissatisfied with the congested traffic conditions as well as insufficient community and medical facilities in the district. In particular, as revealed in the recent TMDC discussion held on 5.3.2019 regarding proposed public housing developments in Tuen Mun Central, TMDC members again expressed grave concerns about the insufficient transport infrastructures, community facilities as well as medical and health facilities to accommodate the needs of the increased population arising from the proposed public housing developments.
- (c) In view of the above, it is envisaged that TMDC members of the concerned and nearby constituencies, as well as locals living in the vicinity may express grave concerns on whether there are sufficient transport, community and retail facilities in Tuen Mun East to support the additional population arising from the proposed residential development. They may also indicate concerns about the potential adverse traffic, visual, noise and environmental impacts to the area, in particular when the cumulative effects of various planned developments in the adjoining areas are taken into account.
- (d) She trusts that the Board would take into account local views when further deliberating on the application.

10.2 The following Government departments have no comment on /no objection to the application:

- (a) Commissioner of Police (C of P);
- (b) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Executive Secretary (Antiquities and Monuments), Development Bureau (ES(AM), DEVB);
- (f) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H (GEO), CEDD); and
- (g) Director of Food and Environmental Hygiene (DFEH).

11. Public Comments Received During Statutory Publication Period

11.1 The application and the subsequent further information submitted by the applicant had been published on 31.8.2018, 14.12.2018, 4.1.2019 and 15.2.2019. The number of public comments received during the four publication periods are summarised below:

Publication Periods	Support	Object	Comments Received
31.8.2018 – 21.9.2018	22	10	32
14.12.2018 – 4.1.2019	25	3	28
4.1.2019 – 25.1.2019	0	1	1
15.2.2019 – 8.3.2019	21	0	21
Total	68	14	82

11.2 To summarise, a total of 82 public comments were received during the publication periods including 14 objections (Samples are extracted at **Appendices IV-1 to IV-5**) and 68 supporting comments (Samples are extracted at **Appendices IV-6 to IV-10**).

11.3 Objections to the application were received from a TMDC member (**Appendix IV-1**), the Owners Committee of Aegean Coast (**Appendix IV-2**) and the public (**Appendices IV-3 to IV-5**). The main objection reasons are summarised below:

- (a) The population increase in the area will overload the road capacity in So Kwun Wat and create inconvenience to the residents. The provision of public transport in the area is inadequate and that the Board should take into considerations traffic problems, such as traffic congestion and illegal parking.
- (b) The community facilities and open space are insufficient to meet the needs of future population.
- (c) The proposal is high in density which deviates from the planning intention of the area.

11.4 Supporting comments were from individuals (**Appendices IV-6 to IV-10**). The major supporting reasons are summarised as follows:

- (a) The proposed development would not cause adverse visual and air ventilation impacts. It can improve the surrounding environment and hygiene condition.
- (b) The proposal will use abandoned land to increase housing land supply and it will create job opportunities and revitalise the local economy.
- (c) The proposed medium-density residential development is compatible with the neighbourhood.

- 11.5 All public comments received are deposited at the Board's Secretariat for Members' inspection and reference.

12. Planning Considerations and Assessments

The Proposal

- 12.1 Pursuant to Section 4(A)2 of the Town Planning Ordinance, the applicant has submitted MLP under this application to seek planning permission for a comprehensive residential development with PR of 2.6 and maximum BH of 79mPD at the Site. According to the applicant's proposal, there would be two phases of development (i.e. Phase A and Phase B). Phase A comprises of 6 residential towers above a level of basement carpark with two blocks of clubhouse. The BH of these 6 residential towers ranges from 71.65mPD (Tower 1) to 79mPD (Towers 2 to 6) and the clubhouse blocks are of 1 to 2 storeys. For Phase B, it involves two private lots which are yet to be acquired by the applicant (**Plan A-2a**). It consists of one residential tower of 11 storeys (46.5mPD at main roof) without basement. The proposed development would provide a total of 1,326 flats.

Planning Intention

- 12.2 The planning intention of the "CDA(3)" 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, to serve the residential neighbourhood. 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. In addition, pursuant to section 4A(2) of the Ordinance, an applicant for permission for development on land designated "CDA" shall prepare a MLP for the approval by the Board. The applicant has submitted a MLP with various technical assessments for the proposed residential development at the Site and the proposed development is in line with the planning intention of the "CDA(3)" zone.

Land Use Compatibility

- 12.3 The current proposed development has a PR of 2.6, maximum site coverage of 25% and maximum BH of 79mPD. In terms of development scale, the current proposed scheme complies with the plot ratio and building height restrictions as stipulated under the "CDA(3)" zone. The current proposal is considered not incompatible with the surrounding areas. While the applicant has yet to acquire the private lots under Phase B development, vehicular access has been provided for those lots within the Site.

Technical Aspects

- 12.4 In support of the application, the applicant has submitted technical assessments to demonstrate that the proposal is acceptable on visual, landscape, air ventilation, traffic, infrastructural and environmental aspects.
- 12.5 From visual and air ventilation viewpoints, the current proposed scheme has provided building separations and has adopted podium free design to avoid wall effect and to facilitate better air flow. Building setbacks along the Site boundary

are also proposed as landscape areas to serve as a visual buffer between the proposed development and the surrounding area. There are also variations in BH of different residential towers ranging from 71.65mPD to 79mPD, and 46.5mPD for the residential tower under Phase B. Noting that the applicant has introduced height variations for Towers 2 to 5 to generate more visual interests of the proposed development and such measures have been reflected on the revised Urban Design Proposal (UDP), CTP/UD&L, PlanD has no comment on the UDP and the application from visual impact point of view. On air ventilation aspect, CTP/UD&L also indicates that it is not anticipated that the current proposal with mitigation measures adopted will generate any significant adverse impact on the pedestrian wind environment when compared with the scheme under the agreed application No. Y/TM/16. CTP/UD&L also has no objection to the application from landscape planning point of view.

- 12.6 Regarding the traffic aspect, the applicant has proposed improvement works to a layby at So Kwun Wat Road and the junction of Castle Peak Road – Castle Peak Bay and Tsing Ying Road as well as the junction of Castle Peak Road – Castle Peak Bay and So Kwun Wat Road (**Drawings A-11 to A-13**). With the proposed mitigation measures, the applicant has demonstrated in the revised TIA that, taking into account the planned and known potential housing developments in Tuen Mun East, the proposed development will not result in adverse traffic impact. C for T has no in-principle objection to the application subject to the implementation of the relevant improvement works as proposed by the applicant. On environmental aspect, DEP opines that he has no objection to the application subject to imposition of an approval condition requiring the applicant to submit a NIA for the MLP and to provide noise mitigation measures to his satisfaction. In this regard, an approval condition related to noise impact has been recommended. DEP also has no comment on the application from sewerage planning point of view.
- 12.7 Other relevant Government departments including CA/CMD2 of ArchSD, ES(AM) of DEVB, CHE/NTW of HyD, CE/MN of DSD, CE/C of WSD, D of FS, PM(W) and H(GEO) of CEDD and DEMS have no adverse comments on the application.

Provision of Retail Facilities

- 12.8 When considering the s.12A application No. Y/TM/16, the Board agreed that the applicant should explore the opportunity for providing retail facilities in the future residential development. In this regard, the applicant has conducted a study which indicates that the provision of retail facilities at the neighbourhood and the district are sufficient to meet the needs of the future residents of the proposed development. For instance, nearby retail facilities in Aegean Coast Shopping Arcade and Gold Coast Piazza are within walking distance (8 to 13 minute walk from the Site). The locations of these facilities are shown in Figure 1 of **Appendix If**. Also, the future developer of the planned residential development in the “R(B)14” zone which is located on the west of the Site will be required to provide retail facilities with a maximum GFA of 2,000m². In fact, the existing residential development known as Avignon has provided about 500m² of non-domestic GFA for provision of ‘Eating Place’ and ‘Shop and Services’

facilities, part of which are currently used for beauty services and storage purposes. The applicant has indicated that those premises can be flexibly converted back to retail shops in future should market demand arises. In view of the above, retail facilities are not proposed within the proposed development. Planning Department has no comments on this arrangement from planning point of view.

Public Comments

- 12.9 A total of 82 public comments have been received, including 68 supporting comments and 14 objections. The grounds of the public comments are stated in paragraph 10 above. Comments from relevant Government departments in paragraph 9 and the planning considerations and assessments as mentioned in the above paragraphs are generally relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 11 above, and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 3.5.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following approval conditions and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of a revised Master Layout Plan to take into account conditions (b) to (i) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission and implementation of a development programme for the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (e) the submission of a consolidated Traffic Impact Assessment and the design and implementation of the proposed traffic improvement measures to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) the design and provision of vehicular access and car parking and

loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (g) the implementation of drainage and sewerage facilities, as proposed by the applicant, to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) the submission of a noise impact assessment and implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (i) the design and provision of pedestrian/vehicular access to Ngau Kok Lung village, Lot 444 in D.D. 374 and Lot 248 RP in D.D. 375 to the satisfaction of the Director of Lands or of the Town Planning Board.

[All the conditions are largely similar to those conditions under the previous s.16 application No. A/TM/432 with slight amendments.]

Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

13.3 There is no strong reasons to recommend rejection of the application.

14. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form and letters received on 24.8.2018
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Applicant's letter received on 3.12.2018 providing responses to departmental comments; a revised master layout plan, G/F plan, B/F plan, section plans and development schedule; revised Urban Design Proposal; revised Air Ventilation Assessment; replacement pages of planning statement, Landscape Design Proposal, Tree Survey and Preservation

	Proposal, Drainage Impact Assessment; revised Water Supply Assessment; revised Traffic Impact Assessment; and revised Sewerage Impact Assessment
Appendix Ic	Applicant's letter received on 21.12.2018 providing responses to departmental comments, revised Environmental Assessment and revised Air Ventilation Assessment
Appendix Id	Applicant's letter received on 7.1.2019 providing responses to departmental comments, revised Air Ventilation Assessment and replacement pages for SIA and VIA
Appendix Ie	Applicant's letter received on 8.2.2019 providing responses to departmental comments, replacement pages of Air Ventilation Assessment and planning statement
Appendix If	Applicant's letter received on 27.3.2019 providing responses to departmental comments
Appendix Ig	Applicant's letter received on 3.4.2019 providing responses to departmental comments
Appendix II	Details of Similar Applications
Appendix III	Detailed Departmental Comments
Appendix IV	Public Comments (Extracted)
Appendix V	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan
Drawings A-2 to A-3	Floor Plans of B/F and G/F
Drawings A-4 to A-6	Section Plans
Drawing A-7	Landscape Master Plan
Drawing A-8	Open Space Demarcation Plan
Drawings A-9 to A-10	Landscape Section Plans
Drawings A-11 to A-13	Plans showing the proposed extension of northern layby at So Kwun Wat Road and the proposed junction improvements at Castle Peak Road – Castle Peak Bay / Tsing Ying Road and Castle Peak Road – Castle Peak Bay / So Kwun Wat Road
Drawings A-14 to A-17	Photomontages

Plan A-1	Location Plan
Plans A-2 and A-2a	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2019**