

**APPLICATION FOR AMENDMENT OF PLAN**  
**UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. Y/TWW/5**

- Applicant** : Sham Tseng Chan Kee Roasted Goose Company Limited represented by Toco Planning Consultants Limited
- Plan** : Approved Tsuen Wan West Outline Zoning Plan (OZP) No. S/TWW/19
- Site** : Lots 99, 100, 101 RP, 110 RP, 171 S.C and 183 in D.D. 390 and Adjoining Government Land (G.L.), Sham Tseng, Tsuen Wan West
- Site Area** : About 1,068m<sup>2</sup> (including about 58 m<sup>2</sup> (5.4%) of G.L.)
- Lease** : Lot No. 99 and 100 in D.D.390  
(a) Old Schedule lots held under Block Government Lease dated 24.1.1905  
(b) Governed by Building Licence No. 0569 dated 8.5.1956 with permitted area of building of 825 ft<sup>2</sup> and 4,775 ft<sup>2</sup> respectively
- Lot No. 101 RP and 110 RP in D.D.390  
(a) Old schedule lot held under Block Government Lease dated 24.1.1905 for agricultural use
- Lot No. 171 S.C in D.D.390  
(a) Agricultural lot held under New Grant No. 1738 dated 15.11.1932
- Lot No. 183 in D.D.390  
(a) Held under New Grant No. 3499 dated 7.5.1956 for the purpose of building and garden  
(b) Subject to Special Conditions Nos. 2(a) and 2(b), 3 and 4 in Government Notification (GN) No. 364 of 1934 as amended by GN No. 50 of 1940 including  
- any building shall not exceed 25ft nor exceed 2 storeys in height; and  
- no storey shall be less than 10ft in height
- Zoning** : “Government, Institution or Community” (“G/IC”)  
  
[Restricted to a maximum building height (BH) of two storeys, or the height of the existing building, whichever is the greater]
- Proposed Amendment** : To rezone the application site from “G/IC” to “Residential (Group A)5” (“R(A)5”)

## 1. **The Proposal**

- 1.1 The application site (the Site) (**Plan Z-1**) is zoned “G/IC” on the approved Tsuen Wan West OZP No. S/TWW/19 (the OZP) subject to a BH restriction of two storeys. It is currently occupied by Chan Kee Plaza with shops and restaurant and a small piece of G.L.. The applicant proposes to rezone the Site to “R(A)5” for redevelopment into a multi-storey residential development with retails and social welfare facilities (SWFs).
- 1.2 As proposed by the applicant, the newly proposed “R(A)5” zone is subject to maximum domestic and non-domestic GFAs of 4,531m<sup>2</sup> and 988m<sup>2</sup> respectively, and maximum BH of 80mPD. A GFA of not less than 918m<sup>2</sup> would be provided for SWFs<sup>1</sup> which will not be counted towards the total GFA. The small remaining piece of “G/IC” zone (G.L. of about 58m<sup>2</sup>) at the southeastern corner of the Site is also proposed for inclusion into the “R(A)5” zone as non-building area (NBA) which will be open 24 hours to the public for pedestrian circulation (**Plan Z-2**). The NBA will not be counted for PR/GFA calculation. Proposed amendments to the Plan and Notes of the OZP is at **Appendix II**.
- 1.3 According to the applicant’s notional scheme (**Drawings Z-1 to Z-14**), the proposed development is a single residential block comprises 21 storeys including two storeys of basement carpark, 3 storeys of non-domestic podium (G/F to 2/F) for car parking/loading and unloading (L/UL) facilities, shops and SWFs, 14 residential storeys, one storey of clubhouse and one storey of sky garden. The major development parameters of the notional scheme are set out as follows:

<b>Development Parameters of Notional Scheme</b>	
Site area (about)	
- Gross Site Area	1,068m <sup>2</sup>
- NBA Area	58m <sup>2</sup> (G.L.)
- Net Site Area (excluding NBA)	1,010m <sup>2</sup>
Plot Ratio (PR) (based on net site area)	
- Domestic	4.49 (approximate)
- Non-domestic	0.98 (approximate)
GFA	
- Domestic	4,531m <sup>2</sup>
- Non-domestic (including shops and circulation on G/F and 1/F)	988m <sup>2</sup>
- SWFs	Not less than 918m <sup>2</sup>
Site coverage (SC) (based on net site area)	
- Domestic	32.02%
- Non-domestic	90.9%
Maximum BH	80mPD
No. of blocks	1
Number of storeys	21

<sup>1</sup> The SWFs includes a sub-base neighbourhood elderly centre (NEC), day care centre for the elderly (DE) and one team of home care services for frail elderly persons (HCS).

<b>Development Parameters of Notional Scheme</b>	
- Basement (B2/F and B1/F for carpark)	2
- Shop, Residential Entrance Hall Car park/L/UL (G/F) - Shops (1/F)	2
- SWFs (2/F) (including NEC, DE and HCS)	1
- Club House and Lawn (3/F)	1
- Flats (4/F-17/F)	14
- Sky Garden (between 12/F-13/F)	1
No. of flats	56
Estimated No. of residents	157 <sup>^</sup>
Flat size	39.9-99.4m <sup>2</sup>
Communal open space	Not less than 630m <sup>2</sup>
Parking/L/UL facilities	
- Private car	29 (including 1 accessible parking)
- Motorcycle	3
- Light Bus (for SWFs)	3 <sup>@</sup>
- L/UL bay	2 (including 1 for light goods vehicle and 1 for heavy goods vehicle)

<sup>^</sup> Applicant adopted the average domestic household size of 2.8 from Census and Statistics Department (2018)

<sup>@</sup> Including two light bus parking spaces for DE and one light bus parking space for HCS

- 1.4 The Site abuts and is accessible via Castle Peak Road – Sham Tseng. A proposed run-in/out will be provided at the southwestern corner of the Site (**Drawing Z-3**) and a 17m long and 2.5m wide lay-by will be provided at the Site frontage by extending the existing lay-by eastward by 5m and erection of bollards. In addition, for improving the sightline, the existing traffic light control box is proposed to be relocated (**Drawings Z-15** and **Z-16**). The applicant is prepared to carry out the proposed road works at his own cost after the land exchange application is approved and will hand over those facilities to the relevant Government departments for management and maintenance after satisfactory completion (**Appendix Ig**).
- 1.5 In addition, the applicant proposes to setback the G/F of the residential block up to about 1.5m in order to maintain a total setback of 5m at G/F from Castle Peak Road (**Drawing Z-17**).
- 1.6 In consultation with Social Welfare Department (SWD), the applicant reserves 2/F of the non-domestic podium of the proposed development to accommodate SWFs for the elderly, including NEC, 40-place DE and HCS (1-team size non-kitchen based) (**Drawing Z-5**).
- 1.7 The applicant proposes a lawn on 3/F for recreational use of the residents and a sky garden between 12/F and 13/F with sitting area and plotted plants along the

edge. The proposed Landscape Proposal (LP) is at **Drawing Z-14**. According to the applicant, the proposed scheme will provide a total greenery area of about 385.67m<sup>2</sup> in accordance with 20% of the total net site area requirement of PNAP (APP-152) for Sustainable Building Design Guidelines (**Drawing Z-6**). A detailed LP and tree preservation proposal will be provided in the detailed design and implementation stage after the approval of the application.

- 1.8 In order to address environmental concerns in particular the noise impact arising from the telephone exchange to the west of the Site, the applicant proposes to introduce mitigation measures including the usage of 7m high solid boundary wall on 3/F (**Drawings Z-13 and Z-19**). Besides, vertical acoustic fins will be applied to the flats for mitigating road traffic noise (**Drawing Z-19**).
- 1.9 In support of the application, the applicant submitted the following documents:
- (a) Application form received on 8.1.2020 and letters of (**Appendix I**)  
6.1.2020 and 21.1.2020
  - (b) Supplementary Planning Statement (SPS) including (**Appendix Ia**)  
Master Layout Plan (MLP), architectural drawings,  
photomontage, Landscape Proposal (LP), Traffic  
Impact Assessment (TIA), Environmental  
Assessment (EA) on impacts of air quality, traffic  
noise, fixed noise and sewerage
  - (c) Further Information 1 (FI 1) received on 6.3.2020<sup>#</sup> (**Appendix Ib**)  
including revised LP, greenery/open space  
calculation, swept path analysis and Geotechnical  
Planning Review Report (GPRR)
  - (d) FI 2 received on 29.4.2020<sup>#</sup> including revised (**Appendix Ic**)  
architectural drawings, LA, EA, Sewerage Impact  
Assessment (SIA) and supplementary information  
on Natural Terrain Hazard Review (NTHS)
  - (e) FI 3 received on 6.5.2020<sup>#</sup> (**Appendix Id**)
  - (f) FI 4 received on 20.10.2020<sup>#</sup> including revised (**Appendix Ie**)  
architectural drawings, LA, DIA, SIA,  
supplementary traffic documents and consolidated  
GPRR
  - (g) FI 5 received on 11.12.2020<sup>#</sup> including revised (**Appendix If**)  
SIA, amended pages of EA and response to public  
comments
  - (h) FI 6 received on 15.12.2020<sup>#</sup> (**Appendix Ig**)
  - (i) FI 7 received on 10.2.2021<sup>\*</sup> (**Appendix Ih**)
  - (j) FI 8 received on 1.3.2021<sup>\*</sup> (**Appendix Ii**)

*Remarks:*

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

*# FI accepted but not exempted from publication and recounting requirements*

- 1.10 The application was originally scheduled for consideration of the Metro Planning Committee (the Committee) of the Board on 24.7.2020. In light of the special work arrangement for Government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the

application has been rescheduled to 21.8.2020. On 21.8.2020, the Committee agreed to defer making a decision on the application for two months as requested by the applicant. Subsequently, the applicant submitted the above-mentioned FIs and the application is scheduled to be considered by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia** and FIs submitted, which are summarised below:

### No Designated GIC Use for the Site and Site Constraints for Provision of GIC facilities

- (a) Although the Site was zoned as “G/IC” for the development of an ambulance depot when the first Tsuen Wan West OZP was gazetted in 1989, it was later found not suitable due to small size and proximity to the nearby residential development. A fire station cum ambulance depot was subsequently developed at the junction of Tuen Mun Road and Castle Peak Road – Sham Tseng. Moreover, the site is relatively small and its potential for GIC provision is limited.

### Change in Land Use Character of the Area

- (b) There has been a significant change in the land use character of Sham Tseng which has been transforming from rural character to sub-urban residential neighbourhood since the gazetting of the first OZP followed by the completion of various high-rise residential developments as well as upgrading of Castle Peak Road between Sham Tseng and Tsuen Wan / Ka Loon Tsuen. Besides, a number of planning applications for temporary commercial development at the Site have been approved since 2005 for the operation of a shopping mall. Given the long history of non-GIC use at the Site, the applicant has been exploring appropriate redevelopment for permanent use for it.

### No Plan for Government to provide GIC Facilities at the Site

- (c) According to MPC Paper No. A/TWW/113 for the renewal of planning approval for temporary shop and services at the Site, relevant Government bureaux/departments were consulted and no plan or programme for provision of GIC facilities is proposed at the Site.

### In Line with Government Policy

- (d) Rezoning the Site for residential use is in line with the Government policy for enhancing housing land supply.

### Speed up Supply of Housing Land and Residential Units

- (e) Land supply of the Government has to undergo public consultation, statutory plan-making and land administration processes. As such, new land supply could not be readily available for residential development. Since the applicant has

already secured all the ownership of the private lots within the Site, the proposed residential development could be readily implementable upon obtaining the approvals from the Board and the subsequent land exchange.

#### Well-developed infrastructures and Public Transport Facilities

- (f) The Site is ideal for residential development in terms of accessibility as it has direct connection to Castle Peak Road – Sham Tseng served by various modes of public transport. Parking facilities are also available within walking distance of the Site. The location advantage allows the Site to be conveniently accessible to residents.

#### Compatible with the Adjacent Land Uses

- (g) The Site is surrounded by high-rise residential development (e.g. Rhine Garden to its immediate east with BH restriction (BHR) of 130mPD), the proposed scheme of 80mPD is considered compatible with the surrounding context forming a natural extension and linkage to the adjacent development without resulting in any adverse visual and land use incompatibility impacts.

#### Suitable Site Conditions

- (h) The Site is on flat concrete ground with structures for commercial use, no clearance of existing natural vegetation or slope cutting works are required. Besides, the Site is entirely owned by the applicant with no plan or programme to provide any GIC facilities at the site by the Government, it is considered suitable for residential development and will not set an undesirable precedent for other similar cases in the area.

#### No Insurmountable Technical Problems and Minimum Environmental Impacts

- (i) Detailed assessments have been conducted to investigate the traffic, sewerage, environmental, visual and landscape impacts of the proposed development, and no insurmountable problem is concluded taking into account the mitigation/improvement measures.

#### Appropriate Building Design, Building Height and Development Intensity

- (j) Compared with the buildings in the surroundings ranging from 36 to 54 storeys and domestic PR of 5 zoned “R(A)”, the proposed medium-rise development could serve as a transitional development between low-rise (Sham Tseng Village) and high-rise developments. Good design features including 5m setback from Castle Peak Road (at G/F only) with the intention to allow the major roadway a wider vista as well as providing air ventilation performance for the area. Besides, proposed building orientation and sky garden/landscaping is conducive to the living quality for the residents.
- (k) The proposed lawn on the 3/F for recreational use of the residents will act as a visual courtyard to provide visual pleasure and greenery to the surrounding neighbours.

### No Adverse Impacts on Land Supply for GIC in the Area

- (l) There is adequate provision of GIC provision in the Tsuen Wan West area. Adequate regional and district facilities have also been provided in Tsuen Wan area.

### Planning Gains and Unlikely to Set an Undesirable Precedent

- (m) The proposed development will bring about social benefits by providing social welfare facilities, making efficient use of land resource to meet housing need and contributing to the provision of retail shops to the locals, etc.
- (n) In response to the concern of lack of GIC facilities to cater for more residents raised by the public comments, the applicant undertakes to assign the proposed SWFs as mentioned in paragraph 1.6 above to the Government as Government Accommodation and follow the established practices in the implementation stage to be operated by organisations nominated by SWD upon completion.

## **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. Background of the Zone**

The Site has been zoned “G/IC” since the first Tsuen Wan West OZP gazetted on 3.2.1989, which was originally reserved for an ambulance depot. On 22.9.1989, the Board decided not to uphold the objection against the “G/IC” zoning lodged by the previous land owner as the objection site had been reserved for an ambulance depot, which was considered the only available site that could meet the development programme of the ambulance depot. However, as the Sham Tseng Fire Station cum Ambulance Depot was subsequently built at another “G/IC” site at the junction of Tuen Mun Road and Castle Peak Road – Sham Tseng (Plan Z-1) in 1997, the Site was no longer required for the originally planned ambulance depot. Since then, the Site has not been designated for any GIC use.

## **5. Previous Applications**

- 5.1 The Site is the subject of ten previous applications (**Plan Z-3**) including nine s.16 applications and one s.12A application.
- 5.2 Application No. A/TWW/9 proposing a 4-storey commercial development incorporating a roasted goose restaurant, carpark, retail shops and a children’s amusement centre was rejected by MPC on 5.10.1990. Application No. A/TWW/14 proposing a 11-storey commercial development with retail shops, ancillary and public carpark was rejected by the Board upon review on 31.1.1992. Rejection of the two applications were mainly on the grounds that the application site was reserved for an ambulance depot and it would be in the public interest to

maintain the planning intention; and there is no overriding justification for the proposed retail establishment to be developed on a “G/IC” site already reserved for development of a public project.

- 5.3 Application No. A/TWW/45 covering the front part of the Site for a proposed 2-storey commercial development at PR of 1.53 with retail shops on the lower floor and a restaurant on the second floor was approved with conditions by the Committee on 14.2.1997. However, the proposed development was not implemented and the permission subsequently lapsed. It was not implemented as the applicant failed to comply with the approval conditions, notably the condition on the provision of on-site sewage treatment facilities.
- 5.4 Subsequent to the completion of sewage treatment plant located to the southeast of the application site serving Sham Tseng area in 2004, the applicant submitted another planning application No. A/TWW/79 for a proposed temporary single-storey commercial development at the front part of the Site for a period of 6 years, which was approved by the Committee on 27.5.2005 after taking into account that the Site was no longer required for the planned ambulance depot and not suitable for other GIC facilities due to the small size<sup>2</sup>. Renewals of the planning approval were approved with conditions by the Committee four times, each of 3 years, with the latest application A/TWW/120 approved on 24.4.2020<sup>3</sup>.
- 5.5 Application No. A/TWW/96 for a proposed eating place (Café and Restaurant) at G/F of the rear part of the Site was approved with conditions on 23.10.2009.
- 5.6 The Site is also the subject of a section 12A applications (No. Y/TWW/4) (**Plan Z-3**) for rezoning the “G/IC” zone to “Other Specified Uses” annotated “Hotel” zone for a proposed hotel development at a PR of 5.68. The application was withdrawn on 2.12.2013.

## 6. Similar Applications

- 6.1 There is no similar rezoning application from “G/IC” use to residential use in Tsuen Wan West.

## 7. The Site and Its Surrounding Area

- 7.1 The Site (**Plans Z-1 to Z-9**):

- (a) abuts Castle Peak Road – Sham Tseng; and
- (b) is currently occupied by the Chan Kee Plaza comprising mainly two parts.

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<sup>2</sup> Other planning considerations included that the proposed commercial development was compatible with the surrounding developments; the application complied with the Town Planning Board Guidelines TPB PG-No. 16 for “Application for Development/Redevelopment within “Government, Institution or Community” Zone for Uses other than Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance” and no adverse comment was received from all Government departments consulted.

<sup>3</sup> The other three renewal applications include A/TWW/102, A/TWW/108 and A/TWW/113 were approved on 6.5.2011, 21.3.2014 and 7.4.2017 respectively.

The front part abutting Castle Peak Road is a one-storey building (**Plan Z-5**) covered by Application No. A/TWW/120 mentioned in paragraph 5.4 above with shops and services of which the Occupation Permit was issued on 25.4.2007. The rear part is a two-storey building, accommodating shop and services uses, (**Plan Z-7**) existed before the gazettal of the first Tsuen Wan West OZP.

7.2 The surrounding area has the following characteristics (**Plans Z-1 to Z-6, and Z-9**):

- (a) to the immediate north is Emmanuel Primary School (BHR of 8 storeys) at a raised platform with slope and a piece of cultivation land (**Plans Z-2 and Z-9**);
- (b) to the immediate east is Rhine Garden, a high-rise residential development (BHR of 130 mPD) with shops and social welfare facilities on the ground floor podium, of which the domestic and non-domestic PR are 4.72 and 0.22 respectively (**Plans Z-2, Z-6 and Z-9**);
- (c) to the south across Castle Peak Road – Sham Tseng is Sham Tseng Catholic Primary School (BHR of 8 storeys) and Bellagio, a high-rise residential development (BHR of residential portion ranging from 100mPD to 120mPD) with commercial elements, of which the domestic and non-domestic PR are 5.55 and 0.06 respectively; and
- (d) to the immediate west is a telephone exchange building (BHR of 2 storeys). To the further west across Sham Hong Road are Chan Kee Commercial Centre (BHR of 3 storeys above one level of car park) and Sham Tseng Village (BHR of 3 storeys) (**Plans Z-2, Z-5 and Z-9**).
- (e) To the further north (north of Tuen Mun Road) are the low-rise clusters zoned “Residential (Group D)” (BHR of 2 storeys), zoned “Village Type Development” (BHR of 3 storeys) and zoned “G/IC” (BHR of 3 storeys).

## **8. Planning Intention**

The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

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

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

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing,

LandsD (DLO/TW&KT, LandsD):

- (a) the proposed residential development with shops and NEC, DE and HCS at the non-domestic portion contravenes the existing lease conditions. If the subject application is approved by the Board, the owner of the Lots will have to apply to LandsD for a land exchange for implementation of the proposed development within the Site to be rezoned to “R(A)5”. The proposal will only be considered upon LandsD’s receipt of the valid application from the owner of the Lots. There is no guarantee that the land exchange application, if received by LandsD, will be approved and his 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 appropriate to do so, including among others, the payment of premium and administrative fee;
- (b) land exchange as mentioned involves variation of contractual matters, an application has to be submitted by the lot owner. Assuming that there will be no time limit imposed by the Board on implementation of the residential use upon successful rezoning, it is then entirely at the lot owner’s sole decision on the timing of submission of land exchange application to LandsD for implementation of their proposed residential development in accordance with the OZP;
- (c) it is noted from SWD’s comments that the proposed SWFs (i.e. NEC, DE and HCS) should be provided as an integral part of the development and will be assigned back to the Financial Secretary Incorporated as a Government Accommodation. The construction cost of the welfare premises would be borne by SWD and the service operator would be selected by SWD; and
- (d) the figures including the site area in the application document has not been checked and subject to verification which will be addressed when handling the aforementioned land exchange application.

### **Traffic Aspect**

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

- (a) he has no objection to the application from traffic management perspective;
- (b) with the commissioning of the Tuen Mun-Chek Lap Kok Link in 2020, traffic flow on Tuen Mun Road was observed to have been improved. From the TIA conducted by the applicant, it has demonstrated that the proposed development will not generate significant traffic impact on Castle Peak Road. Besides, the road junction between Rhine Garden and Bellagio is undergoing road improvement works which will improve the traffic flow;

- (c) the car parking provision of the proposed development at high-end of the requirement in accordance with Hong Kong Planning Standards and Guidelines (HKPSG). It is anticipated that parking provision is adequate to cater for the parking demand generated by the proposed development; and
- (d) he has no comment on applicant's undertaking of provisioning of the lay-by/road facilities at his own cost and handing back to the Government after completion from traffic management perspective.

#### 9.1.3 Comments of Commissioner of Police (C of P)

- (a) he has no objection to the application; and
- (b) Tsuen Wan Police District noted the issues on illegal parking and speeding and have stepped up traffic enforcement actions against illegal parking and have requested New Territories South Regional Traffic Unit to tackle with the speeding and illegal modification of vehicle in the vicinity of Sham Tseng. The proportion of the carpark in the proposed development is sufficient and Site is well served by public transportation.

### **Environmental Aspect**

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

- (a) he has no objection to the application; and
- (b) in response to public comments on potential noise and air impact, the applicant is advised to take note on the noise abatement measures suggested in ProPECC PN 2/3 and EPD website on Good Practices on Mitigation Construction Noise, e.g. scheduling of works, siting of facilities, use of quiet method and/or equipment, provision of mitigation measures, etc. to minimize the construction noise impacts. Regarding exhaust air from the proposed development, the applicant should observe Chapter 9 of HKPSG during design stage.

### **Drainage Aspect**

#### 9.1.5 Comments of the Chief Engineer/Mainland South, DSD (CE/MS, DSD):

- (a) he has no in-principle objection to the application; and
- (b) the applicant is reminded that the proposed sewer upgrading works in the SIA and the investigation on feasibility of works shall be implemented by the applicant at his own costs. An updated SIA shall be submitted and implemented to the satisfaction of the authority in the future should there be any change.

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

### *Visual Impacts*

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

- (a) the proposed development will introduce a higher density built form at the current low-rise cluster. The visual and spatial relief offered by the low-rise cluster would be weakened. Notwithstanding that, given the surrounding context and as illustrated in the photomontages in the VA (**Drawing Z-18**), the proposed development will cause certain visual obstruction when viewed from some vantage points (e.g. a portion of mountain ridgeline view would be block at Public Viewing Point (PVP) D), however, it will unlikely bring about significant adverse visual impact to the surrounding areas; and
- (b) the applicant has proposed to designate the G.L. within the Site as NBA for pedestrian circulation purpose which more or less retains its current function.

#### 9.1.7 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

it is noted that the proposed development consists of one tower block with a height of 80mPD which may not be incompatible with adjacent residential development, i.e. Rhine Garden, with BHR of 130mPD. In this regard, he has no comment from visual impact point of view.

### *Air Ventilation*

#### 9.1.8 Comments of CTP/UD&L, PlanD:

- (a) according to the Joint HPLB-ETWB Technical Circular on AVA No. 1/06, an AVA would not be required as the proposed development does not fall under any criteria set out in the circular. Significant adverse impacts on the surrounding pedestrian wind environment is not anticipated.

### *Landscape*

#### 9.1.9 Comments of CTP/UD&L, PlanD:

- (a) he has no in-principle objection to the application;
- (b) according to the aerial photo of 2018, the Site is currently occupied by Chan Kee Plaza which consists of commercial buildings and shops. No existing tree is observed within the Site; and
- (c) the site is situated in an urban fringe landscape character dominated

by high-rise residential buildings, schools and village houses. According to the development proposal, the applicant proposed to develop a 21-storey building including two basement levels. The proposed development is not incompatible with surrounding environment and no significant adverse landscape impact arising from the proposed development is anticipated.

### **Building Matters**

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

he has no objection to the application subject to the following comments:

- (a) the applicant is reminded that under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation;
- (b) emergency vehicular access shall be provided for all buildings to be erected on the Site in accordance with the requirements under the Building (Planning) Regulations (B(P)R) 41D;
- (c) conditions for granting GFA concession for the list of features included in Appendix A of PNAP APP-151, if applicable, should be compiled with;
- (d) percentage of disregarded GFA for the proposed aboveground private car parks on G/F shall follow PNAP APP-2. Besides, the percentage of GFA concession of the associated driveway on G/F should be calculated on a pro-rata apportionment basis; and
- (e) detailed comments will be given in the building plan submission stage.

### **Fire Safety**

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

- (a) he has no objection in principle to the proposal subject to water supplies for fire-fighting and fire service installations being provided to his satisfaction;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral form relevant licensing authority; and
- (c) the emergency vehicular access provision in the Site shall comply

with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D, which is administered by the BD.

**Provision of Social Welfare Facilities**

9.1.12 Comments of Director of Social Welfare (DSW):

- (a) he has no in-principle objection to the application;
- (b) according to the established funding arrangements, SWD will, through the Lotteries Fund (LF), provide the construction cost of the proposed SWFs to the developer in return for the autonomy in deciding the appropriate rental arrangements applicable to the premises. The Government would normally select the service providers taking up the premises through an open and competitive bidding/tendering procedures and it is considered necessary for the Government to obtain ownership of the premises for the Government to handover the premises to the selected service operators;
- (c) there would be a total of 2 designated parking spaces for the private light buses of the DE, on which he has no comment; and
- (d) the revised overall proposed area of 120 m<sup>2</sup> internal floor area (IFA) is 4.7% above the standard IFA of 114.6m<sup>2</sup>, which is within the acceptable range of deviation of 5%. The applicant should ensure that the total net operational floor area should also be within the range of deviation of 5%.

**District Officer's Comments**

9.1.13 District Officer (Tsuen Wan), Home Affairs Department (DO(TW), HAD)

- (a) he has no comment on the application;
- (b) the District Planning, Development and Facilities Management Committee of the Tsuen Wan District Council (TWDC) passed a motion on 23.2.2021 proposed by DC Members Mr. LAU Chi-hung and Mr. TAM Hoi-pong on preserving the “G/IC” zone in Sham Tseng and conducting research to utilise the “G/IC” site for suitable facilities for the local residents; and
- (c) a local consultation exercise was conducted on the application including:
  - (i) TWDC Members of the respective consistency;
  - (ii) Affected Owners' Corporations (OCs)/Owners' Committee/Buildings/Schools near the Site;

(iii) Village Representatives (VRs) of Sham Tseng and Tsing Fai Tong; and

(iv) Sham Tseng Trade Association Limited.

9.1.14 As conveyed from DO(TW), there are a total of six comments, including two supporting comments from each of the VR of Sham Tseng and Tsing Fai Tong, and four objections from two TWDC Members, an affected OC near the Site and another VR of Tsing Fai Tong. No reason is provided for the supporting comments. Key grounds of objection are summarised as follows:

- (a) the proposed development would bring adverse traffic impacts to Castle Peak Road in Sham Tseng and Tsing Lung Tau as well as road safety;
- (b) the proposed development is considered incompatible with the urban fabric in the area and affect the view of the existing residents. Increased in the population density in the area would lower the living quality of the residents in the area;
- (c) provision of GIC facilities in Sham Tseng and Tsing Lung Tau is insufficient that there is no market, library, clinic and sports centres. Development at the Site would reduce the land for GIC facilities and SWFs in the proposed development is not sufficient to meet the needs of the area;
- (d) there is a nullah in the vicinity of the Site but the application does not have an environment impact assessment. It is not acceptable in view of the time of pandemic; and
- (e) the proposed development should be developed into a carpark to ease the shortage of car parking in the area .

### **Other Aspect**

9.1.15 Comments of the Office of the Communications Authority (OFCA):

In response to the public comments (paragraph 10.4(h)) raised by Hong Kong Telecom concerning telecommunication services would be affected by the proposed development during construction/after completion of the proposed development, there has not been any code of practice issued by OFCA to guide construction/development to avoid influencing existing telecommunication facilities. Nonetheless, the applicant, its appointed developer and contractor, as the case may be, are advised to liaise and work closely with the relevant stakeholders including PCCW-HKT Telephone Limited and Hong Kong Telecommunications Limited with a view to minimising possible disruption to the normal operation of the telephone exchange and provision of public telecommunication services arising from the proposed development.

9.2 The following Government department has no objection / no comment on the application:

- (a) Chief Engineer/Construction, WSD (CE/C, WSD);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO) CEDD);
- (c) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD); and
- (d) Project Manager (West), (PM(W), CEDD)

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

10.1 The application together with the FIs received have been published for a total of five times. During the public inspection periods, a total of 5,687 public comments were received. A full set of the public comments is deposited at the meeting for Member's inspection.

10.2 Among the 5,687 public comments, 2,201 (38.7%) are supportive (samples at **Appendix III-a**), 3,264 (57.4%) are objection (samples at **Appendix III-b**), and 222 (3.9%) with reservation/providing comments on the application (samples at **Appendix III-c**). These public comments were submitted by the following parties:

- (a) 78 supporting comments from former Chairmen, Vice-Chairman and Members of TWDC and Tsuen Wan Rural Committee; the current Members of TWDC and Vice-chairman of Ma Wan Rural Committee; and Chairmen/Vice-Chairmen/members/representatives of Sham Tseng Villages/Sham Tseng Village Office/Sham Tseng Commercial New Village/Tsuen Wan West Area Committee/深井潮州同鄉會/Sham Tseng Trade Association Limited/香港工商總會荃灣分會/荃灣各界協會/荃灣區體育康樂聯會/靈光小學校友會/Yuen Yuen Institute Neighbourhood Elderly Centre.
- (b) 12 objections from three current TWDC Members of TWDC including the Chairman of the TWDC District Planning, Development and Facilities Management committee; Hong Kong Telecom; members of the 靈光小學校董會; and a concern group called 青深房屋關注組. One of the TWDC Members also provided a list of over a thousand of signatures and over a thousand of comments from residents of Rhine Gardens/individuals with majority objected to the application.
- (c) The remaining 5,597 comments were submitted by individuals including residents of Sham Tseng/Tsing Lung Tau such as Lido Garden, Bellagio, Sea Crest Villa and Hong Kong Garden with a mix of supporting and objecting comments, as well as reservation/general comments.

### **Supporting Views**

10.3 The supporting grounds are mainly as follows:

- (a) the proposed development makes better utilisation of the Site which is without designated use and meet the imminent demand for housing and enjoying life in Sham Tseng;
- (b) the Site abuts Castle Peak Road and in the vicinity of the public transport facilities which is suitable for residential development;
- (c) retails and elderly facilities in the proposed development can respond to the need of the community;
- (d) the small scale of the proposed development would not bring significant adverse impact to traffic, environment and visual quality to the area;
- (e) parking space at the basement can relieve illegal parking problem; and
- (f) the proposed development would not be an undesirable precedent as car parking facilities and landscape sky garden would be provided to improve the environment and it will not affect the view of the existing residential developments.

#### Objecting Views and Comments

10.4 The objecting grounds are mainly as follows:

- (a) there are insufficient community facilities in Sham Tseng and Tsing Lung Tau such as library, market, sport centres, parks, etc., the proposed elderly facilities cannot meet the need of the local community and there is no strong justification to rezone the subject “G/IC” zone for profit making private development; and the Site should be allocated for other community uses such as park/recreation or community centre/market, etc.;
- (b) cumulative impact brought by the proposed residential development would wipe out facilities such as shops and restaurant that are currently serving the community, which is unfair to the local residents; property price, fung shui, as well as slope stability would be affected;
- (c) Sham Tseng has suffered from traffic jam during peak hours and the area is not served by MTR. The proposed development will aggravate the traffic of the Castle Peak Road and bring adverse traffic impact, and parking and L/UL facilities demand brought by the proposed development would aggravate the existing illegal parking problem in Sham Tseng;
- (d) the height of the proposed development is not compatible with the surrounding development which would bring adverse visual impact to townscape of Sham Tseng;
- (e) Sham Tseng is located at sub-urban area of Tsuen Wan District and the development intensity should not be too high. Limited flat supply of the

proposed development is not worth compromising the welfare of the local community as it would only benefit developers. There is also no reason for inclusion of government land for the benefit of the applicant;

- (f) noise and traffic generated from construction would affect the students of nearby primary schools and kindergartens. Sham Tseng has been suffering from noise from speeding vehicles and the residents of the proposed development would suffer as well;
- (g) the proposed development would impede air ventilation to Rhine Garden and the exhausting system of its non-domestic part would affect the air quality of the nearby housing estates and schools; pollution problem would be aggravated; and
- (h) operation/services/signal reception/maintenance of the telephone exchange would also be affected by the proposed development during construction and after completion of the proposed development.

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

- 11.1 The application proposes to rezone the Site from “G/IC” to “R(A)5” for composite residential and commercial development subject to maximum domestic GFA of 4,531m<sup>2</sup>, non-domestic GFA of 988 m<sup>2</sup> and BH of 80mPD, and not less than 918 m<sup>2</sup> in GFA will be provided for SWFs which are proposed to be exempted from GFA calculation (**Appendix II**). A G.L. of 58 m<sup>2</sup> at the southeastern corner of the Site is proposed to be designated for NBA for pedestrian circulation within the “R(A)5” zone. Under the newly proposed “R(A)5” zone, should the proposed development comply with the relevant OZP restrictions, no permission from the Board is required if the proposed rezoning is approved. According to the indicative scheme submitted by the applicant, the proposed development comprises 56 flats in a single residential block of 21 storeys (including two storeys of basement carpark, three above-ground non-domestic storeys (including shops and SWFs), 14 residential storeys, one storey of clubhouse and one storey of sky garden. The SWFs to be provided include DE, NEC and NCS.

### Land Use Compatibility

- 11.2 The Site is located in Sham Tseng which is a well-established residential area with GIC uses. The existing residential developments in the area are mainly estates of high-rise residential buildings with commercial facilities. To its immediate east is Rhine Garden while to its south across Castle Peak Road – Sham Tseng is Bellagio. For GIC uses, a telephone exchange is located to its west, while two primary schools are located to its north and south respectively. The proposed residential development with commercial and social welfare uses is considered not incompatible with the surrounding land uses.

### Development Intensity

- 11.3 In terms of development intensity, the proposed domestic and non-domestic

GFA of 4,531m<sup>2</sup> and 988m<sup>2</sup>, which is equivalent to domestic PR of about 4.49 and non-domestic PR of about 0.98 based on the net site area, is in line with the development intensity of nearby residential developments including Rhine Garden (zoned “R(A)1”) and Bellagio (zoned “R(A)3”), the domestic/non-domestic PRs of which are about 4.72/0.22 and 5.55/0.06<sup>4</sup> respectively. The development intensity of the proposed development is considered not incompatible with that of the surrounding residential developments.

## Urban Design and Landscape

### *Urban Design*

- 11.4 As shown in the indicative scheme submitted by the applicant, the proposed development comprises a single residential block subject to BHR of 80mPD which is lower than the nearby residential estates such as Rhine Garden and Bellagio, of which the BHR are 130mPD and 100-120mPD (residential portion) respectively (**Plan Z-1**). CA/CMD2, ArchSD considered that it may not be incompatible with the adjacent residential development.
- 11.5 The proposed development will introduce a higher density built form at the current low-rise cluster and the visual and spatial relief offered by the low-rise cluster would be weakened. Notwithstanding that, given the surrounding context and as illustrated in the photomontages in the VA (**Drawing Z-18**), the proposed development will only cause certain visual obstruction when viewed from some vantage points (e.g. a portion of mountain ridgeline view would be block at PVP D), CTP/UD&L considered that it will unlikely bring about significant adverse visual impact to the surrounding areas.

### *Air Ventilation*

- 11.6 According to the Joint HPLB-ETWB Technical Circular on AVA No. 1/06, an AVA would not be required as the proposed development does not fall under any criteria set out in the circular. In this regard, CTP/UD&L considered that significant adverse impacts on the surrounding pedestrian wind environment is not anticipated.

### *Landscape*

- 11.7 As there is no existing tree observed with the Site, CTP/UD&L considered that the proposed development is not incompatible with surrounding environment and no significant adverse landscape impact arising from the proposed development is anticipated.

## Traffic Impact

- 11.8 The proposal involves the development of 56 flats for designed population of about 160. The Site abuts and is accessible from Castle Peak Road – Sham

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<sup>4</sup> The domestic/non domestic PR are calculated based on the GFA restrictions under the “R(A)1” and “R(A)3” zones.

Tseng and public transport services including bus and mini-bus are available. To cater for the proposed development, the applicant proposed to extend the existing lay-by eastwards by 5m with provision of appropriate road furniture at his own cost, and the enhanced lay-by and road furniture shall be handed over to the relevant Governments for management and maintenance after satisfactory completion. TIA submitted by the applicant demonstrated that there would not be adverse traffic impact to the surroundings. C for T, CHE/NTW, HyD and C of P have no adverse comment on the proposal.

#### Other Technical Aspects

- 11.9 In addition to TIA, the applicant has submitted various technical assessments to support the application. DEP, CE/MS, DSD and H(GEO) have no comments on the technical assessments submitted by the applicant and no adverse impacts on environment, sewerage and geotechnical aspects are anticipated.

#### Utilisation of the “G/IC” site and provision of GIC facilities in Tsuen Wan West Area

- 11.10 The Site was originally reserved for development of the an ambulance depot. However the facilities was subsequently built at another “G/IC” site at the junction of Tuen Mun Road and Castel Peak Road – Sham Tseng (**Plan Z-1**). Since then the Site has not been reserved for other G/IC uses.
- 11.11 Relevant government bureaux and departments (B/Ds) have been consulted whether they have any plan or programme to make use of the Site for providing GIC facilities under respective purview. Apart from DSW which has advised on the provision of elderly facilities as mentioned in paragraph 9.1.12 above, other B/Ds have no plan to utilise the Site for G/IC uses. The Site is predominately occupied by private lots (94.6%) and also small in size. Premise-based SWFs of not less than 918m<sup>2</sup> have been proposed by the applicant for incorporation in the proposed development, which are considered acceptable by SWD.

#### Public Comments and Comments conveyed by DO(TW)

- 11.12 As stated in paragraph 10.2, among 5,687 public comments, 2,201 (38.7%) are supporting the application, 3,264 (57.4%) are objection and 222 (3.9%) with reservation/providing comments on the application. There were six comments conveyed by DO(TW) of which two supported and four objected. Key public concerns over adverse impacts on traffic, environment and GIC provision aspects, the departmental comments and planning assessment in paragraphs 9 and 11 above are relevant.

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

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no in-principle objection to the proposed rezoning of the Site from “G/IC” to “R(A)5” with stipulation of appropriate development restrictions and requirements on the OZP and to the Notes and Explanatory Statement of the

OZP.

12.2 Should the Committee decide to agree or partially agree to the application, the relevant proposed amendment to the Tsuen Wan West OZP would be submitted to the Committee for agreement prior to gazetting under the Town Planning Ordinance.

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

the site forms part of a larger "G/IC" zone and should be reserved to meet the unforeseen GIC needs of the local population. There is no strong justification for the proposed rezoning of the "G/IC" zone for residential use.

### **13. Decision Sought**

13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.

13.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application form received on 8.1.2020 and letters of 6.1.2020 and 21.1.2020
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI 1 received on 6.3.2020
<b>Appendix Ic</b>	FI 2 received on 29.4.2020
<b>Appendix Id</b>	FI 3 received on 6.5.2020
<b>Appendix Ie</b>	FI 4 received on 20.10.2020
<b>Appendix If</b>	FI 5 received on 11.12.2020
<b>Appendix Ig</b>	FI 6 received on 15.12.2020
<b>Appendix Ih</b>	FI 7 received on 10.2.2021
<b>Appendix Ii</b>	FI 8 received on 1.3.2021
<b>Appendix II</b>	Proposed Amendment to the OZP and Notes for "R(A)5" zone
<b>Appendices III</b>	Public Comments
<b>Drawing Z-1 and Z-2</b>	Basement Plans
<b>Drawing Z-3</b>	Ground Floor Plan
<b>Drawing Z-4</b>	1/F Plan
<b>Drawing Z-5</b>	2/F Plan
<b>Drawing Z-6</b>	3/F Plan
<b>Drawing Z-7</b>	4/F-17/F Typical Floor Plan
<b>Drawing Z-8</b>	Sky Garden Floor Plan
<b>Drawing Z-9</b>	Roof Plan
<b>Drawing Z-10</b>	Master Layout Plan
<b>Drawing Z-11 and Z-12</b>	Elevations
<b>Drawing Z-13</b>	Section

<b>Drawing Z-14</b>	Landscape Proposal
<b>Drawing Z-15</b>	Plan of Visibility Distance at Proposed Run-in/Out
<b>Drawing Z-16</b>	Plan of Proposed Lay-by
<b>Drawing Z-17</b>	Setback Plan
<b>Drawing Z-18</b>	Visual Assessment
<b>Drawing Z-19</b>	Proposed Noise Mitigation Measures
<b>Plan Z-1</b>	Location Plan
<b>Plan Z-2</b>	Site Plan
<b>Plan Z-3</b>	Previous Applications
<b>Plan Z-4</b>	Aerial Photo
<b>Plan Z-5 to Z-9</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2021**