

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

APPLICATION NO. Y/TM-LTY Y/9

- Applicant** : Wing Mau Tea House Limited represented by Kenneth To & Associates Ltd.
- Plan** : Draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/11
(currently in force)

Approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/10
(at the time of submission)
- Site** : Lots 523 RP, 714 RP, 718 RP, 719 RP, 721 RP, 722 RP, 723 RP, 724 RP and 725 in D.D. 130 and adjoining Government Land (GL), Lam Tei, Tuen Mun, New Territories
- Site Area** : About 8,165 m² (including GL of about 1,164 m² or 14.3%)
- Lease** : (a) Lot 725 in D.D. 130: New Grant No. 293
[restricted for agricultural use]

(b) Remaining lots: Block Government Lease (demised for agricultural purposes)
- Zoning** : “Residential (Group B) 1” (“R(B)1”)
[restricted to a maximum plot ratio (PR) of 1.0, a maximum site coverage (SC) of 40% and a maximum building height (BH) of 4 storeys over single-storey car park (15m)]

[no change to the “R(B)1” on the current OZP]
- Proposed Amendment** : To rezone the application site from “R(B)1” to “R(B)4” with a maximum PR of 2.5, a maximum site coverage of 40% and a maximum BH of 8 storeys excluding car park (35mPD)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1**) from “R(B)1” to “R(B)4” with a maximum PR of 2.5, a maximum site coverage of 40% and a maximum BH of 8 storeys excluding carpark (35 mPD) to facilitate a medium-density residential development at the Site. A proposed amended set of Notes for the “R(B)4” zone and the relevant amended part of the Explanatory Statement is attached at **Appendix II**.

- 1.2 The applicant has submitted an indicative scheme to support the proposed rezoning for medium-density residential development (**Drawings Z-1 to Z-6**). The indicative scheme comprises 9 residential blocks of 8 storeys (excluding one storey of basement carpark). The indicative scheme has a GFA of about 19,650 m² and a PR of about 2.5. The schematic master plan, floor plans, section plan, landscape master plan and photomontages submitted by the applicant are at **Drawings Z-1 to Z-10**.
- 1.3 The major development parameters of the proposed indicative scheme are summarised as follows:

Site Area (about)	8,165 m ²
Domestic Gross Floor Area (GFA) (about) ^(a)	19,650 m ²
Domestic Plot Ratio (PR) (about) ^(a)	2.5
Site Coverage (about)	33%
No. of Blocks	9
Building Height mPD No. of Storeys	+ 35 mPD (28 m) 8 (excluding one storey of basement carpark)
No. of Flats	307
Average Flat Size	64 m ²
Estimated Population	828
Car Parking Spaces For Residents For Visitors	69 5
Motorcycle Parking Spaces	3
Loading/Unloading Spaces for Heavy Goods Vehicles	2
Bicycle Parking Spaces	15
Private Open Space (not less than)	839 m ²
Anticipated Completion Year	2024

^(a) The applicant indicated that the proposed replacement footpath at the northern fringe of the Site for public use is excluded from the PR and GFA calculation. The applicant also claimed that the clubhouse (not exceeding 5% of domestic GFA) is exempted from the GFA calculation.

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 20.12.2019 **(Appendix I)**
 - (b) Further Information (FI) received on 13.9.2021 providing **(Appendix Ia)** a Consolidated Report

- (c) FI received on 15.9.2021 providing replacement pages to (**Appendix Ib**) the Consolidated Report

((b) and (c) exempted from publication and recounting requirements)

[FIs received on 20.5.2020, 9.7.2020, 14.8.2020, 6.10.2020, 16.2.2021, 14.7.2021 and 13.8.2021 were superseded and not attached]

- 1.5 Upon request of the applicant, the Committee on 20.3.2020, 18.12.2020 and 15.5.2021 agreed to defer a decision on the application each for two months so as to allow time for the applicant to submit FI to address departmental comments. The applicant submitted FI on 13.9.2021 containing a consolidated planning report on previous submitted FI (**Appendix Ia**). The application is now scheduled for consideration 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 at **Appendix Ia**. They can be summarised as follows:

- (a) The proposal increases the development intensity to boost housing supply which is in line with the Government's policy to provide more housing supply.
- (b) Being one of two sites in the existing "R(B)1" sub-area that has vehicular access, the Site is distinguished from other landlocked sites in the zone.
- (c) The Site is separated from the main "R(B)1" sub-area by a G/IC site and a housing development namely Lingrade Garden (**Plan Z-1**). Hence the proposed "R(B)4" zoning would not affect the remaining "R(B)1" sub-area nor set an undesirable precedent.
- (d) Inclusion of peripheral idle GL into the Site is justified and acceptable to the Lands Department (LandsD) to better utilize scarce land resources.
- (e) An existing footpath connecting San Hing Tsuen and Castle Peak Road would be affected by the proposed development (**Plans Z-3 and Z-4b**). The applicant proposed to reprovide a 3m wide footpath on its landholding for public use along the northern boundary of the Site, which is a planning merit (**Drawing Z-1**). The area of the footpath is excluded from PR/GFA calculation.
- (f) The proposed PR and BH restrictions are within the range of medium-density and medium-rise development which is compatible with the sub-urban character in Lam Tei. The visual impact of the proposed development is considered acceptable.
- (g) The proposed development is technically feasible in terms of traffic, environmental, drainage and sewerage aspects.

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

For the private land portion of the Site, the applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion of the Site, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Background

4.1 The Site was first included in the draft Lam Tei and Yick Yuen Development Permission Area Plan No. DPA/TM-LTY Y/1 (the DPA Plan) gazetted on 18.6.1993 as “R(B)2” zone and was then rezoned to “R(B)1” on the draft Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/1 gazetted on 7.6.1996 (with no change in development parameters compared with the “R(B)2” sub-area on the DPA Plan). The maximum site coverage restriction for the “R(B)1” sub-area was relaxed from 25% to 40% to offer design flexibility for future development on the draft Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/4 gazetted on 4.6.2004. There is no change in the zoning and development restrictions of the Site since then.

4.2 The Site is not subject to any planning enforcement action.

5. Previous Application

5.1 There is no previous s.12A rezoning application covering the Site.

5.2 Part of the Site was involved in two previous s.16 applications (No. A/TM-LTY Y/111 and 120) for temporary car park and proposed temporary outdoor cafe/restaurant with ancillary car park respectively. Details of the applications are shown at **Appendix III** and their locations are shown on **Plan Z-1**.

6. Similar Application

There is no similar application within the “R(B)” zones on the OZP.

7. The Site and Its Surrounding Areas (Plans Z-1 to Z-4b)

7.1 The Site is:

- (a) currently fenced-off and largely vacant;
- (b) intersected by an existing footpath connecting the Tuen Tsz Wai to Lam Tei Light Rail Transit (LRT) Stop (**Plans Z-2, Z-3 and Z-4b**); and
- (c) accessible from an unnamed road at the southern tip of the Site connecting to Ng Lau Road (**Plan Z-2**).

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are orchard, storage yards and an existing residential development, namely Lingrade Garden;

- (b) to the immediate east is the Lam Tei LRT Stop, to the further east across Tuen Ma Line (TML) is an area zoned “Commercial” (“C”) on the OZP which contains shop and services, eating place, public convenience, residential dwellings and Lam Tei Vegetable Depot of the Vegetable Marketing Organization. The southern part of the “C” zone is the subject of a proposed flat development and minor relaxation of building height restriction under the approved application No. A/TM-LTTY/290 (**Plan Z-1**);
- (c) to the south is an unnamed road connecting the Site with Ng Lau Road (**Plan Z-3**); and
- (d) to the west across the nullah are well established residential cluster intermixed with vehicle workshop and land for parking of vehicle.

8. Planning Intention

The “R(B)” zone is intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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/Tuen Mun, LandsD (DLO/TM, LandsD):

- (a) A land exchange application regarding the captioned lots and adjoining GL was received by his office for private residential development with a maximum PR of 1 and maximum BH of 4-storeys over single-storey car park. The land exchange application is still under processing. If planning approval is given, the applicant will need to apply to LandsD for a fresh land exchange application to effect the proposal according to the approved development proposal under planning permission. However, there is no guarantee that the application will be approved and he reserves his comment on such. The 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 would be subject to such terms and conditions as the Government shall deem fit, including, among others, payment of premium and administrative fee as may be imposed by LandsD.
- (b) The existing access shown on **Plan Z-3** lies on the GL. No right of way has been given to the applicant and there is no guarantee that any right of access will be given and any proposals to utilize any GL for any purpose may not be accepted by the Government. The

Government reserves the right to take any enforcement actions as may be considered appropriate against any unauthorized use/occupation of GL or structures or facilities that may be found on the application site irrespective of whether planning permission will be given or not.

- (c) His office would reserve comment on the proposed road works at a later stage when the land exchange application is accepted to be further processed.
- (d) Other detailed comments are at **Appendix IV**.

Environment

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

- (a) The applicant has submitted an Environmental Assessment (EA) to support the application. He has no adverse comment from air quality and sewerage perspectives.
- (b) While he has no objection to the application from noise point of view, should the application be approved, the applicant should submit a Noise Impact Assessment Report at the General Building Plan submission stage and to provide noise mitigation measures to achieve 100% compliance with the noise criteria of the Hong Kong Planning Standards and Guidelines (HKPSG) including road traffic noise standard as committed by the applicant in the EA.
- (c) Other detailed comments are at **Appendix IV**.

Traffic

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

He has no comment on the application subject to the provision of car parking spaces in compliance with the latest requirements set out under HKPSG.

9.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public road and drains.

Urban Design and Landscape

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

It is noted that 9 blocks of 8-storey high towers (T1 to T9) inside the proposed development are about 167% higher than adjacent 3-storey village type developments. It is undesirable from visual impact point of

view and may not be compatible to adjacent residential and village type developments.

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

Urban Design and Visual

- (a) The Site is located to the north of Tuen Mun New Town. It is mainly surrounded by village type developments, planned/existing medium-density private residential developments and high-density public housing developments as well as some GIC uses with mixed building heights varying from a few storeys to 160mPD. In this connection, the indicative scheme for medium-rise residential development with a plot ratio of about 2.5 and a building height of about 35mPD (8 storeys) proposed by the applicant is considered not incompatible with the surrounding environment. As demonstrated in the Visual Impact Assessment conducted by the applicant (**Drawings Z-7 to Z-10**), it is unlikely that the indicative scheme would impose any significant visual impact on the surrounding areas.

Landscape

- (b) With reference to the aerial photo of 2019, the Site is situated in a village landscape character predominated by mid-rise residential buildings and temporary structures. The Site is mainly hard paved and existing trees are observed in the centre and generally along the boundary of the Site. According to the submitted tree survey (**Appendix F of Appendix Ia**), 82 trees of common and weedy species are identified within the Site. While three of them are proposed to be transplanted within the Site and the others are proposed to be removed due to proposed site formation works, 137 new trees, shrubs and groundcover planting are proposed to be planted at the landscaped area of the proposed development.
- (c) Having reviewed the submitted information, he has no in-principle objection to the application from landscape planning perspective.

Water Supplies

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

He has no objection to the application. Other detailed comments are at **Appendix IV**.

Fire Safety

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

He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction. Other detailed comments are at **Appendix IV**.

Building Matters

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

Detailed comments on the proposed scheme would only be given during building plan submission stage. Other detailed comments are at **Appendix IV**.

Others

- 9.1.10 Comments of Chief Engineer/Railway Development 2-2, Railway Development Office, HyD (CE/RD 2-2, RDO, HyD):

The Site falls within the protection boundary of the TML. The applicant shall consult MTR Corporation Limited (MTRCL) with respect to operation, maintenance, safety and future construction of the existing railway.

District Officer's Comments

- 9.1.11 Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

He has distributed consultation letters to the locals concerned and understands that they would provide their comments (if any) to the Board direct. He has no further comment.

- 9.2 The following departments have no comment on the application:

- (a) Director of Leisure and Cultural Services (DLCS);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (d) Chief Engineer/Housing Project 2, CEDD (CE/HP2, CEDD);
- (e) Director of Housing (D of Housing);
- (f) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES (A&M), AMO);
- (g) Director of Electrical and Mechanical Services (DEMS);
- (h) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (i) Chief Engineer/Land Work, CEDD (CE/LW, CEDD); and
- (j) Commissioner of Police (C of P).

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

- 10.1 The application and relevant FIs were published for public inspection. During the statutory publication periods, a total of 24 public comments were received. Of which, 22 raised objection/expressed adverse comments, 1 supported the application/expressed positive comments and 1 provided other views. A full set of public comments will be deposited at the meeting for Members' inspection.
- 10.2 Objections/adverse comments were received from the Indigenous Inhabitant Representative of Tuen Tsz Wai (**Appendices V-1**), a Member of the Tuen Mun District Council (**Appendices V-2**) of which they are in form of joint signature letters with 457 and 220 signatures respectively, the Incorporated Owners of Lingrade Garden (**Appendix V-3**), Green Sense (**Appendix V-4**) and individuals (**Appendices V-5 to V-22**). They object to the application mainly on the following grounds:

Adverse Traffic and Transport Impacts

- (a) Further population increase in the area without relevant traffic improvement measures will further strain the capacity of existing roads, railway and bus services, and accelerate the shortage in parking spaces.

Adverse Visual, Air Ventilation and Environmental Impacts

- (b) The proposed development would have adverse visual and air ventilation impacts and block the sunlight of surrounding developments, in particular the Lingrade Garden. A number of trees are located within the Site, the proposed development would have adverse environmental implications.

Other Issues

- (c) There is insufficient GIC and retail facilities to meet the existing and increased population.
- (d) The proposed footpath at the northern fringe of the Site along the boundary of Lingrade Garden is inconvenience and may impose security risk to Lingrade Garden.
- 10.3 Supporting comment was received from an individual (**Appendix V-23**) who also expressed view that the proposed development should provide more details on the planned traffic improvement measures and GIC facilities.
- 10.4 The comment providing other views was received from the MTRCL (**Appendix V-24**). MTRCL opined that the project proponent should ensure that the proposed mitigation measures can satisfactorily address the potential railway noise impact, and that corresponding provisions in OZP/lease should be stipulated.

11. **Planning Considerations and Assessments**

- 11.1 The applicant proposes to rezone the Site from “R(B)1” to “R(B)4” with a maximum PR of 2.5, a maximum site coverage of 40% and a maximum BH of

8 storeys excluding carpark (35 mPD) to facilitate a medium-density residential development at the Site.

The “R(B)” Zone

- 11.2 The planning intention of “R(B)” zone is primarily for sub-urban medium-density residential developments in rural areas. The “R(B)1” sub-area of the Site is currently subject to a maximum PR of 1.0, maximum SC of 40% and maximum BH of 4 storeys over single-storey car park (15m) while “R(B)2” and “R(B)3” sub-areas under the OZP are subject to a maximum PR of 1.26 and 2.1, maximum SC of 40% (both) and maximum BH of 6 storeys over single-storey car park (21m) and 12 storeys excluding car park (36m) respectively (**Appendix II**).

Land Use Compatibility and Development Intensity

- 11.3 The Site is located to the north of Tuen Mun New Town and adjacent to the Lam Tei LRT stop and Castle Peak Road (**Plan Z-1**). The Site is surrounded by a low-rise and low-density residential development namely Lingrade Garden (PR: 0.82, 3-storey (21 mPD)) to its immediate north and the village type development (i.e. San Hing Tsuen) to the west across the nullah (**Plans Z-2 and Z-3**). Nevertheless, there is a planned public housing development zoned “R(A)” to the further southwest of the Site with a maximum PR of 6.5 and maximum BH of 160mPD and a planned residential development at the “Commercial” (“C”) zone to the east of the Site under application No. A/TM-LTTY/290 with a maximum PR of 3.6, a maximum site coverage of 36% and a maximum building height of 41.2m, which was approved by the Committee on 27.3.2015 (**Plan Z-1**).
- 11.4 Despite that the proposed PR and BH at the Site are higher than the remaining part of the “R(B)1” sub-area to the immediate north, the Site is situated in an urban fringe setting which representing a transformation of development density from sub-urban area to urban area (i.e. Tuen Mun New Town), creating a stepped building height profile along Castle Peak Road – Lam Tei from north to south. The proposed “R(B)4” sub-area with a maximum PR of 2.5 and BH of 8 storeys is still in line with the overall planning intention of the “R(B)” zone for sub-urban medium-density residential development. CTP/UD&L, PlanD also considers that the proposal is not incompatible with the surrounding environment. Overall, the proposed “R(B)4” sub-area at the Site is generally considered not incompatible with the existing and planned developments in the area.
- 11.5 The application proposes to increase the number of flats to meet the acute housing demand. Moreover, the Site is currently bisected by an existing local footpath connecting the “V” zone to the west of the Site (i.e. San Hing Tsuen) to the Castle Peak Road – Lam Tei and Lam Tei LRT Stop (**Plan Z-3**). The applicant commits to reprovide, manage and maintain a 3m wide footpath along the northern boundary of the Site for public use, which could generally enhance the walking environment.

Technical Aspects

- 11.6 The applicant has submitted technical assessments to demonstrate that the proposed rezoning is acceptable from traffic, drainage, sewerage, environmental and water supplies perspectives. Relevant concerned departments, including C for T,

CHE/NTW, HyD, CE/RD 2-2, HyD, CE/MN, DSD, DEP and CE/C, WSD have no in-principle objection to/no adverse comments on the application. Although CA/CMD2, ArchSD points out that the proposed development is undesirable from visual point of view, CTP/UD&L, PlanD considers that it is unlikely that the indicative scheme would impose any significant visual impact on the surrounding areas.

Public Comments

- 11.7 There were 24 public comments received during the statutory publication periods as summarised in paragraph 10 above. The objections/adverse comments were mainly related to traffic and transport, environmental and visual impacts. The planning considerations and assessments in the above paragraphs are relevant. For the provision of GIC facilities, it is generally adequate to meet the need of the planned population in the whole Tuen Mun District.

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 in-principle objection to the application.
- 12.2 Should the Committee decide to agree/partially agree to the application, the relevant proposed amendment to the OZP will be submitted to the Committee for consideration prior to gazetting under the Town Planning Ordinance when opportunity arises.
- 12.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members' reference:

the Site forms an integral part of the "R(B)1" sub-area, which is primarily for sub-urban medium-density residential developments. There is no strong justification to rezone the Site from "R(B)1" to "R(B)4" for a higher development intensity. The current development intensity of "R(B)1" sub-area for the Site is considered appropriate.

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 partially agree/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 20.12.2019
Appendix Ia	FI received on 13.9.2021
Appendix Ib	FI received on 15.9.2021
Appendix II	Proposed Notes of the "R(B)4" Sub-Area

Appendix III
Appendix IV
Appendices V-1 to V-24

Previous s.16 Applications
Detailed Departmental Comments
Public Comments Received During the Statutory
Publication Periods

Drawing Z-1
Drawings Z-2 to Z-4
Drawing Z-5
Drawing Z-6
Drawings Z-7 to Z-10

Schematic Master Plan
Floor Plans
Section Plan
Landscape Master Plan
Photomontages

Plan Z-1
Plan Z-2
Plan Z-3
Plans Z-4a to Z-4b

Location Plan with Previous Applications
Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
SEPTEMBER 2021