

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

APPLICATION NO. Y/TM-LTY Y/8

- Applicant** : Join Smart Limited represented by Masterplan Limited
- Plans** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (LTY Y OZP) No. S/TM-LTY Y/10 and Approved Tuen Mun OZP (TM OZP) No. S/TM/35
- Application Site** : Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 245, 246 RP, 246 S.A, 246 S.B, 247, 365 RP, 366, 367 and 368 RP in D.D. 130 and Adjoining Government Land (GL), Lam Tei, Tuen Mun, New Territories
- Site Area** : About 21,333m² (including 1,344m² of GL (i.e. about 6.30%))
- Lease** : (a) Lot 368 RP in D.D. 130: held under Tai Po New Grant No. 5324 (lease conditions not found)
(b) Remaining lots: Block Government Lease (demised for agricultural purposes)
- Zoning** : (i) “Residential (Group E)” (“R(E)”) (about 91% of the Site);
[Restricted to a maximum plot ratio (PR) of 1.0, a maximum site coverage (SC) of 40% and a maximum building height (BH) of 4 storeys over single-storey car park (15m)]
(ii) “Residential (Group E)1” (“R(E)1”) (about 8% of the Site) ; and
[Restricted to a maximum PR of 1, a maximum SC of 40% and a maximum BH of 5 storeys including a one-storey car park]
(iii) Area shown as ‘Road’ (about 1% of the Site)
- Proposed Amendment** : To rezone the application site from “R(E)” on LTY Y OZP and “R(E)1” and an area shown as ‘Road’ on TM OZP to “Residential (Group A)” (“R(A)”) [Proposed to be restricted to a maximum PR of 6 and a maximum BH of 120mPD]

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1**) from “R(E)” on the approved LTYO OZP and “R(E)1” and an area shown as ‘Road’ on the approved TM OZP to “R(A)” with a maximum PR of 6 and a maximum BH of 120mPD to facilitate a high-density residential development. In addition, a requirement for provision of a Day Care Centre for the Elderly (DCCE) with a minimum gross floor area (GFA) of 500m² would be included in the Notes of the OZP. The applicant also proposes to excise the area of the Site falling within the TM OZP for combining with the LTYO OZP (**Plan Z-1** and **Drawing Z-1**). A proposed set of Notes for the “R(A)” zone is attached at **Appendix IV**¹ and a plan showing the proposed “R(A)” zone and the proposed planning scheme areas boundary line submitted by the applicant is at **Drawing Z-2**.
- 1.2 The applicant has submitted an indicative scheme to support the proposed rezoning for residential development (**Drawings Z-3 to Z-9**). The indicative scheme comprises nine residential blocks of 35 storeys (excluding basements) and one non-domestic block of 2 storeys for the proposed 40-place DCCE. The indicative scheme has a total GFA of not more than 127,998m² and PR not more than 6, which would be developed in two phases (Phases A and B).
- 1.3 The major development parameters of the proposed indicative development are summarised as follows:

	Phase A	Phase B	Total
Site Area (about)	16,966 m ²	4,367 m ²	21,333 m ²
Gross Floor Area (not more than)			
Total	101,796 m ²	26,202 m ²	127,998m ²
<i>Domestic</i>	101,296 m ²	26,202 m ²	127,498m ²
<i>Non-domestic</i>	500 m ² (for DCCE)	--	500m ²
Total Plot Ratio (not more than)	6	6	6
Site Coverage (not more than)	40%	40%	40%
No. of Blocks			
Domestic	7	2	9
Non-domestic	1 (DCCE)	--	1
Building Height mPD	120	120	120
No. of Storeys	35(excluding 2 basement levels)	35(excluding 2 basement levels)	35(excluding 2 basement levels)
Building Height of DCCE	2 Storeys	--	2 Storeys
No. of Flats	1,625	373	1,998
Average Flat Size	64 m ²	64 m ²	64 m ²

¹ The proposed Column 1 and Column 2 uses are identical to those under “R(A)” zone of the TM OZP. There is currently no “R(A)” zone on the LTYO OZP.

	Phase A	Phase B	Total
Design Population ^(a)	4,388	1,007	5,395
Car Parking Spaces			
For Residents	201	112	313
For Visitors	35	10	45
Motorcycle Parking Spaces	17	4	21
Loading/Unloading Spaces for Heavy Goods Vehicles	7	2	9
Bicycle Parking Spaces	97	3	100
Private Open Space (not less than)	4,388 m ²	1,007 m ²	5,395 m ²
Clubhouse GFA ^(b)	3,054 m ²	1,179 m ²	4,233 m ²
Envisaged Completion Year	2025	2025	2025

^(a) The applicant assumes a Person-Per-Flat ratio of 2.7, based on the average domestic household size in Tuen Mun District in 2016 released by the Census and Statistics Department.

^(b) The applicant claims that the residents' clubhouse GFA is exempted from PR calculation.

1.4 Indicative Master Layout Plan, Indicative Ground Floor Plan, Indicative Basement Plans, Indicative Block Plan, Indicative Landscape Section Plans, Land Ownership Plan, Proposed Phasing Plan and Photomontages submitted by the applicant to support the proposed rezoning are shown in **Drawings Z-3 to Z-17**.

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

- (a) Application Form received on 21.8.2019 **(Appendix I)**
- (b) Supporting Planning Statement, Figures and Technical assessments attached to **Appendix I** **(Appendix Ia)**
- (c) Further Information (FI) received on 2.12.2019 providing responses to comments of government departments, new Master Layout Plan, Pedestrian Circulation Diagram, Open space Demarcation Plan, Fence Wall Indication Plan, revised Water Supply Impact Assessment, Traffic Impact Assessment, Visual Impact Assessment, Landscape Master Plan, replacement pages for Sewage Impact Assessment, Air Ventilation Assessment (Expert Evaluation) and Noise Impact Assessment. **(Appendix Ib)**
(accepted but not exempted from publication and recounting requirements)
- (d) FI received on 4.2.2020 providing responses to comments of government department, a new Pedestrian Assessment and a revised Water Supply Impact Assessment (WSIA) **(Appendix Ic)**
(accepted but not exempted from publication and recounting requirements)

- (e) FI received on 3.4.2020 providing responses to **(Appendix Id)** comments of government departments
(accepted and exempted from publication and recounting requirements)
- (f) FI received on 14.4.2020 providing replacement **(Appendix Ie)** pages of the development parameters table and proposed Notes of “R(A)” zone to the LTYO OZP
(accepted and exempted from publication and recounting requirements)
- (g) FI received on 14.4.2020 providing replacement **(Appendix If)** pages of the development parameters table
(accepted and exempted from publication and recounting requirements)

1.6 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) on 15.11.2019. On 15.11.2019, the Committee agreed to defer making a decision on the application for 2 months as requested by the applicant’s representative to allow time to address departmental comments. Subsequently, the applicant submitted FI on 2.12.2019, 4.2.2020, 3.4.2020 and 14.4.2020, and the application is scheduled to be considered at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices Ia, Ib and Id**. They can be summarised as follows:

- (a) The proposal is in line with Government’s Housing Supply Policy. The proposal would provide a total of 1,998 residential units to offer an alternative private housing supply to help alleviate the over-inflated property prices, and assist the middle-class families in purchasing their own flats.
- (b) The proposed DCCE would be in line with the Elderly Services Programme Plan, to cater for the long-term demand for Community Care Services (CCS), and help balance the service provision between Residential Care Services (RCS) and CCS. The proposed DCCE will help address the expected demand for DCCE services in Siu Hong, Tuen Mun District.
- (c) The proposal conforms to the recent development context in Tuen Mun Area 54. At present, Yan Tin Estate consists of five residential blocks ranging in height from 33- to 38-storeys. Several other sites in “R(A)” zones are planned for completion in 2020-21. According to the TM OZP, these sites are subject to a maximum PR of 5 to 6, and a maximum BH of 120mPD to 140mPD. The Planning Department (PlanD) also has plans to increase the development intensity of some of the sites from maximum PR of 5 to 6 (or an increase of 20%).
- (d) The proposal is compatible with the Planned Public Housing Development at Hong Po Road and San Hing Road undergoing a feasibility study. The application has assumed that the applicant as a private land owner with the capability to provide

high-density housing development on the Site will be able to utilize private property rights and is able to apply for a private residential scheme, which is of a similar scale and density as the possible public housing at the Site.

- (e) The proposal offers a suitable mix of public and private housing in the area. The surrounding context is unnecessarily dominated by public housing estates. The proposed private housing development will be in juxtaposition to the planned public housing in the surrounding. From an urban design and planning perspective, the proposed private residential development offers a better mix of housing types and a better social dynamic to the wider area. A balanced housing mix will contribute to the sustainability and vibrancy of the community.
- (f) There is a surplus of school provision in the planned population of TM OZP. The Site overlaps with a portion of a possible school site in the Hong Po Road and San Hing Road public housing development. According to PlanD's calculation on the provision of GIC facilities in the planned population of TM OZP, there will be a surplus of secondary and primary school classrooms. Therefore, there will be sufficient provision of school classrooms to offset the loss of school site by the proposal, within the Site.
- (g) The proposal reduces planning blight and better utilizes scarce land resources. Subsequent to the approval of the s.16 application No. A/TM-LTY/273 by the Committee in 2014, the Site has been cleared and readily set for housing development. However, with the previous planning approval lapsed in 2018 and extension of validity not approved by the Board upon review on 28.9.2018, the Site is now left in a derelict state. The proposal can proceed to implementation at a quicker rate, compared to the delays of the government study process for the possible public housing. Also, there is uncertainty if and when the public housing project will proceed.
- (h) The proposal offers earlier implementation compared to public housing development. Following the rezoning process and OZP amendment, the proposal could be completed at an earlier date, probably within 5 to 6 years. The proposal also does not fall within the criteria of a designated project under the Environmental Impact Assessment Ordinance. Therefore, the applicant is not required to carry out an environmental impact assessment for the proposal, meaning it can be implemented earlier.
- (i) The applicant has responded to and address some of the comments made by Board Members in their consideration of the previously rejected planning applications in relation to the Site by submitting this rezoning application with a technically feasible scheme and an increased development intensity, similar to the surrounding public housing developments. If the Site is rezoned to the proposed "R(A)" zone, then there will be no loss in overall flat production. The proposal will be able to provide 1,998 units and achieve no less flat production than the possible public housing on the Site.
- (j) The proposal is compatible with the planning intentions of the original "R(E)" and "R(E)1" zones, which are primarily for residential development by the phasing out of existing industrial uses. The proposed residential use would provide high

quality housing to phase out the existing open storage uses on the Site, and would facilitate the realization of the planning intention for residential development.

- (k) Technical assessments have demonstrated that the proposal is technically feasible, and appropriate mitigation measures will be put in place, where necessary. The proposed increase in development intensity will neither generate nor be susceptible to significant traffic and environmental impacts. The capacity of the engineering infrastructure in the existing and future planned context will not be exceeded with the proposal.
- (l) A detailed Archaeological Impact Assessment (AIA) completed under the previous application No. A/TM-LTY Y/273 (**Plans Z-1 and Z-1a**) did not have any significant findings and a similar outcome is expected on the additional area covered by this application. Since some of the additional area is currently owned by others, the applicant has difficulty in carrying out any study on other's land. Provided that the applicant could acquire the area owned by others at later stage, the applicant is willing to carry out further desktop study on AIA for the additional area concerned.

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

For the private land portion of the Site, the applicant is one of the “current land owners” and 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. 31A) by posting site notice and publishing newspaper notices. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion of the Site, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Background

- 4.1 The major part of the Site was first included in the draft Lam Tei and Yick Yuen Development Permission Area Plan No. DPA/TM-LTY Y/1 gazetted on 18.6.1993 and was designated as “Unspecified Use”. The concerned area was zoned as “Industrial (Group D)” (“I(D)”) on the draft LTYY OZP No. S/TM-LTY Y/1 gazetted on 7.6.1996, and was rezoned to “R(E)” on the draft LTYY OZP No. S/TM-LTY Y/3 gazetted on 23.5.2000.
- 4.2 The remaining part of the Site fell within “Green Belt” (“GB”) zone on the draft TM OZP No. S/TM/1 which was gazetted on 1.6.1984, with part of it rezoned to an area shown as ‘Road’ on the draft TM OZP No. S/TM/12 gazetted on 28.4.2000, and the other part rezoned to “R(E)1” on the draft TM OZP No. S/TM/26 gazetted on 16.10.2009.
- 4.3 The Site is not subject to any planning enforcement action.
- 4.4 The Civil Engineering and Development Department (CEDD) is now undertaking a consultancy study titled “Agreement No. CE 68/2018 (CE) – Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study” (the Study) for the proposed public housing development at San Hing Road and Hong Po Road and relevant supportive

infrastructural works and facilities, including a number of Government, Institution and Community and retail facilities. The Study commenced in February 2018 and is scheduled for completion in 2020. The Site is located at the central portion of the Study area and encroaches onto the sites designated for public housing and school developments (**Plans Z-1 and Z-1b**).

5. Previous Applications

- 5.1 There is no previous s.12A rezoning application covering the Site.
- 5.2 Part of the Site was involved in seven previous s.16 applications (No. A/DPA/TM-LTY Y/37 and 60, A/TM-LTY Y/103, 203, 242, 273 and 381). The first five previous applications (No. A/DPA/TM-LTY Y/37 and 60, A/TM-LTY Y/103, 203 and 242) were for godown, warehouse, open storage, temporary storage and recycling collection centre uses and all were rejected by the Committee or the Board. The last two previous applications (No. A/TM-LTY Y/273 and 381), submitted by the current applicant, were for proposed residential development (flat) covering mainly Phase A of the Site on LTY Y OZP and the details are as follows.
- 5.3 Application No. A/TM-LTY Y/273 (Site Area: 14,553m², PR: 1.0, 96 flats) for proposed residential development (flat) covering part of the Site on LTY Y OZP was approved by the Committee on 17.10.2014 mainly on the considerations that the proposed development was in line with the planning intention of the “R(E)” zone and the proposed public housing development at San Hing Road was still at the conceptual stage. Application No. A/TM-LTY Y/273-1 for a proposed Class B Amendment for the extension of time for commencement of the approved development for an additional period of 4 years until 17.10.2022 was rejected by the Board upon review on 28.9.2018. The major rejection reason was non-compliance with the Town Planning Board Guidelines on Extension of Time for Commencement of Development (TPB PG-No. 35C) as there has been a material change in planning circumstances which the Government has demonstrated the commitment to plan for a comprehensive public housing development covering the Site and progressive action has also been taken to pursue the development. The applicant lodged an appeal to the Appeal Board Panel (Town Planning) on 16.10.2018 and the hearing is tentatively scheduled for September/October 2020. The planning permission (No. A/TM-LTY Y/273) lapsed on 18.10.2018.
- 5.4 Application No. A/TM-LTY Y/381 (Site Area: 14,553m², PR: 1.0, 96 flats) for proposed residential development (flat) covering part of the Site on LTY Y OZP with the development parameters generally the same as application No. A/TM-LTY Y/273 was submitted by the same applicant on 1.8.2018. The application was originally scheduled for the Committee’s consideration on 29.11.2019. However, the applicant had submitted FI which raised some legal points thus the Committee decided to defer a decision on the application pending legal advice was sought. The application has yet to be scheduled for the Committee’s consideration.
- 5.5 Details of the previous s.16 applications are shown at **Appendix II** and their locations are shown on **Plan Z-1a**.

6. Similar Application

There is no similar application within the same “R(E)” zone on the LTYO OZP and “R(E)1” zone and ‘Road’ area on the TM OZP.

7. The Site and Its Surrounding Areas (Plans Z-1 to Z-4b)

7.1 The Site is:

- (a) located at the northern fringe of the Tuen Mun New Town (TMNT) to the immediate north of Hong Po Road;
- (b) currently fenced-off and largely vacant with a portion in the centre of the Site for storage and open storage of construction materials mainly in the area under Phase B of the proposed development;
- (c) accessible from Hong Po Road and San Tat Lane connected to San Hing Road; and
- (d) within the study area of the proposed public housing development at San Hing Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are orchard, metal workshop, car repair workshop and storage yards intermixed with residential dwellings;
- (b) to the immediate east are resident dwellings, godown, recycling workshop and San Tat Lane. There are office, vehicle workshop and warehouse along San Tat Lane which are suspected UDs;
- (c) to the immediate south are open storage yards, orchard and vacant land. To the further south across Hong Po Road are brownfield operations intermixed with residential dwellings and cultivated agricultural land; and
- (d) to the immediate west is open storage of construction materials and residential dwellings.

8. Planning Intention

8.1 The “R(E)” zone on the LTYO OZP is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

8.2 The “R(E)1” zone on the TM OZP is intended primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application and public comments are summarised as follows:

Land Administration

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

- (a) The proposed residential development contravenes the existing lease conditions and no permission has been given for the utilization of the adjoining GL. Should any unauthorized structures be found erected on the lots and unauthorized occupation of GL be detected, Government reserves the right to take enforcement actions as may be considered appropriate.
- (b) The application may affect existing footpaths/tracks on GL which may be serving adjoining private lots in the neighbourhood. Should the proposal involve closure and/or diversion of existing footpaths/tracks, statutory procedures involving gazettal of the proposal may be required.
- (c) It was noted from the previously approved s.16 application (i.e. application No. A/TM-LTTY/273) which covers portion of the Site that there were local concerns on the possible impact on the existing graves in the vicinity of the Site which may require the applicant's attention.
- (d) Irrespective of whether the planning permission will be given, any land exchange application will be considered by LandsD acting in the capacity as the landlord at its sole discretion, and there is no guarantee that such land exchange application will be approved and he reserves his comment on that.
- (e) The applicant had already submitted a land exchange application for a proposed residential development of 17 private lots and adjoining unleased GL and the application has been put on hold pending the result of the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road. He would reiterate that his office will not process any new land exchange application or amendment to the land exchange already submitted.

Long-term Development

9.1.2 Comments of the Chief Engineer/Housing Project 2, Civil Engineering and Development Department (CE/HP2, CEDD):

His office is currently conducting a consultancy study titled "Agreement No. CE 68/2018 (CE) – Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study" for the Government. The subject land lots under

application for private residential development would encroach into the public housing development site area at San Hing Road and Hong Po Road. It would affect the comprehensive public housing development and infrastructure works in San Hing Road and Hong Po Road if these land lots are earmarked for private residential development. He has reservation to the application. He also advises that Director of Housing's (D of Housing's) comment on the development strategy for the proposed public housing development should be sought.

9.1.3 Comments of the D of Housing:

CEDD is now conducting the Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study. In this connection, the application is not supported.

Environment

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

Sewerage

- (a) The applicant submits the planning application to rezone the Site from “R(E)”, “R(E)1” and an area shown as ‘Road’ to “R(A)” on the approved LTY Y OZP and approved TM OZP. According to the applicant, the development will provide 1,998 residential flats to accommodate 5,395 population. The Site is currently largely vacant with some derelict temporary structures, and partly used for open storage. An on-site treatment plant is proposed to collect, treat and dispose of the sewage generated by the development until public sewerage system is available for connection.

Noise

- (b) According to the Environmental Assessment (EA) submitted by the applicant, the noise sensitive receivers of the application will be subject to road traffic noise from Hong Po Road and fixed noise source from the industrial activities nearby. With implementation of proposed noise mitigation measures including blank façade/maintenance window, no adverse noise impact is anticipated.

Air Quality

- (c) According to the EA, the distance between the subject development and Hong Po Road, San Tat Lane and San Hing Road could meet the minimum buffer separation distance stated in the Hong Kong Planning Standards and Guidelines (HKPSG) (i.e. more than 5m from kerb side of local distributor/rural road) and no chimney is identified within 200m from the application site boundary.

Land Contamination

- (d) In **Appendix Ib**, it is noted that the applicant committed to address the land contamination issues at detailed design stage and the requirement of conducting contamination assessment could be imposed as a condition under land lease if any contamination is identified.
- (e) In this regard, the proposed development will unlikely be susceptible to insurmountable environmental impact.

Traffic

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

He has the following comments on the Traffic Impact Assessment (TIA) which includes a Pedestrian Assessment.

- (a) Comment on the Pedestrian Assessment – As shown in previous report that there is another pedestrian route from the proposed site to LRT station via San Tat Lane, etc. The assessment with level of service (LOS) for this route should also be provided.

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

- (a) The applicant shall construct the run-in/out 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.
- (b) His office will not maintain any access between the Site and Hong Po Road/San Tat Lane.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public road/drains.

Drainage

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

He has no objection in principle to the application from public drainage point of view.

Urban Design and Landscape

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

Based on the information provided, he has the following comments from architectural and visual impact point of view.

- (a) It is noted that the indicative scheme consists of 9 blocks of 35-storeys high towers (120mPD), which is about 1066% higher than the adjacent village type developments with 3 nos. of domestic storeys. It is undesirable from visual impact point of view and may not be compatible to adjacent residential and village type developments.
- (b) It is noted from **Drawing Z-10** (Land Ownership Plan) that a certain amount of sites are “Lots Owners by Others” and “GL”. As there is high uncertainty that these site areas could be integrated into the proposed development package, the feasibility of the development proposal is doubtful.

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

Urban Design and Visual

- (a) The Site is surrounded by low-rise developments. To the north-east of the site are some warehouses and a village namely San King Wai (19.4mPD); to the east across the San Hing Road is San Hing Tsuen (about 20mPD). To the south of the Site across Hong Po Road is Tsz Tin Tsuen (about 20mPD). To the further north-west of the Site is Villa Pinada (about 26mPD). It is noted that a number of planned high density public housing developments (about 120mPD to 140mPD with PR of 6) surrounding the Site would be implemented by Housing Department (HD).
- (b) According to Agreement No. CE 68/2017- Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study commissioned by CEDD, the Site encroaches onto the proposed public housing sites which would be initiated by HD. Since the Study has yet to be completed, the heights of the proposed public housing development assumed in the subject application may not be consistent with the final recommendation of the Study. Furthermore, approval of the application would jeopardise the proposed public housing development under the Study.

Landscape

- (c) With reference to the aerial photo of 2018 and the submitted site photos (Figures 9 and 10 of the applicant’s submission at **Appendix Ia**), the Site is hard paved and partly used as open storage yards. Some existing trees are found at the western portion of the Site. The Site is situated in an area of rural landscape character predominated by village houses, vegetated areas, open storage yards and temporary structures.
- (d) Having reviewed the submitted information, he has no in-principle objection to the application from landscape planning perspective.

Social Welfare Facilities

9.1.10 Comment of the Director of Social Welfare (DSW):

It is noticed that part of the proposed development area under this s.12A application is within the proposed public housing development at San Hing Road, and the Social Welfare Department (SWD) has proposed a number of welfare facilities to be incorporated into the proposed public housing development under the Study. There is no information from the applicant whether the application would have any impact on the development scheme and schedule of the proposed public housing development and the social welfare facilities proposed therein under the Study, as well as the impact on the provision of social welfare facilities arising from the additional population of the application.

Water Supplies

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

Major Comments on the Application

- (a) It is noted that the indicative scheme consists of 1,998 flats with target population intake year 2025. The estimated design population to be 5,395 heads (=1,998x2.7), the fresh water demand and salt water demand are 1,981m³/day and 398m³/day respectively according to the submitted Water Supply Impact Assessment report which are subject to further review.
- (b) The current fresh water and salt water supply systems within the supply zone of Tuen Mun North Fresh Water Service Reservoir and Tuen Mun North Salt Water Service Reservoir have been fully committed which do not have spare capacity for the application. Existing water infrastructures including service reservoirs and water pipes are not adequate to cater for the application without affecting existing users.
- (c) The applicant did not propose any mitigation measures towards the adverse impact induced from the application. The applicant claimed to re-arrange the population intake year to tie in with the relevant water supply improvement works if required. He did not provide further information such as the programme of the water supply improvement works and the proposed postponed population intake year to demonstrate the technical feasibility of his proposal.
- (d) To conclude, the applicant has not yet demonstrated the technical feasibility of the application from the water supply point of view.

Other Detailed Comments

- (e) The applicant claimed that he does not have the public information of the proposed developments, while he has given an account of

committed and planned developments by Government in the vicinity of the application in his response to ArchSD's comment in **Appendix Ic**. It appears that the applicant is aware of the future developments in the vicinity and that there would be inadequate waterworks infrastructure for the application. The applicant should propose measures to improve the water supply system.

Archaeological

9.1.12 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

- (a) The Site is situated within the San Hing Tsuen Site of Archaeological Interest (**Plan Z-1**). It is noted that part of the Site in the current submission is covered by the area of the previous approved application No. A/TM-LTY Y/273. According to the detailed AIA completed under application No. A/TM-LTY Y/273, the covered area is concluded to have no archaeological potential. In this connection, the applicant is required to conduct a desktop study to assess the archaeological impact imposed by the proposed residential development on the remaining area of the Site not covered by the said AIA (mainly the Phase B area in the current application). Subject to the findings of the desktop study, appropriate mitigation measures, if needed, shall be implemented by the applicant in consultation with the AMO.

- (b) With regard to the applicant's responses to AMO's comments above at **Appendix Id**, AMO is of the view that land access shall not be an obstacle for conducting a desktop study. A desktop study or desktop research is mainly a literature review conducted to analyse, collect and collate the best available information which may include (but not limited to) archives, publications, historical documents, archaeological reports, cartographic or pictorial documents and so on from any libraries, tertiary academic or research institutions, museums, Public Records Office, Land Registry, District Lands Office, District Offices, or any other available places. In this regard, the applicant is required to conduct a desktop study at this stage to assess the archaeological impact imposed by the proposed residential development on the remaining area of the application site not covered by the detailed AIA completed under the previous approved scheme, i.e. application No. A/TM-LTY Y/273. Subject to the findings of the desktop study, appropriate mitigation measures, if needed, shall be implemented by the applicant in consultation with AMO.

Fire Safety

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

- (a) He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (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 Building (Planning) Regulation 41D which is administered by the Buildings Department (BD).

Building Matters

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

He has the following comments under the Buildings Ordinance (BO) to the proposed rezoning.

- (a) 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 (“B(P)R”) respectively.
- (b) If the proposed PR is based on the assumption that GFA exemption will be granted for green/amenity features and non-mandatory/non-essential plant rooms etc., the prerequisites in Practice Note for Authorized Persons Registered Structural Engineers and Registered Geotechnical Engineers APP 151 and APP 152 should be complied with.
- (c) Disregarding private car parking spaces from GFA calculation under the BO will be considered on the basis of the criteria set out in PNAP APP-2 during building plan submission stage.
- (d) If there are existing structures which had been erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the application.
- (e) The proposed building may be subject to the issue of various licences and should comply with the building and safety requirements as may be imposed by the relevant licensing authorities.
- (f) Detail comments on the proposed scheme would only be given during building plan submission stage.

Others

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

Based on the information provided, the Site will be within the preferred working corridor of 400kV extra high voltage overhead as stipulated in the HKPSG. As far as electrical safety is concerned, the following conditions shall be incorporated for strict compliance by the applicant and his contractors.

- (a) The applicant should observe the requirements of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.14 under Chapter 7 – Utility Services of the HKPSG and ensure they shall be maintained at any time during and after construction.
- (b) No scaffolding, crane and hoist shall be built or operated within 6m from the outermost 400kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power shall be consulted on the safety precautions required for carrying out any works near the concerned overhead lines.
- (c) In any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming.
- (d) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.
- (e) As regards the electric and magnetic fields arising from the transmission overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity, if any.

9.1.16 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

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

He has distributed consultation letters to the locals concerned and understands that they would provide their comments (if any) to the Board direct. He has no further comment.

9.2 The following departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

10. Public Comments Received During the Statutory Publication Periods

10.1 On 6.9.2019, 20.12.2019 and 21.2.2020, the application and relevant FI were published for public inspection, which ended on 27.9.2019, 10.1.2020 and 13.3.2020 respectively, and a total of 111 public comments were received. Amongst them, 58 support the application while 53 raise objection to the application. Samples of the comments are attached at **Appendices III-1 to III-17**. All the public comments received are deposited at the Secretariat for Members' inspection.

10.2 A brief summary of the public comments are as follows:

Publication Period	Support	Objection	Total
6.9.2019 – 27.9.2019	58	46	104
20.12.2019 – 10.1.2020	0	3	3
21.2.2020 – 13.3.2020	0	4	4
Total	58	53	111

10.3 58 public comments from local residents and other individuals (**Appendices III-1 to III-4**) support the application on the grounds that the application is compatible with the surrounding development; the Site is well served by the West Rail and other public transport, it would help increasing housing supply, enhancing land use efficiency and generating employment. The application is envisaged to help phasing out incompatible industrial uses, improve the local living environment while not anticipated to generate significant adverse traffic and environmental impacts. The application also provides social welfare facilities to meet the needs of the residents in the vicinity.

10.4 The remaining 53 public comments from a former member of the Tuen Mun District Council (TMDC) (**Appendix III-5**), a member of the Legislative Council and members of the TMDC (**Appendices III-6 to III-8**), Indigenous Inhabitant Representative, Resident Representative and residents of San Hing Tsuen (**Appendices III-9 to III-11**), a group of members of the Tao Clan (**Appendix III-12**) and other individuals (**Appendices III-13 to III-17**) object to the application.

Their major grounds are that the application is of an excessive scale and will cause adverse feng shui, traffic, pedestrian connectivity, environmental (noise, air quality) impacts to the surrounding areas and the Tuen Mun District, there are inadequate social welfare, education, medical and recreations facilities in support of the increased population and the proposed public housing development should override private development. Some of them are of the view that the surrounding area is over-congested and the Site should be retained for low-density developments.

11. Planning Considerations and Assessments

- 11.1 The applicant proposes to rezone the Site from “R(E)” (about 91%) on the LTYO OZP, “R(E)1” (about 8%) and an area shown as ‘Road’ (about 1%) on the TM OZP to “R(A)” on the LTYO OZP, with a maximum PR of 6 and a maximum BH of 120mPD, to facilitate a high-density residential development with a 40-place DCCE (with a minimum GFA of 500m²) at the Site (**Drawing Z-2**). A proposed set of Notes for the “R(A)” zone is attached at **Appendix IV**. The proposed Column 1 and Column 2 uses are identical to those under “R(A)” zone of the TM OZP.
- 11.2 The Site is located at the northern fringe of Tuen Mun New Town (**Plan Z-1**). The Site is currently surrounded by low-rise developments and residential dwellings intermixed with brownfield operations including warehouse, vehicle workshop, recycling workshop, metal workshop, godown, open storage of construction materials, which fall within “R(E)”, “R(E)1”, “Village Type Development” (“V”) and “Green Belt” (“GB”) zones (**Plan Z-2**).

Interface with the Proposed Public Housing Development

- 11.3 The long-term development of the general area is being comprehensively reviewed under a consultancy study entitled “Agreement No. CE 68/2018 (CE) – Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study” (the Study) by CEDD for a proposed comprehensive public housing development at San Hing Road and Hong Po Road with relevant supportive infrastructural works and facilities, including a number of Government, Institution and Community (GIC) and retail facilities. The Study commenced in February 2018 and is scheduled for completion in 2020 (**Plan Z-1b**).
- 11.4 The Site is located at the central portion of the Study area and encroaches onto the sites designated for public housing and school developments (**Plans Z-1 and Z-1b**). In this regard, CE/HP2, CEDD has reservation on the application as the approval of the application would affect the comprehensiveness of the public housing development under the Study and jeopardize the implementation of the public housing development and its relevant supportive infrastructural works and GIC facilities. In this connection, D of Housing does not support the application. Since the Study is at an advance stage and the long-term planning intention for the area covering the Site is under review for comprehensive high-density public housing development with supporting infrastructures and GIC facilities, the proposed rezoning of the Site to facilitate a private residential development would inevitably affect the comprehensive planning of the area and jeopardize the implementation of the proposed public housing development.

- 11.5 Although the applicant proposes to provide a DCCE within the application site, DSW advised that a number of welfare facilities would be incorporated into the proposed public housing development under the Study. There is no information from the applicant whether the application would have any impact on the development scheme and schedule of the proposed public housing development and the social welfare facilities proposed therein under the Study.

Technical Aspects

- 11.6 The applicant has submitted WSIA to support the application. However, CE/C, WSD advises that the current fresh water and salt water supply systems within the supply zone of Tuen Mun North Fresh Water Service Reservoir and Tuen Mun North Salt Water Service Reservoir have been fully committed and do not have spare capacity for the proposed development under the application. Existing water infrastructures including service reservoirs and water pipes are also not adequate to cater for the application without affecting the existing users. The applicant has not proposed any mitigation measures to address the adverse impact induced from the application and has yet to demonstrate the technical feasibility of the application from the water supplies point of view.
- 11.7 The Site is located at the San Hing Tsuen Site for Archaeological Interest (**Plan Z-1**). ES(A&M), AMO requires the applicant to conduct a desktop study to assess the archaeological impact imposed by the proposed residential development on the area of the Site that is not covered by the AIA approved under the previous application No. A/TM-LTTY/273. Although the applicant has stated that the AIA required would be conducted either by the respective lot owners or by the applicant upon acquisition of the respective lots in future, AMO requires the applicant to conduct the desktop study at this stage to assess the archaeological impact imposed by the proposed residential development. In view of that, the applicant fails to demonstrate that the application would not result in adverse archaeological impact.
- 11.8 The applicant has also submitted a TIA which includes a Pedestrian Assessment to support the application. C for T requires the applicant to provide technical clarification on the TIA which includes a Pedestrian Assessment. However the applicant has yet to submit any information in this regard and to demonstrate the technical feasibility of the application from traffic point of view.
- 11.9 Other concerned government departments including DAFC, D of FS, PM(W), CEDD, DEMS have no objection to or adverse comment on the application.

Public Comments

- 11.10 Amongst the 111 public comments received, 53 comments objected to the application while 58 comments indicated support. Comments from relevant government departments in paragraph 9 and the planning considerations and assessments in the above paragraphs 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 does not support the application for the following reasons:

- (a) the long-term development of the general area covering the application site is being reviewed under an on-going feasibility study undertaken by CEDD for a proposed comprehensive public housing development with relevant supporting infrastructures and Government, Institution and Community facilities. Suitable zonings of the area covering the site are yet to be determined and the approval of the application would adversely affect the comprehensive planning of the area and jeopardise the implementation of the proposed public housing development; and
- (b) the applicant fails to demonstrate that the proposed rezoning would not generate adverse water supplies, archaeological and traffic impacts on the surrounding areas.

12.2 Alternatively, should the Committee decide to agree/partially agree to the application for rezoning the Site to "R(A)" for the proposed residential development with social welfare facility, PlanD would work out the proposed amendments to the OZP, including the zoning boundaries, as well as the development parameters, restrictions and requirements to be set out in the Notes and/or Explanatory Statement for the Committee's agreement prior to gazetting under the Ordinance when opportunity arises.

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 to partially agree/not to agree to the application, Members are invited to advise what reasons for the decision should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 21.8.2019
Appendix Ia	Supporting Planning Statement, Figures and Technical assessments attached to Appendix I
Appendix Ib	FI received on 2.12.2019
Appendix Ic	FI received on 4.2.2020
Appendix Id	FI received on 3.4.2020
Appendix Ie	FI received on 14.4.2020
Appendix If	FI received on 14.4.2020
Appendix II	Previous Applications
Appendices III-1 to III-17	Samples of Public Comments Received During the Statutory Publication Periods
Appendix IV	A set of Notes for "R(A)" zone proposed by the applicant

Drawing Z-1	Proposed Items to All Zonings of the Rezoning Plan
Drawing Z-2	Proposed Rezoning Plan of the “R(A)” Zone Plan on the LTYO OZP
Drawing Z-3	Indicative Master Layout Plan
Drawing Z-4	Indicative Ground Floor Plan
Drawing Z-5	Indicative Basement 1 Plan
Drawing Z-6	Indicative Basement 2 Plan
Drawing Z-7	Indicative Block Plan
Drawings Z-8 and Z-9	Indicative Landscape Section Plans
Drawing Z-10	Land Ownership Plan
Drawing Z-11	Proposed Phasing Plan
Drawings Z-12 to Z-17	Photomontages
Plan Z-1	Location Plan
Plan Z-1a	Previous Application
Plan Z-1b	Proposed Public Housing Development at San Hing Road and Hong Po Road, Tuen Mun
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plans Z-4a to Z-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2020**