

**APPLICATION FOR PLANNING PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TWW/122**

- Applicant** : Loi Hing Investment Company Limited represented by AECOM Asia Company Limited
- Premises** : Lot 94 in D.D. 388 and adjoining Government land, Castle Peak Road - Tsing Lung Tau, Tsuen Wan
- Site Area** : About 3,306m<sup>2</sup> (including about 1,402m<sup>2</sup> Government land (i.e. about 42% of the total site area))
- Lease** : Lot 94 in D.D. 388 (with a registered area of about 1,904m<sup>2</sup>)  
(a) New Grant No. 3305 dated 24.7.1953 for the purpose of building expiring on 30.6.2047;  
(b) subject to General and Special Conditions of Sales in Government Notification No. 364 of 1934 as amended by Government Notification No. 50 of 1940;  
(c) height of building shall not exceed 25 feet or 2 storeys in height, and no storey shall be less than 10 feet in height; and  
(d) open space shall be provided at the rear of every new building and have an area at least equal to half of the roofed-over area of the building.
- Plan** : Approved Tsuen Wan West Outline Zoning Plan (OZP) No. S/TWW/19
- Zoning** : “Residential (Group B)” (“R(B)”)  
(a) maximum plot ratio (PR) of 2.1 and maximum site coverage (SC) of 17.5% for building height (BH) over 33 metres; and  
(b) maximum building height (BH) of 60 metres above Principal Datum (mPD).
- Application** : Proposed Minor Relaxation of PR Restriction for Permitted Residential Development (Flat)

**1. The Proposal**

- 1.1 The application site (the Site), located to the north of Castle Peak Road - Tsing Lung Tau and surrounded by Hong Kong Garden<sup>1</sup> to the north, east and west, is

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<sup>1</sup> Hong Kong Garden (in TLTL 60 s.A RP, s.B and RP) was completed in phases between 1986 and 2008 in accordance with the master layout plan under lease.

zoned “R(B)” on the approved Tsuen Wan West OZP No. S/TWW/19 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Flat’ use is always permitted within the “R(B)” zone. Any development/redevelopment within the “R(B)” zone is subject to a maximum PR and SC of 2.1 and 17.5% respectively (for BH over 33m), and a maximum BH of 60mPD. Based on individual merits of a development or redevelopment proposal, minor relaxation of the PR, SC and/or BH restrictions within the “R(B)” zone may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance).

- 1.2 The applicant seeks planning permission for proposed minor relaxation of PR from 2.1 to 2.52 (+20%) for a permitted residential development at the Site, which is currently vacant. A development of two adjoining 17-storey residential towers (including ground floor for lobby and clubhouse and one basement floor as carpark) for 165 residential units is proposed. The floor plans, sections and landscape plans submitted by the applicant are at **Drawings A-1 to A-12**. Major development parameters of the proposed scheme are set out as follows:

<b>Major Development Parameters</b>	
Site Area	About 3,306 m <sup>2</sup>
PR	2.52
Total GFA	Not more than 8,330 m <sup>2</sup> (excluding clubhouse of about 416m <sup>2</sup> (about 5% of the total GFA) <sup>2</sup> )
SC	Not more than 17.5%
No. of Blocks	2
Maximum BH (at main roof)	Not more than 60mPD
No. of Storeys	17 (including one ground floor for lobby and clubhouse / ancillary facilities and one basement floor for car parking)
No. of Flats	165 flats (i.e. 26 additional flats as compared to the OZP compliant scheme with PR of 2.1)
Anticipated Population	About 462
No. of Car Parking Spaces	
• Private Car	35 (including 1 disabled parking space)
• Visitor	10
• Motorcycle	2
No. of Loading/Unloading (L/UL) Spaces for Heavy Goods Vehicle	2
Private Open Space	About 503m <sup>2</sup>
Greenery Area	About 24%

<sup>2</sup> The applicant indicated that the floor area of the proposed clubhouse shall be exempted from GFA calculation, subject to the decisions by the Building Authority (BA) at building plan submission stage.

Tree Felling/Preservation Proposal	
• No. of existing trees	20
• Trees to be felled	20
• New trees to be planted	30 (compensation ratio of 1 : 1.5)
Target Completion Year	2028

#### Pedestrian and Vehicular Access Arrangement

- 1.3 There is currently no proper vehicular ingress/egress point to the Site. Although the Site is abutting Castle Peak Road, it is partly blocked by a semi-closure noise barrier and partly by a footbridge ramp (**Plans A-2 and A-3**). The applicant proposed to modify the alignment of the footbridge ramp (**Drawing A-12**) such that the new vehicular ingress/egress can be provided at the south-eastern corner of the Site to meet the sightline requirement without affecting the noise barrier and to provide adequate distance from the existing bus stop. The applicant will implement the proposed modification works (i.e. demolition and reconstruction of the concerned ramp) at his own cost, and hand back the modified footbridge ramp to relevant Government departments for future management and maintenance.

#### Site and Building Setbacks

- 1.4 The applicant proposed a 1.7m to 2.4m-wide landscaped setback area (about 126m<sup>2</sup>) within the Site fronting Castle Peak Road to form part of the existing public footpath. Tall shrubs and at-grade planters will be provided within the setback area to provide shading and thus enhancing pedestrian walkability (**Drawings A-1 and A-7**). To enhance air ventilation performance, the applicant also proposed building setbacks of 4m to 18m-wide with green buffer plantings along all four site boundaries (**Drawings A-7 and A-10**), small podium footprint and a permeable void at grade on the western portion of the Site (**Drawings A-1 and A-11**).
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form and received on 25.4.2022 (**Appendix I**)
  - (b) Supporting Planning Statement (SPS) enclosing technical assessments such as Visual Appraisal (VA), Traffic Impact Assessment (TIA), Environmental Assessment (EA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), Air Ventilation Assessment – Expert Evaluation (AVA-EE), Landscape Proposal (LP) and Tree Preservation and Removal Proposal (TPRP) (**Appendix Ia**)
  - (c) Applicant's letter received on 27.4.2022 providing clarifications regarding the application (**Appendix Ib**)
  - (d) Further Information (FI) 1 received on 14.6.2022 enclosing technical drawings of proposed footbridge modification, responses to departmental comments, and replacement pages of TIA, DIA, SIA, AVA-EE, (**Appendix Ic**)

- LP and TPRP
- (e) FI 2 received on 29.7.2022 enclosing revised technical drawings of proposed footbridge modification, responses to departmental and public comments, and replacement pages of TIA and SIA\* (**Appendix Id**)
  - (f) FI 3 received on 5.8.2022 enclosing responses to departmental comments, replacement pages of SIA and a consolidated revised TIA\* (**Appendix Ie**)

*\* FI was accepted and exempted from publication and recounting requirement*

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the SPS and clarifications at **Appendices Ib to Ie**. They are summarised as follows:

### In line with Planning Intention and Government's Policy for Increasing Housing Supply

- (a) the proposed residential development with compliance to BH and SC restrictions is in line with the planning intention of "R(B)" zone. To maximise flat production in response to the policy directive of increasing housing supply, the application for minor relaxation of PR is sought with due consideration on the compatibility with the surrounding developments and technical capacity;

### Compatible with Surrounding Developments

- (b) the immediate surrounding of the Site is predominantly residential use, intermixed with some village type developments and GIC uses. The submitted VA (paragraph 5.1 of **Appendix Ia**) has demonstrated that the scale of the proposed development with minor relaxation of PR, while the BH and SC comply with the statutory restrictions, is compatible with the surroundings (see photomontage on **Drawing A-6**). The proposed BH of not exceeding 60mPD would maintain the stipulated stepped BH restrictions in the area, which is generally ascending from 60mPD near the waterfront to 90mPD, 95mPD and 120mPD at the uphill areas (**Plan A-1**);

### Enhancement of Pedestrian Environment

- (c) the provision of a 1.7m to 2.4m-wide landscaped setback area (about 126m<sup>2</sup>) within the Site fronting Castle Peak Road to form part of the existing public footpath, which would enhance pedestrian comfort at street level and soften the edge of the proposed development (**Drawings A-1 and A-7**). Also, with the proposed modification of footbridge ramp outside the Site, landings on the pedestrian path would be minimised for provision of more public space at grade, thus creating a more spacious and comfortable walking environment to the locals. The applicant has committed to coordinate with Highways Department (HyD) and other relevant Government departments on the project interface and necessary statutory procedures in the detailed design stage upon obtaining planning permission;

### Special Design Features Respecting Local Wind Environment

- (d) some special design features are proposed to enhance local wind environment, including (i) adoption of small podium footprint design and provision of permeable void of about 8m in width and 5m in height as air path (**Drawings A-1 and A-11**) to facilitate wind penetration which would benefit the pedestrian wind environment in particular; (ii) provision of building setbacks of about 15m/18m from southern/northern boundaries <sup>3</sup> and 6m/4m from the western/eastern boundaries (**Drawing A-10**); and (iii) building disposition aligning and situating in parallel to the annual prevailing wind directions;

### No Adverse Technical Impacts

- (e) technical assessments on traffic, environmental (air quality, noise and land contamination), drainage, sewerage, air ventilation aspects as well as tree preservation and removal proposals have demonstrated the technical feasibility and suitability of the proposed development;
- (f) provision of planting at the periphery (i.e. the site and building setback areas) (**Drawing A-7**) and podium would reduce visual impact and minimise surface runoff to relieve pressure on drainage system in view of climate change;
- (g) with the incorporation of noise mitigation measures (i.e. acoustic window and utility platform with self-closing door) (**Drawing A-9**), no adverse road traffic noise impact is anticipated; and

### In line with Precedent Decisions by the Board

- (h) there are three previously approved applications for minor relaxation of PR restriction (by 20% to 21%) for permitted residential developments in “R(B)” zone in Tsuen Wan West (i.e. Application No. A/TWW/107) and Tuen Mun areas. These applications were approved by the Board so as to achieve the policy objective of increasing flat supply through increasing development intensity. The current application is submitted with the same objective without compromising compatibility with the surroundings.

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

- 3.1 The applicant is the sole “current land owner” of the private lot. Detailed information would be deposited at the meeting for Members’ inspection.
- 3.2 The “owner’s consent/notification” requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 16 of the Town Planning Ordinance (TPB-PG No.31A) is not applicable on the Government land portion.

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<sup>3</sup> The proposed 18m-wide building setback along the northern boundary is wider than the 5m-wide building setback in the hypothetical “baseline scheme” as adopted in the 2011 Expert Evaluation on Air Ventilation Assessment of the Tsuen Wan West Area (TWW AVA-EE) conducted by the Planning Department (PlanD) for the review of development restrictions of the area.

#### **4. Previous Application**

There is no previous application at the Site.

#### **5. Similar Application**

There is only one similar application in the past 10 years within “R(B)” zone on the Tsuen Wan West OZP (**Plan A-1**). A site located in about 220m west of the Site was the subject of application No. A/TWW/107 for proposed minor relaxation of PR (from 2.1 to 2.52, i.e. +20%) and SC (from 17.5% to 20.2%, i.e. +15%) restrictions for a permitted residential development, which was approved with conditions by the Committee on 16.8.2013 on the grounds that the proposed PR relaxation would not be unacceptable and would not induce adverse visual impacts or air ventilation issues to the surroundings; the proposed BH would not exceed the statutory restriction (i.e. 60mPD) and in line with the stepped BH profile of the area; and the proposed PR relaxation would increase flat supply in response to the Government’s policy.

#### **6. The Site and its Surrounding Areas (Plans A-1 to A-3 and Site Photos on Plans A-4 to A-5)**

6.1 The Site is:

- (a) a vacant land comprising both private and Government land which is generally flat with formation level of about 5.1mPD to 7.8mPD, and surrounded by Hong Kong Garden (zoned “R(B)1”<sup>4</sup>) to the north, east and west;
- (b) abutting Castle Peak Road, which is partly covered by a semi-closure noise barrier. There is an existing footbridge across Castle Peak Road providing pedestrian linkage between the waterfront and inland;
- (c) bounded by a platform (with formation level of 12.2mPD) to the north, a backlane of Hong Kong Garden’s commercial complex to the east and a man-made slope within Hong Kong Garden to the west; and
- (d) vegetated with trees mainly located along the western boundary of the Site.

6.2 The surrounding areas have the following characteristics:

- (a) Tsing Lung Tau is generally characterised by medium-rise and medium-density residential developments, with a few low-rise and low-density residential developments along the coast (zoned “R(C)”) and scattered village developments; and
- (b) to the immediate east is the 3-storey Hong Kong Garden Commercial Complex (zoned “Commercial”) with shops and services (supermarket,

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<sup>4</sup> “R(B)1” zoning of Hong Kong Garden is subject to a maximum GFA restriction of 214,706m<sup>2</sup> and BH restrictions of 60, 90, 95 and 120mPD stepping up from the waterfront to the hillside.

laundry shop, real estate agencies) and eating places serving the community need.

## **7. Planning Intention**

- 7.1 The “R(B)” zone is intended primarily for medium-density residential developments where commercial use serving the residential neighbourhood may be permitted on application to the Board.
- 7.2 According to paragraph 9.4.5 of the Explanatory Statement (ES) of the OZP, to provide flexibility for innovative design adapted to the characteristics of particular sites zoned “R(B)”, minor relaxation of PR, SC, GFA and/or BH restrictions may be considered by the Board on application under section 16 of the Ordinance.

## **8. Comments from Relevant Government Departments**

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

### **Land Administration**

- 8.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):
- (a) the proposed development contravenes the existing lease conditions. If planning approval is given by the Board, the owner of the lot is required to apply to LandsD for a land exchange for implementation of the proposed development. The proposal will only be considered upon the receipt of the valid application from the owner of the lot. There is no guarantee that the land exchange application, if received by LandsD, will be approved and the office reserves comment 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 land exchange application is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, the payment of premium and administrative fee;
  - (b) while the lease governing the lot has no prohibition against vehicular access, the lot is however landlocked by unleased and unallocated Government land and does not abut onto public road, i.e. Castle Peak Road. It should be noted that the proposed setback area of about 126m<sup>2</sup> for provision of future public walkway is also located on Government land;
  - (c) the proposed vehicular access facing Castle Peak Road requires series of proposed road works including the realignment of the

existing HyD's footbridge (No. NF437). The applicant should also include the Government land sandwiched between the Site and the existing public road (i.e. Castle Peak Road) as part of the proposed road works for the purpose of public footpath. Transport Department (TD) and HyD should be consulted as the proposed road works would trigger the gazettal procedures under the Roads (Works, Use and Compensation) Ordinance (Cap. 370). Besides, since the proposed road works will be included as formation area of future public road (e.g. green area) under land exchange, comments from TD and HyD should also be sought on whether they would be prepared to take up the future management and maintenance responsibilities of the newly formed access road connecting the Site and Castle Peak Road, the realigned footbridge, the newly formed public footpath outside the proposed development, other road/street furniture, etc. upon completion of all the proposed road works to TD and HyD's satisfaction;

- (d) if the proposed road works including the proposed modification works of the existing HyD's footbridge are considered acceptable by TD and HyD and contingent upon the proposed private development, LandsD in processing the land exchange application will co-ordinate the gazettal of the proposed road works under Cap. 370. However, as LandsD has no expertise in the technical/engineering aspects of the road works involved, LandsD has to rely on TD/HyD's advice/assistance in determining the extent of road works, providing comments on the relevant gazette documents prepared by the applicant, as well as replying to enquiries/objections throughout the gazettal procedures and the whole land exchange process; and
- (e) the area of the application site has not been checked by survey and subject to verification which will be addressed when handling the land exchange application.

### **Traffic**

#### **8.1.2 Comments of the Commissioner for Transport (C for T):**

- (a) has no in-principle objection to the application from traffic management and transport operation viewpoints;
- (b) provision of ingress/egress of the Site at the proposed location (i.e. south-eastern corner of the Site) hinges the technical feasibility of proposed footbridge modification works which has been demonstrated to the satisfaction of HyD;
- (c) existing franchised bus routes along Castle Peak Road have spare capacity to accommodate both the existing and future residents of the area; and



(d) the applicant shall be reminded the followings:

- for maintenance/inspection of the lift of the footbridge during the proposed footbridge modification works which requires re-routing of pedestrian between Hong Kong Garden and Castle Peak Road westbound bus stop via a nearby footbridge (No. NF438) with walking distance of about 490m to the east, the applicant shall be responsible for the erection of temporary direction signs and guiding pedestrians at their own cost. The applicant should also study the provision of temporary ramp facilities during the footbridge modification works as a possible alternative to pedestrian re-routing; and
- temporary traffic management should be submitted to relevant parties for vetting and approval in good time prior to the proposed works implementation.

8.1.3 Comments of the Chief Highway Engineer/NTW, Highways Department (CHE/NTW, HyD):

- (a) has no in-principle objection to the proposed footbridge modification works taking into account that the applicant has demonstrated that it would not affect the stability and structural adequacy of the remaining portions of the footbridge;
- (b) HyD has no objection to take up the maintenance responsibility of the newly formed road, realigned footbridge, newly formed public footpath and other road/street furniture as proposed by the applicant, if any, provided that TD agrees to take up the management responsibility of the same and the works are completed to HyD's standards;
- (c) should the application be approved, it is recommended to impose the following condition:
  - the design and provision of the modified footbridge ramp fronting the application site, as proposed by the applicant, to the satisfaction of the Director of Highways or of the Board.
- (d) the applicant shall be reminded the followings:
  - the design and provision of the modified footbridge ramp should also be agreed by C for T;
  - the applicant shall provide appropriate temporary traffic arrangement to demonstrate that the barrier free access of the footbridge could be maintained when the lift is under maintenance during the proposed modification works of footbridge ramp; and

- despite the cost of the proposed ramp alternation will be borne by the applicant, the applicant shall coordinate with TD and the Major Works Project Management Office of HyD on the design of the lift retrofitting works and ensure no abortive works will be arisen.

8.1.4 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

a planned cycle track is located near the Site. It is understood that the applicant will consider to provide adequate cycle parking spaces within the proposed development at detailed design stage.

**Urban Design and Landscape**

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

*Urban Design and Visual Aspects*

- (a) the Site is located at Castle Peak Road and immediately surrounded by a cluster of medium-rise residential developments zoned “R(B)1”. The proposed minor relaxation of PR does not involve additional BH or SC beyond those permitted in the OZP. Given the context and as illustrated in the VA, it is unlikely that the proposed development will induce any significant adverse effects on the visual character of the surrounding townscape;
- (b) the proposed development has incorporated a setback area of about 126m<sup>2</sup> (about 1.7m to 2.4m wide) along Castle Peak Road for provision of public walkway, and greenery will be provided along the site boundary, with at-grade planters provided along the proposed setback area. The above design measures may promote visual interest and pedestrian comfort;

*Air Ventilation Aspect*

- (c) an AVA-EE has been submitted to demonstrate the ventilation performance under the baseline scheme with one building block and the proposed scheme with two adjoining building blocks. It is noted that while the proposed scheme may result in some more wind blockage impact to its downwind area when compared to the baseline scheme<sup>5</sup>, the proposed scheme incorporated with good design features such as building setbacks and opening at the western portion of ground floor would unlikely have significant adverse air ventilation impact on the surroundings;

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<sup>5</sup> The baseline scheme as adopted in the submitted AVA-EE refers to the hypothetical baseline scheme as adopted in the 2011 TWW AVA-EE by PlanD, which assumed a cruciform shape for future development at the Site.

### *Landscape Aspect*

- (d) according to the aerial photo of 2020, the Site is situated in an area of residential urban fringe landscape character, predominated by residential buildings and vegetated woodland. The proposed development is considered not incompatible with the landscape setting in proximity; and
- (e) according to the submission, there are 20 existing trees of common species including dominant species such as *Leucaena leucocephala*, *Ficus benjamina* and *Macaranga tanarius* generally in poor to fair condition (**Drawing A-8**). All trees are proposed to be felled. New landscape treatments, including planting areas with 30 new trees (i.e. tree compensation ratio of 1 to 1.5) and swimming pool will be provided within the Site (**Drawing A-7**). Private open space of about 503m<sup>2</sup> is proposed for design population of about 462 persons. Taking into account the above, there is no objection to the application from landscape planning perspective.

### **Environment**

#### 8.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) has no objection to the application;
- (b) according to the EA, with the implementation of noise mitigation measures (i.e. acoustic windows and utility platform with self-closing doors), noise level of all residential units would comply with the road traffic noise planning standard. The applicant has provided an undertaking letter for implementation of the EA recommended noise mitigation measures;
- (c) the EA also indicated that only potential fixed noise source was identified at the rooftop of Hong Kong Garden Commercial Complex. The EA has included a letter from the Hong Kong Garden Commercial Complex, undertaking to conduct retrofitting work at existing cooling towers or any other noisy equipment to control noise generation. As such, no adverse fixed noise source impact on the proposed development is anticipated;
- (d) on air quality, the EA found no chimney identified within 200m from the Site, and air sensitive uses in the proposed development scheme can meet air buffer requirements with respect to carriageways;
- (e) although the Site was previously occupied by an acid factory, land contamination review with site visit conducted by the applicant found no trace of land contamination. The EA has recommended further land contamination review/assessment to be submitted in

detailed design stage. No construction works or development of the Site would be commenced before approval of the land contamination review/assessment; and

- (f) a SIA has been conducted by the applicant, recommending sewers upgrading works. Should the application be approved, it is recommended to impose the following condition:
  - the submission of an updated SIA to the satisfaction of the DEP or of the Board.

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

- (a) no adverse comment to the application; and
- (b) should the application be approved, it is recommended to impose the following condition:
  - the implementation of the local sewerage upgrading/sewerage connection works identified in the updated SIA to the satisfaction of the Director of Drainage Services or of the Board.

**Social Welfare Aspect**

8.1.8 Comments of the Director of Social Welfare (D of SW):

considering the overall supply and demand for social welfare facilities in the district and only a small area could be made available for social welfare facilities under the proposed development with small population in-take, D of SW is in view that there is no need to provide such facilities within the proposed development.

**Building Matters**

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

- (a) has no objection to the application;
- (b) the proposed PR and SC for the whole development should not exceed the permissible limits under First Schedule of Building (Planning) Regulations (B(P)R);
- (c) if the Site does not abut on a specified street having a width of not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) during plan submission stage;

- (d) it is noted that the Site involves portion of Government land leading to Castle Peak Road, and agreement from LandsD should be sought; and
- (e) detailed comments will be provided at the building plan submission stage. Other detailed comments are at **Appendix II**.

### **Water Supply**

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

- (a) has no objection to the application; and
- (b) detailed comments regarding existing water mains and Waterworks Reserve within the Site are at **Appendix II**.

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

- (a) Chief Architect/CMD2, Architectural Services Department;
- (b) Director of Fire Services;
- (c) Head of Geotechnical Engineering (H(GEO)), CEDD;
- (d) Commissioner of Police; and
- (e) District Officer (Tsuen Wan), Home Affairs Department.

## **9. Public Comments Received During Statutory Publication Period**

9.1 During the statutory public inspection periods, a total of 141 public comments were received. A full set of public comments is deposited at the meeting for Members' inspection and samples of public comments are at **Appendix III**.

9.2 Among the 141 public comments, 3 supported, 94 objected and 44 provided views or expressed concerns on the application. Two comments were submitted by members of the Tsuen Wan West Area Committee (with one supporting and one providing views on the application) and the remaining were mainly submitted by the nearby residents.

9.3 The supporting comments mainly expressed that the proposed development would have positive impact on the property value of Hong Kong Garden.

9.4 The objecting grounds/concerns are mainly as follows:

- (a) those residential blocks of Hong Kong Garden to the immediate north of the Site (i.e. Blocks A to F) (**Plan A-2**) are only 3-storey in height. The proposed development does not respect stepped height profile of the area and is incompatible with the surroundings. It will also create wall effect and create adverse air ventilation impact;

- (b) environmental impacts/nuisances such as noise, traffic and air pollution, as well as safety concerns should be mitigated by the applicant. Besides, TIA on pedestrians, Tree Survey and Geotechnical Impact Assessment (GeoIA) should be submitted;
- (c) Castle Peak Road currently has heavy traffic particularly during peak hours and provision of public transport services is also inadequate;
- (d) the proposed footbridge modification will have interface issue with planned universal accessibility facility by HyD. The proposed ingress/egress location will also affect pedestrian circulation and safety along the footpath of Castle Peak Road;
- (e) the Ting Lung Tau area lacks shops and services, parking spaces and amenities to support any additional developments;
- (f) there is a low demand for flats in the area as a high vacancy rate is observed in a nearby development, namely L'aquatique. The Site should be developed for other use beneficial to the community; and
- (g) the development may have implication on the development rights of Hong Kong Garden.

## **10. Planning Considerations and Assessments**

- 10.1 The Site is zoned “R(B)” on the approved Tsuen Wan West OZP No. S/TWW/19. The application is to seek planning permission for minor relaxation of PR by 20% (from 2.1 to 2.52) for a permitted residential development at the Site. According to the applicant, the relaxation of PR would result in an increase of flats also by about 20% from 139 to 165, which is in line with the policy objective of increasing flat supply to meet the community’s imminent demand for housing.

### Development Intensity

- 10.2 While the application is for minor relaxation of PR, the stipulated BH and SC restrictions (i.e. 60mPD and 17.5% respectively) remain unchanged. In 2014 Policy Address, it was stated that except for the north of Hong Kong Island and Kowloon Peninsula, which are more densely populated, the Government considered it feasible to generally increase the maximum domestic PR currently permitted for the other “density zones” in Hong Kong by around 20% as appropriate. As such, the proposed 20% relaxation of PR restriction generally follows the policy and consideration of such application would be subject to technical assessments confirming the feasibility of the proposed development.

### Design Merits

- 10.3 The proposed development has incorporated various design merits in support of the relaxation of PR sought. To provide shading and enhance pedestrian walkability, the applicant proposed a 1.7m to 2.4m-wide landscaped setback

(about 126m<sup>2</sup>) fronting Castle Peak Road to form part of the existing public footpath(**Drawings A-1 and A-7**). To improve local wind environment and promote visual interest, the applicant proposed building setbacks of about 4m to 18m in width with green buffer plantings along all four boundaries (**Drawings A-7 and A-10**). In addition, small podium footprint design and a permeable void at grade as air path are proposed to improve pedestrian wind environment (**Drawings A-1 and A-11**). A greenery coverage of 24% is proposed, which is higher than the Sustainable Building Design Guidelines requirement, i.e. 20%. CTP/UD&L, PlanD advised that the design measures may promote visual interest and pedestrian comfort.

#### Technical Aspects

- 10.4 In support of the application, the applicant submitted technical assessments concerning the visual, air ventilation, landscape, traffic environmental (including air quality, noise and land contamination), sewerage and drainage aspects.

#### *Visual, Air Ventilation and Landscape Aspects*

- 10.5 On visual aspect, the submitted VA demonstrated that the scale of the proposed development with relaxation of PR is compatible with the surrounding context (see photomontage on **Drawing A-6**). CTP/UD&L, PlanD advised that given the context of the surroundings and as illustrated in the VA, the proposed development with a 20% increase in PR will unlikely induce any significant adverse effects on the visual character of the surrounding townscape. In terms of air ventilation, the submitted AVA-EE demonstrated that the proposed development with the incorporation of good design features such as building setbacks and provision of a permeable void at grade would unlikely induce any significant adverse air ventilation impact on the surroundings. CTP/UD&L, PlanD has no adverse comment in this regard.
- 10.6 According to the submitted LP (**Drawing A-7**), 20 existing trees which are generally in poor to fair condition are proposed to be felled and compensated by 30 new trees (i.e. tree compensation ratio of 1 to 1.5). Majority of the new trees will be planted within the site setback and building setback areas. In particular, the building setback areas would utilise native tree and shrub species to enhance the ecological value of the Site and provide connectivity to the fragmented landscape beyond the site boundary. CTP/UD&L, PlanD has no objection to the application from landscape planning perspective.

#### *Other Technical Aspects*

- 10.7 Concerned departments consulted have confirmed that the proposed development is technically feasible in traffic, environmental and infrastructural terms. On traffic, as demonstrated in the TIA, all road junctions will operate with capacities during peak hours for the case with the proposed development. Franchised bus routes along Castle Peak Road also have spare capacity to accommodate the future residents. The applicant has also demonstrated the technical feasibility of the proposed modification of footbridge ramp, which will be implemented by the applicant at his own cost and handed back to relevant Government departments

for future management and maintenance (**Drawing A-12**). In this regard, C for T and CHE/NTW, HyD have no in-principle objection to the application. On noise, the EA demonstrated that with the provision of noise mitigation measures (i.e. acoustic windows), no insurmountable traffic noise impact is anticipated. The applicant has provided an undertaking letter for the implementation of noise mitigation measures recommended in the EA. The SIA and DIA demonstrated that the existing infrastructure has adequate capacity to support the proposed development. Taking into account the above, DEP and CE/MS of DSD have no objection to the application from environmental, sewerage and drainage perspectives.

#### Similar Application

- 10.8 Application No. A/TWW/107, which is located in close proximity to the Site, was approved with conditions by the Committee in 2013 mainly on the grounds that the proposed PR relaxation would increase flat supply in response to the Government's policy without adverse technical impacts. As there is no change in planning circumstances in the area, approval of the subject application would be consistent with the decision of the Committee on the application.

#### Public Comments

- 10.9 Among the 141 public comments received, there are 3 supporting, 94 opposing and 44 providing comments/concerns. As for the adverse public comments, the planning assessment above and the departmental comments in paragraph 9 above are relevant. For the concerns on the lack of shops and services in the area, goods and daily necessities stores and eating places are currently available in Hong Kong Garden Commercial Complex. For the views on the need to submit a GeoIA, H(GEO), CEDD advised that the Site is considered not a geotechnically difficult site for development and an impact assessment is not necessary. Regarding the concerns on implication on the development rights of Hong Kong Garden, Hong Kong Garden is under a separate lease, which would not be affected by the proposed development.

### **11. Planning Department's Views**

- 11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9 above, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 12.8.2026, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:



Approval conditions

- (a) the design and provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the design and provision of the modified footbridge ramp fronting the application site, as proposed by the applicant, to the satisfaction of the Director of Highways or of the Town Planning Board;
- (c) the submission of an updated Sewerage Impact Assessment (SIA) for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated SIA in condition (c) to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

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

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

the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of plot ratio restriction.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for the rejection should be given to the applicant.

**13. Attachments**

<b>Appendix I</b>	Application Form and Letter received on 25.4.2022
<b>Appendix Ia</b>	Supporting Planning Statement
<b>Appendix Ib</b>	Applicant's letter received on 27.4.2022 providing clarifications on the application
<b>Appendix Ic</b>	FI 1 received on 14.6.2022
<b>Appendix Id</b>	FI 2 received on 29.7.2022

<b>Appendix Ie</b>	FI 3 received on 5.8.2022
<b>Appendix II</b>	Detailed Departmental Comments
<b>Appendix III</b>	Samples of Public Comments
<b>Appendix IV</b>	Suggested Advisory Clauses
<b>Drawings A-1 to A-4</b>	Floor Plans
<b>Drawing A-5</b>	Section Plan
<b>Drawing A-6</b>	Photomontage (Viewpoint 1)
<b>Drawings A-7 to A-8</b>	Landscape Plan and Tree Treatment Plan
<b>Drawing A-9</b>	Proposed Traffic Noise Mitigation Measures
<b>Drawing A-10</b>	Proposed Building Setbacks
<b>Drawing A-11</b>	Proposed Air Ventilation Design Measures
<b>Drawing A-12</b>	Proposed Footbridge Modification
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4 to A-5</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2022**