

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

**APPLICATION NO. A/TWW/129**

- Applicant** : Loi Hing Investment Company Limited represented by DeSPACE (International) Limited
- Site** : 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> of 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 the General and Special Conditions of Sale in Government Notification No. 364 of 1934 as amended by Government Notification No. 50 of 1940  
(c) height of any building shall not exceed 25 feet or 2 storeys in height, and no storey shall be less than 10 feet in height  
(d) open space belonging to the owner shall be provided at the rear of every new building and shall have an area at least equal to half the roofed-over area of the building
- Plan** : Approved Tsuen Wan West Outline Zoning Plan (OZP) No. S/TWW/21
- Zoning** : “Residential (Group B)” (“R(B)”)  
(a) maximum plot ratio (PR) and site coverage (SC) restrictions ranging from PR of 0.6/SC of 30% for building height (BH) not exceeding 6m, to PR of 2.1/SC of 17.5% for BH over 33m  
(b) maximum BH of 60 metres above Principal Datum (mPD)
- Application** : Proposed Social Welfare Facility and Training Centre with Permitted Flat, and Proposed Minor Relaxation of PR and SC Restrictions

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed composite development comprising flats, social welfare facility and training centre at the application site (the Site), which falls within an area zoned “R(B)” on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP for the “R(B)” zone, ‘Flat’ is a Column 1 use, which is always permitted while ‘Social Welfare Facility’ and ‘Training Centre’ are Column 2 uses, which require planning permission from the Town Planning Board (the Board). According to the applicant, the social welfare

facility is proposed as a Residential Care Home for the Elderly (RCHE) and a training centre is also provided for practical training of students, caregivers and health professionals with dormitory of about 50m<sup>2</sup> to accommodate students undergoing overnight duty placement, which is considered ancillary to the training centre.

- 1.2 The Site is subject to maximum PR and SC restrictions ranging from PR of 0.6/SC of 30% for BH not exceeding 6m, to PR of 2.1/SC of 17.5% 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 BH restrictions may be considered by the Board on application under section 16 of the Town Planning Ordinance (the Ordinance). To facilitate the proposed development with a BH of not more than 60mPD (about 54.8m), the applicant also seeks planning permission for minor relaxation of the PR and SC restrictions from PR of 2.1 to 5.73 (i.e. +3.63 or +173%) and SC of 17.5% to not exceeding 95% (i.e. +77.5 or +443%).
- 1.3 According to the applicant, the proposed development involves a 16-storey composite building block containing 112 residential flats (8/F to 15/F), a social welfare facility (i.e. RCHE) (G/F to 7/F) and a training centre (2/F) with one level of basement car park. The BH of the proposed development is not more than 60mPD (or 54.8m measured from the mean street level of 5.2mPD), which conforms to the BH restriction under the Notes of the OZP. The floor plans, section plans, landscape plans, site coverage of greenery plan, open space demarcation plan, tree treatment plan and photomontages of the proposed development are shown in **Drawings A-1 to A-33**. The major development parameters are set out as follows:

<b>Major Development Parameters</b>	
Site Area	About 3,306m <sup>2</sup> (including about 1,402m <sup>2</sup> of Government land)
Gross Floor Area (GFA)	About 18,942m <sup>2</sup>
Domestic GFA (Flat)	About 6,942m <sup>2</sup> <sup>[1]</sup>
Non-domestic GFA - RCHE - Training Centre	About 11,750m <sup>2</sup> About 250m <sup>2</sup> (including ancillary dormitory)
PR	5.73
Domestic PR (Flat)	2.1
Non-domestic PR - RCHE - Training Centre	3.55 0.08 (including ancillary dormitory)
SC	
- Flat	Not exceeding 35%
- RCHE/Training Centre	Not exceeding 95%

<b>Major Development Parameters</b>	
Maximum BH (at main roof)	Not more than 60mPD (or 54.8m measured from the mean street level of 5.2mPD)
No. of Block	1
No. of Storeys	16 (excluding 1 basement level)
- Flat	8
- RCHE/Training Centre	8
No. of Units	112
No. of Beds in RCHE	240 - 320
Anticipated Population	623
- Flat	303 <sup>[2]</sup>
- RCHE	320
No. of Car Parking Spaces	
<i>Residential Portion</i>	
- Private Car	36 <sup>[3]</sup> (including 1 accessible parking space)
- Motorcycle	2
<i>RCHE Portion</i>	
- Private Car	16 (including 1 accessible parking space)
- Light Bus/Ambulance	2
No. of loading/unloading Spaces	
- Residential Portion	1 (heavy goods vehicle)
Private Open Space	Not less than 623m <sup>2</sup>
Greenery Area	About 20%

Notes:

- [1] Excluding clubhouse and its GFA shall be exempted from GFA calculation, subject to the decisions by the Building Authority at the building plan submission stage.
- [2] The anticipated population is derived by assuming an average household size of 2.7 persons per flat with reference to the average household size of Tsuen Wan District in 2022 under General House Survey by the Census and Statistics Department.
- [3] Among the car parking spaces of the residential portion, 5 of them are for visitors.

### Proposed RCHE

- 1.4 According to the applicant, the proposed RCHE will be privately operated<sup>1</sup> and would comply with the requirements of the “Incentive Scheme to Encourage Provision of Residential Care Homes for the Elderly Premises in New Private Developments – Time-limited Enhancements” (the Incentive Scheme) promulgated by the Lands Department (LandsD) in 2023 (Practice Note Issue No. 5/2023). It would also comply with the licensing requirements as stipulated in the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and the Code of Practice for Residential Care Homes (Elderly Persons), and all the facilities will be located at a height of not more than 24m above ground level (**Drawings A-11**

<sup>1</sup> Pursuant to the Incentive Scheme, as long as the premises is to be used as licensed RCHE, developers may lease or sell the premises as a whole unit, or operate the RCHE in the premises by themselves or by entrusting an organisation.

**and A-12).** There will be separate entrance for the RCHE from the residential portion (**Drawing A-1**).

- 1.5 The proposed RCHE is intended for the elderly who require care services for assisted living. A designated area on 2/F of the RCHE will be allocated for a non-standard provision of a training centre<sup>2</sup> (**Drawing A-4**). Practical training will be provided for students, caregivers and health professionals in the training centre.

#### Proposed Residential Portion

- 1.6 While the proposed RCHE is designated for the elderly with needs for assisted living, the proposed flats located from 8/F to 15/F are intended for the elderly who are capable of living independently (**Drawings A-10 to A-12**). According to the applicant, subject to detailed design, a relatively larger average unit size of about 41m<sup>2</sup> will be provided with elderly-friendly design and balcony (**Drawings A-11 and A-12**).

#### Proposed Pedestrian and Vehicular Access Arrangement

- 1.7 The lot is surrounded by unleased and unallocated Government land and does not abut onto public road (i.e. Castle Peak Road – Tsing Lung Tau) (**Plan A-2**). There is currently no proper vehicular ingress/egress to the Site. The southern boundary of the Site is currently fronted by a semi-closure noise barrier to the west and a footbridge ramp to the east (**Plans A-2 and A-3**). The alignment of the footbridge ramp is therefore proposed to be modified (**Drawing A-38**) 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 be responsible for the design and implementation of the modification works at his own cost.

#### Proposed Footbridge

- 1.8 A footbridge is proposed to connect 2/F of the proposed development to the adjacent Hong Kong Garden Commercial Complex (HKGCC) (**Drawing A-4**) (zoned “Commercial” (“C”)) subject to a maximum PR of 1.75) owned by the applicant.

#### Building Setbacks

- 1.9 A 1.7m to 2.4m-wide setback area (about 126m<sup>2</sup>) within the Site fronting Castle Peak Road – Tsing Lung Tau will be provided to form part of the existing public footpath (**Drawings A-1 and A-14**). Green buffer plantings on at-grade planter will be provided near the south-western corner of G/F (**Drawings A-14 and A-25**).

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<sup>2</sup> The training centre is proposed to be considered eligible for exemption from payment of land premium under the Incentive Scheme, subject to the determination of the Labour and Welfare Bureau and relevant Government departments.

- 1.10 Buildings setbacks on G/F to 2/F (at least 3m from the northern boundary, about 4.5m from the eastern/western boundary and more than 9m from the southern boundary) will be provided (**Drawing A-36**). The applicant undertakes to explore adoption of suitable façade design on form, colour, and greenery and incorporation of further building setbacks, permeable elements and landscape treatments at pedestrian level at the detailed design stage. Moreover, L-shaped building block design will be adopted at the higher levels (above 9/F) (**Drawing A-37**) and a permeable opening on the western side of G/F (**Drawing A-36**) will be provided.

Landscape and Tree Treatment

- 1.11 According to the tree survey, 20 existing trees are found within the Site (**Drawing A-28**). Most of the trees are in poor to fair tree form and health condition. The applicant proposes to cut down all the existing trees and plant 30 new trees within the Site for compensation.
- 1.12 According to the landscape proposal, landscape treatments in form of tree planting, shrub, planters are proposed from G/F to 8/F (**Drawings A-14 to A-22**). Moreover, a green trail with staircases along the eastern, northern and western boundaries will be provided from G/F to 2/F to allow access to outdoor area (**Drawings A-14 to A-16**). A landscaped courtyard will also be provided on 3/F with a void that will open up to the sky (**Drawing A-17**) and green terraces on 4/F to 7/F (**Drawings A-18 to A-21**). A podium garden with landscaping will be provided on 8/F for enjoyment of the future residents (**Drawing A-22**).
- 1.13 In support of the application, the applicant has submitted the following documents:
- (a) Application form and letter received on 8.8.2024 (**Appendix I**)
  - (b) Planning Statement with technical assessments received on 8.8.2024 (**Appendix Ia**)
  - (c) Supplementary Information received on 19.8.2024 (**Appendix Ib**)
  - (d) Further Information (FI) received on 30.9.2024<sup>@</sup> (**Appendix Ic**)
  - (e) FI received on 8.10.2024<sup>@</sup> (**Appendix Id**)
  - (f) FI received on 10.12.2024<sup>@</sup> (**Appendix Ie**)
  - (g) FI received on 16.1.2025<sup>@</sup> (**Appendix If**)
  - (h) FI received on 4.2.2025\* (**Appendix Ig**)

*Remarks:*

*@ not exempted from publication and recounting requirements*

*\* accepted and exempted from publication and recounting requirements*

- 1.14 On 6.12.2024, the Metro Planning Committee (the Committee) agreed to defer

making a decision on the application for 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 **Appendices Ia to Ig**. They are summarised as follows:

### In line with Planning Intention

- 2.1 The proposed development is in line with the planning intention of “R(B)” zone under the OZP, which is intended primarily for medium-density residential developments. The proposed development comprising senior housing and a RCHE is mainly residential in nature. The application for proposed minor relaxation of PR and SC restrictions is sought in response to the Government’s policy to provide quality RCHE.

### Compatible with Surrounding Developments

- 2.2 The surrounding area is predominantly residential use with some village type developments and Government, institution or community and commercial facilities. The submitted Visual Impact Assessment (VIA) has demonstrated that the scale of the proposed development with proposed minor relaxation of PR and SC restrictions, while in compliance with the BH restriction, is compatible with the surroundings (**Drawings A-29 to A-33 and Plan A-6**).

### Provision of Quality RCHE Places and Housing for the Elderly

- 2.3 In view of the significant demand for subsidised care services, the proposed development with private RCHE will address the immediate shortfall of RCHE in the community. The applicant intends to apply for the Incentive Scheme to provide quality elderly services. The RCHE will comply with the relevant requirements under the Incentive Scheme and will include ample open space and greenery for the elderly.
- 2.4 In view of the limited accommodation options provided by the private sector to support the elderly with different needs, the proposed development will provide housing for the elderly who may not necessarily require intensive and attentive care services and can live independently. The design measures of the housing for the elderly detailed in paragraph 1.6 above will promote healthy living and support aging in place.
- 2.5 The proposed composite development will offer a wide spectrum of amenities to support the elderly. The proposed RCHE is intended for assisted living while the residential portion is intended for independent living. The proposed development is in response to the Government’s policy of ageing in place.

### Planning and Design Merits

- 2.6 The proposed footbridge connecting 2/F of the proposed development to the

adjacent HKGCC (**Drawing A-4**) will provide convenience for the future residents and encourage social interaction.

- 2.7 The building setbacks detailed in paragraph 1.10 (**Drawing A-36**) will be provided to minimise the visual impact. The building setbacks on the northern, southern and western boundaries will also enhance air ventilation. The L-shaped building block design adopted at the higher levels (above 9/F) (**Drawing A-37**) and the permeable opening on the western side of G/F (**Drawing A-36**) will allow wind to pass through the Site.
- 2.8 On landscape aspect, the landscape treatments from G/F to 8/F (**Drawings A-14 to A-22**) will enhance the living environment. The green buffer plantings on at-grade planter near the south-western corner of G/F (**Drawings A-14 and A-25**) will enhance the pedestrian walkability. The landscaped courtyard on 3/F (**Drawing A-17**) with view to the green terraces and the sky will provide visual enjoyment and allow connection to the nature.

#### No Adverse Technical Impacts

- 2.9 As demonstrated by various technical assessments, the proposed development will not generate adverse impacts on visual, air ventilation, landscape, traffic, environmental (including air quality, noise and land contamination), sewerage and drainage aspects.
- 2.10 On landscape aspect, a tree survey has been conducted to identify that most of the 20 existing trees are in poor to fair tree form and health condition due to growing on an unmanaged site and with close proximity with one another competing for space, sunlight and nutrient. To compensate for the felling of the 20 existing trees, 30 new trees will be planted and no adverse landscape impact is anticipated.
- 2.11 On noise aspect, with the incorporation of noise mitigation measures (i.e. acoustic windows and enhanced acoustic balconies) (**Drawings A-34 and A-35**), no adverse road traffic noise impact is anticipated.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Previous Application**

The Site is the subject of a previously approved application No. A/TWW/122 (**Plan A-1**) seeking planning permission for proposed minor relaxation of PR restriction from 2.1 to 2.52 (i.e. +0.42 or +20%) for permitted residential development (only for ‘Flat’ use without other uses) with BH over 33m. The SC of the proposed residential development conformed to the SC restriction of not more than 17.5% under the Notes of the OZP. The application was approved with conditions by the Committee on 12.8.2022 on the grounds that the proposed development with the proposed relaxation of PR restriction by

20% would be in line with the policy objective of increasing flat supply to meet the community's imminent demand for housing; the proposed relaxation of PR restriction would generally follow the policy of increasing the maximum domestic PR permitted in certain density zones (except for the north of Hong Kong Island and Kowloon Peninsula) by around 20% as appropriate with confirmation on technical feasibility; approval of the application would be consistent with the decision of the Committee on a similar application (i.e. application No. A/TWW/107) in the proximity; and the proposed BH would not exceed the statutory restriction of 60mPD.

## **5. Similar Application**

There is one similar application within “R(B)” zone on the Tsuen Wan West OZP since 2010 (**Plan A-1**). Application No. A/TWW/107 was for proposed minor relaxation of PR and SC restrictions from PR of 2.1 to 2.52 (i.e. +0.42 or +20%) and SC of 17.5% to 20.2% (i.e. +2.7% or +15%) for a permitted residential development (only for ‘Flat’ use without other uses) with BH over 33m. The site is located at about 220m to the west of the Site. The application was approved with conditions by the Committee on 16.8.2013 on the grounds that the proposed relaxation of PR and SC restrictions would not be unacceptable and induce adverse visual or air ventilation impacts on the surroundings; the proposed BH would not exceed the statutory restriction (i.e. 60mPD) and would be 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-5)**

### **6.1 The Site is:**

- (a) a vacant land comprising both private and Government land in gentle sloping topography, and surrounded by Hong Kong Garden to the north, east and west;
- (b) abutting Castle Peak Road – Tsing Lung Tau, which is partly covered by a semi-closure noise barrier (**Plans A-2 and A-3**). There is an existing footbridge across Castle Peak Road – Tsing Lung Tau providing pedestrian linkage between the waterfront and inland;
- (c) bounded by a private land with formation level of 12.2mPD to the north, a backlane of HKGCC to the east and a man-made slope within Hong Kong Garden to the west; and
- (d) vegetated with trees.

### **6.2 The surrounding areas have the following characteristics:**

- (a) the area is mainly characterised by Hong Kong Garden, which is zoned “R(B)1”, subject to a maximum GFA of 214,706m<sup>2</sup> (equivalent to PR of about 1.6) and maximum BH of 120mPD, 95mPD, 90mPD and 60mPD stepping down from the hillside to the waterfront (**Plan A-1**). Hong



Kong Garden has a total of 28 building blocks with existing BH ranging from about 25mPD to 124mPD, all of which have podium-free design (**Plan A-3**). Its existing PR and SC are about 1.6 and 21% respectively;

- (b) to the immediate east is the 3-storey HKGCC (zoned “C” subject to a maximum PR of 1.75) with shops and services and eating places serving the local community; and
- (c) Tsing Lung Tau area as a whole is generally characterised by medium-rise and medium-density residential developments. Apart from Hong Kong Garden, other residential areas are zoned “R(B)” subject to a maximum PR of 2.1 (for BH over 33m) and maximum BH of 60mPD to 90mPD (**Plan A-1**), and there are a few low-rise and low-density residential developments along the coast (zoned “Residential (Group C)” subject to a maximum PR of 0.4 and maximum BH of 3 storeys including car park) and scattered village developments.

## **7. Planning Intention**

- 7.1 The planning intention of “R(B)” zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 7.2 According to paragraph 9.3.2 of the Explanatory Statement (ES) of the OZP, in view of the infrastructural constraints in the Area, the density of development within the “R(B)” zone is controlled by means of PR and SC. Development or redevelopment within this zone is required to comply with the PR and SC restrictions set out in the Notes, and the respective BH restriction as stipulated on the OZP, or the PR, SC and BH of the existing building, whichever is the greater.
- 7.3 According to paragraph 9.3.7 of the ES of the OZP, the provision of minor relaxation of PR, SC, GFA and/or BH restrictions is to provide flexibility for innovative design adapted to the characteristics of particular sites zoned “R(B)”.

## **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 (DLO/TW&KT), LandsD:

- (a) the proposed development would contravene 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 the implementation of the proposed development. The proposal will only be considered upon our 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 this 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 – Tsing Lung Tau. It should be clarified that the proposed setback area of about 126m<sup>2</sup> to form part of the existing public footpath in future is currently situated on Government land. As the setback area remains as part of the regrant lot, the applicant should ensure that the maintenance and management responsibilities of the setback area for such public usage should not be passed onto the individual flat owners/RCHS users;
- (c) according to the application documents, the vehicular access of the proposed development is proposed to be located at the south-eastern boundary of the Site facing Castle Peak Road – Tsing Lung Tau, which requires the realignment of the existing ramp of 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 – Tsing Lung Tau) as part of their proposed road works for the purpose of public footpath. The Transport Department (TD) and the Highways Department (HyD) should be consulted as the proposed road works would trigger the gazettal procedures under the Roads (Works, Use and Compensation) Ordinance (Cap. 370). For road projects carried out by private applicant under 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. Besides, since the proposed road works will be included as formation area of future public road (e.g. green area) under the proposed 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 – Tsing Lung Tau, the realigned footbridge ramp, 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) according to the Planning Statement, the applicant (i.e. Loi Hing Investment Company Limited) is also the owner of HKGCC erected at the Remaining Portion of Section A of Tsing Lung Tau Lot (TLTL) No. 60 (TLTL 60 s.A RP). However, record of the Land Registry reveals that the registered owner of HKGCC should be Tsing Lung

Investment Company Limited, which should be clarified by the applicant. According to the application documents, a proposed footbridge will be provided on 2/F of the proposed RCHE connecting to HKGCC. The proposed footbridge connection will straddle over TLTL 60 s.A RP (**Plan A-2**) and connect to HKGCC which falls into multiple ownership together with other residential units under New Grant No. TW5712 dated 24.7.1953 as modified subsequently for private residential purposes and such other non-industrial purposes;

- (e) the applicant has not examined the feasibility of the provision of the proposed footbridge connection under the land lease of HKGCC (especially, the proposed footbridge may be GFA accountable under the land lease of HKGCC), the implementation method in respect of the multiple ownership situation of HKGCC together with the residential units and the construction, maintenance and management responsibilities of the proposed footbridge connection. As such, there is no guarantee that the proposed footbridge connection would be implementable under the land lease of HKGCC, which may be subject to any terms and conditions including payment of administrative fee and land premium. Unless the above issues are addressed satisfactorily, there is no warranty that the proposed footbridge connection could be considered in a valid land exchange application if received by LandsD;
- (f) regarding the Incentive Scheme under Lands Administration Office Practice Note No. 5/2023, the policy support of Social Welfare Department (SWD) has to be sought;
- (g) reserves comment on the proposed schematic design which would only be examined in detail during the building plan submission stage upon completion of land exchange. There is no guarantee that the schematic design as presently proposed in the subject application if reflected in future building plan submission(s) will be acceptable under lease; and
- (h) the site area in the application documents 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) no objection to the Traffic Impact Assessment (TIA). The following approval conditions should be imposed if the Board decides to approve the application:
  - (i) the design and provision of vehicular access for the proposed development to the satisfaction of C for T and the Director of Highways or of the Board;

- (ii) the design and provision of the modified footbridge ramp outside the Site (including the temporary barrier-free measures during the modification works), at the applicant's own cost, as proposed by the applicant, to the satisfaction of C for T and the Director of Highways or of the Board; and
  - (iii) the design and provision of the newly formed public footpath and the newly formed public road outside the Site, at the applicant's own cost, as proposed by the applicant, to the satisfaction of C for T and the Director of Highways or of the Board;
- (b) no in-principle objection to take up the traffic management responsibility of the modified footbridge ramp, the newly formed public footpath and the newly formed public road outside the Site subject to the agreement from HyD to take up the maintenance responsibilities; and
  - (c) as the existing footbridge ramp will be demolished and modified to facilitate the construction of run-in/out for the proposed development. TD is of the view that:
    - (i) temporary barrier-free measures, which is to be agreed by relevant Government departments, should be provided when the ramp is demolished; and
    - (ii) a clause should be included in the future land lease regarding the temporary barrier-free measures.

8.1.3 Comments of the Chief Highway Engineer/New Territories West, HyD:

- (a) no in-principle objection on the preliminary design of the proposed modification of the footbridge ramp submitted by the applicant;
- (b) no objection to the incorporation of approval conditions as set out in paragraphs 8.1.2 (a)(i) to (a)(iii) above;
- (c) no comment on taking up the maintenance responsibility of the modified footbridge ramp, the newly formed public footpath and the newly formed public road outside the Site, subject to TD in taking up the traffic management responsibility; and
- (d) other detailed comments are set out at **Appendix II**.

**Environment**

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

- (a) no objection from environmental planning viewpoint to the application subject to the following conditions:
  - (i) submission of a revised Noise Impact Assessment and the implementation of the noise mitigation measures identified therein to the satisfaction of DEP or of the Board; and
  - (ii) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Drainage Services (DDS) or of the Board; and
- (b) other detailed comments are set out at **Appendix II**.

### **Drainage and Sewerage**

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

- (a) no comment on the Drainage Impact Assessment (DIA). The following approval condition should be imposed if the Board decides to approve the application:

the implementation of the drainage scheme identified in the DIA to the satisfaction of DDS or of the Board; and
- (b) no comment on the SIA. CE/MS of DSD has no objection to the incorporation of approval condition as set out in paragraph 8.1.4 (a)(ii) above.

### **Urban Design, Visual and Landscape Aspects**

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

##### **Urban Design and Visual**

- (a) the Site with an area of about 3,306m<sup>2</sup> is located at Castle Peak Road – Tsing Lung Tau, immediately surrounded by a cluster of medium-rise residential developments zoned “R(B)1” with an intended BH of 60mPD. The proposed minor relaxation of PR and SC does not involve additional BH beyond that permitted in the OZP. Given the context and as illustrated in the VIA, the proposed development will unlikely induce significant adverse effects on the visual character of the surrounding townscape. However, the built form of the proposed development with SC of not exceeding 95% up to 7/F may create a substantial bulk when compared to the podium-free Hong Kong Garden with SC of about 21% only and surrounding medium-rise and medium density residential developments;

- (b) as gathered from the submission, the proposed development has incorporated various design measures including (i) a setback area of about 126m<sup>2</sup> (about 1.7m to 2.4m-wide) along Castle Peak Road – Tsing Lung Tau for provision of public walkway; (ii) building setbacks along all four site boundaries; (iii) building recesses above 9/F from the south-western corner; and (iv) proposed footbridge at 2/F. Landscape treatments in form of tree planting, shrub, planters, green trail along the eastern, northern and western site boundaries at G/F to 2/F and podium garden at 8/F are proposed. The applicant also undertakes to explore adoption of suitable façade design on form, colour, and greenery and incorporate further building setbacks, permeable elements and landscape treatments at pedestrian level at the detailed design stage. Further building setbacks and at-grade landscape treatments should be explored to soften the building bulk of the proposed development;

#### Air Ventilation

- (c) an Air Ventilation Assessment – Expert Evaluation (AVA-EE) has been submitted to demonstrate the ventilation performance under the baseline scheme (i.e. the previous approved scheme under planning application No. A/TWW/122) and the proposed development at pedestrian level. It is noted from the AVA-EE that while the proposed development may result in some more wind blockage impact to its downwind area when compared to the baseline scheme, with incorporation of mitigation measures, such as building setbacks, building recesses and permeable opening at the western portion of G/F, the proposed development would unlikely induce significant adverse impact on the surrounding pedestrian wind environment;
- (d) the applicant undertakes to consider incorporating further building setbacks, permeable elements and landscape treatments at pedestrian level to soften/minimise the building bulk at the detailed design stage;
- (e) it is noted that the proposed development would comply with the requirements under Sustainable Building Design Guidelines in terms of building separation, building setback and the minimum site coverage of greenery;
- (f) other detailed comments are set out at **Appendix II**;

#### Landscape

- (g) with reference to the aerial photo of 2023, the Site is situated in an area of residential urban fringe landscape character and is currently zoned “R(B)” on the OZP. The Site is currently vacant. According to the development scheme, the proposed landscape area are located at G/F to 8/F. There are 20 existing trees within the Site,

and all of the existing trees are proposed to be felled;

- (h) it is observed that the provision of planter area and new trees are not fronting or visible to the public from the street/public pedestrian way/public open space. The applicant is recommended to further explore the planting opportunity of Castle Peak Road – Tsing Lung Tau to enhance the landscape quality and provide more greenery particularly at pedestrian level; and
- (i) the comments on the landscape submissions were not fully responded. The detailed comments are set out at **Appendix II**.

### **Building Matters**

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

- (a) no objection to the application; and
- (b) other detailed comments are set out at **Appendix II**.

### **Fire Safety**

8.1.8 Comments of the Director of Fire Services:

- (a) no comment on the application;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of Short Term Tenancy/Short Term Waiver, general building plans or referral of application via relevant licensing authority as appropriate. Furthermore, the emergency vehicular access provision in the captioned work shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by BD. In addition, height restriction as stipulated in relevant regulations governing the proposed social welfare facilities shall be observed. Licensing requirements will be formulated upon receipt of a formal application via the licensing authority; and
- (c) other detailed comments are set out at **Appendix II**.

### **Social Welfare**

8.1.9 Comments of the Director of Social Welfare (DSW):

- (a) in view of the ageing population and high demand for residential care services for the elderly in the community including the existing service demand in the Tsuen Wan West area, subject to the views from other Government departments on town planning and land use, SWD has generally no objection in principle to the setting up of the

proposed RCHE at the Site which is running in private/self-financing nature and with no financial implication, both capital nor recurrent to the Government;

- (b) the applicant should also ensure that the proposed RCHE should be in full compliance with statutory and licensing requirements including but not limited to those stipulated in the Residential Care Homes (Elderly Persons) Ordinance and its subsidiary legislation, as well as the latest version of the Code of Practice for Residential Care Homes (Elderly Persons) (CoP). Should the applicant intend to apply for the Incentive Scheme, the applicant should note that all the requirements of the scheme shall be complied with;
- (c) please note that the training centre with ancillary dormitory on 2/F are not standard items under the Schedule of Accommodation (SoA) nor essential facilities in RCHE, this area could not be counted as the RCHE area and would not be eligible for exemption of land premium;
- (d) the proposed footbridge on 2/F of the RCHE is not required or necessary for RCHE according to the CoP or SoA. However, it may be convenient for some users of the RCHE as well as other users from the composite building. The operator of the RCHE should be responsible for the management, safety and control of the entrance of the footbridge; and
- (e) other detailed comments are set out at **Appendix II**.

### **Geotechnical Aspect**

#### 8.1.10 Comments of the Head of Geotechnical Engineering, Civil Engineering and Development Department (CEDD):

it is presumed that the Geotechnical Impact Assessment (GeoIA) mentioned in the public comment is referred as Geotechnical Planning Review Report (GPRR). A GPRR is considered not necessary for the application.

### **Ecology**

#### 8.1.11 Comments of the Director of Agriculture, Fisheries and Conservation:

- (a) no comment on the public comment that the proposed development will cause adverse ecological impact on the area by the loss of natural habitats; and
- (b) while the Site is outside recognised sites of conservation importance (e.g. country parks or Sites of Special Scientific Interest), there is no information of animals or plants of conservation interest at the Site and its vicinity.



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

- (a) Chief Architect/Advisory & Statutory Compliance Division, Architectural Services Department;
- (b) Project Manager (West), CEDD;
- (c) Project Manager (South), CEDD;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Commissioner of Police; and
- (f) District Officer (Tsuen Wan), Home Affairs Department.

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

During the statutory publication periods, a total of 59 public comments were received, including 9 supportive comments from a member of the Tsuen Wan West Area Committee and individuals (**Appendix IIIa**), 36 objecting comments from the residents of Hong Kong Garden and individuals (**Appendix IIIb**) and 14 comments from the Incorporated Owners and residents of Hong Kong Garden and individuals providing suggestions/views on the proposal (**Appendix IIIc**). The major grounds of public views are summarised as follows:

### Supporting Views/Providing Positive Views

- (a) in view of a lack of social welfare facility in the area, the proposed RCHE is in response to the Government's policy in enhancing residential care services and will address the rising demand for residential care services of the elderly in the community;
- (b) the proposed RCHE will provide opportunities for the younger generation to learn about the residential care services industry and apply their knowledge through practical training;
- (c) with consideration on the specific needs of the elderly, the proposed development located in the urban fringe will provide a tranquil, comfortable, safe and barrier-free living environment for the elderly;
- (d) the development scale of the proposed development is not excessive and will not pose adverse traffic impact on the local road network;

### Objecting Views/Concerns

- (e) the increase in population of the proposed development will increase burden on the existing community facilities, local transportation and infrastructure and amenity facilities, which are already insufficient in the area. The additional ingress/egress of the proposed development and the increase in traffic flow may cause safety issues for the road users and pedestrians and lead to more accidents;
- (f) the proposed development will cause adverse environmental and ecological impacts on the area by the increase in population and the loss of green space and

natural habitats, which will undermine the living quality of the local residents and character of the community;

- (g) the proposed development with proposed relaxation of PR and SC restrictions will create wall effect, significantly block the view of Hong Kong Garden, cause adverse visual and air ventilation impacts and adversely affect the landscape character of the area;
- (h) an additional RCHE is considered unnecessary as there are sufficient social welfare facilities readily available in the area and there is a decrease in demand for RCHE;
- (i) the proposed relaxation of PR restriction by 173% from 2.1 to 5.73 is not considered as minor. The proposed provision of social welfare facility is not a justification for such relaxation. Approval of the application will set an undesirable precedent;
- (j) the submitted Environmental Assessment (EA) and TIA are not comprehensive enough in demonstrating the environmental and traffic impacts. The TIA does not include assessment of pedestrian safety and improvement proposal to cope with the additional pedestrian flows;
- (k) there will be noise and air pollution during construction of the proposed development. The construction vehicles may cause safety issues for the road users and pedestrians;
- (l) the Site without convenient access to healthcare services, shopping facilities and public transport is not suitable for the proposed development with RCHE for the elderly. The proposed RCHE with close proximity to Castle Peak Road – Tsing Lung Tau will adversely affect the living environment of the elderly on noise and air quality aspects;
- (m) the proposed development will adversely affect the pedestrian circulation by modifying the existing public footpath and footbridge ramp. The temporary arrangement during the footbridge ramp modification works and the party which is responsible for the modification works and cost should be clearly illustrated in the application;
- (n) it is uncertain that further building setbacks to be considered at the detailed design stage will be realised;
- (o) the proposed development is not in line with the planning intention of “R(B)” zone for medium-density residential developments;

Providing Suggestions/Views

- (p) the public inspection period is inadequate and should be extended. The residents of Hong Kong Garden were not properly informed about the application;
- (q) if the proposed RCHE is pursued at the Site, it is suggested to confine the Site for

solely RCHE with a maximum BH of five storeys so as to minimise the visual impact on the area;

- (r) a residential development conforming to the development restrictions under the OZP should be developed at the Site in response to the housing needs with consideration on the character of the neighbourhood;
- (s) the Site should not be used for development with a BH of more than two storeys as so to avoid adverse visual impact on Hong Kong Garden;
- (t) Elderly Community Centre should be provided at the Site instead of RCHE;
- (u) the Site should be used as a park or barbecue site;
- (v) various technical assessments, including Landscape Impact Assessment, tree survey, VIA and GeoIA should be submitted in supporting the application. Also, more information should be provided by the applicant to illustrate the air ventilation impact on Hong Kong Garden;
- (w) mitigation measures should be proposed to mitigate the noise and air quality impacts on the area during construction; and
- (x) more information regarding the operation mode of the proposed RCHE should be provided.

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

- 10.1 The application is for the proposed ‘Social Welfare Facility’ and ‘Training Centre’ uses in a 16-storey composite building block (not more than 60mPD or about 54.8m) comprising 112 flats and a RCHE with 240-320 beds supported by a training centre at the Site zoned “R(B)” on the OZP, and for minor relaxation of the relevant PR and SC restrictions.

### **Planning Intention, Land Use Compatibility and Development Scale**

- 10.2 The Site falls within the “R(B)” zone intended primarily for medium-density residential developments subject to maximum PR and SC restrictions of 2.1 and 17.5% respectively for a building with BH over 33m, and a maximum BH restriction of 60mPD. The proposed development will have PR, SC and BH of 5.73, not exceeding 95% and not more than 60mPD respectively. As compared with the restrictions under the OZP, the proposed development will result in the respective increase of PR and SC by about 173% and 443%.
- 10.3 The concerned area is characterised by the major existing residential development thereat, i.e. Hong Kong Garden, which is zoned “R(B)1” subject to a maximum GFA restriction of 214,706m<sup>2</sup>, equivalent to a PR of about 1.6, and a maximum BH restriction ranging from 60mPD surrounding the Site to 120mPD at the hillside in the northwest (**Plans A-1 and A-3**). Hong Kong Garden comprises 28 building blocks, all of which have podium-free design and its

existing PR and SC are about 1.6 and 21% respectively. The commercial development adjoining the Site to the east, i.e. HKGCC, is zoned “C” subject to a maximum PR restriction of 1.75 and BH restriction of 3 storeys above one level of car park. As advised by CTP/UD&L, the built form of the proposed development with SC of not exceeding 95% up to 7/F may create a substantial bulk when compared to the podium-free Hong Kong Garden with SC of about 21% only. In view of the above, it is considered that while the residential nature of the proposed development is not incompatible with the surrounding land uses, the proposed development density as a whole with PR of 5.73/SC of not exceeding 95% is excessive and incompatible with the characteristics of the surrounding areas.

- 10.4 According to the ES of the Tsuen Wan West OZP, the provision of minor relaxation of PR and SC is to provide flexibility for innovative design adapted to the characteristics of particular sites. The increases in PR and SC for about 173% and 443% respectively for the proposed uses as compared with the respective OZP restrictions cannot be regarded as minor.

#### Planning and Design Merits

- 10.5 The applicant considers that the provision of RCHE and various design features as stated in paragraphs 1.4 to 1.12 above are the planning and design merits to support the application. However, it is observed that only green buffer plantings on planter will be provided near the south-western corner of G/F (**Drawings A-14 and A-25**) as at-grade greenery. Although the applicant proposes that a strip of land in the southern part of the Site will be set back to form part of the existing public footpath (**Drawings A-1 and A-14**), it is noted that the area fronting the proposed setback area near the south-western corner of the Site is currently vegetated without a public footpath (**Plans A-2 and A-3**). While DLO/TW&KT of LandsD advises that the applicant should ensure that the maintenance and management (M&M) responsibilities of the setback area for such public usage should not be passed onto the individual flat owners/RCHE users, no information regarding the M&M responsibilities of the setback area is submitted. As advised by CTP/UD&L of PlanD, the applicant is recommended to further explore the planting opportunity of Castle Peak Road – Tsing Lung Tau to enhance the landscape quality and provide more greenery particularly at pedestrian level, and further building setbacks and at-grade landscape treatments should be explored to soften the building bulk of the proposed development. Besides, the green trail with staircases along the eastern, northern and western boundaries (**Drawings A-14 to A-16**) is not considered as accessible and age-friendly to the elderly.
- 10.6 Regarding the proposed footbridge on 2/F of the proposed development connecting to HKGCC (**Drawing A-4**), DLO/TW&KT of LandsD advises that there is no guarantee that the proposed footbridge connection would be implementable under the land lease of HKGCC. DSW advises that although the proposed footbridge connection is not required or necessary for RCHE according to the CoP or SoA, it may be convenient for some users of the RCHE as well as other users from the composite building, provided that the operator of the RCHE should be responsible for the management, safety and control of the

entrance of the footbridge.

#### Technical Aspects

- 10.7 In support of the application, the applicant has submitted technical assessments concerning the visual, air ventilation, landscape, traffic, environmental (including air quality, noise and land contamination), sewerage and drainage aspects. The concerned Government departments have no in-principle objection to the application subject to the approval conditions as set out in paragraphs 11.2 (a) to (f) below.

#### Public Comments

- 10.8 The supporting public comments are noted. Regarding the objections/concerns/suggestions/views detailed in paragraph 9, the planning assessment above and the departmental comments in paragraph 8 are relevant. Regarding the public comments on the inadequate public consultation, it should be noted that the applicant's submissions have been made available for public inspection according to the relevant provision under the Ordinance.

### **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 does not support the application for the following reasons:
- (a) the proposed relaxation of PR and SC restrictions from PR of 2.1 to 5.73 (i.e. +173%) and SC of 17.5% to not exceeding 95% (i.e. up to +443%) cannot be regarded as minor; and
  - (b) there is insufficient planning and design merits to justify the proposed relaxation of PR and SC restrictions.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 14.3.2028, 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 also suggested for Members' reference:

#### Approval Conditions

- (a) the design and provision of vehicular access for the proposed development to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (b) the design and provision of the modified footbridge ramp outside the application site (including the temporary barrier-free measures during the modification works), at the applicant's own cost, as proposed by the applicant, to the satisfaction of the Commissioner for Transport and the

Director of Highways or of the Town Planning Board;

- (c) the design and provision of the newly formed public footpath and the newly formed public road outside the application site, at the applicant's own cost, as proposed by the applicant, to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (d) the submission of a revised Noise Impact Assessment and the implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (f) the implementation of the drainage scheme identified in the Drainage Impact Assessment 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**.

**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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 12.3 Alternatively, 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. Attachments**

<b>Appendix I</b>	Application form and letter received on 8.8.2024
<b>Appendix Ia</b>	Planning Statement with Technical Assessments
<b>Appendix Ib</b>	Supplementary Information received on 19.8.2024
<b>Appendix Ic</b>	FI received on 30.9.2024
<b>Appendix Id</b>	FI received on 8.10.2024
<b>Appendix Ie</b>	FI received on 10.12.2024
<b>Appendix If</b>	FI received on 16.1.2025
<b>Appendix Ig</b>	FI received on 4.2.2025
<b>Appendix II</b>	Detailed Departmental Comments

<b>Appendices IIIa to IIIc</b>	Public Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-10</b>	Floor Plans
<b>Drawings A-11 and A-12</b>	Section Plans
<b>Drawing A-13</b>	Landscape Master Plan
<b>Drawings A-14 to A-22</b>	Landscape Plans
<b>Drawings A-23 to A-25</b>	Landscape Section Plans
<b>Drawing A-26</b>	Site Coverage of Greenery Plan
<b>Drawing A-27</b>	Open Space Demarcation Plan
<b>Drawing A-28</b>	Tree Treatment Plan
<b>Drawings A-29 to A-33</b>	Photomontages
<b>Drawings A-34 and A-35</b>	Proposed Traffic Noise Mitigation Measures
<b>Drawings A-36 and A-37</b>	Proposed Air Ventilation Design Measures
<b>Drawing A-38</b>	Proposed Modification Works of the Footbridge Ramp
<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
<b>Plan A-6</b>	Key Plan of Viewing Points in VIA

**PLANNING DEPARTMENT  
MARCH 2025**