

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

**APPLICATION NO. A/TWW/127**

- Applicant** : Columbus Properties Limited
- Site** : Lot No. 407 in D.D. 399, Ting Kau, Tsuen Wan West
- Site Area** : About 1,215.3m<sup>2</sup>
- Lease** : Lot No. 407 in D.D. 399
- (a) New Grant No. 3265 dated 30.3.1953 for the purpose of building and garden expiring on 30.6.2047
  - (b) building height (BH) not exceeding 25 feet or 2 storeys, and no storey shall be less than 10 feet 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
  - (d) the lot owner shall construct and maintain a platform or path along the seaward side of the lot to facilitate access by the public to the sea as required by the New Grant
- Plan** : Draft Tsuen Wan West Outline Zoning Plan (OZP) No. S/TWW/20
- Zoning** : “Residential (Group C)” (“R(C)”)
- (a) maximum plot ratio (PR) of 0.4
  - (b) maximum BH of 3 storeys including car park
  - (c) 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
- Application** : Proposed Minor Relaxation of PR Restriction for a Permitted House Development

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed 2-storey house development with a PR of not more than 0.75 at the application site (the Site) abutting Castle Peak Road – Ting Kau. The Site falls within an area zoned “R(C)” (**Plan A-1**). 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).

- 1.2 The Site is currently occupied by a 2-storey house and a garden<sup>1</sup>. The Site abuts Castle Peak Road – Ting Kau with a pedestrian connection via staircase but has no vehicular access (**Plan A-2**). The applicant has proposed to redevelop the existing house into a 2-storey house development with a PR of not more than 0.75 (**Drawings A-1 to A-4**). To meet the requirement of the Notes to increase the PR to 0.75, a qualitative Traffic Noise Impact Assessment (TNIA) (**Appendix Ie**) has been conducted and various building design features are proposed to mitigate the traffic noise from Castle Peak Road. Building setback from the site boundary is also proposed to provide separation distances of 12.5m and 22.5m from Castle Peak Road – Ting Kau and Castle Peak Road – New Ting Kau respectively (**Drawing A-5**) as recommended under the TNIA. With a main roof level of about 14.52mPD, which is similar to the level of Castle Peak Road – Ting Kau, the vertical difference would prevent the line-of-sight between the noise sources from the road traffic and the noise sensitive receivers at the proposed house development (**Drawing A-6**). To avoid traffic noise from Castle Peak Road to the north, the building layout of the proposed house development is intentionally designed with openable windows not facing north for rooms with noise sensitive uses (**Drawings A-1 and A-2**).

- 1.3 The major development parameters are summarised as follows:

Major Development Parameters	
Site Area	About 1,215.3m <sup>2</sup>
PR	Not more than 0.75
Gross Floor Area (GFA)	About 911.475m <sup>2</sup>
Site Coverage (SC)	Not more than 66.6%
No. of House	1
BH	About 14.52mPD
No. of Storeys	2 storeys

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

- |     |   |                        |
|-----|---|------------------------|
| (a) | Application form received on 9.5.2023               | ( <b>Appendix I</b> )  |
| (b) | Planning Statement received on 9.5.2023             | ( <b>Appendix Ia</b> ) |
| (c) | Supplementary Information received on 11.5.2023     | ( <b>Appendix Ib</b> ) |
| (d) | Further Information 1 (FI 1) received on 21.7.2023* | ( <b>Appendix Ic</b> ) |
| (e) | FI 2 received on 30.8.2023#                         | ( <b>Appendix Id</b> ) |
| (f) | FI 3 received on 28.9.2023*                         | ( <b>Appendix Ie</b> ) |
| (g) | FI 4 received on 18.10.2023*                        | ( <b>Appendix If</b> ) |

Remarks:

\* FI accepted and exempted from publication and recounting requirements

# FI accepted but not exempted from publication and recounting requirements

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<sup>1</sup> According to the Lands Department (LandsD), the Site is held under New Grant No. 3265 dated 30.3.1953 for the purpose of building and garden.

- 1.5 On 23.6.2023, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by 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 If** which are summarised as follows:

### Proposed house development is in line with the planning intention

- (a) The TNIA (**Appendix Ie**) has demonstrated that traffic noise impact from Castle Peak Road on the proposed house development will be properly mitigated with various measures stated in paragraph 1.2 above, and no adverse traffic noise impact is anticipated. The proposed house development is therefore in accordance with the planning intention and the Notes of the OZP.

### Compatible with the surroundings

- (b) The proposed house development with a maximum PR of 0.75 and a BH of 2 storeys complies with the development restrictions under the OZP. The main roof level of the proposed house development is similar to the level of Castle Peak Road – Ting Kau (**Drawing A-6**), and the development scale is similar to the other residential developments in the vicinity. The Site is well served by public transport and is suitable for low-rise, low-density house development. The proposed house development is compatible with the low-rise, low-density residential developments in the area.
- (c) Design features including outdoor terraces at ground floor, courtyard with landscape treatment, architectural treatment or landscaping at the boundary wall and a minimum of 20% SC of greenery will be provided to break down the visual bulk and to enhance the waterfront environment. The proposed house development would comply with the requirements under the Sustainable Building Design Guidelines (SBDG) (**Drawing A-9**). The photomontage submitted (**Drawing A-7**) has demonstrated that the proposed house development will blend in well with the surroundings as viewed from the waterfront area.

### No adverse traffic and air quality impact

- (d) The Traffic Impact Assessment (TIA) (**Appendix Id**) has demonstrated that the proposed house development will not result in adverse traffic impact during construction and occupation. Regarding the proposed temporary suspension of two metered parking spaces (**Drawing A-8**) for the delivery of construction materials and concreting works, formal application for temporary traffic arrangement (TTA) of road closure will be submitted to the Transport Department (TD) and the Road Management Office (RMO) of Hong Kong Police Force.
- (e) The qualitative Air Quality Impact Assessment (**Appendix Ie**) has demonstrated that with the implementation of the proposed mitigation measures, no adverse air

quality impact is anticipated from the proposed house development during construction. In addition, as the buffer distances for traffic emission from the surrounding road sections (**Drawing A-5**) would comply with the requirements under the Hong Kong Planning Standards and Guidelines and there is no chimney identified within 200m from the boundary of the proposed house development, no adverse air quality impact on the proposed house development is anticipated.

#### Approval of similar applications on the OZP

- (f) There are a number of approved planning applications with an increase of PR from 0.4 to 0.75 within the “R(C)” zone on the OZP. Approval of this application would be consistent with the Board’s previous decisions.

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

The applicant is not a “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by giving notification to the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

- 4.1 The Site 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 and a maximum BH of 3 storeys including carport at that time.
- 4.2 In the land-use review of the Tsuen Wan West area 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 was unlikely to cause significant impacts on the existing and planned provisions of infrastructure and supporting facilities and the only major concern was 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 might, 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. Previous Application**

There is no previous application at the Site.

## **6. Similar Applications**

- 6.1 Within the “R(C)” zones in the Tsuen Wan West area, there are 21 similar applications on 10 application sites for proposed residential development with a higher PR/GFA (**Appendix II** and **Plan A-1a**) applied under the two-tier PR control.
- 6.2 Among these similar applications, 19 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). Application 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 the revised landscape proposal.
- 6.3 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; and the improvement proposals might not be enforceable through approval condition.

## **7. The Site and Its Surrounding Area (Plans A-1 and A-2, and site photos on Plans A-3 to A-5)**

- 7.1 The location and current condition of the Site are detailed in paragraph 1.2 above.
- 7.2 The surrounding area has the following characteristics:
  - (a) to the immediate and further northwest are low-rise, low density residential developments with BHs ranging from 1 to 4 storeys;
  - (b) to the immediate northeast are vegetated slopes and Castle Peak Road – Ting Kau, where metered public parking spaces are available along roadside;
  - (c) to the immediate southeast is a residential development currently under construction, which is covered by the approved application No. A/TWW/103 with PR of 0.75 and BH of 2 storeys. To the further southeast are some beach sheds of Approach Beach; and
  - (d) to the immediate southwest is Ting Kau Beach.

## **8. Planning Intention**

- 8.1 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.
- 8.2 According to the paragraph 9.4.2 of the Explanatory Statement 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. Comments from Relevant Government Departments**

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

### Land Administration

- 9.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, LandsD:
- (a) LandsD reserves comment on the proposed schematic design which would only be examined in detail during the building plan submission stage. There is no guarantee that the schematic design as presently proposed in the subject s.16 application if reflected in future building plan submission(s) will be acceptable under lease;
  - (b) the area figures including the site area in the application documents have not been checked by survey and subject to verification during the building plan submission stage; and
  - (c) the Site does not abut onto any road. The proposed development intensity should be subject to the Buildings Department (BD)’s comment.

### Building Matters

- 9.1.2 Comments of the Chief Building Surveyor/New Territories West, BD:
- (a) has no objection to the application;
  - (b) 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 Building (Planning) Regulation (B(P)R) 19(3) during building plan submission stage;

- (c) the Site shall be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access shall be provided for all the buildings to be erected on the Site in accordance with the requirements under B(P)R 41D;
- (d) headroom of the storey height should not be excessive. Otherwise, GFA of the storey will be considered double counting subject to justification;
- (e) 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;
- (f) any proposed building works should comply with the prevailing requirements under BO and allied regulations and Code of Practices; and
- (g) detailed comments will be given in the building plan submission stage.

### Environment

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

- (a) has no objection to the application;
- (b) the Site is currently zoned “R(C)” under the OZP with ‘House’ under Column 1 as always permitted use. The subject application would not alter the nature of use at the Site currently allowed by the OZP;
- (c) the proposed design has considered noise mitigation design (e.g. building setback, internal layout). Given that noise sensitive uses that rely on openable windows for ventilation in the proposed development will be facing the sea (thus, facing away from road), there shall be no insurmountable traffic noise impact on the proposed development;
- (d) minimum 10m buffer distance for any air sensitive uses of the proposed development has been provided;
- (e) there is no chimney identified within 200m from the boundary of the proposed development; and
- (f) no sewerage impact is envisaged.

### Traffic

#### 9.1.4 Comments of the Commissioner for Transport:

- (a) has no adverse comment from traffic engineering and transport operations viewpoints; and
- (b) TTA is required to be submitted by the applicant according to the prevailing mechanism for vetting by TD and RMO of Hong Kong Police Force, the detailed design and approval of which shall be subject to actual road conditions by the time of construction.

### Fire Safety

#### 9.1.5 Comments of the Director of Fire Services (DFS):

- (a) has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of DFS;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (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 B(P)R 41D which is administered by BD.

### Urban Design, Visual and Landscape

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

##### *Urban Design and Visual*

- (a) the proposed minor relaxation of PR does not involve additional BH beyond that is permitted in the OZP. Given the scale of development and surrounding site context, it is unlikely that the proposed development would induce any significant adverse effects on the visual character of the surrounding townscape;
- (b) the proposed development would fully comply with requirements under the SBDG; and

##### *Landscape*

- (c) with reference to the aerial photo of 2022, there is no significant landscape resource within the Site. In view that the Site does not fall within landscape sensitive zonings, no significant landscape impact arising from the application is envisaged.



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

- (a) Chief Highway Engineer/New Territories West, Highways Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Commissioner of Police;
- (e) District Officer (Tsuen Wan), Home Affairs Department;
- (f) Project Manager (West), Civil Engineering and Development Department (CEDD); and
- (g) Project Manager (South), CEDD.

## **10. Public Comments Received During Statutory Publication Periods**

- 10.1 During the statutory public inspection periods, a total of 8 public comments (**Appendix III**) were received including 4 supporting comments from individuals and 4 comments providing views or expressing concerns on the application from the Village Representatives of Ting Kau Village and individuals.
- 10.2 The supporting comments are mainly that the proposed house development will not cause adverse traffic and environmental impact, and the proposed house development involving redevelopment of an old house will blend in well with the surroundings and enhance the environment of the Ting Kau area.
- 10.3 The views or concerns are mainly that the proposed house development may cause adverse traffic impact, and the construction of the proposed house development should not cause nuisance or inconvenience to the neighbourhood, particularly the nearby residential developments and Ting Kau Beach.

## **11. Planning Considerations and Assessments**

- 11.1 The Site falls within an area zoned “R(C)” on the Tsuen Wan West OZP (**Plans A-1 and A-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 4.2 above for background of such requirement). The applicant has proposed a 2-storey house development with a PR of not more than 0.75 at the Site. As such, the applicant seeks planning permission to increase the PR to 0.75 in the “R(C)” zone supported by technical assessments on traffic noise, air quality and traffic impact aspects.

### *Minor Relaxation of PR to 0.75*

- 11.2 To demonstrate that the traffic noise impact from Castle Peak Road would be mitigated to meet the requirement of the Notes for an increase of PR to 0.75, the TNIA submitted by the applicant has confirmed that with the implementation of the proposed noise mitigation measures, including building setback from the site

boundary to allow sufficient separation distances from the nearby roads, avoiding line-of-sight from the noise sources and building layout with openable windows not facing north for rooms with noise sensitive uses, no adverse traffic noise impact is anticipated. DEP has no objection to the application.

- 11.3 The Site is sandwiched between Ting Kau Beach at its southwest and Castle Peak Road – Ting Kau with vegetated slope at its immediate northeast (**Plan A-2**). Nearby residential developments to the northwest of the Site are 1 to 4-storey houses within the same “R(C)” zone. According to the applicant’s scheme, the proposed BH of not more than 2 storeys is permitted under the OZP and its main roof level is similar to the level of the road. Taking into account the scale of the proposed house development, the surrounding site context and the submitted photomontage, CTP/UD&L of PlanD is of the view that the proposed house development would unlikely induce any significant adverse impact on the visual character of the surrounding area.

#### *Technical Aspects*

- 11.4 Apart from the abovementioned specific technical aspects, relevant Government departments consulted have no objection to or no comment on the application in terms of air quality, traffic, sewerage, drainage and landscape.

#### *Similar Applications*

- 11.5 Within “R(C)” zones, there are 19 similar applications for proposed residential development with a higher PR/GFA approved with conditions by the Committee or by the Board between 2004 and 2023 (**Appendix II** and **Plan A-1a**) mainly on the grounds that traffic noise impact from Castle Peak Road was addressed and the landscaping and tree compensation proposals were considered acceptable. Approval of the subject application is in line with the decisions of these similar applications.

#### *Public Comments*

- 11.6 Regarding the public comments received, the departmental comments in paragraph 9 and the planning assessment and considerations above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 27.10.2027, 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 advisory clauses suggested for Members’ reference are attached at **Appendix IV**.
- 12.3 There is no strong reason to recommend rejection of the application.

### **13. Decision Sought**

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

### **14. Attachments**

<b>Appendix I</b>	Application form received on 9.5.2023
<b>Appendix Ia</b>	Planning Statement received on 9.5.2023
<b>Appendix Ib</b>	Supplementary Information received on 11.5.2023
<b>Appendix Ic</b>	FI 1 received on 21.7.2023
<b>Appendix Id</b>	FI 2 received on 30.8.2023
<b>Appendix Ie</b>	FI 3 received on 28.9.2023
<b>Appendix If</b>	FI4 received on 18.10.2023
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Public comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-3</b>	Floor Plans
<b>Drawing A-4</b>	Section Plan
<b>Drawing A-5</b>	Plan showing the buffer distances between the proposed house development and the major roads
<b>Drawing A-6</b>	Plan showing the vertical difference between Castle Peak Road – Ting Kau and the proposed house development
<b>Drawing A-7</b>	Photomontage
<b>Drawing A-8</b>	Plan showing TTA during construction
<b>Drawing A-9</b>	Diagram showing compliance with SBDG
<b>Plan A-1</b>	Location Plan
<b>Plan A-1a</b>	Location Plan of similar applications
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-5</b>	Site Photos