

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

APPLICATION NO. Y/TM/30

- Applicant** : Deltum Company Limited represented by Arup Hong Kong Limited
- Application Site** : No. 430 Castle Peak Road – Castle Peak Bay, Tuen Mun, New Territories
- Site Area** : About 1,840m²
- Lease** : Ping Shan Inland Lot (PSIL) No. 6
- No building allowed except one residence of European type
- Height of building shall not exceed 35 feet
- No offensive trade allowed
- A non-exclusive right of way over the Government Land (GL) branching off from Castle Peak Road
- Plan** : Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/38 currently in force

Draft Tuen Mun OZP No. S/TM/36 at the time of submission
(The zonings and development restrictions of the application site remain unchanged on the current OZP)
- Zonings** : “Green Belt” (“GB”) (about 89.9%) and area shown as ‘Road’ (about 10.1%)
- Proposed Amendment** : To rezone the application site from “GB” and an area shown as ‘Road’ to “Residential(Group A)29” (“R(A)29”) subject to the following development restrictions:

(a) a maximum domestic plot ratio (PR) of 6 or a maximum non-domestic PR of 9.5
(b) a maximum building height (BH) of 100mPD
(c) provision of Government, Institution or Community (GIC) facility with a gross floor area (GFA) of not less than 314.6m²

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1**), which is mainly zoned “GB” (about 89.9%) with a minor portion falls within an area shown as ‘Road’ (about 10.1%), to “R(A)29” subject to a maximum domestic PR of 6 or a maximum non-domestic PR of 9.5, a maximum BH of 100mPD and provision of GIC

facility with a GFA of not less than 314.6m² to facilitate a proposed residential development with a social welfare facility (i.e. a School Social Work (SSW) Unit). The applicant's proposed amendments to the OZP and the Notes for the new "R(A)29" zone are at **Drawing Z-1** and **Appendix II** respectively.

- 1.2 The Site is located at the eastern fringe of Tuen Mun New Town and is situated within a developed and predominantly residential context of Tuen Mun Town Centre. Developments to the west of the Site across the Castle Peak Road – Castle Peak Bay are mainly high-rise residential developments such as Tuen Mun Town Plaza and Waldorf Garden intermixed with GIC uses. There are planned high-rise residential developments to the north and south of the Site including a site zoned "R(A)27" for private housing development and two sites zoned "R(A)26" for public housing developments (**Plan Z-1**). The Site, with building entitlement and planning permission for residential development at a PR of 0.4 (details in paragraph 5 below), is currently vacant, partly formed and partly covered with vegetation (**Plans Z-2 and Z-4a**).
- 1.3 In support of the application, the applicant has submitted an indicative scheme for the proposed residential development and social welfare facility, which comprises one block of 26 storeys (about 100mPD) including 21 residential floors atop clubhouse and landscaped podium garden on 3/F, social welfare facility and clubhouse on 2/F, and carpark and E&M rooms on 1/F, G/F and basement floor with a total GFA of about 11,155.88m². Floor plans, section plan and landscape plans for the proposed development are shown in **Drawings Z-2 to Z-11**. The major development parameters of the indicative scheme are as follows:

<i>Development Parameters of Indicative Scheme</i>	
Site Area	About 1,840m ²
Total PR⁽¹⁾	6.063
- Domestic⁽¹⁾	5.892
- Non-domestic⁽¹⁾⁽²⁾	0.171
Total GFA	About 11,155.88m ²
- Domestic	About 10,841.28m ²
- Non-domestic⁽²⁾	About 314.60m ²
Site Coverage	
- Below 15m	Not more than 100%
- Above 15m	Not more than 33.3%
No. of Storeys	26
- Domestic Portion	21
- Non-domestic Portion	5 (including 3 levels for carpark and 2 levels for clubhouse/social welfare facility)
Building Height	About 100mPD
No. of Residential Block	1
No. of Flats	224
Private Open Space	Not less than 582m ²

Car Parking Provision	
- Residents Private Car	52
- Visitors Private Car	5
- Motorcycle	10
Loading/Unloading Space	
- Medium / Heavy Goods Vehicle	1

(1) According to the applicant, the proposed development is intended mainly for residential use. However, to allow flexibility for provision of non-domestic uses within the proposed residential development, a maximum domestic PR of 6 or a maximum non-domestic PR of 9.5 is proposed to be adopted. Under the proposed “R(A)29” 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.

(2) The non-domestic PR and GFA only include the proposed SSW Unit. The GFA of clubhouse of about 504m² is proposed by the applicant to be exempted from the GFA calculation.

Social Welfare Facility

- 1.4 The applicant proposes to incorporate a SSW Unit¹ with a net operational floor area (NOFA) of 143m² (or a GFA of about 314.6m²) within the proposed development to provide necessary social welfare facility to cater for the needs of the community. As illustrated in **Drawing Z-4**, a dedicated lobby will be provided on G/F of the proposed development exclusively for access to the proposed SSW Unit on 2/F. The social welfare facility would be handed over to the Social Welfare Department (SWD) upon completion.

Vehicular Access

- 1.5 A new 7.3m-wide access road with pedestrian footpath lined with newly planted trees, currently falls partly within the subject “GB” zone and partly on the area shown as ‘Road’ on the OZP, will be constructed outside the site boundary by the applicant² for connecting the Site with Castle Peak Road – Castle Peak Bay (**Drawing Z-10 and Plan Z-2**).

¹ School social work service aims to identify and help students with academic, social or emotional problems, maximise their educational opportunities, develop their potentials and prepare them for adulthood. The service is provided by school social workers of non-governmental organisations for secondary school students.

² The applicant is prepared to take up the maintenance and management responsibilities of the proposed access road upon completion of works. At the detailed design stage of the project, the applicant will further liaise with the relevant government departments on the detailed design, management and maintenance of the access road.

Open Space and Landscape Design

- 1.6 According to the indicative Landscape Master Plan (LMP) (**Drawings Z-10 and Z-11**), private open space of not less than 582m² (i.e. 1m² per resident) will be provided in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). A total of 127 trees (including 75 trees within the Site and 52 trees outside the Site) will be affected by the site formation works for the proposed development and road works for the proposed vehicular access. Among them, seven trees outside the Site are proposed to be retained and pruned, and the remaining 120 trees³ are proposed to be fell. None of the trees identified are protected species nor ‘Old Valuable Trees’/ ‘Champion’ trees, and majority of them are in ‘poor’ to ‘average’ health condition with low amenity value. Given the limited space available for compensatory tree planting due to the small size of the Site and the required extent of basement carpark to fulfil the provision requirement of parking spaces, as well as the need to provide adequate planting spacing to ensure healthy tree growth, the compensatory planting potential has been maximised according to the applicant by planting 42 new trees on the landscaped podium garden within the Site and 17 new trees along the proposed access road outside the Site (i.e. a total of 59 compensatory trees or compensatory ratio of 1:0.5)⁴. Other landscape features including extensive ornamental shrub plantings in podium garden, and shrubs, grass, flowers or other types of vegetation on the landscape area and along the proposed access road will also be provided to create interest and variety throughout the year. Furthermore, no less than 20% of the total area for greening will be provided in accordance with the requirement of the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152.

Technical Assessments

- 1.7 To demonstrate the technical feasibility of the proposed indicative scheme, the applicant has submitted Visual Impact Assessment (VIA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), Traffic Impact Assessment (TIA), Environmental Assessment (EA), Landscape Design Proposal, Geotechnical Planning Review Report (GPRR) and Quantitative Risk Assessment (QRA). Sensitivity tests on traffic, visual and sewerage aspects have also been conducted for reference purpose for scenario in which the adjoining two building lots (i.e. Lot 976 S.A and Lot 975 in D.D. 131) to the north are also developed for high-density private residential developments⁵ in addition to the proposed scheme. The result concludes that the proposed development together with these two potential residential developments would not generate any major negative cumulative impact on the surrounding areas.

³ Including three *Leucaena leucocephala* (銀合歡) which are not required to be compensated according to “Guidance Notes on Tree Preservation and Removal Proposals for Building Development in Private Projects” issued by Lands Department.

⁴ The applicant is committed to explore additional landscape treatments for alleviating the loss of vegetation at the subsequent detailed design stage of the project.

⁵ Under the scenario, the same maximum domestic/ non-domestic PR and BH for the proposed development are assumed for the developments of the two adjoining building lots for assessment purpose.

1.8 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 12.8.2022 (Appendix I)
- (b) Further Information (FI) received on 14.11.2023 (Appendix Ia)
(consolidated report)[#]
(Supporting planning statement received on 12.8.2022 and FIs received on 1.11.2022, 3.11.2022*, 18.1.2023*, 21.3.2023*, 11.4.2023*, 18.4.2023*, 4.5.2023[#], 30.6.2023*, 12.9.2023*, 13.9.2023* and 19.10.2023[#] were superseded and not attached)*
[Not exempted from publication and recounting requirements]*
[[#] 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 consolidated report at **Appendix Ia**, which are summarised as follows:

Meeting Acute Housing Demand by Increasing Flat Production

- (a) Increasing land supply for flat production has been one of the top priorities of the Government. The proposed amendment to facilitate a residential cum social welfare facility is in line with the Government's policies to increase land and housing supply through different initiatives and means. As compared to the three-storey house development under the approved scheme, the current proposal will provide 224 flats which will make optimal use of scarce land resources to support the Government's housing policy through private initiative without the need of going through lengthy land resumption process and enable timely implementation on formed land.

In Line with the Government Policy on Reviewing "GB" with Development Potential

- (b) The Government has been actively reviewing the development potential of sites zoned "GB" to increase land supply. Initiatives had been taken to review and rezone "GB" sites that had been formed, deserted or devegetated or located at the fringe of existing new towns/urban areas and vegetated areas with less buffering effect and lower conservation value for residential uses. The Site carries the same characteristics as other similar precedents on rezoning "GB" sites, including an approved s.12A application No. Y/TM/20 at the adjoining building lot to the north of the Site and two rezoning of "GB" sites for planned public housing developments to the south of the Site. The Site is located farther away from Tai Lam Country Park than the two public housing sites. The proposed development with BH of 100mPD mirrors that of the existing high-density residential developments in the vicinity. The proposed amendment is therefore completely in line with the Government's initiative in reviewing suitable sites in "GB" zone for residential purpose for unleashing development potential of a prime location in Tuen Mun New Town.

In line with the Government Policy to Intensify Residential Development

- (c) The proposed amendment aligns with the Government's policy initiative of intensifying the residential development of existing housing sites. To make more

efficient use of the scarce land resources, the maximum domestic PR for both public and private housing sites located in Density Zones 2 and 3 of the Main Urban Areas and Density Zones 1, 2 and 3 of the New Towns could be increased by 20% where their technical feasibility permits.

- (d) The Site with building entitlement has been used as a housing site since 1960. Given an approved s.16 application (No. A/TM/417) for a three-storey house, the Site is proven technically feasible for residential purpose and compatible with the surroundings. The proposed amendment to intensify residential development on this readily available housing site will respond to the Government's initiative of intensifying residential development.

Compatible with the Surrounding Area

- (e) The Site is situated in a well-developed new town area and surrounded by high-rise, high-density residential developments with BH of about 100mPD in general including the recently rezoned "R(A)27" site to the north of the Site. The sites of Tuen Hing Road (i.e. Tseng Tau Sheung Tsuen South) and Hin Fat Lane (i.e. 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. With the ridgeline of Kwun Yum Shan and Kau Ken Shan as the visual backdrop, the proposed development, which has been designed to blend into the high-dense context of Tuen Mun Town Centre and will be fully compatible with the surrounding area, would not create adverse visual impacts to the surroundings (**Drawings Z-12 to Z-16**). With its prime location which abuts a major distributor road and locates conveniently within walking distance of different modes of public transport and surrounded by various social and community facilities, the proposed high-density development will provide an opportunity to unleash the full development potential of the Site.

Providing Social Welfare Facility to Create Social Value

- (f) The proposed amendment represents the applicant's commitment to provide a SSW unit within a private development for contributing to the timely provision and implementation of a SSW unit. It is also an opportunity to provide a much needed type of social welfare facility which will generate wide social benefits and respond to the needs of the growing community in Tuen Mun.

No Adverse Technical Impact

- (g) Technical assessments have been conducted which ascertain that the indicative scheme will not result in adverse impacts on its surroundings and sufficient mitigation measures such as careful disposition of the proposed block and adoption of noise mitigation measures for reducing potential traffic noise, adoption of good site management practice during construction of the project to minimise construction noise and dust emission, and provision of new terminal manhole and new pipeline to cater for the surface runoff and sewage generated from the proposed development respectively will be carried out during the construction and operation of the proposed development. Since the proposed development at the Site does not fall within those categories of projects stipulated under the Housing, Planning and Lands Bureau and Environment, Transport and Works Bureau Technical Circular No. 1/06 (HPLB and ETWB TC No.1/06) that require Air Ventilation Assessment (AVA) and the Site does

not fall within any identified breezeway/ air corridor, the proposed development would unlikely generate any adverse air ventilation impact that requires further study.

In Line with Previous Decisions of Not Setting Undesirable Precedent

- (h) There are similar precedents in rezoning areas that were previously within the same “GB” zone as the Site for residential use, including the “R(A)27” site for high-rise residential cum social welfare facility development (under s.12A application No. Y/TM/20) to the north of the Site and the planned public housing developments of Tuen Hing Road and Hin Fat Lane (under OZP Amendment) to the south of the Site. The previous decisions of the Town Planning Board (the Board) confirmed the development potential for the area within the same “GB” zone to the east of Castle Peak Road – Castle Peak Bay and affirmed that rezoning of these areas for residential purpose is not incompatible with the existing urban context of Tuen Mun Town Centre. The proposed development has similar development intensity as the “R(A)27” site but has lower PR and BH when compared with the planned public housing developments. Given the similar site context and location characteristics, approval of the proposed rezoning for high-density residential development is in line with the previous decisions of the Board.

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

The applicant is the sole ‘current land owner’ of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The majority part of the Site has been zoned “GB” with a minor portion shown as ‘Road’ since the gazettal of the first Tuen Mun OZP in 1983. The Site was previously occupied by a house in 1960s which was demolished in 2006. Considering the Site is located in between Tuen Mun Town Centre 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.

5. Previous Applications

- 5.1 The Site is the subject of one previous rezoning (No. Z/TM/P7) and two s.16 applications (No. A/TM/263 and 417). The application site boundaries are shown in **Plan Z-2**.
- 5.2 Application No. Z/TM/P7 for rezoning a larger site from “GB” and area shown as ‘Road’ to “Residential (Group B)” (“R(B)”) for two 15-storey domestic blocks on top of 2-storey carpark was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 17.7.1998 mainly on the grounds of no strong justification to depart from the planning intention of “GB” zone; the proposed development intensity was excessive which would have considerable traffic impact; the TIA in support of the proposed residential development was not satisfactory; no strong justification to include GL for the proposed development; and insufficient information

to demonstrate that the proposal would not cause flooding susceptibility of the surrounding areas.

- 5.3 The Site has also been involved in two previous s.16 planning applications (No. A/TM/263 and 417) since 2000. The Site together with the adjacent lots was the subject of a previous Application No. A/TM/263 for redevelopment of four 1 to 2-storey houses into four 3-storey houses above a single building platform at a PR of 0.4. The application was approved with conditions by the Committee on 16.6.2000 mainly on considerations that the redevelopment scheme would blend in with the “GB” setting; would not have significant visual, landscape, traffic and other infrastructural impacts to the area; would not have excessive site formation works or clearance of natural vegetation; the proposed scale and intensity were compatible with the character of the surrounding developments; and sympathetic consideration might be given as the sites comprised building lots. Application No. A/TM/417 for development of a 3-storey house at PR of 0.4 at the same Site was approved by the Committee on 18.11.2011 mainly on the considerations that the proposed house was a redevelopment proposal on a site with building entitlement; the scale and intensity of the proposed development were compatible with the character of the surrounding area; the proposed low-density single house development was not expected to overstrain the capacity of the existing and planned infrastructure in the area; and it would unlikely cause any adverse environmental, traffic and sewerage impacts to the surrounding areas.

6. Similar Application

- 6.1 There is a similar s.12A application (No. Y/TM/20) for rezoning an area within the same “GB” zone on the OZP (about 70m to the north of the Site) (**Plan Z-2**) from “GB” (about 93%), “Government, Institution or Community” (“G/IC”) (about 6%) and an area shown as ‘Road’ (about 1%) to “R(A)27” subject to a maximum domestic PR of 6 or a maximum non-domestic PR of 9.5 and a maximum BH of 100mPD to facilitate a proposed residential development with social welfare facility. The application was first not agreed by the Committee on 17.1.2020 for reasons of setting an undesirable precedent within the same “GB” zone which cumulative effect would result in adverse impacts on the surrounding areas, and a comprehensive planning approach should be adopted for the site and the adjoining lots.
- 6.2 On 5.5.2020, the applicant of Application No. Y/TM/20 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. On 22.4.2022, the Committee reconsidered the application and agreed to the application mainly on the grounds that the proposed development was not incompatible with the landscape character of the surrounding environment; the proposal was considered not incompatible with the surroundings in terms of land use and development intensity as to the west and south of the site were high-rise residential developments; the applicant was committed to collaborating closely with the SWD for provision of social welfare facility; and the proposed development would unlikely cause any adverse traffic, air ventilation, landscape, environmental, sewerage and drainage impacts to the surrounding areas. Subsequent to the agreement to the Application No. Y/TM/20, amendment to the OZP from mainly “GB” to “R(A)27” to reflect the agreed s.12A application was gazetted in

2022. The draft OZP was subsequently approved by the Chief Executive in Council and the approved OZP was exhibited on 12.5.2023.

7. **The Site and its Surrounding Areas (Plans Z-1 to Z-6)**

7.1 The Site is:

- (a) previously occupied by a house which was demolished in 2006;
- (b) currently vacant, partly formed and partly covered with vegetation;
- (c) located at the eastern fringe of the Tuen Mun New Town to the east of Castle Peak Road – Castle Peak Bay (8.5mPD) at a higher level (23.2mPD); and
- (d) accessible from Castle Peak Road - Castle Peak Bay via a local access road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is an area zoned “GB” with a vacant building lot (Lot 975 in D.D.131), a vacant garden lot (Lot 976RP in D.D. 131) and a building lot occupied by an existing single-storey house named “蓮園” (Lot 976 S.A in D.D. 131) surrounded by tree clusters with mature vegetation (**Plan Z-2**). To its further north is the “R(27)” zone and an area zoned “G/IC” which is currently occupied by low-rise premises including the Church of Christ in China (CCC) But San Primary School, the CCC Hoh Fuk Tong College, the Ho Fuk Tong Centre (comprising a group of buildings including the Morrison Building which is a declared monument) and the Fuk Tong Mansion which is a quarter for retired priests (**Plan Z-3**);
- (b) to the west across Castle Peak Road – Castle Peak Bay are the Hong Kong Society for the Promotion of Virtue (i.e. Sin Hing Tung (善慶洞)) which consists of temple and columbarium. There are also 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 Tuen Mun Station are located about 200m and 600m to the northwest of the Site respectively (**Plans Z-3**); and
- (c) to the immediate east and south is mostly vegetated hill-slopes zoned “GB” on the OZP. The Tuen Mun East Fresh Water Service Reservoir lies to the east and Tai Lam Country Park is located to the further east. To the further south is the “R(B)10” zone for a residential development named Villa Tiara and two planned public housing sites (“R(A)26”) of Tuen Hing Road and Hin Fat Lane (**Plans Z-3 and Z-6**).

8. **Planning Intention**

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. Comments from the Relevant Government Departments

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

Land Administration

9.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) The Site covers PSIL No.6 (the lot) held under Government lease dated 2.4.1960 as varied or modified by a Modification Letter dated 5.1.2017 and subject to a permission letter dated 31.10.2014 (the Lease). The salient conditions governing development on the lot include:
 - (i) no building allowed except one residence of European type;
 - (ii) the height of building shall not exceed 35 feet;
 - (iii) no offensive trade allowed; and
 - (iv) a non-exclusive right of way over the Government land branching off from Castle Peak Road.
- (b) According to the applicant's indicative architectural drawings, road widening/improvement works to the existing access road would be carried out. It is noted that the alignment of the access differ from that of the right of way granted under the Lease involving additional unleased and unallocated GL. The width of the proposed access appears rather excessive. Having regard to the topography of the site, retaining structures are proposed to be erected. It is not certain whether further cutting into adjoining GL is required. Also, the proposed works are in close proximity of a Permanent Government Land Allocation, i.e. GLA-TM No. 46, which has been allocated to Water Services Department (WSD) for the use of fresh water service reservoir. He shall defer to the relevant Government departments to advise on the technical details of the access proposal.
- (c) As the proposed access and development are in contravention of the Lease, a lease modification or land exchange would be required to effect the development proposal. The applicant will need to provide details, justifications, comments from relevant Government departments like the Transport Development (TD) and the Highways Department (HyD) of the access road for his consideration. Unless HyD and TD agree to take up the access road upon completion of the work to their satisfaction, the applicant should be responsible for the maintenance and repair of the improved access road, any retaining structures and adjoining slope. He would reserve comment at this preliminary stage. However, it is

advised that there is no guarantee that the lease modification or land exchange will be approved. LandsD is acting in the capacity as a private landlord and will consider the application at its sole discretion. The application, if approved, will be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, payment of premium and administrative fees as may imposed by LandsD.

- (d) Regarding the Landscape Design Proposal, he reserves his comments at this stage. He shall also reserve his position to comment on the building design at the building plan submission stage.
- (e) Notwithstanding the above, the Government reserves the right to take any action as may be considered appropriate should any breach of lease conditions or unlawful works or illegal occupation of GL be detected.

Traffic

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

He has no in-principle objection to the TIA report from traffic point of view subject to the following:

- (i) Noted that nil parking provision is proposed for the proposed SSW Unit. The applicant shall review the parking and L/UL demand of SSW Unit in later design stage and seek approval from SWD for the provision.
- (ii) Traffic control/ management measures shall be reviewed and provided for the vehicular access of the proposed development in later design stage to ensure no queuing/ waiting of vehicles onto adjacent public roads and to ensure no head-on vehicle conflict, in particular for 11m long goods vehicles and 12m long fire engines.
- (iii) Adequate sightline for motorists at the vehicular access of the proposed development as well as motorists at the adjacent vehicular access of WSD's premises (Tuen Mun East Fresh Water Services Reservoir) shall be maintained at all time.

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

He has no adverse comment on the application from highways maintenance point of view. His detailed comments are at **Appendix III**.

Environment

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

He has no adverse comment on the SIA and EA submitted by the applicant.

According to the EA, the Site is subject to road traffic noise from Castle Peak Road – Castle Peak Bay. Based on the indicative scheme submitted by the applicant, with implementation of proposed noise mitigation measures, all residential units could meet the road traffic noise standard as stipulated in HKPSG. The developer shall be required to submit Noise Impact Assessment (NIA) report and provision of noise mitigation measures to the HKPSG requirements to the satisfaction of DEP under the relevant land documents.

Urban Design and Visual Impact

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

The Site is located at the vegetated foothills of Tai Lam and in vicinity of village cluster to the northeast. There are high-rise residential clusters and planned residential developments to the west, south and north of the Site. The proposed development with a maximum BH of 100mPD is considered not incompatible with the wider existing and planned context. According to the VIA submitted, the indicative scheme would not bring significant adverse visual impact to the surrounding area.

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

- (a) The proposed development has one tower with BH of about 100mPD. Since the adjacent “R(A)5” (Tuen Mun Town Plaza) and “R(A)27” zones with BH restriction of 100mPD are permitted on the OZP, he has no comment from architectural and visual impact points of view.
- (b) 20% greenery within the Site shall be provided in accordance with PNAP APP-152.
- (c) The proposed development involves extensive cut and fill slope works. The applicant is advised to consider a balance cut and fill design to reduce burden to public fill.

Landscape

9.1.7 Comments of the CTP/UD&L, PlanD:

- (a) With reference to the aerial photo of 2022, it is observed that the Site is situated in an area of urban peripheral village landscape character predominated by high-rise residential buildings, village houses and woodland. As the Site is located abutting the developed urban area of Tuen Mun Town Centre, the proposed development is considered not incompatible with the landscape character of the surrounding setting and environment.

- (b) According to the Landscape Design Proposal, the total number of tree felling is 120 (including 3 *Leucaena leucocephala*), while the proposed number of new trees is 59. Noting that 1:1 compensatory ratio is not possible as there is inadequate space to provide 117 compensatory trees, mitigation measures other than tree compensation should be holistically considered and any other additional landscape treatment is advised to be incorporated in the landscape design for alleviating the loss of vegetation.
- (c) The applicant is reminded that approval of s.12A application under the Town Planning Ordinance does not imply approval of the site coverage of greenery requirements under PNAP APP-152 and/or under the lease. The site coverage of greenery calculation should be submitted to Buildings Department (BD) for approval. For any proposed tree preservation/removal scheme, the application shall be reminded to approach relevant authority/government(s) direct to obtain the necessary approval.

Nature Conservation

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

- (a) He has no strong view on the application from the nature conservation perspective. The applicant should be reminded to minimise the degree of tree trimming/felling and vegetation clearance within and near the Site as far as practicable, and good site practices should be adopted during construction. Compensatory tree planting should be implemented for any tree loss in a ratio of 1:1 in terms of quantity or aggregated diameter at breast height (DBH) as far as practicable.
- (b) Regarding the public comment on the need of Ecological Impact Assessment (EcoIA), the Site is largely disturbed in nature and located close to existing developed area. As the proposed development consists of one single building block, it is considered unlikely to cause significant impact on flight paths of birds. EcoIA is considered not necessary for the application.

Drainage

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

He has no comment on the DIA and SIA submitted by the applicant from public drainage viewpoint and noted that the proposed drainage and sewerage works would be implemented by the applicant at their own cost.

Building Matters

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

He has no adverse comment on the application but draws the applicant's attention to his detailed comments at **Appendix III**.

Fire Safety

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

- (a) He has no specific comment on the proposed amendment of OZP.
- (b) Regarding the proposed residential development with social welfare facility, he has no objection in principle to the proposal provided that the fire service installations and water supplies for firefighting being provided to the satisfaction of the D of FS. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. His detailed comments are at **Appendix III**.

Geotechnical

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

He has no comment on the GPRR submitted by the applicant. His detailed comments are at **Appendix III**.

Provision of Welfare Services

9.1.13 Comment of the Director of Social Welfare (DSW):

It is noted that the applicant proposes to incorporate a SSW Unit which would be located on 2/F of the proposed private residential building. She has no comment on the proposed NOFA of 143m² and GFA of 314.6m² for the proposed SSW Unit. Her detailed comments are at **Appendix III**.

Electricity, Liquefied Petroleum Gas and Town Gas Safety

9.1.14 Comments of the Director of Electrical and Mechanical Services (DEMS):

He has no adverse comment on the application from electricity safety and town gas safety points of view and has no comment on the QRA for assessing risk posed by the Liquefied Petroleum Gas (LPG) Storage Installation at Tuen Mun Town Plaza (**Plan Z-6**) submitted by the applicant. His detailed comments are provided at **Appendix III**.

District Officer's Comments

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

Tuen Mun District Council (TMDC) and the locals have long been dissatisfied with the traffic congestion problem and nuisance caused by the heavy traffic along the Castle Peak Road – Castle Peak Bay. It is envisaged that the locals living in the vicinity will raise concerns about the deteriorating traffic conditions, and potential adverse air and noise impacts brought by the proposed development. Local green groups will also be concerned with the proximity of the proposed development to MacLehose Trail Section 10.

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

- (a) Chief Engineer/Construction, WSD (CE/C, WSD);
- (b) Project Manager (West), CEDD (PM(W), CEDD); and
- (c) 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 on 19.8.2022, 11.11.2022, 3.2.2023, 24.3.2023, 28.4.2023 and 7.7.2023. During the statutory public inspection periods, a total of 19 public comments were received including nine raising objection (**Appendices IV-1 to IV-9**) and 10 providing views (samples at **Appendices IV-10 to IV-14**). 16 comments were submitted by individuals while two objecting comments are from World Wide Fund for Nature Hong Kong and the Village Representatives (VR) of Tseng Tau Sheung Tsuen (井頭上村) and Tseng Tau Chung/ Ha Tsuen (井頭中/下村) (**Appendices IV-1 and IV-2**) respectively and one comment providing views is from the Hong Kong and China Gas Company Limited (**Appendix IV-14**). A full set of the public comments is deposited at the meeting for Members' inspection.

Major Grounds for Objecting the Application

- (a) The Site is located near Tai Lam Country Park and covered by vegetation and trees. Its function as "GB" will be seriously affected by the proposed development which would remove all flora/fauna/trees at the Site, blurring the line between urban and sub-urban development. Approval of the proposed rezoning would 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, MacLehose Trail and Tuen Mun Trail. The natural environment being enjoyed by the public will be diminished.
- (c) The proposed development would block the view and natural sunlight penetrating to the surrounding developments, and cause adverse air ventilation and visual impacts and heat island effect to the surroundings.

- (d) The existing road network in Tuen Mun is overloaded. Additional population arising from the proposed development will worsen the serious traffic congestion problem in Tuen Mun. There are also concerns about the traffic, noise and safety impacts during the construction period of the proposed development.
- (e) Introduction of more population would increase the population density and burden on provision of community facilities in the area. The proposed social welfare facility at the Site is small.
- (f) In view of the decreasing demand for private housing in Hong Kong and ample supply in New Development Areas such as Kwu Tung and Hung Shui Kiu, the justification of rezoning the Site for private housing development is not strong. The proposed rezoning could not solve Hong Kong's housing problem.
- (g) The proposed development would potentially impede the flight paths of birds in the area. An EcoIA should be conducted before any decision could be made.
- (h) The approval of the application might increase the flooding susceptibility of the surrounding areas.
- (i) A s.12A application No. Y/TM/20 was initially rejected by the Committee in 2020 and subsequently remitted to the Board for reconsideration following a successful JR of the Committee's decision. Although the application site of Y/TM/20 is close to the current application, the reasons for approving the former need not apply to the latter as the Court of First Instance held that each rezoning application should be considered based on its own merits and circumstances.

Major Views on the Application

- (j) It is suggested to lower the proposed maximum BH from 100mPD to 50mPD and reduce the development intensity of the proposed development.
- (k) The creation of wall effect might worsen air pollution caused by nearby temple.
- (l) The Site is close to other residential developments such as Tuen Mun Town Plaza and Trend Plaza and this might cause privacy issue.
- (m) The proposed development will affect the feng shui of the surrounding areas.
- (n) The Site is in close proximity to an Intermediate Pressure B gas pipeline at Castle Peak Road – Castle Peak Bay. The applicant is suggested to conduct a QRA to evaluate potential risk and determine necessary mitigation measures, if required.
- (o) The proposed access road branching off from Castle Peak Road – Castle Peak Bay might cause traffic safety issue.

11. Planning Considerations and Assessments

- 11.1 The application is for rezoning the Site from “GB” (about 89.9%) and area shown as ‘Road’ (about 10.1%) (**Plans Z-1 and Z-2**) to “R(A)29” to facilitate a proposed residential development with social welfare facility at a well-connected and developed location in Tuen Mun Town Centre. The applicant proposes that the new “R(A)29” zone be subject to a maximum domestic PR of 6 or a maximum non-domestic PR of 9.5, a maximum BH of 100mPD and provision of GIC facility with a GFA of not less than 314.6m² (for provision of a SSW Unit). The proposed amendments to the OZP and the Notes for the new “R(A)29” zone submitted by the applicant are at **Drawing Z-1** and **Appendix II** respectively. The Notes for the proposed “R(A)29” zone is 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.
- 11.2 According to the applicant’s indicative scheme (**Drawings Z-2 to Z-11**), the Site would be developed into a private residential development with one block of 26 storeys (about 100mPD) comprising 21 residential floors atop clubhouse and landscaped podium garden on 3/F, social welfare facility and clubhouse on 2/F, and carpark and E&M rooms on 1/F, G/F and basement floor with a total GFA of about 11,155.88m². The Site will be connected to Castle Peak Road – Castle Peak Bay via a new 7.3m-wide access road with pedestrian footpath lined with newly planted trees to be constructed by the applicant outside the site boundary.

“GB” Zone

- 11.3 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.
- 11.4 The Site is held under the lease for residential use with a building entitlement of one house. Since the 1960s, i.e. before the gazettal of the first Tuen Mun OZP in 1983, the Site has been used as a housing site. Two s.16 planning applications (No. A/TM/263 and 417) involving the Site for proposed house redevelopment with a PR of 0.4 were approved in 2000 and 2011 respectively mainly on considerations that the proposed house was a redevelopment proposal on a site with building entitlement; the scale and intensity of the proposed development were compatible with the character of the surrounding area; the redevelopment scheme would unlikely cause any adverse environmental, traffic and sewerage impacts to the surrounding areas. The Site is formed, currently vacant and partly covered by vegetation and trees after demolition of the house in 2006. Noting that the Site is largely disturbed in nature and is at the periphery of the “GB” zone which is located close to the existing developed area, the function of the remaining “GB” zone would not be greatly affected by the proposed development. DAFC has no strong view on the application from the nature conservation perspective. CTP/UD&L, PlanD considers that the Site is situated in an area of urban peripheral village landscape character predominated by high-rise residential buildings, village houses and woodland. As the Site is located at the fringe of the developed urban area of Tuen Mun Town Centre, the proposed development is considered not incompatible with the landscape character of the

surrounding setting and environment, and therefore she has no adverse comment on the rezoning application from landscape planning perspective.

Land Use Compatibility and Development Intensity

- 11.5 Although the Site is located at the eastern fringe of Tuen Mun New Town, it is situated in a well-connected and developed location well served by public transportation, main road networks and existing infrastructure next to the Tuen Mun Town Centre. In particular, LRT Pui To Station and Tuen Ma Line Tuen Mun Station are located about 200m and 600m to the northwest of the Site respectively. The surrounding areas of the Site are characterised by “R(A)” zonings and high-rise and high-density commercial/residential developments such as Tuen Mun Town Plaza, Waldorf Garden and Trend Plaza intermixed with GIC uses (**Plans Z-1 to Z-3**). To the north of the Site, a site with building entitlement was rezoned from mainly “GB” to “R(A)27” in 2022 for private residential development, while two sites including Tuen Hing Road and Hin Fat Lane to the south of the Site were rezoned from “GB” and “R(A)22” to “R(A)26” under Government’s initiation in 2018 for public housing developments (**Plan Z-1**). In terms of land use, the rezoning proposal under application for high-rise residential development is considered not incompatible with the surrounding areas.
- 11.6 In terms of development intensity, the applicant proposes that the new “R(A)29” zone for the Site would be subject to a maximum domestic PR of 6 or a maximum non-domestic PR of 9.5. Compared to the permitted domestic PRs of other “R(A)” zones in the OZP (which range from 5 to 6) and the permitted total maximum PR of 6.5 for “R(A)26” zone, the proposed PR is in line with the development intensity of the existing and planned developments in the surrounding areas (**Plan Z-6**). 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 ranges from 85mPD to 100mPD, including the “R(A)27” zone, Tuen Mun Town Plaza, Waldorf Garden and Trend Plaza at 100mPD, whereas Century Gateway to the further northwest of the Site is at 156mPD (**Plan Z-5**). Besides, the proposed BHs of the two planned public housing sites to the south at Tuen Hing Road and Hin Fat Lane are 145mPD and 125mPD respectively. The VIA submitted by the applicant concluded that the indicative scheme is carefully designed with development scale and BH that are compatible with the surroundings (**Drawings Z-12 to Z-16**). With positive visual design merits and design mitigation measures including adequate provision of greenery area, green features at open space, careful orientation and disposition of the building block to enhance visual quality and the 17m setback from the road kerb of the eastern side of Castle Peak Road – Castle Peak Bay to create visual relief, the proposed development would not result in significant adverse visual impact to the surrounding and is compatible to existing urban skyline. 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

- 11.7 The applicant proposes to provide a SSW Unit with GFA of 314.6m², which would be handed over to SWD upon completion, within the proposed development. DSW

has no comment on the preliminary schematic design of the proposed SSW Unit submitted by the applicant.

Open Space and Landscape

- 11.8 The Landscape Design Proposal submitted by the applicant proposes that among the 127 trees affected by the site formation works for the proposed development and road works, seven trees outside the Site are proposed to be retained and the remaining 120 trees are proposed to be felled. The proposed felled trees are not protected tree species nor 'Old Valuable Trees'/'Champion' trees, and majority of them are in 'poor' to 'average' health condition and with low amenity value. Given the limited space available for compensatory tree planting due to the small size of the Site and the required extent of basement carpark to fulfil the provision requirement of parking spaces, as well as the need to provide adequate planting spacing to ensure healthy tree growth, the compensatory planting potential has been maximised according to the applicant by planting 42 new trees on the landscaped podium garden within the Site and 17 new trees along the proposed access road outside the Site (i.e. a total of 59 compensatory trees). To enhance greenery, the applicant proposes that not less than 20% of the total greenery area will be provided within the Site, private open space of not less than 582m² will be provided in accordance with HKPSG and detailed proposal of the additional landscape treatments will be considered and explored at the detailed design stage. In this regard, DAFC has no strong view on the application from nature conservation perspective. CTP/UD&L, PlanD also has no adverse comment on the application. The applicant is reminded that mitigation measures other than tree compensation should also be holistically considered, while any other additional landscape treatment should be incorporated in the landscape design for alleviating the loss of vegetation.

Technical Feasibility

- 11.9 The TIA submitted by the applicant concludes that with traffic improvement works initiated by the Government in the area, the proposed development would not impose any adverse traffic impact on the surrounding road network and is feasible from the traffic engineering point of view. The identified key junctions and road sections would operate within capacity with the proposed development. C for T has no in-principle objection to the rezoning application.
- 11.10 According to the EA, there is no chimney identified within 200m from the Site and the air sensitive uses in the proposed development can meet the buffer separation requirement (i.e. 5m) under the HKPSG with respect to nearest carriageways to ensure no adverse air quality impact. The EA also confirmed that the joss paper furnace observed at the temple to the west of the Site across Castle Peak Road – Castle Peak Bay has been abandoned since 2019 and there was no odour and smoke observed during the field survey. In addition, while the EA has identified the traffic noise from Castle Peak Road - Castle Peak Bay to the west of the Site as the main source of noise impact, the applicant has demonstrated in the EA that with appropriate mitigation measures such as careful disposition of the proposed block and use of vertical acoustic fins, no adverse noise impact is anticipated. The applicant is also required to submit a NIA report at land grant stage to demonstrate the compliance with the noise criteria under HKPSG and implement the proposed noise mitigation measures. In this regard, DEP has no comment on the rezoning

application from environmental protection perspective. According to the SIA, new pipelines connecting to public sewer would be required and the applicant has committed to construct all the necessary pipes to the Site. In this regard, DEP and CE/MN of DSD have no adverse comment on the application from sewerage infrastructure planning perspective.

- 11.11 Regarding air ventilation impact, the applicant indicates that the proposed development at the Site does not fall within categories of projects stipulated under HPLB and ETWB TC No.1/06 that require AVA and any identified breezeway/air corridor, and hence the proposed development would unlikely generate any adverse air ventilation impact that requires further study. CTP/UD&L, PlanD has no comment in this regard.
- 11.12 As for other technical considerations, CE/MN of DSD has no in-principle objection to the application from drainage services perspective. DEMS has no adverse comment on the application from electricity safety, town gas safety and LPG safety points of view. H(GEO), CEDD has no in-principle objection to the application having considered the GPRR submitted by the applicant. All other government departments consulted have no objection to/ no adverse comment on the application.

Previous and Similar Applications

- 11.13 As mentioned in paragraphs 5 and 6 above, two previous s.16 planning applications (No. A/TM/263 and 417) involving the Site for house development at PR of 0.4 approved by the Committee in 2000 and 2011 respectively and a similar s.12A application (No. Y/TM/20) for rezoning an area mainly zoned “GB” to “R(A)”²⁷ within the same “GB” zone on the OZP was agreed by the Committee on 22.4.2022. Approval of the application is in line with the Committee’s previous decisions and would not set undesirable precedent for high-density development in the area.

Zoning Adjustment for the Proposed Access Road

- 11.14 As mentioned in paragraph 11.1 above, the applicant proposes to rezone the Site from “GB” and area shown as ‘Road’ to “R(A)29”. Given that the proposed access road connecting the Site with Castle Peak Road – Castle Peak Bay as mentioned in paragraph 11.2 (**Drawing Z-2 and Plan Z-2**) located outside the application site boundary straddles the “GB” zone and the area shown as ‘Road’ on the OZP, corresponding zoning amendment to the OZP to facilitate development of the proposed access road would be required. Subject to the final design and alignment of the proposed access road, appropriate zoning will be proposed for the Committee’s consideration at the OZP amendment stage.

Public Comments

- 11.15 Amongst the 19 public comments received, nine comments object to the application while 10 comments provide views. The objections were mainly related to traffic, environmental, drainage, visual and air ventilation aspects, as well as development intensity, buffering function of “GB”, provision of community facilities in the vicinity and that the approval of the application would set an undesirable precedent leading the area to become a high density area while the overall need for private housing is declining. Regarding the comment on the potential adverse impact to Tai

Lam Country Park, MacLehose Trail and Tuen Mun Trail, the Site does not encroach onto them and the VIA submitted by the applicant concludes that the visual impact to the selected viewpoints at Tuen Mun Trail and MacLehose Trail are slightly adverse and negligible respectively (**Drawings Z-15 to Z-16**). Regarding the request for conducting EcoIA, DAFC advises that an EcoIA is not necessary as the Site is largely disturbed in nature and the proposed development, which consists one building block, is unlikely to obstruct the flight paths of birds. As for feng shui issue, it is not a relevant planning consideration of the Committee. For other comments, the applicant's justifications in paragraph 2, the departmental comments in paragraph 9.1, and the planning assessments in paragraphs 11.1 to 11.14 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no in-principle objection to the application.
- 12.2 Should the Committee decide to agree/partially agree to the application, the relevant proposed amendments to the OZP, together with 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 application, the following reason is suggested for Members' reference:

the proposed rezoning to "R(A)29" for high-density residential development will necessitate extensive tree felling and clearance of vegetation for site formation and construction works. There is no strong justification for rezoning the Site from "GB" to "R(A)29". The current zoning at 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 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 12.8.2022
Appendix Ia	FI received on 14.11.2023 (Consolidated Report)
Appendix II	Proposed Amendments to Notes of the "R(A)29" Zone
Appendix III	Detailed Departmental Comments
Appendices IV-1 to IV-14	Public Comments
Drawing Z-1	Proposed Amendments to the OZP
Drawings Z-2 to Z-16	Indicative Floor Plans, Section Plan, Landscape Master Plan and Photomontages submitted by the Applicant

Plan Z-1	Location Plan
Plan Z-2	Site Plan with Previous and Similar Applications
Plan Z-3	Aerial Photo
Plans Z-4a and Z-4b	Site Photos
Plan Z-5	BH Profile in the Vicinity of the Site
Plan Z-6	Maximum PR/GFA of “R(A)” Zones in the Vicinity of the Site

**PLANNING DEPARTMENT
NOVEMBER 2023**