

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

**APPLICATION NO. A/TW/538**

<b><u>Applicant</u></b>	: Mak Cheuk Company Limited represented by DeSPACE (International) Limited
<b><u>Site</u></b>	: Lot Nos. 1211 RP (Part) and 1215 RP (Part) and Adjoining Government Land in D.D. 451, Lo Wai, Tsuen Wan
<b><u>Site Area</u></b>	: About 2,519.8m <sup>2</sup> (including about 172.2m <sup>2</sup> of Government land (6.8%))
<b><u>Lease</u></b>	: Lot Nos. 1211 RP and 1215 RP in D.D. 451 (a) held under New Grant Nos. TW2149 and TW2310 respectively (b) for agricultural uses
<b><u>Plan</u></b>	: Draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/38 [currently in force]  Draft Tsuen Wan OZP No. S/TW/36 [in force at the time of submission. The zoning and development restrictions for the site remain unchanged on the current OZP]
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [restricted to a maximum building height (BH) of 3 storeys (8.23m) <sup>[1]</sup>
<b><u>Application</u></b>	: Proposed Social Welfare Facility (Residential Care Home for the Elderly)

**1 The Proposal**

- 1.1 The applicant seeks planning permission for a proposed Residential Care Home for the Elderly (RCHE) development at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” on the draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/38. According to the Notes of the OZP for the “V” zone, ‘Social Welfare Facility’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is located in the eastern periphery of the Lo Wai village cluster in Tsuen Wan (**Plans A-1 and A-3**) and accessible via a single-lane two-way local access road branching off from Lo Wai Road, which is a right-of-way provided through lease

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<sup>[1]</sup> According to the Notes of the OZP for the “V” zone, the maximum BH restriction of 3 storeys (8.23m) is not applicable to some uses specified under Column 2, which require planning permission from the Town Planning Board, including ‘Social Welfare Facility’.

condition of the adjoining lot (i.e. Lot 1240 RP)<sup>[2]</sup> (**Plans A-2 and A-3**). According to the applicant, the proposed RCHE comprises a 8-storey building (excluding 2-level basement carpark) providing about 268 beds in 214 units. The proposed RCHE will be operated as a private RCHE with beds in single/double cubicles in basic room charges to cater for those who receive residential care service voucher and/or for the Enhanced Bought Place Scheme launched by the Social Welfare Department (SWD). Single/double rooms with higher room charges will also be offered to other users. The major development parameters of the proposed RCHE are summarised below and relevant block plan, layout plans, sections, photomontages and renderings are at **Drawings A-1 to A-12, A-16 to A-20 and A-23**.

<b>Site Area</b>	About 2,519.8m <sup>2</sup> (including GL of about 172.2m <sup>2</sup> )
<b>Gross Floor Area (GFA)</b>	About 7,213m <sup>2</sup> excluding basement carparks <sup>[3]</sup> (total of not more than 10,000m <sup>2</sup> , including basement carparks)
<b>Plot Ratio (PR)</b>	About 2.86 excluding basement carparks (total of about 3.97, including basement carparks) <sup>[3]</sup>
<b>Site Coverage</b>	Not more than 80%
<b>Maximum BH (main roof)</b>	Not more than 118mPD (about 33.93m) [except the low-rise building structure at the northern portion facing Hilltop Villa with not more than 96.06mPD (about 12.53m)]
<b>No. of Storeys</b>	8 storeys (excluding two-level basement carpark) [except the low-rise building structure at the northern portion facing Hilltop Villa with 2 storeys (excluding two-level basement carpark)]
<b>No. of Blocks</b>	1
<b>No. of Beds</b>	About 268 beds or within a range from 240 to 280 <sup>[4]</sup>
<b>Private Open Space</b>	About 542.8m <sup>2</sup>
<b>Parking Facilities</b> - <b>Private Car</b>	30 (including 2 parking spaces for the disabled)
<b>Loading/Unloading (L/UL)</b> - <b>Light Bus</b> - <b>Ambulance</b> - <b>Light Goods Vehicle</b>	1 1 1

- 1.3 According to the submitted Traffic Impact Assessment (TIA), to mitigate the inadequate sightline issue of the existing single-lane two-way local access road, the applicant proposes interim traffic management measures and road improvement works which include installing convex mirrors and signage, providing passing space near the Site entrance and carrying out associated road marking/widening works (**Drawing A-21a**).

<sup>[2]</sup> According to the relevant special condition under the lease of Lot 1240 RP for the adjoining Tung Po Tor Monastery, the owner of Lot 1240 RP shall permit the public with and without vehicles at all-time pass and repass over and along the single-lane local access road.

<sup>[3]</sup> The GFA under the proposed scheme is 9,665m<sup>2</sup>, including the GFA for two levels of basement carpark. According to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-2, the GFA for underground carpark may be disregarded subject to approval of the Buildings Authority at general building plan submission stage.

<sup>[4]</sup> According to the applicant, the range of beds is provided to allow flexibility in the detailed design.

The applicant also proposes to remove the unauthorised structures in Lot 1240 RP (**Drawing A-21a and Plan A-2**) through lease enforcement to be taken by the Lands Department (LandsD) with a view to further improving the traffic sightline in a longer term (**Drawing A-21b**). Lease enforcement actions against the unauthorised structures are being taken by LandsD (see paragraph 8.1.1(c) below). Right-of-way will be reserved within the Site at its eastern part for public to gain access to Tung Po Tor Monastery in Lot 1240 RP in D.D. 451 (**Plan A-2**). 30 private car parking spaces will be provided. Visitors can only park in the Site with prior booking through advance booking system. To avoid blockage of the local access road, vehicles without prior booking will still be allowed to enter the Site temporarily for manoeuvring.

- 1.4 During the festival periods (such as Ching Ming and Chung Yeung Festival), Lo Wai Road will be closed as a traffic management measure for the area undertaken by the Transport Department (TD) to avoid traffic congestion. To minimise traffic of Lo Wai Road, a traffic management plan is proposed by the applicant to dovetail with the aforesaid closure of Lo Wai Road during Ching Ming and Chung Yeung Festival and their shadow periods (i.e. the day of Ching Ming and Chung Yeung Festival and their immediate weekends before and after), as well as during Chinese New Year and Yu Lan Festival by (i) providing shuttle bus services from/to MTR Tsuen Wan West Station (**Drawing A-21c**); and (ii) allowing only shuttle bus, taxi and other permitted public transport and emergency vehicles to have access to the proposed RCHE. The applicant also proposes to increase one green minibus trip for the morning and afternoon peak hours respectively to meet the future traffic demand in association with the visitors and employees of the proposed RCHE. Three private lots (Lots 40, 41 and 42 in D.D. 451) under the applicant's ownership<sup>[5]</sup> are surrounded by the proposed development and a shared access would be given to these lots (**Drawing A-14**).
- 1.5 The northern portion of the RCHE block facing Hilltop Villa is designed to have 2 storeys above basement so as to reduce the visual impact on that residential development (**Drawings A-13b and A-23**). To reduce the visual impact and soften the building edges of the proposed development, the following design measures<sup>[6]</sup> are also proposed by the applicant: (i) to provide building setbacks of about 1.12m to 4.54m from the southeastern boundary and about 4.63m from the northwestern boundary (**Drawing A-1**); (ii) to adopt visually permeable boundary fences; (iii) to introduce edge planters on B1/F, G/F, 1/F, 7/F and R/F (**Drawing A-13b**); (iv) to incorporate roof garden on 1/F, garden balconies with planters from 1/F to 6/F, and vertical greening from G/F to R/F (**Drawings A-13b, A-17, A-18 and A-20**); (v) to provide roof garden on 2/F at the northern portion facing Hilltop Villa (**Drawings A-13b and A-23**); and (vi) to plant five trees of standard to heavy-standard within the Site (**Drawing A-1**) to compensate for the five existing trees within the Government land portion of the Site (**Drawing A-13a**), which are exotic species of poor to average condition and are proposed to be felled. Private open space of about 542.8m<sup>2</sup> at multi-levels of the proposed development will also be provided for future residents and staff (**Drawing A-15**).

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<sup>[5]</sup> According to the applicant, the existing godown at Lots 40, 41 and 42 in D.D. 451 will be demolished and three New Territories Exempted Houses will be built thereon, which are always permitted in the "V" zone. The NTEH applications are being processed by the LandsD.

<sup>[6]</sup> These design measures under items (ii) to (vi) proposed by the applicant may be subject to review at detailed design stage / general building plan submission stage as appropriate. The management and maintenance of the design measures under items (ii) to (vi) may not be certain in the long run.

- 1.6 In support of the application, the applicant has conducted various technical assessments including TIA, Visual Impact Assessment (VIA), Environmental Assessment (EA), Sewerage Impact Assessment (SIA), Geotechnical Planning Review Report (GPRR) and tree compensatory proposal to demonstrate the feasibility of the proposed development. Among other things, to better mitigate the air quality impact as recommended in the EA, the applicant undertakes to either remove or relocate the three joss paper burners in Tung Po Tor Monastery to a location at least 50m away from other existing or planned air sensitive receivers (ASRs) with a new joss paper burner that has electrostatic precipitator and water scrubber before the population intake of the proposed development (**Drawing A-22**). If the three joss paper burners cannot be removed/relocated, a revised air quality impact assessment will be submitted and any identified mitigation measures will be implemented accordingly by the applicant.
- 1.7 In support of the application, the applicant submitted the following documents:
- (a) Application form received on 22.8.2023 (Appendix I)
  - (b) Further information (FI) submission received on 21.3.2025 providing responses to departmental comments and a consolidated supplementary planning statement (SPS) which supersedes the original SPS and all previous FI submissions <sup>[7]</sup> (Appendix Ia)
- 1.8 On 16.2.2024 and 8.9.2024, the Committee agreed to defer making a decision on the application for two months each 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 consolidated SPS at **Appendix Ia**, which are summarised below:

- (a) the private sector plays an important role in the supply of RCHE places in Hong Kong, especially for quality RCHE in the private sector. The applicant is committed to lining up with an RCHE operator with over 20 years in experience in operating RCHE(s) with a total capacity of over 200 bed spaces to provide a quality RCHE under the 'Incentive Scheme to Encourage Provision of RCHE Premises in New Private Developments' <sup>[8]</sup> (Incentive Scheme) to address the shortfall of RCHE places in Hong Kong. The type of the proposed RCHE will be care and attention home;

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<sup>[7]</sup> Prior to the submission of the consolidated SPS, the applicants submitted 13 FI submissions (received on 28.9.2023, 10.11.2023, 11.12.2023, 22.12.2023, 2.4.2024, 17.5.2024, 6.6.2024, 19.7.2024, 8.11.2024, 6.12.2024, 10.1.2025, 12.2.2025 and 24.2.2025) to respond to departmental comments and revise relevant technical assessments. Apart from the FI received on 12.2.2025 which was accepted and exempted from publication and recounting requirement, all other FIs were accepted but not exempted from recounting requirement.

<sup>[8]</sup> To encourage the private sector to provide RCHEs in new private development, the Government launched the Incentive Scheme to Encourage Provision of RCHE Premises in New Private Developments (Incentive Scheme), under which eligible RCHE premises will be exempted from calculation of total permissible GFA under lease, payment of land premium for land transaction relating to lease modifications, land exchanges or private treaty grants, on the condition that the developer should comply with certain lease conditions and obtain support from SWD. The concessions will be subject to a cap of not more than 12,000m<sup>2</sup> in total GFA or 10% of the total permissible GFA under lease, whichever is the greater.

- (b) in the proposed RCHE, single/double cubicles will be provided with basic room charges to cater for those who receive residential care service voucher and/or for the Enhanced Bought Place Scheme launched by SWD, subject to future demand and the SWD's view upon the application. Single/double rooms with higher room charges will also be offered;
- (c) most of the private RCHEs are clustered in Tsuen Wan Town Centre and Tsuen King Circuit, and there is no private RCHE located in the vicinity of the Site. Given that most private RCHEs in Tsuen Wan are situated in shopping arcades, ground floor shops or podium floors of the residential developments with limited common areas, greenery or open space, the proposed purpose-built RCHE with sufficient landscaping and user-friendly design will provide better quality services and living environment for the elderly;
- (d) the existing godown at Lots 40, 41 and 42 in D.D. 451, which are owned by the applicant, will be demolished and redeveloped into three New Territories Exempted Houses (NTEH), which are always permitted in the "V" zone. The proposed development aims to promote 'intergenerational co-living' with young generation living in NTEHs and the elderly in the proposed RCHE. A community with synergy can be built where the elderly can share their life experiences with the youngsters, and the youngsters can bring vitality and innovation to the elderly. The NTEHs will be built at same site formation level with the proposed RCHE for better accessibility and a shared access for both NTEHs and RCHE will be provided (**Drawing A-14**);
- (e) the proposed development will have a purposely-designed air quality improvement and monitoring system at the multi-purpose areas with garden balconies on 1/F to 4/F as design merits (**Drawings A-5 to A-6**). It comprises (i) a fresh air purification system; (ii) dehumidification system; (iii) internal circulation cleaning system; (iv) oxygenation system; and (v) indoor air quality sensors. The future occupants can enjoy the natural breezeway from Shing Mun Valley downhill and open view surrounded by low-rise rural developments. A 3.6m floor-to-floor height is also proposed for typical floors to accommodate a larger ventilation system for prevention of communicable disease in RCHE;
- (f) to reduce the visual impact on the surrounding areas, especially the village houses to the immediate north of the Site, the applicant has proposed the northern portion of the RCHE facing Hilltop Villa to have two storeys above basement with additional landscape treatments on various floors. The building bulk can reduce the visual impact on the surrounding village setting;
- (g) to make good use of existing site condition with level difference, 30 private parking spaces will be provided in two basement levels. The provision of carpark will encourage family members to visit the RCHE residents more often. A miniball court with 4.9m floor-to-floor height with higher-ceiling on G/F is proposed for organising family gathering and elderly youth programmes to bring different generations together;
- (h) it is anticipated that the proposed development with only a single building block at a maximum building height of 118mPD could allow prevailing wind to flow from Tai Mo Shan with a height of over 957mPD to the residential dwellings at the foothill. The overall characteristics of the vast local villages will not be affected. Air ventilation at the Shing Mun Valley Sports Ground and Shing Mun Valley Park being the essential

wind corridors to Fu Yung Shan and Wo Yi Hop area are mostly unobstructed by the proposed development. The proposed development will not impose significant adverse impact on the overall pedestrian wind environment; and

- (i) relevant technical assessments have been conducted and no adverse traffic, visual, air quality, noise, water quality, waste management, sewerage and landscape impacts are anticipated.

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

The applicant is the sole “current land owner” of the private lot. Detailed information would be deposited at the meeting for Members’ inspection. For the Government land portion, the “Owner’s Consent/Notification” requirements are not applicable.

### **4 Previous Application**

There is no previous application at the Site.

### **5 Similar Application**

There is no similar application for ‘Social Welfare Facility’ use in the “V” zone on the OZP.

### **6 The Site and Its Surrounding Areas (Plans A-1 to A3 and site photos on Plans A-4 to A-7)**

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

- (a) is currently hard paved for open storage of construction materials (**Plans A-6 and A-7**) ;
- (b) falls within the village environs (“VE”) boundary of Lo Wai and Yi Pei Chun (**Plan A-2**) and is located at the eastern periphery of the Lo Wai village cluster (**Plans A-1 and A-3**);
- (c) is accessible via an existing single-lane two-way local access road (**Plans A-2 and A-5**) in form of right-of-way which is part of Lot 1240 RP that is owned by Tung Po Tor Monastery; and
- (d) features a sloping topography, rising from about 79mPD in the southwest to about 87mPD in the northeast (**Plan A-2**).

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

- (a) the area encircled by the Site (i.e. Lots 40, 41 and 42 in D.D. 451 owned by the applicant) (**Plan A-2** and photo 7 in **Plan A-6**) is currently used as godown (**Plans A-6 and A-7**) and the NTEH applications for these lots are being processed by LandsD;

- (b) to the south across Cheung Pei Shan Road are high-rise residential developments such as Shek Wai Kok Estate and Cheung Shan Estate with a maximum BH of 130mPD and 150mPD respectively (**Plan A-1**);
- (c) to the north and west are the village settlements namely Hilltop Villa and the village cluster of Lo Wai respectively (**Plan A-3**). To the southwest is a vegetated man-made slope which separates the Site from Tung Wo Street with level difference (**Plans A-2 and A-3**); and
- (d) to the southeast are temples of 1 to 2 storeys and columbarium of Tung Po Tor Monastery including Grade 2 historic buildings of Yuen Tung Po Din and Tin Wong Din & Wai Tor Din (**Plan A-2**).

## **7 Planning Intention**

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the G/F of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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

- 8.1 The following Government bureau/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 Site comprising 2 private lots, namely Lots 1211 RP and 1215 RP in D.D. 451, and a piece of adjoining Government land. It falls within the VE boundary of Lo Wai and Yi Pei Chun which are both pre-1898 Recognised Villages;
- (b) according to records, Lots 1211 RP and 1215 RP are agricultural land and the proposed RCHE development is not permitted. In the event of implementation of the proposed development, a land exchange would be required. As the Site falls within VE boundary of Lo Wai and Yi Pei Chun, the applicant is reminded that every application submitted to LandsD will be considered on its own merits by LandsD at its absolute discretion acting in its capacity as a landlord and there is no guarantee that the land exchange application will eventually be approved by LandsD. If the application for land exchange is approved by LandsD, it will be subject

to such terms and conditions as may be imposed by LandsD at its absolute discretion, including payment of premium and administrative fee. There is no commitment that the proposed site boundary by including additional Government land and the proposed development parameters under the subject planning application will be acceptable under the land exchange application;

- (c) regarding the unauthorised structures at the public passage at Lot 1240 RP, lease enforcement actions are being taken; and
- (d) the number of outstanding Small House applications and 10-year Small House demand forecast (as at 31.12.2024) for Lo Wai are 6 and 170 respectively.

### **Traffic**

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

- (a) no comment on the application with the condition that the unauthorised structures in Lot 1240 RP which is obstructing the sightline of the existing access road will be removed through lease enforcement to be taken by the LandsD (**Plan A-2 and Drawing A-21b**) and the applicant will provide the following interim traffic management measures and road improvement works at their own cost as identified in the submitted TIA to: (i) install convex mirrors and signage, provide passing space near the Site entrance and carry out associated road marking/widening works (**Drawing A-21a**), and manage and maintain these facilities; (ii) adopt advance booking system for visitor parking; and (iii) implement traffic management plan including the provision of shuttle bus services and only allowing shuttle bus, taxi and other permitted public transport and emergency vehicles to have access to the proposed RCHE during Ching Ming and Chung Yeung festivals and their shadow periods, as well as during Chinese New Year and Yu Lan Festival when Lo Wai Road is closed;
- (b) it is also noted that a right-of-way will also be reserved within the Site for public gaining access to Tung Po Tor Monastery (**Plan A-2**); and
- (c) should the planning application be approved, approval condition requiring the implementation of traffic management measures and road improvement works as identified in the traffic impact assessment to his satisfaction should be imposed.

#### 8.1.3 Comments of the Commissioner of Police (C for P):

- (a) no objection to the application; and
- (b) to ensure the road improvement works and traffic management measures will be properly implemented to his satisfaction, relevant approval condition should be imposed.



8.1.4 Comments of the Chief Engineer/Lighting, Highways Department (CE/LTG, HyD):

no objection in principle to the applicant's proposal on the removal of the existing lamppost within the Site, permanent diversion of the existing public lighting circuit and closure of the concerned village access at the southwestern edge of the Site (**Plan A-2**) subject to no objection from relevant Government departments and stakeholders.

**Environment**

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

having reviewed the EA and SIA, he has no objection to the application and it is noted that:

- (a) the EA identifies emission from nearby temple. Nevertheless, the applicant has liaised with the temple operators to discuss the feasibility of terminating the joss paper burner or relocating the joss paper burner. The applicant eventually undertakes that three joss paper burners in Tung Po Tor Monastery and Kat Cheung Yuen of the Tung Po Tor Monastery will be either removed or relocated to a location at least 50m away from any existing or planned ASRs with a new joss paper burner that has electrostatic precipitator and water scrubber before the population intake of the proposed development (**Drawing A-22**) with a size not larger than the existing joss paper burner. With the proposed mitigation measures, no adverse air quality impact or nuisances are anticipated from the surrounding monasteries and temples. Nevertheless, to ensure that there will be no adverse air quality impact in case the three joss paper burners cannot be removed/relocated, approval condition proposed by the applicant requiring the submission of a revised air quality impact assessment and implementation of identified mitigation measures should be imposed;
- (b) as a recommendation for better environmental performance, the relocated joss paper burners should be smaller in size than the existing ones, which should be practicable given the limited scale and duration of the joss paper burning activities;
- (c) as the design of the proposed development could comply with the requirement of buffer distance under the Hong Kong Planning Standards and Guidelines, no adverse air quality impact is anticipated due to vehicular emission;
- (d) the road traffic impact assessment also concluded that no adverse road traffic noise impact is envisaged as the proposed development can meet the criteria on road traffic noise planning;
- (e) with the implementation of noise mitigation measures such as selecting quieter equipment during detailed design and procurement stages based on recommended maximum allowable sound power level, the fixed noise

impact assessment in the EA concluded that no adverse fixed noise impact to the nearby noise sensitive receivers is anticipated; and

- (f) considering the sewage generated will be discharged to the public sewerage and discharge from the kitchen will follow the requirement in Water Pollution Control Ordinance, no adverse impact during operation is anticipated. The SIA also concluded that no upgrading or improvement works is required.

### **Social Welfare**

#### **8.1.6 Comments of the Secretary for Labour and Welfare (SLW) and the Director of Social Welfare (DSW):**

- (a) no objection to the application subject to the design and construction of the proposed development in full compliance with all relevant statutory and licensing requirements and no financial implication, both capital and recurrent, to the Government;
- (b) the proposed private/self-financing RCHE could serve to provide the elderly with residential care needs in the district with more choices in the market;
- (c) approval for subsequent land exchange application shall be considered as a separate matter, and subject to LandsD's discretion. The design of the RCHE should be satisfactory to SWD; and
- (d) he will render comments on the detailed design of the RCHE upon receiving LandsD's referral should the applicant indicate his intention to join the Incentive Scheme.

### **Urban Design and Landscape**

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

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

- (a) the Site is located to the north of Yi Pei Chun Road, and within the vast "V" zone to the north of Cheung Pei Shan Road at the foothill of Tai Mo Shan. It is surrounded mainly by existing village houses and temples/monasteries in Lo Wai to its west and north, with BH ranging from 1 to 3 storeys. Grade 2 Historic Buildings of Yuen Tung Po Din, Tin Wong Din & Wai Tor Din at Tung Po Tor Monastery of 1 to 2 storeys high (**Plan A-2**) are located to the immediate southeast of the Site;
- (b) with reference to the submitted VIA, while the northern portion of the RCHE block facing Hilltop Villa is proposed to be 2-storey high, the proposed BH of the 8-storey portion will appear to be higher than the surrounding village-type developments, and the overall visual impacts are considered 'negligible' to 'moderately adverse' when viewing from

selected public viewing points (**Drawings A-16 to A-20**). Nevertheless, the proposed development is considered not incompatible with the surroundings when viewed from a wider context in Tsuen Wan (**Drawing A-16**). The applicant has proposed design measures (see paragraph 1.5 above), which may promote visual interest;

- (c) it is noted that the applicant will explore the following visual mitigation measures at the detailed design stage, including (i) sensitive façade; (ii) better outdoor space; (iii) sufficient landscape treatments and outdoor greenery furniture at various levels; and (iv) careful disposition of the proposed development; and

#### Landscape

- (d) according to the aerial photo and site photos, there is no significant landscape resource within the Site. In view that the Site does not fall within landscape sensitive zoning, no significant landscape impact arising from the application is envisaged.

#### 8.1.8 Comments of the Chief Architect/Advisory and Statutory Compliance Division, Architectural Services Department (CA/ASC, ArchsD):

- (a) the proposed development is situated on a site at a comparatively higher topographical level than its surrounding areas with mainly low-rise village houses of around 2 to 3 storeys high and the monastery cluster. With reference to the submitted photomontages (**Drawings A-16 to A-20**), the proposed development is notably higher and may look quite prominent in scale compared with existing buildings in the neighbourhood. Hence, there may be some visual impact on the surrounding areas; and
- (b) it is noted that the applicant will review the articulation and treatment of the building form and elevations in the design stage to reduce the visual impact on its surrounding environment.

#### Geotechnical

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

- (a) no objection to the application and no comment on the GPRR; and
- (b) it is noted from the GPRR that further studies such as ground investigation works will be carried out.

#### Building Matters

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

no objection to the application and detailed comments will be given in the building plan submission stage.

### **Fire Safety**

#### 8.1.11 Comments of the Director of Fire Services (D of FS):

no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction to the D of FS at general building plan submission stage.

### **Other Aspects**

#### 8.1.12 Comments of the Chief Heritage Executive (Antiquities & Monuments) of the Antiquities and Monuments Office (AMO), Development Bureau:

- (a) it is noted that the Site is located in the vicinity of Yuen Tung Po Din and Tin Wong Din & Wai Tor Din of Tung Po Tor Monastery, two Grade 2 historic buildings, and Kat Cheung Yuen of the Tung Po Tor Monastery (**Plan A-2**), which is a new item pending for grading assessment by the Antiquities Advisory Board (AAB);
- (b) no adverse comment on the application provided that the works arising from the proposed development, if approved by the Board, will not cause any adverse impact on the aforesaid Grade 2 historic buildings and the new item pending grading assessment by the AAB; and
- (c) comments from heritage conservation perspective will be offered upon receiving any referrals from respective departments under the current internal monitoring mechanism for the protection of the historic buildings.

#### 8.1.13 Comments of the District Officer (Tsuen Wan), Home Affairs Department:

- (a) the application was discussed in the Development and Planning Committee of Tsuen Wan District Council (TWDC) in March 2024. During the meeting, members raised comments and enquiries on the application, which are summarised below:
  - (i) nearby residents expressed opposition to the application. They were worried that the height of the building would visually create a sense of oppression and the ancillary transport facilities would be unable to accommodate the increased traffic volume upon the completion of the development. In addition, residents wished for a channel to communicate with the property developer;
  - (ii) the applicant should consider relevant safety issues during extreme weather conditions; and
  - (iii) whether the LandsD could require property developers to reserve a certain number of hourly parking spaces in the proposed development.

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

- (a) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (b) Chief Highway Engineer/New Territories West (CHE/NTW), HyD; and
- (c) Project Manager (West), CEDD.

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

9.1 During the statutory publication periods, a total of 1,264 public comments were received, including 60 supportive comments from individuals (**Appendix IIa**). The remaining 1,204 objecting comments / comments expressing concerns on the application include 7 from Tsuen Wan Tung Po Tor Monastery Limited (**Appendix IIb**) and 1,197 from Lo Wai Village Office, residents / representatives of Lo Wai, residents / representatives of Hilltop Villa, Sam Dip Tam Tsuen Resident Concern Group, 荃灣老圍張文芳祖司理 (the Tso/Tong managers of Lo Wai), a TWDC Member and individuals (**Appendix IIc**).

### Supporting Views (60)

9.2 The supporting comments are summarised as follows:

- (a) the proposed RCHE could increase the supply of elderly facilities in the district;
- (b) the proposed purpose-designed RCHE is easily accessible and could establish a good model of modern elderly care services and offer spacious and quality living environment for the elderly; and
- (c) compared to the existing temporary warehouse, the proposed RCHE is more compatible with the predominantly residential uses in the surroundings and can better utilise land resources.

### Objecting Views/Concerns (1204)

9.3 The objecting comments from Tsuen Wan Tung Po Tor Monastery Limited are summarised as follows:

- (a) the Site and its surroundings are designated as Buddhist/Taoist scenic area by the former District Office, the proposed development of incompatible scale will set an undesirable precedent for damaging the Fung Shui and tranquil environment in the area;
- (b) part of the access road to the Site is within the lot owned by Tung Po Tor Monastery. The monastery is applying for a columbarium licence to regulate the columbarium use and will not grant access right to the applicant for the access road, unless the planning application to be submitted for proposed columbarium development is approved. Also, the submitted TIA cannot accurately reflect the actual traffic peak conditions during normal festival days; and

- (c) the activities and ceremonies in the monastery will generate noise and air quality issues to the proposed RCHE, which may lead to potential complaints by the future occupants of the proposed RCHE. There is also a common belief that monasteries are places associated with the deceased. The proposed RCHE may not be appealing to the elderly due to its proximity to the monastery.

9.4 Objecting comments / comments expressing concern of other members of the public are summarised as follows:

- (a) the height of the proposed development is incompatible with those of surrounding developments and will cause adverse visual impacts, affect the Fung Shui and block the natural ventilation and sunlight to the nearby village houses, setting undesirable precedent for similar applications for high-rise development in the “V” zone, and resulting in the degradation of the tranquil environment;
- (b) the traffic capacity of Lo Wai Road, which is the only access to the Site, cannot support the additional traffic demand generated from the proposed development, especially during Chinese traditional festivals when there is road closure. Public transport facilities and car parking spaces are insufficient in the area. Improvement of local road network and public transport services and proper carparking management should be considered. The walking route from the proposed RCHE to the nearest public transport is also undesirable which will bring inconvenience and potential danger to the elderly living in the RCHE;
- (c) the Site involves illegal tree felling. The proposed compensation tree plantings replacing the original trees will also affect the ecological and landscape value of the area;
- (d) the proposed development would generate water, noise, air and light pollution during operation / construction stage, worsen the environmental hygiene, cause bird collisions and loss of biodiversity in the surroundings. The proposed development would also increase burden on the local infrastructures such as fresh water, electricity supply, drainage and sewerage system and telecommunication lines;
- (e) the activities in nearby religious institutions such as hosting ceremonies and joss paper burning may pose adverse noise and air impacts on the proposed development;
- (f) the construction of the proposed development would affect the structural safety of the surrounding squatters and village houses and slope safety. The applicant should carry out slope upgrading works;
- (g) there is a lack of public consultation for the proposed development and the applicant has not consulted the residents in Lo Wai. There is also land boundary dispute between the Site and nearby lots; and
- (h) the existing RCHEs along Lo Wai Road are already sufficient to serve the locals, developing a new RCHE in the locality is unnecessary. The proposed RCHE would also add burden to Yan Chai Hospital as there will be more people living

in the district.

## 10 **Planning Considerations and Assessment**

- 10.1 The application is for a proposed RCHE, with total PR of about 3.97 and BH of not more than 118mPD / 8-storey (excluding basements) (except the low-rise building structure at the northern portion facing Hilltop Villa of not more than 96.06mPD / 2-storey excluding basements) at the Site zoned “V” in Lo Wai, providing about 268 RCHE beds.

### Planning Intention

- 10.2 The Site falls within the “V” zone on the OZP which is primarily intended for development of Small Houses by indigenous villagers. Apart from the selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the G/F of a NTEH, other commercial, community and recreational uses may be permitted on application to the Board. While the total number of outstanding Small House applications for Lo Wai is 6<sup>[9]</sup> as advised by DLO/TW&KT of LandsD, based on the latest estimate by PlanD, about 1.5 ha of land, equivalent to 60 Small House sites, is available within the subject “V” zone excluding the Site. Although the proposed RCHE development is not entirely in line with the planning intention of the “V” zone, there is sufficient land to meet the outstanding Small House applications in Lo Wai. SLW and DSW have no objection to the application as the proposed private/self-financing RCHE could serve to provide the elderly with residential care needs in the district with more choices in the market.

### Land Use Compatibility and Building Height

- 10.3 The Site is located in the eastern periphery of the Lo Wai village cluster (**Plans A-1 and A-3**). The proposed RCHE development of residential nature is compatible with the surrounding developments which are mainly village houses intermixed with some religious institutions. As illustrated in the VIA and the photomontages submitted by the applicant (**Drawings A-16 to A-20**), while the northern portion facing Hilltop Villa is proposed to be 2-storey high, the proposed 8-storey RCHE of about not more than 118mPD (about 33.93m) will appear to be higher than the surrounding village-type developments, with the visual impact at the selected viewpoints in the submitted VIA considered to be ‘negligible’ to ‘moderately adverse’ when viewing from selected public view points. CA/ASC of ArchsD considers that the proposed development may look quite prominent in scale compared with existing building heights in the neighborhood, and notes that the applicant will review the articulation and treatment of building form in the design stage. CTP/UD&L of PlanD has the view that the proposed development is not incompatible with the surroundings from a wider context in Tsuen Wan, with the maximum BH of 130mPD and 150mPD for Shek Wai Kok Estate and Cheung Shan Estate in the “R(A)” zones to the southwest and southeast of the Site respectively, gradually increasing to a maximum BH of 205mPD for the proposed residential development in the “R(B)8” zone to the north of the Site (**Drawing A-16 and Plan A-1**). CTP/UD&L also considers that the design measures

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<sup>[9]</sup> According to DLO/TW&KT of LandsD, the 10-year Small House demand forecast for Lo Wai is 170.

proposed by the applicant including the 2-storey northern portion facing Hilltop Villa, building setbacks along Site boundary and other design measures on various floors of the RCHE block (paragraph 1.5 above refers) may promote visual interest (**Drawings A-13b, A-17, A-18, A-20 and A-23**). In this regard, the applicant commits to exploring visual mitigation measures at detailed design stage, including sensitive façade, better outdoor space, sufficient landscape treatments and outdoor greenery furniture and careful building disposition.

#### Traffic

- 10.4 The Site is accessible by vehicles via an existing single-lane two-way local access road branching from Lo Wai Road (**Plans A-2 and A-3**). The applicant proposes interim and long term traffic management measures to improve the traffic sightline of the access road (**Drawings A-21a and A-21b**). Special traffic management plan is also proposed during Ching Ming and Chung Yeung Festival and their shadow periods, as well as during Chinese New Year and Yu Lan Festival when Lo Wai Road is closed to further mitigate the traffic impact of the proposed RCHE (see paragraphs 1.3 and 1.4 above). Relevant approval condition on the implementation of traffic management measures and road improvement works is suggested as set out in paragraph 11.2(a) below. In this regard, C for T and C for P have no comment on / no objection to the application. Lease enforcement action are also being taken by DLO/TW&KT on the unauthorised structures (**Plan A-2**) which partially block the traffic sightline.

#### Other Technical Aspects

- 10.5 Relevant Government departments (i.e. DEP, CE/MS, DSD and H(GEO) of CEDD) have no comments on the submitted EA, SIA and GPRR and no objection to the application. The applicant undertakes to remove or relocate the paper burners in Tung Po Tor Monastery with a new joss paper burner before the population intake of the proposed development. If the removal or relocation proposal cannot be implemented, to ensure that there will be no adverse air quality impact, a revised air quality impact assessment will be submitted and any implementation of identified mitigation measures will be implemented accordingly by the applicant. Relevant approval condition is suggested as set out in paragraph 11.2(b) below. The GPRR submitted by the applicant proposes further studies to be carried out at detailed design stage. Details of the provision of RCHE would also be subject to scrutiny by SWD and the RCHE would also need to meet the specific requirements set out by SWD at the license application stage.

#### Public Comments

- 10.6 The supporting comments are noted. Regarding the objections/suggestions/views raised by the general public and TWDC concerning the building height, environment, visual, landscape, tree preservation and slope safety, relevant planning assessments above and the departmental comments in paragraph 8 are relevant. Regarding comments from TWDC on the safety issues during extreme weather, DSD has no adverse comment on the application from the drainage perspective. In respect of the objections raised by Tsuen Wan Tung Po Tor Monastery Limited on the access arrangement, according to the special condition of Lot 1240 RP under lease (i.e. Tung Po Tor Monastery), the owner of the lot shall permit the public with and without



vehicles at all-time pass and repass over and along the single-lane local access road. Regarding the environmental concerns raised by Tung Po Tor Monastery, the submitted EA under the current application concludes that no adverse noise and air quality impacts are anticipated in association with the proposed development. For public comments related to traffic aspect, the applicants have proposed various traffic improvement measures as detailed in paragraphs 1.3 and 1.4 above. Regarding the comment on the lack of public consultation, it should be noted that the applicants' submissions including the FIs submitted have been made available for public inspection according to the relevant provision under the pre-amended Town Planning 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, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 28.3.2029, 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 approval conditions and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a) the implementation of traffic management measures and road improvement works as identified in the traffic impact assessment to the satisfaction of the Commissioner for Transport and Commissioner of Police, or of the Town Planning Board; and
- (b) the submission of a revised air quality impact assessment and the implementation of identified mitigation measures to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

### Advisory Clauses

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

- 11.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection is suggested for Members' reference:
- (a) the proposed development is not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. No strong justification has been provided in the submission for a departure from the planning intention; and
  - (b) the building height of the proposed development is not in keeping with the surrounding low-rise structures in the Lo Wai area and would result in adverse visual impacts.

## **12 Decision Sought**

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

## **13 Attachments**

<b>Appendix I</b>	Application form received on 22.8.2023
<b>Appendix Ia</b>	FI submission received on 21.3.2025 providing responses to departmental comments and a consolidated SPS
<b>Appendices IIa to IIc</b>	Public Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Block Plan
<b>Drawings A-2 to A-3</b>	Floor Plans – B2/F and B/1F
<b>Drawings A-4 to A-10</b>	Floor Plans – G/F to UR/F
<b>Drawings A-11 to A-12</b>	Section Plans
<b>Drawing A-13a</b>	Tree Location Plan
<b>Drawing A-13b</b>	Plan showing the Location of Landscape Treatments
<b>Drawing A-14</b>	Plan showing the Arrangement of Integration with Private Lots
<b>Drawing A-15</b>	Private Open Space Plan
<b>Drawings A-16 to A-20</b>	Photomontages
<b>Drawings A-21a and A-21b</b>	Proposals to Improve the Local Access Road
<b>Drawing A-21c</b>	Proposed Routing of Shuttle Bus Services
<b>Drawing A-22</b>	Proposed Relocation of Joss Paper Burners
<b>Drawing A-23</b>	Renderings of the Proposed Development
<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-7</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2025**