

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

APPLICATION NO. Y/ST/58

<u>Applicant</u>	: Royal Billion Investment Limited represented by Llewelyn-Davies Hong Kong Ltd.
<u>Site</u>	: Lot 380 RP (Part) in D.D.186, Tung Lo Wan Hill Road, Sha Tin
<u>Site Area</u>	: About 6,150m ²
<u>Lease</u>	: Lot 380 RP in D.D. 186 – New Grant No. 7022 Agricultural Lot
<u>Plan</u>	: Draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/35 (at the time of submission) Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/36 (currently in force)
<u>Zoning</u>	: “Green Belt” (“GB”) ¹ (no change to the subject “GB” zone on the current OZP)
<u>Proposed Amendment</u>	: To rezone the application site from “GB” and “G/IC” to “Residential (Group B)3” (“R(B)3”) subject to maximum plot ratio (PR) of 2.5 and maximum building height (BH) of 140mPD

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “GB” (about 98%) and “G/IC” (about 2%) to “R(B)3” to facilitate a private residential development at the Site subject to maximum PR of 2.5 and maximum BH of 140mPD.
- 1.2 According to the Notes of the OZP for the “R(B)” zone, ‘Flat’ is a Column 1 use permitted as of right. A set of Notes for the prevailing “R(B)” zone is at **Appendix II** for reference.
- 1.3 The applicant has submitted an indicative scheme for the rezoning application (**Drawings Z-1 to Z-11**). It includes two residential towers with BH of 16 storeys (139.95mPD) over one-level of residents’ clubhouse (with swimming pool) and tower lobby, and two-level of basement car parks. The proposed development would

¹ As only a minor portion (about 107m² or 2%) of the Site falls within an area zoned “G/IC”, it can be considered as minor boundary adjustment in zoning boundaries.

provide about 160 flats.

- 1.4 In view of the sloping topography of the Site, the residential towers are proposed on a platform with existing site level of about 79mPD. Terraced planters and a landscaped garden are proposed on the clubhouse/tower lobby level.
- 1.5 The Site is part of the subject of a previous s.12A rezoning application No. Y/ST/38 rejected by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 15.6.2018 on the grounds that (i) the application site together with the surrounding “GB” areas were covered with dense vegetation and mature trees, which served as a green backdrop to the area; (ii) failure to demonstrate that the rezoning would not have adverse visual, landscape and nature conservation impacts on the surroundings areas; (iii) failure to demonstrate the feasibility of the proposed road widening works, and no adverse landscape impact; and (iv) approval of the application would set an undesirable precedent for other similar development proposals in the “GB” zone. As compared to application No. A/ST/38, the site area under the current application has reduced from 15,410m² to 6,150m² by excluding the “untouched hillside areas” in the northwest to minimize disturbance to the area. Comparing the indicative schemes under application No. Y/ST/38 and the current application, the maximum domestic PR has increased from about 2.1 to 2.5, with proposed maximum domestic GFA reduced from 32,361m² to 15,375m². The proposed maximum BH has reduced from 165mPD to 140mPD. The proposal has changed from 4 residential towers and 6 houses to 2 residential towers, with site coverage (SC) remains unchanged at about 33%. The anticipated number of flats produced has reduced from 390 to 160, with average flat size increased from 83m² to 96m². A comparison table of the major development parameters of the previous and current proposals are as follows with the relevant plans shown on **Plans Z-5a and 5b**:

	Previous indicative scheme under application No. Y/ST/38 (a)	Indicative scheme under current application (b)	Differences (b) – (a)
Site Area	About 15,410m ²	About 6,150m ²	-9,260m ²
Maximum Domestic PR	Not more than 2.1	Not more than 2.5	+0.4
Maximum Domestic GFA	Not more than 32,361m ²	Not more than 15,375m ²	-16,986m ²
Maximum BH at Main Roof	Not more than 165mPD	Not more than 140mPD	-25m
Residential Towers	158.5 to 164.9mPD	139.95mPD	
Houses	95 to 103.5mPD	N/A	N/A
No. of Storeys			
Residential Towers			
- Domestic	18 to 20	16	-2 to -4
- Residents’ Clubhouse & Tower Lobby	1+1	1	-1
- Carpark	3 (above ground)	2 (underground)	-1
Houses	5	N/A	N/A
No of Block			
Residential Towers	4	2	-2
Houses	6	0	-6

SC	Not more than 33%	Not more than 33%	No change
No. of Flats	About 390	About 160	-230
Average Flat Size	About 83m ²	About 96m ²	+13m ²
Population	About 1,170	About 432	-738
Private Open Space	Not less than 1,170m ²	Not less than 432m ²	-738m ²
Clubhouse GFA	Not provided (the applicant proposed that the GFA would be exempted from PR calculation)	Not more than 768m ² (the applicant proposed that the GFA would be exempted from PR calculation)	N/A
No. of Parking Spaces			
Private Car Parking Spaces	111	141	+30
Visitors' Parking Spaces	21	10	-11
Motorcycle Parking Spaces	4	2	-2
Bicycle Parking Spaces	0	16	+16
No. of Loading/Unloading Bays			
Goods Vehicle Loading/Unloading Bays	5	2	-3

- 1.6 According to the indicative Landscape Master Plan (LMP) and landscape design and tree preservation proposal (**Appendix Ia**), not less than 432m² of private open space will be provided within the proposed development (**Drawings Z-9 and Z-10**). According to the applicant, while all 115 trees, which are of common species/low amenity value/poor form within the Site are proposed to be felled, 115 new trees of mostly native species are proposed to be planted on-site. A compensation ratio of 1:1 is adopted. Green building design such as roof-top gardens, vertical greening, green building features, etc. will be incorporated at the detailed design stage.
- 1.7 The Visual Impact Assessment (VIA) submitted by the applicant (**Drawings Z-12 to Z-20**) proposes mitigation measures including responsive BH and disposition, articulated building façade, landscaping at lower level, and buffer tree planting along the periphery of the proposed development.
- 1.8 According to the Geotechnical Planning Review Report (GPRR) submitted by the applicant, site formation works will be carried out (**Drawings Z-22 to Z-26**). Permanent retaining walls varying from 10m to 27m with the major one (15 to 20m) along the northern edge of the Site are proposed. The works will include temporary excavation and lateral support works of 15m to 30m deep, which would involve bored pile walls with temporary tie-back anchors or strutting.
- 1.9 The Site is currently served by the existing Tung Lo Wan Hill Road which connects with the roundabout of Mei Tin Road and ends at the Sha Tin North Fresh Water Service Reservoir adjacent to the Site with a cul-de-sac. According to the Traffic Impact Assessment (TIA) submitted by the applicant, the section of the existing Tung Lo Wan Hill Road between the Site and the roundabout is proposed to be widened from a single track access with a width of about 3.5m to 5.5m to a 7.3m single two-lane carriageway with 2m-wide footpath on one side together with a turn-around facility (hammer road) at the end of the road (the Proposed Access) (**Drawing Z-21**). The gradient of the access road is about 1:6. The applicant will undertake the design and construction, as well as the maintenance and management responsibility of the Proposed Access without transferring to future individual owners, details of which

will be subject to liaison and agreement with relevant government departments at lease modification stage. Meanwhile, the ownership and possession of the Proposed Access still belong to the Government. The applicant proposed to open up the Proposed Access for public use 24 hours a day or such details agreed subject to liaison and agreement with relevant government departments at the lease modification stage. While 76 trees, which are of common species/low amenity value/poor form will be affected by the road widening works and proposed to be felled, 76 new trees of mostly native species are proposed to be replanted (**Appendix Ia**). A compensation ratio of 1:1 is adopted. The applicant proposed that the location of the proposed replanting of the 76 affected trees will be agreed with Leisure and Cultural Services Department (LCSD) at detailed design stage. Some adjoining slopes currently maintained by Architectural Services Department (ArchSD) and Water Supplies Department (WSD) will be affected by the Proposed Access. The applicant proposed to take up the maintenance and management of the affected slope areas upon completion of the works, subject to liaison with relevant government departments at lease modification stage.

- 1.10 Currently, green minibus (GMB) No. 481B is serving Tung Lo Wan Hill Road. The possibility of rerouting the GMB to the northern end of the Proposed Access will be explored by the applicant at the detailed design stage. A possible GMB en-route stop is proposed to provide for the possible rerouting arrangements (**Drawing Z-21**).
- 1.11 According to the applicant's TIA, the traffic impact due to the proposed development is minimal and all the critical junctions would operate within capacity. The upper-end parking provision standard in accordance with the requirements of the Hong Kong Planning Standard and Guidelines (HKPSG) would be adopted for the application.
- 1.12 In support of the application, the applicant has submitted the following documents:

(a)	Application Form received on 15.9.2022	(Appendix I)
(b)	Supporting Planning Statement	(Appendix Ia)
(c)	Further Information (FI) received on 24.11.2022 [^]	(Appendix Ib)
(d)	FI received on 2.12.2022 [^]	(Appendix Ic)
(e)	FI received on 16.12.2022 [^]	(Appendix Id)
(f)	FI received on 30.12.2022 [^]	(Appendix Ie)
(f)	FI received on 5.1.2023 and 6.1.2023 [^]	(Appendix If)

[^] accepted and exempted from publication and recounting requirements

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supporting Planning Statement (**Appendix Ia**). They can be summarized as follows:

In line with Government's housing policy to increase housing supply

- (a) The provision of 160 flats to accommodate a population of about 432 could contribute to increasing housing supply, which is in line with the Government's effort to rezone more "GB" sites with a view to meeting housing needs, to deliver housing supply "in speed, with efficiency and in quality". The proposed development also resonates with the government policy to have 20% relaxation of domestic PR as compared to the neighbouring developments.
- (b) The Site meets the criteria adopted by the Government in identifying suitable "GB" sites for housing development. In particular, it is located at the southern fringe of the subject "GB" zone with low conservation value, and is formed with a devegetated platform ready for development. The proposed development is in line with 2021 Policy Address, viz. the Government would review "GB" zones with lower development potential on steeper slopes and located farther away from built-up areas. In addition, the Site is readily connected to a public road without the need for new road provision.
- (c) Notwithstanding that the Site was previously approved with conditions for a proposed single house development (para. 5.6 refers), in view of the change in planning circumstances that there is a consensus to review suitable land resources for housing development with higher development intensity, the current application is submitted to rezone the Site from "GB" zone into housing development in order to better utilize the valuable land resources.

Unique history of the site

- (d) The Site has a unique site history, which was once zoned "R(B)" on the draft Sha Tin OZP No. LST/69, and later rezoned to the current zonings due to the sub-standard access road. This rezoning proposal will not become an undesirable precedent.

Optimized development intensity

- (e) The Site is located at the fringe of some existing "R(B)" sites including Peak One with PR of about 2.36 and BH of about 14 to 16 storeys, and Pristine Villa with PR of about 1.65 and BH of about 8 to 10 storeys. The proposed development with a maximum PR of 2.5 and a maximum BH of 140mPD, is considered compatible with the residential developments in the surroundings and the wider context of Sha Tin. The proposed development would not overstrain the capacity of the existing environmental, traffic and infrastructural system capacities.

Careful consideration of application site boundary

- (f) To minimize disturbance to the adjacent natural environment, the proposed development has confined mainly to the existing platform with some adjoining slopes needed for slope stabilization works. The application site boundary has been rationalized for an optimal and balanced building design with holistic landscaping, tree preservation and planting proposals. The site boundary has also avoided species of conservation importance. The proposed development would have a SC of not more than 33%, with minimal internal road, providing a greening ratio of 20%, and a proposed tree compensatory ratio of 1:1.

Provision of upgraded local road and GMB lay-by

- (g) The proposed widening of Tung Lo Wan Hill Road is technically feasible as shown in the TIA. This proposed widened road together with the proposed GMB lay-by could serve both the proposed development and the Sha Tin North Fresh Water Service Reservoir, which also serve as an archery ground under the management of LCSD. With the proposed widening of Tung Lo Wan Hill Road, which is technically feasible, local concern on the difficulties in providing access road to the Site could be properly addressed.

Technically feasible with no insurmountable problems

- (h) According to applicant's Ecological Impact Assessment (EcoIA) and FI submitted on 5.1.2023 (**Appendices Ia and If**), the majority of the Site is developed area including a paved area (about 2,416m² or 39.3% of the Site), man-made slopes and buttresses (about 639m² or 10.4% of the Site) vegetated area (about 874m² and 14.2% of the Site), as well as secondary woodland (about 2,223m² or 36.1% of the Site), some of which are already disturbed and overgrown with ruderal vegetation, and the remaining secondary woodland is of low ecological value. 115 trees within the application site and 76 trees affected by the proposed road widening works which are of common species/low amenity value/poor form are proposed to be fell and compensated at 1:1 ratio. The VIA concludes that the overall visual impact of the proposed development with mitigation measures is slightly adverse to negligible. The Environmental Assessment (EA) submitted demonstrates that the proposed development will not cause insurmountable environmental issues, while the Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA) and Water Supply Impact Assessment (WSIA) submitted conclude that the proposed development will not cause insurmountable environmental, drainage, sewage or water supply impacts. The Planning Statement and the other technical assessments concluded that the proposed development will have no adverse impacts or insurmountable problems on landscape, visual, heritage, environment, transport, geotechnical or infrastructural system capacity aspects.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Background

- 4.1 The Site located in Area 40 of Sha Tin New Town was zoned "R(B)" on the draft Sha Tin OZP No. LST/69 gazetted on 25.8.1978. Part of Area 40 including the Site was later rezoned to "GB" on the draft Sha Tin OZP No. LST/69E gazetted on 6.5.1983 based on the findings of detailed planning and engineering investigations by an inter-departmental working group on To Fung Shan development. The investigations concluded that To Fung Shan woodland should be preserved and enhanced. A major part of To Fung Shan would not be suitable for large-scale residential development on accessibility and landscaping grounds. Any massive residential development would involve substantial cut and fill operations, which would destroy the existing fine natural vegetation and good quality woodland.

- 4.2 During the statutory period for public inspection of the draft Sha Tin OZP No. LST/69E, only one objection against the proposed rezoning of part of Area 40 from “R(B)” to “GB” was received. That objection, however, was not related to the Site. Since then, the “GB” zoning of the Site has remained unchanged.

5. **Previous Applications**

s.12A Applications

- 5.1 The Site was part of the subject of four previous s.12A applications for residential development (**Plan Z-1**). The first rezoning application (No. Y/ST/3) was submitted in November 2006 but later withdrawn.
- 5.2 The second rezoning application (No. Y/ST/4) was submitted in May 2007 for rezoning the site from “GB” to “Comprehensive Development Area (2)” (“CDA(2)”) with maximum GFA of about 745m² and maximum BH of 3 storeys over one-storey of car park. The Committee decided on 1.2.2008 not to agree to the application on the grounds that the site together with the surrounding “GB” areas were covered with dense vegetation and mature trees, which served as a green backdrop to the area; and the proposed “CDA” zoning would be misleading as it might imply that the whole application site including areas covered by dense vegetation would be suitable for comprehensive development.
- 5.3 The third zoning application (No. Y/ST/38) was submitted in December 2017 by the same applicant of the current application for rezoning the site from “GB” to “Residential (Group B) 4” (“R(B)4”) subject to maximum PR of 2.1 and maximum BH of 165mPD. The Committee decided on 15.6.2018 not to agree to the application for reasons as set out in para. 1.4 above. The applicant lodged a Judicial Review (JR) application on 12.9.2018 against the decision of the Committee for not agreeing to Application No. Y/ST/38. The JR was heard by the Court of First Instance (CFI) on 27.8.2020, 28.8.2020 and 31.8.2020. On 30.4.2021, CFI ruled that the JR was dismissed with costs to the Board. The applicant lodged an appeal against CFI's judgment on 26.5.2021 and the hearing is scheduled for May 2023.
- 5.4 The fourth rezoning application (No. Y/ST/54) was submitted in January 2022 by the same applicant of the current application for rezoning the Site and a larger part of the surrounding woodland from “GB” and “G/IC” to “R(B)4” with maximum PR of 1.8² and a maximum BH restriction of 146mPD to facilitate a proposed residential development. The application was withdrawn by the applicant on 10.8.2022.

s.16 Applications

- 5.5 The Site is the subject of nine previous s.16 applications for residential developments (**Plan Z-1**). All of them, except for Application No. A/ST/673, were either withdrawn or rejected mainly on the grounds of being not in line with the planning intention of “GB” zone; failure to demonstrate that the development would not have

² The proposed maximum PR of 1.8 under application No. Y/ST/54 is based on a larger gross site area of 15,410m², including an “untouched hillside areas” on the northern and western side of the Site with no proposed development. The site area of the current application is reduced to 6,150m² to avoid the major groups of natural vegetation.

adverse drainage, nature conservation and landscape, visual and traffic impacts; and setting of undesirable precedent.

- 5.6 Application No. A/ST/673 for a single house development with GFA of 518.17m² and BH of 16m was approved with conditions on 7.11.2008 on the grounds of compatible scale and intensity of development with the surrounding areas; no adverse visual impact; and no objection from government departments concerned. The commencement of development was subsequently extended to 7.11.2016 under application No. A/ST/673-1, but the planning permission lapsed on 8.11.2016.
- 5.7 A summary of the key development parameters of the previous s.16 planning applications is at **Appendix III**.

6. Similar Application

There is no similar application for rezoning to “R(B)3” within the same “GB” and “G/IC” zones on the OZP.

7. The Site and its Surrounding Areas (Plans Z-1 to Z-4c)

7.1 The Site is:

- (a) located in To Fung Shan, northwest of the town centre of Sha Tin;
- (b) accessible via Tung Lo Wan Hill Road which is connected to Mei Tin Road and Chung Ling Road linking to the wider road network in Sha Tin and Tai Wai, and the upper section of which is less than 4.5m in width; and
- (c) situated on a sloping ground. It is covered with dense vegetation and trees in the northern part along the boundary, and a large portion in the southern part of the Site is a formed platform which is currently largely covered with overgrown grass and a container structure (**Plans Z-2 to Z-4c**).

7.2 The surrounding areas have the following characteristics:

- (a) to the southwest and southeast are several residential developments: Peak One (PR 2.36 and maximum BH 106.1mPD), Pristine Villa (PR 0.48 - 1.28 and maximum BH 106.5mPD), and Sky One (PR 1 and maximum BH 64.6mPD). To the further south downhill is another residential development, viz. The Great Hill with PR 2.28 and maximum BH 81.3mPD;
- (b) to the immediate south is the Sha Tin North Service Reservoir;
- (c) to the north and east are Lutheran Theological Seminary (136.21mPD - 158.9mPD) and Tao Fong Shan Christian Centre (136.86mPD) respectively. Yau Oi Tsuen is located to the further north and west; and
- (d) apart from some temporary structures on the hillslope, the immediate surrounding areas are mostly covered with vegetation/woodland.

8. Planning Intentions

- 8.1 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development in this zone.

9. Comments from Relevant Government Bureaux/Departments

- 9.1 The following government bureaux/departments have been consulted and their views on the application are summarized as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Shia Tin, Lands Department (DLO/ST, LandsD):

- (a) Lot 380 RP in D.D. 186 held under New Grant No. 7022 is an agricultural lot subject to the General Conditions of Sale and Special Condition No. 1(a), (b) and (c) published in Government Notification No. 364 of 1934;
- (b) if the Board approves the application, the owner is required to apply for a land exchange from LandsD to implement the proposal. Such application will be considered by LandsD acting in its capacity as the landlord at its own discretion and there is no guarantee that the land exchange application for the proposed development will be approved. In the event that the land exchange application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD at its sole discretion;

Widening of section of Tung Lo Wan Hill Road

- (c) the applicant has proposed to widen the section of Tung Lo Wan Hill Road located to the north of Mei Tin Road/ Tung Lo Wan Hill Road roundabout which is currently not under the maintenance and management of the Transport Department (TD) and Highways Department (HyD), with a lay-by to be used for future possible reroute of GMB services and to provide an en-route minibus stop. The section of Tung Lo Wan Hill Road under the application is an access road serving Lot 380RP in D.D. 186, Government Land Allocation No. ST110 allocated to LCSD for archery purpose, Government Land Allocation No. ST75 allocated to the WSD for service reservoir purpose and some temporary structures. The access road is serving not only Lot 380 RP in D.D. 186, the applicant is required to ascertain if TD and HyD will take over the maintenance and management responsibility of the concerned road upon completion of the proposed road works;
- (d) the proposed road works will encroach onto Tung Lo Wan Hill Road Garden which is currently held by LCSD under Government Land

Allocation No. ST336 and thus comments from LCSD should be sought;

- (e) if gazettal under s.5 of the Roads (Works, Use and Compensation) Ordinance (Cap. 370) is required for the proposed road works, the applicant shall undertake to pay all expenses including administrative costs and compensations etc. arising therefrom and, what is more important, there is no guarantee that the proposed road works can eventually be authorized to proceed;
- (f) in case that no government departments will take up the maintenance and management of the concerned road, the future flat owners could be asked to take up maintenance of road which may need to be jointly used by other parties. In this regard, the potential implication behind should be seriously considered by the Government as a whole;

GMB services and GMB stop at the Proposed Access

- (g) the applicant has proposed in the event that TD and HyD refuse to take up the maintenance and management of the Proposed Access, the access road would be granted by way of non-exclusive right-of-way (ROW) annotated "Brown Area" under lease. As to whether the Proposed Access could be designated as ROW, i.e. Government Land, will be subject to the comment and agreement from TD and HyD and further deliberation of the relevant department at the land exchange stage, if received. Alternatively, if the Proposed Access is to be designated as "Green Area" under lease, i.e. to be taken over by TD and HyD for maintenance and management upon its completion, presumably TD and HyD would offer comment on whether the provision of GMB service and GMB stop on the "Green Area" are appropriate; and
- (h) the applicant has agreed to take up the maintenance and management of the Proposed Access until the relevant government departments take up such responsibilities by a guarantee by the parent company of the applicant. The appropriateness of designation of the Proposed Access as "Brown Area" under lease will be considered by him at land exchange stage upon consultation with relevant departments.

Traffic

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

- upon reviewing the TIA report submitted by the applicant, he has no comment from traffic engineering and transport operation perspective subject to the following:
 - (i) the applicant shall be responsible for the proposed road widening works;
 - (ii) the applicant shall take over the maintenance and management responsibility of the road section concerned upon completion of the proposed road widening works; and

- (iii) the applicant shall open the vehicular and pedestrian access of the road section concerned for public use at all times.

9.1.3 Comments of the Chief Highway Engineer/New Territory East, Highways Department (CHE/NTE, HyD):

- it is noted that Tung Lo Wan Hill Road is not a public road under the maintenance of his office. Therefore, he has no comment from highways maintenance point of view with consideration of the TIA submitted, provided that:
 - (i) the applicant would take up the construction/widening/modification works maintenance and management responsibility of the existing single track access road of Tung Lo Wan Hill Road (between Tung Lo Wan Hill Road Refuse Collection Point and Sha Tin North Service Reservoir); and
 - (ii) the TIA should be commented and agreed by C for T.

Leisure and Cultural Services

9.1.4 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) he has no adverse comment on the application subject to the applicant's fulfilling his requirements at detailed design stage as stipulated below:
 - (i) the widening of existing Tung Lo Wan Hill Road would most likely affect trees and facilities at Tung Lo Wan Hill Road Garden and the entrance of Sha Tin North Fresh Water Service Reservoir Archery Ground. The applicant should provide detailed layout, information and compensation proposal for further comment and seek support from the Sha Tin District Council on the proposal;
 - (ii) the applicant shall ensure pedestrian and vehicles can access Sha Tin North Fresh Water Service Reservoir Archery Ground and Tung Lo Wan Hill Road Garden by Tung Lo Wan Hill Road throughout the road widening works;
 - (iii) the applicant shall seek comment from ArchSD, who maintains some slopes near Tung Lo Wan Hill Road that may be affected by the proposed road widening works, and provide supplementary documents on the proposed road widening works at Tung Lo Wan Hill Road to prove the structure of the slopes will not be affected;
 - (iv) for the proposed road widening works at Tung Lo Wan Hill Road, there is a genuine operational need for DLCS and reserve a right of way for the future users of the archery ground for the upgraded road;

- (v) in view of the proposed residential development is located near Sha Tin North Fresh Water Service Reservoir Archery Ground, the works proponent shall also consult comment from relevant National Sports Association/ District Sports Association/ Archery Club to see if any safety margin or protective fence is required. If yes, the applicant may consider to provide concerned structure as appropriate and seek comment from relevant government department as required; and
 - (vi) from tree preservation point of view, no trees are under his maintenance, but a number of trees within Tung Lo Wan Hill Road Garden will likely be affected by the proposed works. The applicant may explore other alternatives if practicable so as to minimize the number of trees to be affected;
- (b) he reserves to provide further comments once more details are provided; and
- (c) his detailed comments are at **Appendix IV**.

Nature Conservation

9.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) according to the EcoIA, the proposed development confines to some disturbed habitats within the Site, and the overall residual ecological impact from the proposed development is considered to be acceptable. As such, he has no comment on the application from nature conservation perspective; and
- (b) he has noted that some natural terrain hazard mitigation measures, including some soil nails and temporary tie-back anchors, will be performed underground and outside the project boundary. According to the EcoIA and the GPRR, these works should not adversely affect the soil loads from hillside and the vegetation thereon, and the direct habitat loss should be restricted within the application site, he has no comment on the GPRR.

Geotechnical

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

- (a) upon reviewing the GPRR submitted by the applicant, he has no comment on the application; and
- (b) apart from the proposed cantilever retaining wall near the southeast corner of the lot, the proposed slopes and retaining walls shown in the preliminary site formation plan appear to be associated with the proposed

road widening works outside the lot and are independent of the development within the lot. The proposed cantilever retaining wall near the southeast corner of the lot, however, may also serve the purpose of supporting the platform within the lot in addition to facilitating construction of the proposed road widening works.

Urban Design and Landscape

9.1.7 Comments of the Chief Architect/CMD2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) it is noted that the proposed residential development mainly consists of 2 towers with 17 storeys (about 139.95mPD), which are about 466% higher than the adjacent village type development with 3 domestic storeys. It is undesirable from visual impact point of view and may not be compatible to adjacent village type developments and “GB” areas, subject to PlanD’s view; and
- (b) it is noted that the slopes (7SW-B/FR25 and 7SW-D/FR549) may be affected from the proposed road widening works as they are outside the site boundary of the application. The applicant shall confirm if any slopes, being maintained by his office, will be affected by the proposed works. If affirmative, information (such as extent and duration of works) and drawings shall be submitted for comment. Moreover, the proposed works and maintenance responsibility of the modified/affected portion of the slope shall be taken up by the applicant.

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

Urban design and visual

- (a) the Site is situated at the fringe of the “GB” zone which acts as a buffer between Shing Mun Country Park and developments in Sha Tin. It is located on a high topographic level in a scenic setting with the Needle Hill ridgeline as a backdrop overlooking the Sha Tin New Town development and Shing Mun River Channel. The Site is on sloping ground in a secluded area near Sha Tin North Service Reservoir where the immediate surroundings are densely vegetated and predominantly natural in character. Access to the Site is through Tung Lo Wan Hill Road to its immediate southeast. Its further north comprises 1 to 3-storey village houses and a cluster of religious and burial facilities while major medium-rise residential developments (including 15-storey Peak One, 1 to 5-storey Sky One, 9 to 11-storey Pristine Villa and 3 to 11-storey Great Hill in which BHs range from about 44 to 108mPD with PRs ranging from about 0.7 to 2.36) within the existing “R(B)” zone are located to its south further down Tung Lo Wan Hill Road towards the Sha Tin New Town. In view that the site topography and context is characterized with natural greenery landscape with a few residential developments along Tung Lo Wan Hill Road, the proposed development at a higher site level of about 79mPD with 19 storeys (including 1 storey of club house and lobby, as well as 2 storeys of basement car park)

(equivalent to 140mPD) is obviously taller than other existing residential developments including Peak One, Pristine Villa and Great Hill, etc. which are located at lower site levels (ranging about from 31mPD to 73mPD). Notwithstanding the above, the proposed BH of 140mPD is similar to those of the Lutheran Theological Seminary and Tao Fong Shan Christian Centre to its north and east;

- (b) according to the submitted VIA, the proposed development would not cause significant adverse visual impacts on the selected public viewing points. The applicant has proposed various measures, such as adopting a lower building height of 140mPD (as compared with 165mPD in the previous application No. Y/ST/38), and landscaping at lower level and tree planting along the periphery to mitigate potential visual impact;

Landscape

- (c) since significant adverse landscape impacts arising from the development is not anticipated and landscape provisions are proposed to mitigate the landscape impact and improve the landscape quality of the development, she has no objection to the application from landscape planning perspective;
- (d) with reference to the aerial photos of 2021, the Site is situated in an area of residential urban fringe landscape character surrounded by dense woodland. To the south of the Site, G/IC facilities (i.e. Sha Tin North Service Reservoir), medium-density residential developments (e.g. Peak One, Pristine Villa and the Great Hill) and village houses are located in close vicinity to the Site. Clusters of religious institution (e.g. To Fung Shan Christian Centre) are located to the north and east of the Site. The proposed rezoning to medium-rise residential development is considered not incompatible with the existing landscape setting in the proximity;
- (e) according to the Supplementary Planning Statement, the Site is already largely formed and devegetated with a platform. With reference to Appendix A – “Landscape Master Plan and Tree Preservation Proposal”, 112 nos. of common and invasive tree species in poor condition and 3 dead trees are identified within the Site and all of them would be removed due to conflict with the proposed development. About 115 new trees, and other hard and soft landscape treatments (e.g. landscape courtyard, terraced planters, multi-purpose lawn, outdoor swimming pool, children playground, and vertical green wall etc.) are proposed. Not less than 432 m² of Private Local Open Space would be provided for the estimated 432 residents; and
- (f) her detailed comments are at **Appendix IV**.

Heritage Conservation

- 9.1.9 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

- (a) Tao Fong Shan Christian Centre at 33 Tao Feng Shan Road (the Graded Compound), which was accorded with Grade 2 status by the Antiquities Advisory Board in December 2009, is located about 70m away from the Site. It is noted from the planning statement that the building layout of the proposed residential development has been carefully designed to minimize the impacts on the Graded Compound. Also, according to the applicant's VIA, the effect on visual resources posed by the proposed development is minimal and considered slightly adverse to negligible. She has no adverse comment on the application from heritage conservation perspective provided that the proposed development will not cause any adverse visual impact to the Graded Compound; and
- (b) if the application is approved by the Board, her comment from heritage conservation perspective on the works arising from the proposed development will be offered upon receiving any referrals from respective government departments.

Environment

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

- (a) having reviewed the planning statement, the EA and the SIA and based on the submitted information, she noted that:
 - (i) standard pollution control measures would be implemented during construction phase;
 - (ii) buffer distance requirement under HKPSG from the roads (including the widened Tung Lo Wan Hill Road) are met and no chimney is found within 500m assessment area;
 - (iii) no insurmountable road traffic noise impact is anticipated;
 - (iv) sewage generated from the proposed development during operation phase would be discharged to the existing public sewerage system with sufficient capacity;
 - (v) no land contamination potential is identified from the historic and current land uses at the Site;
 - (vi) the proposed widening works at Tung Lo Wan Hill Road would unlikely cause insurmountable environmental impacts to the surrounding sensitive receivers during construction and operation phases; and
- (b) she considers that the applicant has demonstrated that the proposed development would not be subject to insurmountable environmental impact and hence has no objection to the application.

Fire Safety

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

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) the applicant is advised to observe the requirements of emergency vehicular access (EVA) as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the Buildings Department.

Building Matters

9.1.12 Comments of Chief Building Surveyor/Hong Kong East & Heritage, Buildings Department (CBS/H, BD):

- (a) she has no objection to the application; and
- (b) her detailed comments are at **Appendix IV**.

Drainage

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

- she has no comment on the application and the revised SIA.

Water Supply

9.1.14 Comments of Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) upon reviewing the WSIA, he has no comments from water supplies perspective;
- (b) the access road leads to the Sha Tin North Fresh Water Service Reservoir is currently operated and maintained by WSD. It is understood that the applicant will widen the access road concerned under the same development and then take up the maintenance and management responsibility upon completion of the works. Moreover, the applicant will provide an unrestricted access right for WSD to go to the the Sha Tin North Fresh Water Service Reservoir for daily operation and maintenance purpose. To this end, he has no comment; and
- (c) he has noted that several slopes namely 7SWB/C716(2), 7SW-B/C192, 7SW-D/C214(1) and 7SW-B/FR25(1) along the access road are currently managed and maintained by WSD. As the applicant will take up the

maintenance and management responsibility upon completion of the widening works, the applicant is suggested to take up the maintenance and management responsibility of these slopes.

Food and Environmental Hygiene

9.1.15 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) she has no objection to the application; and
- (b) her detailed technical comments are at **Appendix IV**.

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

- (a) District Officer/Shia Tin, Home Affairs Department (DO/ST, HAD); and
- (b) Commissioner of Police (C of P).

10. Public Comments Received During Statutory Publication Period

10.1 On 30.10.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection periods, a total of 30 public comments were received from the Chairperson of Sha Tin Rural Committee, the Village Representative of Tung Lo Wan Village, Incorporated Owners of Pristine Villa, Peak One, Peak House, Sky One and The Great Hill, residents of Sky One, residents on Tung Lo Wan Hill Road area, World Wide Fund for Nature Hong Kong, Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong and private individuals (**Appendix V**). All of them object to the application. Their views are summarized as follows:

Objecting Views

Land Use compatibility

- (a) the proposed development is not in line with the planning intention of “GB” zone, and is not compatible with the surrounding areas. The proposed development would compromise the integrity of the “GB” buffer between Shing Mun Country Park and Sha Tin New Town. Such rezoning proposal, if approved, would set an undesirable precedent in the future;
- (b) the proposed development would adversely affect the ambience of the Tao Fung Shan Christian Centre and Lutheran Theological Seminary;
- (c) the Government should increase “GB” area to improve the environment and air quality in Sha Tin;
- (d) the Site should be used for low-rise community use instead of high-rise residential development;

Environmental concern

- (e) the proposed development and the construction works would generate air and noise pollution and have adverse visual impact on nearby residents. It is also difficult to assess if there is any negative impact on the water quality of adjacent reservoir;
- (f) the proposed development would cause degradation to the existing natural environment and result in habitat fragmentation as it involves vegetation clearance and felling of trees within the dense natural woodland, and would impair the enjoyment of the visitors/hikers to the natural and tranquil environment, as well as the Tao Fung Shan Christian Centre and Lutheran Theological Seminary;

Traffic capacity and road safety concern

- (g) the proposed development and its limited parking facilities would generate adverse traffic impact along Tung Lo Wan Hill Road and To Fung Shan Road, and would exacerbate the traffic congestion and illegal parking issues in the area, and also affect the passage of emergency vehicles and school buses which pose danger and inconvenience to local residents;
- (h) it is questionable whether the Proposed Access would resolve the traffic issue of the area. The lengthening of the steep Tung Lo Wan Hill Road through the proposed road works may create road safety risk to the pedestrians;
- (i) the feasibility of the proposed road widening work remains uncertain;
- (j) rerouting of the GMB route and relocating the GMB stop would cause adverse impact on the resident's use of the GMB services;

Other concerns

- (k) approval of the application would encourage unauthorized development and "destroy first, development later" practice;
- (l) the adverse impact on the local community is disproportionate to the benefit in the housing supply with only 160 flats produced. In particular, the units produced would not benefit the low-income group of which the government's housing policies the applicant quoted were targeting; on the other hand, there are concern on oversupply of residential development;
- (m) the increase in population arising from the proposed development would put additional pressure on the provision of community facilities and infrastructures;
- (n) the works of the proposed development may compromise the adjoining Sha Tin North Service Reservoir and in turn its service;
- (o) the proposed development in a steep area may have impact on slope stability; and

- (p) substantial works would have adverse impacts on the village's fung shui and life, health and property of the nearby villagers.

11. Planning Considerations and Assessments

- 11.1 The application is for rezoning the Site from mainly "GB" with a minor portion zoned "G/IC" to "R(B)4" subject to a maximum PR of 2.5 and a maximum BH of 140mPD, where 'Flat' would be permitted as of right, to facilitate a private residential development at the Site. According to the indicative development scheme submitted by the applicant, the proposed development comprises two 16 storeys high-rise residential towers on top of one storey of resident's clubhouse and tower lobby, and two storeys of basement carpark, with BH at 139.95mPD.

"GB" zoning, Ecological Impact and Landscape Impact

- 11.2 The planning intention of the "GB" zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Located at the southern fringe of a "GB" zone, which serves as a buffer between the urban areas of Sha Tin New Town and the Shing Mun Country Park, the Site is largely disturbed with a formed platform and cut slope (about 50% of the Site) while the remaining areas are vegetated slopes along the eastern, northern and western boundaries of the Site. As shown in the indicative scheme under the current application, the proposed residential towers will mainly occupy the built platform to minimize disturbance to the natural landscape. Retaining walls varying from 10m to 27m around the Site with the major one at a height of about 15m to 20m along the northern boundary will be erected so as to reduce disturbance to the surrounding natural habitats. Among the 115 trees affected within the Site which are common species/low in amenity value/in poor form, all are proposed to be felled but would be compensated by mainly native species at a ratio of 1:1.
- 11.3 According to the EcoIA submitted by the applicant, the majority of the Site is developed area including paved areas, man-made slopes and buttresses, which are already disturbed and was overgrown with ruderal vegetation; while secondary woodland is identified at the remaining area, it is of low ecological value. Noting that slope stabilisation works will be performed underground outside the project boundary and these works would not adversely affect the vegetation thereon, and the direct habitat loss would be restricted within the application site, and the proposed development would be confined to some disturbed habitats with the Site, DAFC has no comment on the application from nature conservation perspective.
- 11.4 According to the applicant's Supplementary Planning Statement, the Site is already largely formed and devegetated with a platform, only common and invasive tree species in poor condition will be affected. CTP/UD&L, PlanD has no objection to the application from landscape perspective as significant adverse landscape impacts arising from the development is not anticipated and landscape provisions are proposed to mitigate the landscape impact and improve the landscape quality of the development.

Development Intensity

- 11.5 The Site is accessible by the upper section of Tung Lo Wan Hill Road which is the main vehicular access to a number of medium-density residential developments in the area to the south of the “GB” zone. The medium-density residential cluster includes Peak One, Sky One, Pristine Villa and The Great Hill with PR ranging from 0.48 to 2.36 on lower platforms than the subject Site which is located on a relatively higher topographical level (**Plan Z-2**). The proposed PR of 2.5 for the subject residential development is in general not incompatible with the surrounding settings. CTP/UD&L, PlanD considers that the proposed rezoning to medium-rise residential development is not incompatible with the existing landscape setting in the proximity. Moreover, it will provide about 160 flats to meet the housing demand.

Urban Design and Visual

- 11.6 While CA/CMD2, ArchSD considers that the proposed development may not be compatible with the adjacent developments, CTP/UD&L, PlanD considers that the proposed BH of 140mPD is similar to those of the Lutheran Theological Seminary and Tao Fong Shan Christian Centre to the north and east of the Site although it is obviously taller than other existing residential developments including Peak One, Pristine Villa and Great Hill, etc. which are located at lower site levels. According to the VIA submitted by the applicant, the overall visual impacts at selected key public viewing points range from negligible to moderately adverse. According to the VIA, the proposed development would not cause significant adverse visual impacts on the selected public viewing points. CTP/UD&L, PlanD noted the various measures proposed by the applicant, such as landscaping at lower level and tree planting along the periphery to mitigate potential visual impact.
- 11.7 Given that the Site is located at the fringe of the “GB” zone with road access, the proposed residential blocks will be built upon mainly on the disturbed land at the Site to minimize disturbance to the natural landscape, and mitigation measures has been proposed to minimize any adverse landscape and visual impacts, the proposed development intensity with a PR 2.5 and a maximum BH at 140mPD is considered not incompatible with the surrounding residential cluster and setting.

Traffic

- 11.8 The TIA demonstrated that the proposed widening work of the access road is acceptable from traffic perspective. C for T has no adverse comment on the TIA. C for T also has no adverse comment on the Proposed Access, noting that the applicant would take up the construction, maintenance and management responsibility for the access road upon completion. CHE/NTE, HyD and CE/C of WSD also have no comment on the Proposed Access as well as the applicant taking up the maintenance and management responsibility upon completion. As for DLO/ST, LandsD’s concern on the maintenance and management responsibility of the proposed access road upon completion, the applicant states that the responsibility will be not be transferred to future individual owners.
- 11.9 The proposed road widening works would encroach onto the Tung Lo Wan Hill Road Garden held by DLCS, as well as slopes maintained by CA/CMD2, ArchSD and CE/C, WSD. CA/CMD2, ArchSD and CE/C, WSD request the applicant to take up the maintenance and management responsibility of the affected slopes under their

respective ambits upon completion of the proposed road widening works. DLCS advises the applicant to explore other alternatives if practicable so as to minimize the number of trees to be affected, while CA/CMD2, ArchSD requests information for comments. The applicant proposed to take up the maintenance and management responsibility of the affected slope areas upon completion of the road widening works subject to liaison with relevant government departments at land grant stage.

Other Technical Aspects

11.10 DEP, CE/MS of DSD, DO(ST) of HAD and CBS/HKE&H of BD have no objection to/no adverse comment on the application.

Public Comments

11.11 A total of 30 public comments objecting to the application have been received on the grounds of anticipated adverse traffic, visual, environmental and heritage impacts, not in line with the planning intention of “GB” zone, slope stability, feasibility of the proposed road widening works, and the additional pressure on the provision of community facilities due to the additional population. In this regard, the planning assessment and comments of government departments above are relevant. Regarding the concern on the provision of community facilities, the existing and planned provision of GIC facilities are generally adequate to meet the demand of the overall planning population of the Sha Tin Planning Area in accordance with the requirements of the HKPSG.

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 above, the Planning Department has no objection to the application.

12.2 Should the Committee decide to agree/partially agree to the subject application, the relevant proposed amendments to the Sha Tin OZP, together with the revised Notes and Explanatory Statement, will be submitted to the Committee for consideration prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the OZP.

12.3 Alternatively, should the Committee decide not to agree to the subject application, the following reason is suggested for Members’ reference:

the Site together with the surrounding “GB” zone serves as a green backdrop to the area. The current zoning is considered appropriate and there is no strong justification to rezone the Site from “GB” to “R(B)3”. Approval of the application would result in degradation of natural environment, and compromise the integrity of the “GB” buffer for the Shing Mun Country Park.

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 to 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

Appendix I	Application Form received on 15.9.2022
Appendix Ia	Supplementary planning statement
Appendix Ib	FI received on 24.11.2022 with responses to departmental comments and revised pages of technical assessments
Appendix Ic	FI received on 2.12.2022 with supplementary information for the Traffic Impact Assessment in response to Transport Department's comment
Appendix Id	FI received on 16.12.2022 with responses to departmental comments
Appendix Ie	FI received on 30.12.2022 with responses to departmental comments
Appendix If	FI received on 5.1.2023 and 6.1.2023 with supplementary information on site context and proposal
Appendix II	A set of Existing Notes for "R(B)3" zone under the Approved Sha Tin Outline Zoning Plan No. S/ST/36
Appendix III	Key Development Parameters of Previous s.16 Applications
Appendix IV	Detailed Departmental Comments
Appendix V	Sample of Public Comments
Drawing Z-1	Indicative Master Layout Plan
Drawing Z-2	Indicative Basement 2 Floor Plan
Drawing Z-3	Indicative Basement 1 Floor Plan
Drawing Z-4	Indicative Ground Floor Plan
Drawing Z-5 and Z-6	Indicative Section Plans
Drawing Z-7	Indicative Elevation Plan
Drawing Z-8	Indicative Long Section Plan
Drawing Z-9	Indicative Landscape Master Plan
Drawing Z-10 and Z-11	Indicative Landscape Section Plans
Drawings Z-12 to Z-20	Photomontages
Drawing Z-21	Master Layout Plan indicating Proposed Widening of Tung Lo Wan Hill Road
Drawing Z-22 to Z-26	Site Formation Works for the Proposed Development and the Proposed Access
Plan Z-1	Location plan
Plan Z-2	Site Plan
Plan Z-3	Aerial photos
Plans Z-4a and Z-4c	Site photos
Plan Z-5a	Comparison of Indicative Master Layout Plan
Plan Z-5b	Comparison of Indicative Landscape Section Plan