

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TWW/125

- Applicant** : Mr. Wong Ping represented by Toco Planning Consultants Ltd.
- Site** : Lot 403 in D.D. 399 and Existing Access Road on Adjoining Government Land, Ting Kau, Tsuen Wan West
- Site Area** : About 4,220m² (including about 3,570m² of Government land mainly for access road)
- Lease** : Lot 403 in D.D. 399
(a) New Grant No. 3243 dated 18.12.1952 for the purpose of building and garden expiring on 30.6.2047
(b) building height (BH) not exceeding 25 feet (about 7.6m) or 2 storeys, and no storey shall be less than 10 feet (about 3m) in height
(c) open space belonging to the owner 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** : Draft Tsuen Wan West Outline Zoning Plan (OZP) No. S/TWW/20
[Approved Tsuen Wan West OZP No. S/TWW/19 at the time of submission of the application. Zoning and restrictions of the application site remain unchanged.]
- Zonings** : “Residential (Group C)” (“R(C)”) (about 16%)
(a) maximum plot ratio (PR) of 0.4 and a maximum BH of 3 storeys including car park
(b) the PR may be increased to a maximum of 0.75 with planning permission provided that the noise impact from Castle Peak Road on the proposed development would be mitigated

“Green Belt” (“GB”) (about 29%) (mainly for access road)

‘Road’ (about 55%) (mainly for access road)
- Application** : Proposed Minor Relaxation of PR Restriction for a Permitted House Development in “R(C)” Zone and Proposed Improvements to the Existing Access Road in “GB” Zone and an area shown as ‘Road’

1. The Proposal

- 1.1 The application site (the Site) consists of two portions, including (i) a private building lot (the Lot) zoned “R(C)” (about 16%) for permitted ‘House’ use; and (ii) an area zoned “GB” (about 29%) and an area shown as ‘Road’ (about 55%) for associated road improvement works for an existing access road¹ on slope and an existing slip road² of Castle Peak Road – Ting Kau within the Tsuen Wan West OZP (**Plans A-1, A-2 and A-2a**). The applicant seeks planning permission for a proposed partial redevelopment of an existing single-storey house into a 3-storey house including car park with a total PR of 0.75 and the associated road improvement works. According to the Notes for “R(C)” zone under the OZP, while ‘House’ is always permitted with a maximum PR of 0.4 and a maximum BH of 3 storeys including car park, the PR may be increased to a maximum of 0.75, provided that the noise impact from Castle Peak Road on the proposed development would be mitigated, upon application to the Town Planning Board (the Board). As the access road will only serve the subject house development as a right-of-way, planning permission is also sought for its improvement works in “GB” zone and extension in the ‘Road’ area accordingly (**Plan A-2a**). For the proposed realignment of the public slip road of Castle Peak Road within the ‘Road’ area which is always permitted, it is included in the Site as part of the applicant’s overall proposal.
- 1.2 The Lot is currently occupied by a single-storey house, portion of a single-storey ancillary building and a landscape deck³. The applicant proposes to redevelop the eastern portion of the house into a 3-storey house while retaining the western portion. The ancillary building and portion of the landscape deck will be demolished and reinstated⁴ (**Plan A-2 and Drawing A-1**). As a result, the total development within the “R(C)” zone will have a maximum PR of 0.75 and a maximum BH of 3 storeys including car park (**Drawings A-2 to A-6**). To meet the requirement of the Notes to increase the PR to 0.75, a 1.3m-high solid balustrade within the Lot will be erected to mitigate the traffic noise from Castle Peak Road (**Drawing A-1**).
- 1.3 Situated on a platform area of about 20m above Castle Peak Road, the Lot is only accessible from the existing access road on sloped Government land (GL) (**Plan A-2**) with a minimum width of 3m and a gradient of 1:4, which is sub-standard and unable to meet the prescribed requirements for emergency vehicular access (EVA). The applicant proposes to upgrade the access road into a standard road with a minimum width of 4.5m with a minimum 1.6m-wide footpath on one side and a gradient of 1:8 according to the Transport Planning and Design Manual (TPDM). In order to meet such standards, the existing access road will be realigned and extended to the slip road area which would require (i) shifting the junction of the realigned access road and the slip road to the east by about 50m; (ii) constructing a new traffic island with landscape features between the modified

¹ The existing access road is not a public road managed by the Transport Department (TD) nor maintained by the Highways Department (HyD).

² The existing slip road is a public road for the Castle Peak Road westbound traffic to make a U-turn for eastbound direction.

³ Remaining portion of the ancillary building and landscape deck fall within the surrounding “GB” zone.

⁴ According to the Lands Department (LandsD), portion of the ancillary building and the landscape deck also involve unlawful occupation of Government land.

access road and slip road; and (iii) constructing a new amenity planting strip between the realigned slip road and Castle Peak Road (**Drawings A-7 and A-8 and Plan A-2a**). The applicant will carry out the abovementioned road works at his own cost, and will also take up the management and maintenance (M&M) responsibilities of the realigned and extended access road. The applicant will hand back the realigned slip road to the Government for M&M upon completion of works. The road works will be gazetted under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) and carried out by phase to mitigate traffic impact during construction stage (**Drawings A-9 to A-11**).

1.4 The major development parameters are summarised as follows:

Major Development Parameters		
Application Site Area	about 4,220m ² (within “R(C)” and “GB” zones and area shown as ‘Road’)	
Development Site Area	about 650m ² (i.e. the Lot, within “R(C)” zone)	
Area for Proposed Road Improvement Works and Landscaping	about 3,570m ² (within “GB” zone and area shown as ‘Road’)	
Gross Floor Area (GFA)	Western Portion (existing building portion to be retained)	145m ²
	Eastern Portion (new house portion upon redevelopment of part of the existing house)	342m ²
	Total	487m ²
PR (based on Development Site Area)	Maximum 0.75	
Site Coverage (SC)	About 52%	
No. of Block	1	
Maximum BH (at main roof level)	58.05mPD (or about 13.925m as measured from mean site formation level of 44.125mPD)	
No. of Storeys	2 storeys over 1 storey of car park	
Car Parking Spaces	3	

1.5 According to the Tree Preservation and Landscape Proposal (TPLP) (Appendix I in **Appendix Ia**), there are 23 trees within the Site, none of which are within the Lot, and 28 trees abutting the northern boundary of the Site. These 51 trees are generally semi-mature in size and growing along the existing roadside and surrounding hillsides. No old and valuable tree (OVT) or protected species is identified. Due to the proposed site formation, road improvement, slope stabilisation and building construction works, 10 existing trees will be felled while 9 existing trees will be transplanted (**Drawing A-7a**). 37 new trees including 17 heavy standard trees and 20 tree whips will be planted along the

realigned slip road and access road to compensate the 10 felled trees. The overall tree compensation ratio is at 1 to 3.7 in quantity.

1.6 According to the Landscape Master Plan (**Drawing A-7**), the proposed dense vegetation along Castle Peak Road will provide a greener walking environment for the pedestrians. The proposed woodland mix on slopes to the east of the Lot will also enhance visual interest. In order to enhance local biodiversity, local species or broad-leaf species will be selected for tree planting within the Site.

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

- | | | |
|-----|-----------------------------------------------------|------------------------|
| (a) | Application form received on 15.11.2022 | (Appendix I) |
| (b) | Planning Statement received on 15.11.2022 | (Appendix Ia) |
| (c) | Supplementary Information received on 21.11.2022 | (Appendix Ib) |
| (d) | Further Information 1 (FI 1) received on 13.3.2023# | (Appendix Ic) |
| (e) | FI 2 received on 20.4.2023* | (Appendix Id) |
| (f) | FI 3 received on 27.4.2023* | (Appendix Ie) |

Remarks:

* FI accepted and exempted from publication and recounting requirements

FI accepted but not exempted from publication and recounting requirements

1.8 On 13.1.2023, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for a period of two months at the request of the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement and technical assessments at **Appendices Ia to Ie** which are summarised as follows:

Proposed house development is compatible to the planning intention

- (a) The proposed house development is confined to the applicant's private lot, which falls entirely within the "R(C)" zone. The proposed house with a maximum PR of 0.75 and maximum BH of 3 storeys fully conforms with the Government's general planning intention in keeping the low-rise and low-density development characteristics in Ting Kau.
- (b) The Environmental Assessment (EA) (Appendix II in **Appendix Ic**) has demonstrated that traffic noise impact from Castle Peak Road on the proposed house development, with a PR relaxed to 0.75, would be properly mitigated with various measures, and no insurmountable traffic noise impact is anticipated. As such, relaxation of PR from 0.4 to 0.75 should be in accordance with the Notes of the OZP.

Road improvement works with minimal impacts

- (c) The existing road access to the Lot has an average width of 3m and a gradient of 1:4 only. It is sub-standard and cannot meet the prescribed requirements of EVA. This narrow, sharply winding and steep pedestrian cum vehicular access poses safety problem to the residents. The road improvement works are proposed as stated in paragraph 1.3 above.
- (d) The proposed road works fall within an area zoned “GB” (about 31%) and ‘Road’ (about 69%). The scale and intensity of the proposed works is considered compatible with the character of the surrounding areas and does not involve extensive clearance of existing natural vegetation. Substantial slope cutting is not required. Tree compensation will be provided as stated in paragraph 1.5 above.
- (e) The road works would improve pedestrian safety since the travelling speed of vehicles along the realigned slip road would be reduced and pedestrians would only have to cross one short crossing instead of two at present (**Drawing A-8**).

No adverse technical impact

- (f) In terms of traffic, the Traffic Impact Assessment (TIA) (**Appendix Id**) has demonstrated that the proposed house development and road works will not result in adverse traffic impact on the road network in the vicinity. The EA (including assessments on noise, air quality, waste management, water quality and sewerage) has also demonstrated that no adverse environmental impact is anticipated from the proposed house development and road works.

No adverse visual impact

- (g) The house upon partial redevelopment, when viewed in the context of the existing and proposed developments immediately adjacent to and surrounding the Site, will represent a relatively minor built element in the overall visual environment (**Drawings A-12 and A-13**). The proposed house development and road works as a whole is considered visually compatible with the surrounding developments and no adverse visual impact is anticipated.

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 Section 16 of the Town Planning Ordinance (TPB-PG No. 31A) is not applicable on the Government land portion.

4. Town Planning Board Guidelines

The application involves 29% of area zoned “GB”. The ‘Town Planning Board Guidelines for Application for Development within “GB” Zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) is relevant to this application. The relevant planning assessment criteria are summarized as follows:

- (a) there is a general presumption against development (other than redevelopment) in a “GB” zone. In general the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use;
- (b) an application for new development in a “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the PR, SC and BH should be compatible with the character of surrounding areas;
- (c) the design and layout of any proposed development should be compatible with the surrounding areas. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (d) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, road and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution; and
- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

5. Background

- 5.1 The Lot has been primarily zoned “R(C)” since the first Tsuen Wan West OZP gazetted on 3.2.1989. The “R(C)” zone was subject to a maximum PR of 0.4 at that time.
- 5.2 In the landuse review of Tsuen Wan West undertaken by the Planning Department (PlanD) in 2001, the possible increase in the maximum PR of “R(C)” zone from 0.4 to 0.75 was examined. On 1.6.2001, the Committee noted that the proposed increase of the maximum PR to 0.75 is unlikely to cause significant impacts on the existing and planned provisions of infrastructure and supporting facilities and the

only major concern is on the potential traffic noise impact from Castle Peak Road. As such, the Committee agreed to adopt a two-tier PR control where the maximum PR of 0.4 may, upon obtaining planning permission, be increased to a maximum of 0.75, provided that the noise impact from Castle Peak Road would be mitigated to the satisfaction of the Board. The two-tier PR control was incorporated in the draft OZP No. S/TWW/12 gazetted on 1.3.2002.

- 5.3 In 2005, technical amendments to accord with the then private lot boundaries and as-built conditions had been made to a number of sites on the OZP including the Lot. The northern and southern portions of the Lot were rezoned from “GB” to “R(C)” zone following its lot boundary. The updated zoning boundary of the Lot was incorporated on the draft OZP No. S/TWW/15 gazetted on 5.8.2005. The zoning and development restrictions of the Lot remain unchanged since then.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

Similar applications for proposed minor relaxation of PR in “R(C)” zone

- 7.1 Within the “R(C)” zones in the Tsuen Wan West area, there are 20 similar applications on 9 application sites for proposed residential development with a higher PR/GFA (**Appendix II and Plan A-1a**) applied under the two-tier PR control.
- 7.2 Among these similar applications, 17 of them were approved with conditions by the Committee or by the Board upon review between 2004 and 2023 considering that the noise impact from Castle Peak Road on the proposed developments would be properly mitigated. There were two rejected similar applications (Nos. A/TWW/88 and A/TWW/112). No. A/TWW/88 for a proposed house development in “R(C)2” zone with minor relaxation of PR to 1.2 was rejected by the Committee on 16.11.2007 for the reasons of unsatisfactory scheme layout, car parking arrangement and landscaped areas. Subsequently, another application No. A/TWW/89 for the same use at the same site was submitted and approved with conditions by the Board upon review on 12.12.2008 based on revised landscape proposal.
- 7.3 Application No. A/TWW/112 for proposed minor relaxation of PR restriction for permitted house development in “R(C)1” zone from 0.75 to 1.0 was rejected by the Board upon review on 1.12.2017 mainly on the grounds that the applicant failed to demonstrate that the access road improvement proposals were necessary to serve the public interest of the local community and were technically feasible; the improvement proposals may not be enforceable through approval condition; and the approval of the application would set an undesirable precedent.

Similar applications for proposed access road in “GB” zone and area shown as ‘Road’

- 7.4 There is a similar application (No. A/TWW/114) for proposed access road in “GB” zone to serve the permitted residential developments within two adjoining “R(C)” zones (**Plan A-1a**). Under this application, an existing access road occupying about 54% of the site, together with an extended road area (about 46% of the site) was proposed to meet the required road safety standards. The application was approved with conditions by the Committee on 16.11.2018 considering that the proposal was mainly to upgrade an existing sub-standard access road to serve two residential sites, and no adverse landscape, environmental, traffic and geotechnical impact was anticipated.

8. The Site and Its Surrounding Area (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4 to A-7)

- 8.1 The Site consists of two portions, including:

- (a) the Lot zoned “R(C)” which is mainly occupied by a single-storey house on a platform area of about 49mPD and is separated from Castle Peak Road by a vegetated cut slope; and
- (b) an area zoned “GB” and an area shown as ‘Road’ which mainly consist of an existing hard-paved access road to the Lot with formation levels ranging from 33mPD to 49mPD and a slip road of Castle Peak Road at formation level of about 28mPD.

- 8.2 The surrounding area has the following characteristics:

- (a) areas surrounding the Site are zoned “GB” consisting of man-made slopes and vegetated natural slopes;
- (b) to the further east are some existing low-rise and low-density residential developments, including Vista Del Mar zoned “R(C)” with PR of 0.4 and BH of 3 storeys, Deauville zoned “R(C)3” with PR of 0.78 and BH of 6 storeys, and Grand Riviera zoned “R(C)2” with PR of 1.2 and BH of 4 storeys;
- (c) to the further west is an existing low-rise and low-density residential house development Golden Villa zoned “R(C)” with PR of 0.6 and BH of 3 storeys;
- (d) to the further south across Castle Peak Road is Hoi Mei Wan Beach; and
- (e) to the further north is Tuen Mun Road.

9. Planning Intention

- 9.1 The planning intention of the “R(C)” zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 9.2 According to the paragraph 9.5.2 of the Explanatory Statement (ES) of the OZP, because of the existing infrastructural constraints and the objectives to conserve the natural landscape, panoramic sea view as well as to provide greater flexibility without compromising the low-rise, low-density character of the “R(C)” sites, development or redevelopment within “R(C)” zone is restricted to the maximum PR and BH stipulated in the Notes. The design of the residential buildings should, in addition to the need to address the traffic noise impact from Castle Peak Road, blend in well with the surroundings in particular with due regard to tree preservation and fresh air ventilation in the development proposals.
- 9.3 The planning intention of the “GB” zone is intended primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is general presumption against development within this zone.

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/Tsuen Wan and Kwai Tsing, LandsD (DLO/TW&KT, LandsD):
- (a) unlawful occupations of GL are found within the Site, including (i) formed landscaped area including a substantial landscape deck structure extending from the existing main building beyond the Lot boundary at the south and the east; and (ii) part of the existing ancillary building, staircase and planters erected beyond the Lot boundary at the north;
 - (b) the unlawful occupation of GL with the substantial structure built thereon extended from the main building should be ceased with removal of all unauthorised structures. Any lease modification/land exchange application of the Lot will only be considered after demolition of the existing buildings/structures over the adjoining GL as well as cessation of any unlawful occupation of GL;
 - (c) the proposed development contravenes the existing lease conditions. If planning approval is given by the Board and after demolition of the buildings/structures outside the Lot boundary as well as cessation of any unlawful occupation of GL, the owner

of the Lot is required to apply to LandsD for lease modification/ land exchange for implementation of the proposed development. The proposal will only be considered upon LandsD's receipt of formal application from the lot owner. There is no guarantee that the lease modification/ land exchange application, if received by LandsD, will be approved. The lease modification/ land exchange application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the lease modification/ 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; and

- (d) the proposed access road with the associated improvement works covers the existing public road including carriageway and pavement of Castle Peak Road – Ting Kau and adjoining unleased and unallocated GL. TD and HyD should be consulted on whether they would take up the future management and maintenance responsibilities of the modified access road upon completion of all the proposed road works up to TD and HyD's satisfaction. If the proposed road works are considered acceptable by TD and HyD and contingent upon the proposed private development, LandsD in processing the lease modification/ land exchange application may co-ordinate the gazettal of the proposed road works under the Roads (Works, Use and Compensation) Ordinance (Cap. 370). The private applicant should pay all the costs of the private works including the administrative costs as well as the related compensation and ex-gratia allowances if any.

Traffic

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

- (a) has no in-principle objection to the application, including the proposed road works from the traffic engineering and transport operation viewpoints based on the submitted TIA;
- (b) it is noted that LandsD in processing the lease modification/ land exchange application may co-ordinate the gazettal of the proposed road works under Cap. 370, and HyD has no objection to take up the maintenance responsibility of the realigned slip road provided that the works are completed to HyD's standards. TD will consider taking up the traffic management responsibility of the realigned slip road of Castle Peak Road and the details shall be subject to agreement by various parties at lease modification/ land exchange stage; and
- (c) it is also noted that the applicant has undertaken to take up the M&M responsibilities of the realigned and extended access road.

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

- (a) has no comment on the application from highways maintenance perspective;
- (b) the applicant has undertaken that (i) the stability of the HyD slopes 6SE-C/C360 and 6SE-C/C756, which will be affected by the proposed development, will be assessed and upgraded where necessary under the detailed design stage; and (ii) the existing drainage channels and catchpits, which will be affected by the re-aligned access road, will be constructed/re-provided accordingly under the proposed development; and
- (c) HyD has no objection to take up the maintenance responsibility of the newly formed road, modified slopes and associated drainage facilities as proposed by the applicant, provided that TD agrees to take up the management responsibility of the same and the works are completed to HyD's standards.

Urban Design, Visual and Landscape

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

Urban Design and Visual

- (a) areas surrounding the Site are mainly characterised by vegetated slopes with scattered low-density residential developments with existing BHs generally ranging from 2 to 6 storeys. The proposed minor relaxation of PR does not involve additional BH beyond that permitted on the OZP. Given the context and as illustrated in the photomontages, it is unlikely that the proposed development would induce any significant adverse effects on the visual character of the surrounding townscape;
- (b) landscape treatments along the proposed access road and Castle Peak Road, such as trees and climbing plants along the retaining structure, may help the proposed development to blend in with the surrounding vegetated setting;

Landscape

- (c) the Site is situated in an area of residential urban landscape character predominated by residential block, woodland and road. The proposed development is considered not incompatible with the surrounding environment;
- (d) there are 51 existing trees of common species along existing roadside and surrounding hillsides abutting the Site. 32 of which are proposed to be retained, 9 to be transplanted and 10 to be

felled. No protected tree species or OVTs are found within the Site. Considering that landscape provisions such as 37 new trees are proposed to be planted within the Site with shrub planting at the distributed slopes and roadside planting verge along Castle Peak Road, no adverse landscape impact is envisaged; and

- (e) the applicant is reminded that approval of s.16 application does not imply approval of the site coverage of greenery requirements under APP PNAP-152 and/or under the lease. The site coverage of greenery calculation should be submitted separately to the Buildings Department (BD) for approval. Similarly for any proposed tree preservation/removal scheme and compensatory planting proposal, the applicant should approach relevant authority direct to obtain necessary approval as appropriate.

Environment

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

has no objection to the application from environmental planning perspective having considered that there is no change in the nature of use at the Lot and the followings as demonstrated in the revised EA (**Appendix Ic**):

- (i) the proposed development would comply with the noise criterion with the implementation of the proposed mitigation measure (i.e. 1.3m-high solid balustrade at living room on G/F) and no adverse traffic noise impact is anticipated;
- (ii) no air sensitive use, openable windows or fresh air intake within the buffer zone and hence no potential adverse air quality impact is anticipated; and
- (iii) sewage generated from the proposed development will be conveyed via the existing sewerage system and the existing sewers will be re-provisioned under the proposed road works. No adverse impact on public sewerage system is anticipated.

Drainage

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

- (a) has no adverse comment on the application;
- (b) it is noted that a SIA has been conducted by the applicant (**Appendix Ia**) and EPD has no further comment on the assessment and proposed re-provisioning works identified therein. No adverse impact on the public sewerage system is anticipated; and

- (c) it is noted that that all proposed new external sewerage facilities will be carried out by the applicant at his own costs and handed over to DSD for maintenance, with the exception of sections of sewers under proposed access road which will be managed and maintained by the applicant. The applicant suggests that such responsibility could be imposed as part of the future lease conditions.

Building Matters

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

- (a) has no objection to the application;
- (b) the applicant should be reminded that under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of BO, or fall within minor works under the Building (Minor Works) Regulation;
- (c) any proposed building works should comply with the prevailing requirements under BO and allied regulations and Code of Practices; and
- (d) other detailed comments are at **Appendix III**.

Geotechnical

10.1.8 Comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) has no geotechnical comment on the GPRR (**Appendices Ia and Ic**); and
- (b) it is noted that a detailed Natural Terrain Hazard Study with the design of mitigation measures, where applicable, will be undertaken as part of the proposed development.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Commissioner of Police;
- (c) Director of Fire Services;
- (d) District Officer (Tsuen Wan), Home Affairs Department; and
- (e) Project Manager (West), CEDD.

11. Public Comments Received During Statutory Publication Periods

- 11.1 During the statutory public inspection periods, a total of 34 public comments (**Appendix IV**) were received, including 31 supporting and 3 objecting comments. The comments were submitted by Manager and Village Representative of Sham Tseng Village, Manager of Tsing Fai Tong Village, Chairman and Vice-chairman of Sham Tseng Trade Association and individuals.
- 11.2 All supporting comments were submitted based on one standard form, expressing that the proposed road works will enhance pedestrian and vehicular safety and the overall development will not create adverse landscape and visual impact.
- 11.3 The objecting comments were submitted by individuals and their grounds mainly include (i) the proposed road works will affect the public use of the existing U-turn slip road of Castle Peak Road; and (ii) the proposed road works on GL to facilitate a single-family house development is not well justified.

12. Planning Considerations and Assessments

- 12.1 The applicant proposes to partially redevelop a portion of the existing single-storey house resulting in a total PR of 0.75 and maximum BH of 3 storeys including car park within the private building lot zoned “R(C)” (about 16% of the Site). To facilitate the redevelopment, the existing access road serving only the Lot which does not meet EVA requirements and TPDM road standard has to be realigned and upgraded. The proposed realigned access road and the associated road works fall within an area zoned “GB” and an area shown as ‘Road’ (about 29% and 55% of the Site respectively) on the Tsuen Wan West OZP (**Plans A-1 and A-2**).

Minor Relaxation of PR to 0.75 in “R(C)” Zone

- 12.2 According to the Notes for “R(C)” zone under the OZP, while ‘House’ use is always permitted with a maximum PR of 0.4 and a maximum BH of 3 storeys including car park, the PR may be increased to a maximum of 0.75, provided that the noise impact from Castle Peak Road on the proposed development would be mitigated, upon application to the Board (see paragraph 5.2 above for background of such requirement). The applicant proposes to redevelop the eastern portion of the existing house while the western portion will be retained, resulting in a total PR of 0.75 (**Drawing A-1 and Plan A-2**). To demonstrate the noise impact from Castle Peak Road would be mitigated to meet the requirement of the Notes to increase the PR to 0.75, the EA submitted by the applicant has confirmed that given the Lot is situated on a platform area about 20m above Castle Peak Road, the traffic noise would be properly mitigated by erecting a 1.3m solid balustrade along the southern boundary of the Lot (**Drawing A-1**). In this regard, DEP has no objection to the application from the environmental planning perspective. As such, it is considered that the OZP requirement to allow relaxation of PR restriction of the “R(C)” zone to 0.75 has been met.
- 12.3 The Lot is located in the western part of the Ting Kau area and to the north of Castle Peak Road. Nearby residential developments to the north of Castle Peak

Road including Vista Del Mar and Golden Villa are also zoned “R(C)” with PRs of 0.4 and 0.6 respectively and BHs of 3 storeys. The surrounding area is mainly characterised by vegetated slopes with scattered low-density house-type developments mainly to the northeast of the Site with existing BHs generally up to 6 storeys (**Plan A-3**). According to the applicant’s scheme, the BH is not more than 3 storeys (including one storey of car park) as permitted within the OZP. Taking into account the surrounding context and the submitted photomontages (**Drawings A-12 and A-13**), CTP/UD&L of PlanD is of the view that the proposed development would unlikely induce any significant adverse impact on the visual character of the surrounding area.

Proposed Road Works in “GB” and ‘Road’

- 12.4 The proposed road works are mainly to realign and upgrade an existing sub-standard access road on slope zoned “GB”. In order to modify the road gradient from 1:4 only to 1:8 so as to meet EVA and TPDM requirements, the access road alignment will be extended to an area shown as ‘Road’ which is currently the slip road of Castle Peak Road (**Drawing A-8**).
- 12.5 As shown on **Plan A-2a**, the realigned access road in “GB” zone largely falls within an area that has already been hard paved for the existing access road with about 44m² additional land to be taken up by the realigned access road⁵. Due to slope stabilisation works, some existing trees within a small vegetated slope area will be felled and compensated along the realigned access road (**Drawings A-7 and A-7a**). As for the associated road works within area shown as ‘Road’, besides accommodating the realigned access road which extends down from “GB” zone, the applicant proposes to realign the existing slip road of Castle Peak Road and reconstruct a new traffic island and amenity strip with landscape treatments (**Plan A-2a**). The submitted TIA has demonstrated that the proposed realignment of slip road will not affect Castle Peak Road westbound vehicles from making a U-turn for eastbound direction. No adverse traffic impact during construction stage is anticipated considering that the road works will be carried out by phase (**Drawings A-9 to A-11**). C for T, CHE/NTW of HyD, H(GEO) of CEDD and DEP have no adverse comment on the road works from traffic engineering, highways maintenance, geotechnical engineering and environmental protection perspectives. DLO/TW&KT of LandsD indicated that the proposed road works would be processed under lease modification/ land exchange and be gazetted under the Roads (Works, Use and Compensation) Ordinance (Cap. 370).
- 12.6 In terms of landscaping, the applicant proposes to plant 37 new trees including 17 heavy standard trees to compensate the 10 felled trees within the road works area (**Drawings A-7 and A-7a**). CTP/UD&L of PlanD indicated that the proposed landscape treatments such as woodland mix, heavy standard trees, shrubs and climbing plants along retaining structures may help the proposed development to blend in with the surrounding vegetated setting, and no adverse landscape impact is envisaged. In terms of planning merits, the applicant indicated that besides providing a greener walking environment for the pedestrians along Castle Peak

⁵ The existing access road in “GB” currently occupies an area of about 516m². Upon realignment, the access road will be slightly increased to about 560m². The realignment largely follows the original paved area with modification of the slope gradient.

Road, the road works would also improve pedestrian safety since the travelling speed of vehicles would be reduced and pedestrians would only have to cross one short crossing within the realigned slip road area.

- 12.7 In view of paragraphs 12.4 to 12.6 above, it is considered that the road improvement works in association with the house redevelopment has met the planning assessment criteria for development within “GB” zone in respect of no adverse visual and environmental impacts, and the tree preservation and landscaping proposal is considered acceptable.

Technical Aspects

- 12.8 Apart from the abovementioned specific technical aspects, relevant Government departments consulted have no objection to/no comment on the application as a whole in terms of traffic, air, sewerage, drainage and geotechnical aspects.

Similar Applications

- 12.9 Within “R(C)” zones, there are 17 similar applications for proposed residential development with a higher PR/GFA approved with conditions by the Committee between 2004 and 2023 (**Plan A-1**) mainly on the grounds that traffic noise impact from Castle Peak Road was addressed and the landscaping and tree compensation proposals were considered acceptable. As for similar application for proposed access road in “GB” and ‘Road’, an application for upgrading an existing sub-standard access road to serve two “R(C)” zones to the east of Tsing Long Highway was approved with conditions by the Committee in 2018 considering the need for road upgrade and no adverse landscape, traffic and other technical impacts were anticipated. Approval of the subject application is in line with the decisions of these similar applications.

Public Comments

- 12.10 Regarding the public comments received, departmental comments in paragraph 10 and planning assessment and considerations above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, 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 5.5.2027, 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 condition of approval and advisory clauses are suggested for Members’ reference:

Approval Condition

the design and provision of realigned access road and slip road, as proposed by the applicant, to the satisfaction of the Director of Highways or of the Town Planning Board.

Advisory Clauses

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

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

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 14.3 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 received on 15.11.2022
Appendix Ia	Planning Statement received on 15.11.2022
Appendix Ib	Supplementary Information received on 21.11.2022
Appendix Ic	FI 1 received on 13.3.2023
Appendix Id	FI 2 received on 20.4.2023
Appendix Ie	FI 3 received on 27.4.2023
Appendix II	Similar Applications
Appendix III	Detailed Departmental Comments
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan
Drawings A-2 to A-6	Floor Plans, Section Plan and Elevation Plan
Drawing A-7	Landscape Master Plan
Drawing A-7a	Tree Survey Plan
Drawings A-8 to A-11	Proposed Access Road Improvement Scheme
Drawings A-12 to A-13	Photomontages
Plan A-1	Location Plan
Plan A-1a	Location Plan of Similar Applications
Plan A-2	Site Plan
Plan A-2a	Site Plan - Proposed Road Improvement Works
Plan A-3	Aerial Photo

Plans A-4 to A-7

Site Photos

**PLANNING DEPARTMENT
MAY 2023**