

RECONSIDERATION OF APPLICATION NO. Y/TM/20
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE

1. Background

- 1.1 On 1.3.2018, the Town Planning Board (the Board) received a s.12A application to amend the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/34¹ by rezoning a site at No. 436, Castle Peak Road – Castle Peak Bay, Tuen Mun (the Site) (**Plan FZ-1**) from “Green Belt” (“GB”) (about 93%), “Government, Institution or Community” (“G/IC”) (about 6%) and an area shown as ‘Road’ (about 1%) to “Residential (Group A)27” (“R(A)27”) subject to a maximum domestic plot ratio (PR) of 6 or non-domestic PR of 9.5 and a maximum building height (BH) of 100mPD to facilitate a proposed residential development with social welfare facility.
- 1.2 On 17.1.2020, the Rural and New Town Planning Committee (the Committee) of the Board considered the application (copy of RNTPC paper is at **Appendix FA-I**) and decided not to agree to the application for the following reasons:
 - (a) the proposed rezoning of the Site might set an undesirable precedent for similar applications within the “GB” zone, particularly the three adjoining building lots to its immediate south. The cumulative effect of approving such similar applications would result in adverse impacts on the surrounding areas; and
 - (b) the rezoning of the Site alone for high density development was inappropriate and adopting a comprehensive planning approach for the Site and the adjoining lots was required so that a scheme with better design and layout could be formulated to minimize the potential adverse impacts on the surrounding areas.
- 1.3 An extract of the relevant minutes of the above meeting of the Committee is at **Appendix FA-II**.
- 1.4 On 5.5.2020, the applicant lodged a judicial review (JR) application against the decision of the Committee not to approve the application. On 25.11.2021, the Court of First Instance (CFI) allowed the JR and ordered to remit the matter to the Board for reconsideration mainly on the following grounds:

¹ The approved Tuen Mun OZP No. S/TM/35 is currently in force. The zonings and development restrictions of the Site remain unchanged on the current approved OZP.

- (a) the approval of the s.12A application itself would not set a new precedent on land use compatibility in light of the fact that high-rise and high-density residential buildings were present and planned in the surroundings of the Site;
- (b) on the technical aspects, the Board should consider each rezoning application based on its own merits and circumstances. Precedent effect is not a relevant consideration. In addition, there was no evidential basis for the Board to conclude that the cumulative effect would result in adverse impacts on the surrounding areas;
- (c) the Board needed not and should not insist upon the adoption of a comprehensive planning approach for an amalgamated site covering the Site and adjoining lots as this was contrary to well-established planning principles that each case should be determined on its own merits. Such requirement also deprived applicant's opportunity to redevelop the Site alone; and
- (d) the Board had not raised with the applicant the concerns about cumulative impacts and comprehensive planning before its deliberation.

1.5 On 7.2.2022, the applicant submitted a letter to the Board confirming that no further information (FI) would be provided for the reconsideration of the application. The application is scheduled for reconsideration by the Committee at this meeting.

2. The Proposal

2.1 The applicant proposes to rezone the Site, which is mainly zoned "GB" (about 93%), to "R(A)27" with a maximum domestic PR of 6 or non-domestic PR of 9.5 and a maximum BH of 100mPD to facilitate a residential development with social welfare facility (i.e. an office base for On-site Pre-school Rehabilitation Services (OPRS)). In support of the application, the applicant has submitted an indicative scheme for the proposed residential development, which would have 31 storeys (about 100mPD) mainly comprising 26 residential floors and 1 storey of sky garden over a podium with social welfare facility on 1/F, residents' clubhouse and podium garden on 2/F and carpark on basement and ground floors. Floor plans, section plans, landscape plan and photomontages for the proposed residential development are shown in **Drawings FZ-1 to FZ-19**. The major development parameters of the indicative scheme are as follows:

Development Parameters of Indicative Scheme	
Site Area	About 2,364m ²
Total PR [#]	6.08
- Domestic [#]	5.87
- Non-domestic ^{**}	0.21
Total Gross Floor Area (GFA)	About 14,367m ²
- Domestic	About 13,867m ²
- Non-domestic [*]	500m ²
Site Coverage	
- Below 15m	About 80%
- Above 15m	About 30%

Development Parameters of Indicative Scheme	
Total No. of Storeys	31
- Domestic Portion	27 (<i>including 1-level sky garden</i>)
- Non-domestic Portion	4 (<i>including 2-level carpark</i>)
Building Height	About 100mPD
No. of Residential Block	1
No. of Flats	600
Average Flat Size (about)	23m ²
Private Open Space	Not less than 1,615m ²
Car Parking Provision	
- Residents private car parking	27
- Visitors private car parking	20 (<i>including 1 parking space for the disabled</i>)
- Motorcycle	6
Loading/Unloading Space	
- Heavy Goods Vehicle	1
- Light Goods Vehicle	1

Under the proposed “R(A)27” zone, for new development of a building that is partly domestic and partly non-domestic, the PR for the domestic part of the building shall not exceed the product of the difference between the maximum non-domestic PR of 9.5 and the actual non-domestic PR proposed for the building and the maximum domestic PR of 6 divided by the maximum non-domestic PR of 9.5.

* The non-domestic PR and GFA only include the proposed OPRS.

2.2 For Members’ reference, the following documents are attached:

- (a) RNTPC Paper No. Y/TM/20D considered by the Committee on 17.1.2020 **(Appendix FA-I)**
- (b) Extract of Minutes of the RNTPC Meeting held on 17.1.2020 **(Appendix FA-II)**
- (c) The Applicant’s letter dated 7.2.2022 confirming no FI would be provided for the reconsideration **(Appendix FA-III)**

3. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement for the original application (**Appendix Ia of Appendix FA-I**). They are recapitulated as follows:

Meeting Territorial Housing Need by Increasing Flat Production

- (a) The proposed amendment to facilitate a residential cum social welfare facility is in line with the recent Government’s policy to speed up the housing supply. The Policy Addresses in the past few years have had strong accent on housing supply. With due consideration of this policy direction, the indicative scheme, with the production of about 600 flats, will make optimal use of scarce land resources to support the Government’s housing initiatives.

In line with the Government Policy to Intensify Residential Development

- (b) The proposed amendment aligns with the Government's policy initiative of intensifying the residential development of existing housing sites. As announced in the 2014 Policy Address, while a multi-pronged strategy and a series of land supply initiatives have been adopted to increase land supply in the short, medium and long terms, given the limited amount of readily developable land, the current tight situation in the supply of housing land, as well as in the supply of land for various economic activities and social facilities, is expected to continue. Therefore, there is an urgent need to make more efficient use of scarce land resources that could be made available for development or redevelopment within a shorter timeframe. Taking into account the relevant planning consideration, the Government considers that the maximum PR for housing sites located in the respective Density Zones of the New Town could be increased. For the Density Zone 1 (in New Towns) where the Site falls within, the maximum domestic PR has been increased by 20% from 5 to 6.
- (c) The Site has been used as a housing site since at least the 1950s. A planning application (A/TM/370) for house redevelopment was approved in 2008. The proposed amendment to intensify the residential development on this readily available piece of housing site will respond to the Government's initiative of intensifying residential development.

Compatible with the Surrounding Developments

- (d) The Site is located in Tuen Mun New Town, which is characterised by high-rise residential developments and where the BH is about 100mPD in general. The "R(A)4" site adjacent to Tuen Mun Station, which is within 400m range of the Site, reaches 156mPD. The sites of Tseng Tau Sheung Tsuen South and former Pui Oi School for public housing development to the south of the Site, have a maximum PR of 6.5 and a maximum BH of 145mPD and 125mPD respectively. The Site shares similar characteristics of these two sites as all of them are located to the east of Castle Peak Road, surrounded by "GB" zone and have the ridgeline and country park as the visual backdrop. Besides, a planning application (No. A/TM/256) for high-rise and high-density residential development (5 residential blocks with a maximum BH of 41 storeys) at Hoh Fuk Tong to the north of the Site was approved by the Committee of the Board on 19.11.1999 (**Plan FZ-1**). As the proposed BH and PR of the indicative scheme are comparable with these sites, the proposed amendment will not set an undesirable precedent in the area.

No Adverse Impact on Existing and Planned GIC Provision

- (e) The proposed amendment will unlikely result in any deficit in existing and planned government, institution and community (GIC) facilities provision. According to the RNTPC Paper No. 9/17², the existing and planned provision of GIC facilities and open space are generally adequate to meet the demand of the overall planned population in Tuen Mun in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG). Although there is deficit of clinic/health centre as well as sports centre and sports ground/sports complex, the additional population by the proposed amendments (with about 600 residential units), when compared with the aggregate total population added by the 30 housing sites in Tuen Mun in 2014 and 2017, is insignificant.

² RNTPC Paper No. 9/17 for Proposed Amendments to the Approved Tuen Mun Outline Zoning Plan No. S/TM/33 was considered by the Committee of the Board on 13.10.2017.

- (f) The proposed amendment is an opportunity to provide a much needed type of social welfare facility. In an episode of Hong Kong Letter dated 21 October 2017, the Chief Executive acknowledged that there was a lack of early education and training for young children diagnosed with special education needs. The increase of population in Tuen Mun makes a strong case for provision of social welfare facilities with a shortage acknowledged by the Government. In view of Social Welfare Department (SWD)'s comments, the applicant proposes to provide an office base for OPRS, which is also a kind of pre-school welfare facility.

No Adverse Technical Impact

- (g) Technical assessments, including Traffic Impact Assessment (TIA), Environmental Assessment Study (EAS), Sewerage Impact Assessment (SIA), Landscape and Tree Preservation Proposal (LTPP), Visual Impact Assessment (VIA), Air Ventilation Assessment (AVA) and Geotechnical Planning Review Report (GPRR) have been conducted to ascertain that the indicative scheme will not result in adverse impacts on its surroundings and sufficient mitigation measures will be carried out during the construction and operation of the proposed development. With the proposed improvement scheme at the junction of Castle Peak Road – Castle Peak Bay/Tuen Shing Street (i.e. extension of existing cycle time and rearrangement of Methods-of-Control sequence of traffic lights) in place (**Drawing FZ-19**), all junctions in the vicinity would be operating satisfactorily. A traffic impact sensitivity test has also been conducted, concluding that the proposed rezoning together with potential residential development of the adjoining lots in the south would not generate any major negative impact on the surrounding road network based on the assumptions adopted.

4. 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.

5. Background

The majority part of the Site has been zoned “GB”, with a minor portion zoned “G/IC” and a very small area shown as ‘Road’, since the gazettal of the first Tuen Mun OZP in 1983. The Site was previously occupied by a house named ‘柳園’ in 1950s which was demolished in 2008. Considering the Site is located in between Tuen Mun Town and Tai Lam Country Park, the “GB” zone is intended 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.

6. Previous Applications

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

6.2 For Members’ reference, the Site was involved in a previous s.16 planning application (No. A/TM/370) for redevelopment of an existing house at PR of 0.4. The application was approved with conditions by the Committee on 15.8.2008. In addition, the Site

together with the adjacent lots (PSIL 6, Lots 975, 976s.A, 976RP and Government land in D.D.131) was the subject of a previous s.16 planning application (No. A/TM/263) for redevelopment of four 1 to 2-storey existing houses into four 3-storey houses above a single building platform at PR of 0.4, which was approved with conditions by the Committee on 16.6.2000. Their locations are shown on **Plans FZ-1 and FZ-2**.

7. Similar Application

There is no similar s.12A planning application for rezoning from “GB” to “R(A)” within the OZP. For information, two house lots (**Plans FZ-1 and FZ-2**) lying to the south obtained planning approvals for redevelopment of the existing houses at PR 0.4 on 18.11.2011 (Applications No. A/TM/416 and A/TM/417).

8. The Site and its Surrounding Areas (Plans FZ-1 to FZ-4e)

8.1 The Site is:

- (a) located at the eastern fringe of the Tuen Mun New Town on the eastern side of Castle Peak Road – Castle Peak Bay;
- (b) previously occupied by a house named ‘柳園’. The house was demolished in 2008;
- (c) currently covered by vegetation with site formation works suspended for the house redevelopment approved under Application No. A/TM/370; and
- (d) directly accessible from Castle Peak Road – Castle Peak Bay near the road junction with Pui To Road.

8.2 The surrounding area has the following characteristics:

- (a) to its immediate north is an area zoned “G/IC”³ which is currently occupied by low rise premises including the CCC But San Primary School, the CCC Hoh Fuk Tong College, the Ho Fuk Tong Centre which comprises a group of buildings including the Morrison Building which is a declared monument and the Fuk Tong Mansion which is a retirement quarter for priests (**Plans FZ-2b and FZ-3**). A watercourse runs along the northern boundary of the Site;
- (b) to the west across Castle Peak Road – Castle Peak Bay are high-rise commercial/residential developments including Tuen Mun Town Plaza, Trend Plaza and Waldorf Garden. Light Rail Transit (LRT) Pui To Station and Tuen Ma Line

³ Application No. A/TM/256 for Comprehensive Residential Development of five 41-storey buildings at total PR 5 with a Primary School, a Secondary School and a Chapel falling within an area partly zoned “G/IC” and partly zoned “Village Type Development” (“V”) was approved with conditions by the Committee on 19.11.1999. Morrison Building within the application site was designated a declared monument after granting of planning permission, rendering the redevelopment proposal not implementable (**Plan FZ-2b**). The planning permission has subsequently lapsed.

Tuen Mun Station are located about 120m and 500m to the west of the Site respectively (**Plan FZ-2b**);

- (c) to its immediate south is an area zoned “GB” with a house lot occupied by an existing single-storey house named “蓮圍” and two vacant house lots, surrounded by tree clusters with mature vegetation (**Plans FZ-2 and FZ-3**);
- (d) to the south-east is an area zoned “GB” with a few scattered low-rise residential structures on vegetated slope (**Plan FZ-3**). To the further south is the “Residential (Group B)” zone for a residential development named Villa Tiara and two proposed public housing sites (zoned “R(A)26”) at Tseng Tau Sheung Tsuen South and former Pui Oi School (**Plan FZ-1**); and
- (e) to the east is mostly vegetated hill-slope zoned “GB” on the OZP. The Tuen Mun East Fresh Water Service Reservoir lies to the southeast. Tai Lam Country Park is located to the further east (**Plan FZ-3**).

9. Planning Intentions

- 9.1 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 within this zone.
- 9.2 The “G/IC” zone is intended 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, organizations providing social services to meet community needs, and other institutional establishments.

10. Comments from Relevant Government Departments

- 10.1 Comments on the application made by relevant government departments on the original application in 2018/19 are summarised in paragraph 9 of **Appendix FA-I**. For the reconsideration of the application, the following government departments have been further consulted and their views on the application are summarized as follows:

Land Administration

- 10.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):
 - (a) The subject lot is held under New Grant No. 418 dated 19.10.1955 and the Extension letter dated 13.2.1986 and subject to the right-of-way from Castle Peak Road governed by the letter dated 31.3.2009 from DLO/TM. The salient development parameters permitted under lease are as follows:

Lot No. 977 RP in D.D. 131

a. Status: Building and Garden

b. Development Conditions

- (i) One residential type house
- (ii) No partitioning into flats or separate residences without the permission of the District Commissioner, New Territories in writing
- (iii) Not exceeding 2 storeys in height nor 25 feet; and no storey shall be less than 10 feet in height
- (iv) 2/3 site coverage

Extension to Lot No. 977 RP in D.D. 131

a. User: Garden purposes

b. Other conditions

- (i) The site shall not be taken into account for the purposes of calculating PR or site coverage permitted under the provisions of the Buildings Ordinance, any regulations made thereunder and any amending legislation in respect of any development or redevelopment of the lot.
- (ii) No structure other than boundary walls, fences and the structures existing as at the date hereof shall be erected or constructed on or within the above area except with the prior written approval of the Director.

Right of way (6m width) from Castle Peak Road to the subject lot – Letter dated 31.3.2009

Conditions

- (i) 6m width
 - (ii) No exclusive right of use
- (b) The proposed development as stated in the application is not permitted under the lease. If the application is approved by the Board, the owners of the subject lot may consider applying to his office for a lease modification for the proposed development. The application will be considered by LandsD acting in the capacity as private landlord at his discretion. However, there is no guarantee that the application will be approved and, if approved, it will be subject to some terms and conditions including, amongst others, charging of premium and fee, as imposed by LandsD. Besides, regarding other proposed design of the application, comment will be given by LandsD at building plan processing stage and there is no guarantee that the schematic design as presently proposed in the application will be approved or be incorporated onto the future lease document.

- (c) The applicant claims that the site area is about 2,364m². According to his record, it appears that there may be some existing structures at the adjoining lot of Lot 976 S.A. in D.D. 131 encroaching onto the subject lot. As such the applicant is required to resolve this encroachment issue before submitting the formal application to LandsD and submit a detailed land survey report about site boundaries, areas, etc. at the time of application. He would not comment on the accuracy of the site area as mentioned by the applicant at this preliminary stage.
- (d) Since the width of the existing right of way as permitted under the lease is 6m only, the applicant has to justify to the concerned departments especially Transport Department (TD) and Highways Department (HyD) that the existing right of way is sufficient for the future high rise residential building with various parking facilities. There is no guarantee that additional land can be given for widening of the right-of-way or permission be given to alter the right of way.

Traffic

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

TIA

- (a) He has no in-principle objection to the application including the proposed 6m-wide right-of-way and ingress/egress point and advises that the proposed traffic improvement measure should be carried out by the applicant.

Sensitivity Test

- (b) He notes that the sensitivity test for residential development at the Site and the potential residential development of the adjoining lots in the south was requested by PlanD. The traffic impact sensitivity test concludes that based on the assumptions adopted, the proposed rezoning would not generate any major negative impact on the surrounding road network. He has the following observations on the sensitivity test:
 - (i) The development schedules such as the PR and average flat size are based on assumptions which may not reflect the actual development schedule proposed in the future;
 - (ii) The programme of Tuen Mun Western Bypass⁴ and Tuen Mun South Extension are uncertain and the assumptions of the planned major development in Section 3.2 may be invalid;
 - (iii) The junction improvement measure proposed by the Civil Engineering and Development Department (CEDD) for Junction 4 may not be in place in 2026;

⁴ The proposal of replacing Tuen Mun Western Bypass by Tuen Mun Bypass to improve traffic condition of Tuen Mun District was announced in 2021.

- (iv) The pedestrian flow generated by the potential housing site is up to 1000 during peak hour. Additional pedestrian facilities such as footpath and crossings may be required; and
- (v) In Figure 4.3, the increase in right turn traffic from Castle Peak Road – Castle Peak Bay to Tuen Shing Street is relatively low. The applicant should review the traffic flow or the route in Figure 2.2.

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

- (a) The proposed access arrangement of the application site from Castle Peak Road – Castle Peak Bay should be commented and approved by TD.
- (b) If the proposed access is agreed by TD, a run in/out at the access point at Castle Peak Road – Castle Peak Bay should be constructed by the applicant in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) There is a strip of unallocated government land between the application site and Castle Peak Road – Castle Peak Bay near the proposed run-in/out, which is not and will not be maintained by HyD.
- (d) Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains.

Environment

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

He has no objection to the application and has the following comments on the applicant's EAS:

Water Quality and Sewerage Impact

- (a) He has no adverse comment on the SIA submission.

Traffic and Railway Noise Impact

- (b) According to the EAS, the application site is subject to road traffic noise from Castle Peak Road (San Hui), Castle Peak Road (Castle Peak Bay) and Pui To Road. Based on the indicative scheme, with implementation of proposed noise mitigation measures, including architectural fins, conventional acoustic balcony and enhanced acoustic balcony design, all residential flats could meet the road traffic noise standard stipulated in HKPSG. No adverse rail noise impact from the LRT and fixed noise source impact are anticipated. He has no adverse

comment from noise perspective. The developer shall be required to submit NIA report and provision of noise mitigation measures to meet HKPSG requirements to the satisfaction of DEP under the relevant land title documents, if applicable. His technical comments on the NIA are provided at **Appendix III** of **Appendix FA-I** and the applicant should address these comments in the future NIA submission.

Urban Design and Visual Impact

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

She has no objection to the application from urban design and visual impact point of view:

- (a) To the west of the application site is high-rise residential development including Trend Plaza with a BH of 106mPD, Tuen Mun Town Plaza with a BH of 104mPD, and Waldorf Garden with BH of about 95mPD. However, the subject site is mainly predominated by village clusters (e.g. Tseng Tau Sheung Tsuen North) and also located on the periphery of the existing Tai Lam Country Park which is a major landscape and visual resources in the area.
- (b) As the applicant has addressed her previous comments, she has no further comments from urban design and visual impact viewpoint. To enhance the visual and air permeability, the applicant has proposed some design elements such as communal sky garden in the middle of the residential block with additional greenery and a 10m high empty bay on G/F in the western and southern wings of developments, building setback or greenery coverage according to the BD's PNAP Guidelines No. APP-152 for 'Sustainable Building Design Guidelines' with a view to making the scheme more visually compatible with the rural environment and preserving the existing visibility to the mountainous backdrop.

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

He has the following comments from the architectural and visual point of view:

- (a) It is noted that the proposed development has one domestic block with 31 storeys (including 2-level car park) and a BH of 100mPD. The proposed use, development massing and intensity may not be incompatible with adjacent developments with maximum BH ranging from 85mPD to 100mPD. In this regard, he has no comment from visual impact point of view.
- (b) The applicant clarified that emergency vehicular access (EVA) within the site will be provided in accordance with Building (Planning) Regulations (B(P)R) 41D and PNAP APP-136. As such, he has no further comment.

Air Ventilation

10.1.7 Comments of CTP/UD&L, PlanD:

She has no objection to the application and has the following comments from the air ventilation perspective:

- (a) An AVA Initial Study (IS) using computational fluid dynamic modelling has been carried out to support the application. Two scenarios, i.e. Baseline Scheme (approved by the Board under Application No. A/TM/370) and the Proposed Scheme, have been studied. As set out in the AVA IS report, mitigation measures including (i) setback from western boundary; (ii) elevated tower design with 10m (height) x 7.5m (width) empty bay in the western wing; and (iii) elevated tower design with 10m (height) x 7.5m (width) empty bay in the southern wing (**Drawing FZ-18**), have been incorporated in the Proposed Scheme with an aim to addressing the potential adverse air ventilation impact induced by the proposal to the surrounding areas.
- (b) According to the simulation results, the Proposed Scheme has better Site spatial average velocity ratio (SVR) and Local spatial average velocity ratio (LVR) when compared with the Baseline Scheme under annual condition, while the overall performance on pedestrian wind environment of both Baseline and Proposed Schemes are comparable under summer condition in accordance with their SVRs and LVRs.
- (c) Considering the above, it is not anticipated that the Proposed Scheme with mitigation measures described above would generate significant adverse air ventilation impact on the overall pedestrian wind environment as compared with the Baseline Scheme.

Landscape

10.1.8 Comments of CTP/UD&L, PlanD:

She has no objection to the application and has the following comments from the landscape planning perspective:

- (a) With reference to the aerial photo of 2021, the Site is situated in an area of urban peripheral village landscape character predominated by village houses, woodland, major roads and Light Rail track. As there are high-rise developments of Tuen Mun Town Centre located to the immediate west of the Site and there are other approved planning applications for development within the same “GB” zone, the proposed development of residential cum social welfare facility is considered not incompatible with the landscape character of the surrounding environment.
- (b) Based on the planning statement and technical reports (**Appendix Ia** of **Appendix FA-I**), the Site is fenced off and formation works for previously approved application (No. A/TM/370) of the site was commenced, no tree or significant vegetation is observed within the Site.

According to the Landscape and Tree Preservation Proposal submitted, no tree felling within the Site is proposed and 15 new heavy standard trees would be planted on the ground floor and podium level; and not less than 1,615m² of open space in total would be provided within the proposed development, including wooden deck, canopied walkway, water feature and swimming pool, etc. Significant impact arising from the proposed development is not anticipated.

Drainage

10.1.9 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

He has no comment on the application from public drainage point of view on the understanding that the proposed residential development, including site formation, drainage and sewerage works etc., shall be submitted by the applicant separately for relevant authorities' approval.

Building Matters

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

He has no comment under the Buildings Ordinance (BO) on the application but draws the applicant's attention to the following points:

- (a) The Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the B(P)R respectively.
- (b) Detailed comments under the BO will be provided at the building plan submission stage.

Nature Conservation

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

- (a) He has no major comment on the application from the nature conservation perspective.
- (b) It is noted that majority of the Site is located within "GB" zone and the Site is primarily disturbed. In the Landscape and Tree Preservation Proposal, it is stated that 3 trees near the Site will be affected by the proposed retaining walls and they are proposed to be felled since they are located on slope and difficult to form a proper root ball for transplantation. As the applicant has proposed to plant 15 heavy standard trees to compensate the removal of these 3 trees, he has no major comment from the nature conservation perspective. However, the applicant is reminded that precautionary measures shall be in place to preserve other trees near the Site.

- (c) Having said the above, the Site largely falls within “GB” zone where there is presumption against development. The Board may wish to consider if approval of the subject application might set an undesirable precedent for other proposed developments within “GB” zone.
- (d) Regarding the Tree Compensation Plan proposing 15 and 54 trees for compensatory planting and landscape planting respectively, he has no comment on the application.

Fire Safety

10.1.12 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 firefighting 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.

Geotechnical

10.1.13 Comments of Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD):

He has no in-principle objection to the application. His detailed comments are provided at **Appendix III** of **Appendix FA-I**.

Others

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

- (a) He has no further comment on the application from the welfare perspective on the understanding that the reserved area of around 500m² in GFA would be used for setting up an OPRS as an integral part of the development and will be assigned back to the Financial Secretary Incorporated (FSI) as a Government Accommodation (GA) upon construction completion. Upon satisfactory completion of works by the developer, the Government will reimburse the developer the actual cost of construction or the consideration sum as stipulated in the land lease (to be confirmed by departments concerned before execution of the land lease), whichever is the lesser, according to the established practice. The service operator would be selected by the SWD.
- (b) The office base for OPRS is a kind of pre-school welfare facility. The space requirement will be around 165m² in terms of net operational floor area (NOFA), 215m² in terms of internal floor area (IFA) and 363m² in terms of GFA subject to further review in detailed design stage. The premises shall be situated at a height not more than 24m above ground level. There should also be an independent entrance accessible to the public for the premises since centre-based training will be provided for

service users at the OPRS office. A parking space for 24-seater van for the mobile training centre of the OPRS team should be provided.

(c) His other detailed comments are at **Appendix III of Appendix FA-I**.

10.1.15 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(AM), AMO):

(a) The Site is located approximately 150m-200m away from a cluster of historic buildings in Hok Fuk Tong Centre, i.e. Morrison Building, a declared monument, and six Grade 3 historic buildings, namely Hoh Fuk Tong House, Home of Bethel, Canteen, Home of Leung Fat, Mark Hall and Pavilion (**Plan FZ-2b**). The applicant should ensure that the declared monument and six Grade 3 historic buildings would not be adversely affected, both visually and physically, by the application. The applicant is required to consult AMO for any works which may affect the declared monument and the graded buildings as well as their immediate environs, if the application is approved by the Board.

(b) The applicant is required to inform AMO immediately when any antiquities or supposed antiquities are discovered in the course of works.

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

He has no in-principle objection to the application. His detailed comments are provided at **Appendix III of Appendix FA-I**.

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

He has no specific comment on the application. However, the existing roadside planters may be affected. As the Leisure and Cultural Services Department (LCSD) is responsible for the maintenance of vegetation of roadside amenities and related irrigation point, according to DEVB TC(W) No. 6/2015, should there be any construction works at the concerned roadside planters and related irrigation point, the contractor should provide details of vegetation area that will be affected and the compensatory plan for LCSD's agreement. An on-site meeting should be arranged with LCSD and reinstating/replanting of affected shrubs/groundcovers with Defect Liability Period (DLP) should be to the satisfaction of LCSD. Site handover before and after the works is required.

District Officer's Comments

10.1.18 Comments of the District Officer (Tuen Mun) (DO(TM)):

The Site is in the vicinity of a string of existing and planned village settlements and residential developments, such as Villa Tiara, Tuen Mun Town Plaza, Tseng Tau Chung Tsuen, Waldorf Garden, Trend Plaza and the planned public housing developments at Tseng Tau Sheung Tsuen South and Former Pui Oi School. Tuen Mun District Council (TMDC) and the concerned locals have been dissatisfied with the congested traffic conditions and insufficient supporting facilities (especially parking spaces, GIC

facilities, social welfare and medical services facilities) in the district. As revealed in the previous TMDC discussions on the proposed public housing developments in Tuen Mun Central, TMDC were very concerned whether the transport infrastructures and supporting facilities could meet the need of the existing and additional population in the area. They also expressed grave concern about the potential adverse visual, noise, and other environmental impacts brought by the proposed public housing developments to residents living in the vicinity. He envisaged that TMDC members and locals concerned will have similar concerns about the subject application, in particular when the cumulative effects of the adjoining planned/existing developments are taken into account and the proposed /planned transport infrastructures have not yet been put in place.

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

- (a) Commissioner of Police (C of P);
- (b) Project Manager (West), CEDD (PM(W), CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Director of Electrical and Mechanical Services (DEMS).

11. Public Comments Received During Statutory Publication Periods

11.1 During the statutory publication periods of the application and its FI (published for public inspection on 9.3.2018, 27.7.2018, 11.1.2019, 12.7.2019 and 8.3.2022), a total of 89 public comments were received. Amongst the public comments received, there are 21 supporting comments and 68 opposing comments or expressing views/concerns on the application. The breakdown of the public comments received in 2018/2019 and 2022 is as follows:

Year	Support	Oppose or expressing views/concerns	Total
2018/2019	21	67	88
2022	-	1	1
Total	21	68	89

11.2 A full set of the public comments received are at **Appendix FA-IV** for Members' reference. The major grounds of the public comments received in 2018/2019 are set out in paragraph 10.4 of **Appendix FA-I** and the major views of all the public comments received are recapitulated/summarised in the following paragraphs.

11.3 The supporting comments submitted by Tuen Mun Merchants Association Limited and individuals are mainly on the following grounds:

- (a) The proposal can help meet the urging housing demand, making use of under-utilised land and enhance the living environment in the area.
- (b) Traffic condition within Tuen Mun will be improved upon completion of the proposed infrastructure such as Route 11 and Tuen Mun Western Bypass.

- (c) The proposed early education and training centre can help improve the overall development of children with difficulties and relieve parents' pressure. There are a lot of GIC facilities, including Tuen Mun Eye Centre, Tuen Mun Woman Health Centre and Maternal and Child Health Centre in the area. The Site is suitable for housing development. More job opportunities will be created.
- 11.4 The opposing comments and comments expressing views/concerns are mainly submitted by two former TMDC members, Village Representatives (VRs) of Tseng Tau Sheung Tsuen (井頭上村) and Tseng Tau Chung/ Ha Tsuen (井頭中/下村), San Hui (新墟) and Tseng Tau Chung Tsuen Village Committee, Owner's Corporations of Tuen Mun Town Plaza Tower 8 and Waldorf Garden, World Wide Fund for Nature Hong Kong, MTR Corporation Limited, Hong Kong and China Gas Company, Kadoorie Farm and Botanic Garden, a primary school in the vicinity and individuals. The opposing comments and comments expressing views/concerns are mainly on the following grounds:

Opposing Comments

- (a) The proposed high-density development is not compatible with the surrounding area zoned "GB". It will block air ventilation; have adverse visual impact; and set an undesirable precedent for high-rise developments in the area.
- (b) The proposed development may have adverse impact on the Tai Lam Country Park, Maclehorse Trail and the watercourse at the north of the site. The tranquil environment being enjoyed by the schools in the surrounding area may be affected. The proposed development will destroy the village setting (*'fung shui'*) of Tseng Tau Chung Tsuen and affect the well-being of villagers.
- (c) The "GB" zone and '柳園' should be preserved.
- (d) Both "GB" and "G/IC" zones are intended for community benefit. The provision of an OPRS is not adequate to compensate for the community in terms of visual and environmental impacts and reduction in GIC land for the district.

Other Concerns

- (e) The Site is vulnerable to the railway noise arising from LRT track and air impact from the temple nearby. The applicant should provide technical assessments to demonstrate future residents of the proposed development will not be affected, and be requested to implement noise mitigation measures at his own cost to protect future residents from railway noise.
- (f) Residents living opposite to the Site have not been notified and consulted on the application.
- (g) Whether the land premium has been agreed for the proposed increase of PR from previously approved 0.4 to 5.87 in the current application.
- (h) The lift linking G/F to LRT Pui To Station/escalators should be provided before planning any residential developments in the area.

- (i) The Site should be rezoned for public housing instead of private housing development.
- (j) Impact on heritage buildings in the vicinity caused by the proposed development should be assessed.

12. Planning Considerations and Assessments

- 12.1 The applicant proposes to rezone the Site from “GB” (about 93%), “G/IC” (about 6%) and an area shown as ‘Road’ (about 1%) to “R(A)27” with a maximum domestic PR of 6 or non-domestic PR of 9.5 and a maximum BH of 100mPD to facilitate a residential development with social welfare facility at the Site. The Notes for the proposed “R(A)27” zone will be identical to the schedule of uses of other “R(A)” zones on the OZP except with the requirement for provision of the proposed social welfare facility (**Appendix V of Appendix FA-I**). The assessment of the application below is made on the basis of the “GB” zone on which the majority of the Site falls, despite minor portions of the Site in “G/IC” zone and an area shown as ‘Road’.
- 12.2 Given the Court’s Judgement as summarised in paragraph 1.4 above and the latest planning circumstances which largely remain unchanged since the rejection of the original application on 17.1.2020, the s.12A application is assessed in the following paragraphs.

“GB” Zone

- 12.3 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.
- 12.4 Since the 1950s, i.e. before the gazettal of the first Tuen Mun OZP in 1983, the Site has been used as a housing site. The Site is held under the lease for building and garden uses with a building entitlement of one residential type house. The Site is currently covered by vegetation with site formation works suspended for the house redevelopment with a PR of 0.4, which was approved by the Committee under application No. A/TM/370 on consideration of no adverse traffic, infrastructure and visual impacts and having regard to its entitlement for a house under lease. Noting that the Site is primarily disturbed, DAFC has no major comments on the current application from the nature conservation perspective. CTP/UD&L, PlanD considers that as there are high-rise residential developments of Tuen Mun Town Centre located to the immediate west of the Site and other approved planning applications for development within the same “GB” zone, the proposed development is not incompatible with the landscape character of the surrounding environment. In this regard, she has no objection to the rezoning application from landscaping point of view.

Land Use Compatibility and Development Intensity

- 12.5 Although the Site is located at the eastern fringe of Tuen Mun New Town, it is adjacent to Tuen Mun Town Centre and Tuen Ma Line Tuen Mun Station and

developments to the west of the Site (i.e. Century Gateway, Tuen Mun Town Plaza, Waldorf Garden, Trend Plaza) are mainly high-rise residential developments intermixed with GIC uses (**Plans FZ-1 and FZ-2b**). To the south of the Site, two sites including Tseng Tau Sheung Tsuen South and former Pui Oi School were rezoned from “GB” and “R(A)22” to “R(A)26” under Government’s initiation in 2018 for public housing developments (**Plan FZ-1**). The zoning proposal under application for high-rise residential development is considered not incompatible with the surroundings in terms of land use.

- 12.6 In terms of development intensity, the applicant proposes that the new “R(A)27” zone for the Site should be subject to a maximum domestic PR of 6 or non-domestic PR of 9.5. Compared to the permitted domestic PRs of other “R(A)” zones in the OZP (ranging from 5 to 6)⁵ and the permitted total maximum PR of 6.5 for “R(A)26” zone, the proposed PR is in line with the PRs of the existing and planned developments in the surrounding areas. In terms of BH, the proposed development with a maximum BH of 100mPD is not incompatible with the permitted BH of the “R(A)” zones along Castle Peak Road – Castle Peak Bay and Castle Peak Road – San Hui, which has a range from 85mPD to 100mPD, including Tuen Mun Town Plaza, Waldorf Garden and Trend Plaza, whereas Century Gateway to the further west of the Site is at 156mPD. Besides, the proposed BHs of the two planned public housing sites at Tseng Tau Sheung Tsuen South and former Pui Oi School are 145mPD and 125mPD respectively (**Plan FZ-2a**). In this regard, CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comment on the application from urban design and visual impact perspectives.

Provision of Social Welfare Facility

- 12.7 In response to DSW’s request for an office base for OPRS, the applicant is willing to incorporate an OPRS at the Site and is committed to collaborating closely with SWD regarding the provision of the social welfare facility. DSW also has no further comment on the preliminary schematic design of the proposed OPRS submitted by the applicant.

Technical Aspects

- 12.8 The applicant has submitted TIA to support the application. The TIA concluded that with transport improvement works in place, i.e. adjustment to traffic light sequence at Junction of Castle Peak Road – Castle Peak Bay/Tuen Shing Street as proposed by the applicant (**Drawing FZ-19**), and other transport improvement projects initiated by the Government (i.e. widening of Castle Peak Road – Castle Peak Bay and possible Tuen Mun South MTR station), the proposed development would not generate any major negative impact on the surrounding road network. C for T has no in-principle objection to the application and advises that the proposed traffic improvement measure should be carried by the applicant.
- 12.9 The applicant has submitted AVA IS to support the application. Having considered the design elements including building setback along Castle Peak Road and a 10m high empty bay on G/F in the western and southern wings of the proposed development, it is anticipated that the proposed scheme would not generate

⁵ On 9.5.2014, the Committee approved a planning application (No. A/TM/454) to the west of the Site for minor relaxation of domestic PR from 5 to 6 (+20%) for better utilisation of land resources and meeting housing demand (**Plan FZ-2b**).

significant adverse air ventilation impact on the overall pedestrian wind environment. In this regard, CTP/UD&L, PlanD has no objection to the application from air ventilation point of view.

- 12.10 In view that the majority of the Site is primarily disturbed and the applicant proposes to compensate the felling of 3 existing trees near the Site with 15 heavy standard trees, DAFC has no major comment on the application from nature conservation perspective. CTP/UD&L, PlanD also has no objection from landscape planning point of view in considering that the Site is fenced off and formation works for previously approved application (No. A/TM/370) was commenced, and no tree or significant vegetation is observed within the Site.
- 12.11 DEP has no objection to the application from water quality and sewerage infrastructure planning perspectives. The EAS submitted by the applicant has identified the traffic noise from Castle Peak Road (San Hui), Castle Peak Road (Castle Peak Bay) and Pui To Road to the west of the Site as the main source of noise impact. The applicant has demonstrated in the indicative scheme that with appropriate mitigation measures, no adverse noise impact is anticipated. On the understanding that the applicant is required to submit a revised NIA report at land grant stage to demonstrate the compliance with the noise criteria under HKPSG and implement the proposed noise mitigation measures, DEP has no adverse comment from noise perspective.
- 12.12 CE/MN, DSD has no comment on the application from public drainage perspective. H(GEO), CEDD has no in-principle objection to the application having considered the GPRR submitted by the applicant. The applicant is required to submit a natural terrain hazard study and implement any necessary hazard mitigation measures at the detailed planning/implementation stage. Other relevant departments consulted have no objection to/adverse comments on the application.

Public Comments

- 12.13 Amongst the 89 public comments received during the public inspection periods, 68 comments either objected to or expressed concerns on the application while 21 comments indicated support. Comments from relevant Government departments in paragraph 10 above and the planning considerations and assessments in the above paragraphs are relevant. Regarding the public comments that local residents have not been notified and consulted, the s.12A application and its FI were published for public inspection according to the current practices and requirements. Besides, the land premium aspect should not be a factor for consideration of the rezoning application.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, PlanD has no in-principle objection to the application.
- 13.2 Should the Committee decide to agree/partially agree to the application, PlanD would work out the appropriate amendments to the OZP including zoning boundaries, as well as the development restrictions and requirements to be set out in

the Notes and/or Explanatory Statement for Committee's agreement prior to gazetting under the Town Planning Ordinance when opportunity arises

- 13.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members' reference:

the development intensity of the proposed rezoning is considered excessive having regard to the setting of the Site.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 14.2 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.

15. Attachments

Appendix FA-I	RNTPC Paper No. Y/TM/20D considered on 17.1.2020
Appendix FA-II	Extract of Minutes of the RNTPC Meeting held on 17.1.2020
Appendix FA-III	The Applicant's letter dated 7.2.2022
Appendix FA-IV(1) to (89)	Public comments
Drawings FZ-1 to FZ-19	Floor plans, sections plans, landscape plan and photomontages submitted by the applicant
Plan FZ-1	Location plan
Plan FZ-2	Site plan (with previous and similar applications)
Plan FZ-2a	Site plan (with permitted BH)
Plan FZ-2b	Site plan (with permitted PR/GFA of "R(A)" zones and historic buildings)
Plan FZ-3	Aerial photo
Plans FZ-4a to FZ-4e	Site photos

**PLANNING DEPARTMENT
APRIL 2022**