

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

APPLICATION NO. Y/TM/31

- Applicant** : King Brave Limited represented by Lawson David & Sung Surveyors Limited
- Application Site** : Tuen Mun Town Lot (TMTL) 550, Area 45, Tuen Mun, New Territories
- Site Area** : About 1,852m²
- Lease** : Held under New Grant No. 22878
- User: a holiday camp of not more than 14 guest rooms
 - Maximum gross floor area (GFA): 739 m²
 - Maximum building height (BH): not exceeding 37.9mPD
 - Maximum number of storeys: not exceeding 2 storeys including any floor or space below the level of the ground
 - Non-exclusive right of way formed, upheld, maintained and repaired by the Grantee
- Plan** : Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/38
(currently in force)
- Draft Tuen Mun OZP No. S/TM/36
(in force at the time of submission)
- [no change to zoning and development restrictions for the application site]*
- Zoning** : “Recreation” (“REC”)
[Restricted to a maximum plot ratio (PR) of 0.4, a maximum site coverage (SC) of 20% and a maximum BH of 2 storeys (for development except residential development); restricted to a maximum PR of 0.2 and a maximum BH of 2 storeys (for residential development)]
- Proposed Amendment** : To rezone the application site from “REC” to “Residential (Group C)” (“R(C)”) subject to a maximum PR of 0.4 and a maximum BH of 2 storeys excluding basement floor(s)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1**) from “REC” to “R(C)” to facilitate a proposed low-rise, low-density residential development with a maximum PR of 0.4 comprising three 2-storey houses. The

applicant's proposed amendment to the OZP is at **Drawing Z-1** and the applicant proposes to adopt the Notes for the "R(C)" zone under the current OZP (i.e. subject to a maximum PR of 0.4 and a maximum BH of 2 storeys) for the Site. The Site is currently vacant with scattered vegetation (**Plan Z-4b**).

- 1.2 According to the applicant's indicative scheme, the proposed residential development comprises three 2-storey houses with a BH of 37.15mPD (or 7m) and one 1-storey guard house with a BH of 32.45mPD (or 2.3m) with a total GFA of not exceeding 739.275m² and a SC of about 22%. The proposed vehicular run in/out and pedestrian entrance of the proposed development will be located at the northern tip of the Site (**Drawing Z-7**). Two private parking spaces for each house, three parking spaces (including one for the disabled) for visitors and one loading/unloading (L/UL) space will be provided within the proposed development (**Drawings Z-2 and Z-5**). The indicative Master Layout Plan, floor plans, elevation and section plans are at **Drawings Z-2 to Z-4**. The major development parameters of the indicative scheme are summarised in the table below:

Development Parameters	Indicative Scheme
Site Area	1,852m ² (about) ^(a)
Total GFA	739.275m ² (about) ^(b)
PR	Not exceeding 0.4
SC	22% (about)
No. of Blocks	
House	3
Guard House	1
BH	
House	7m (37.15mPD)
Guard House	2.3m (32.45mPD)
No. of Storeys	
House	2
Guard House	1
Car Parking Spaces	9 6 for residents + 3 for visitors (including 1 for disabled)
L/UL Space	1 (light goods vehicle)
Greening Ratio	Not less than 20%

- (a) The site area is different from the previously approved scheme (No. A/TM/469) (detailed in paragraphs 1.3 and 5 below) due to the setting out of the site boundary at the processing of land exchange for the proposed holiday camp at TMTL No. 550.
- (b) According to the applicant, the guard house is excluded from GFA calculation according to the Notes of the OZP for "R(C)" zone, i.e. any floor area that is constructed for use solely as caretaker's offices of a residential development may be exempted from GFA calculation.

- 1.3 The Site is involved in three previous s.16 applications and s.12A application (**Plan Z-2**). Among these, Application No. A/TM/469 for a proposed holiday camp at the same site was approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 22.5.2015 (detailed in paragraph 5 below). Comparing the previously approved scheme (No. A/TM/469) with the current indicative scheme, there are minor differences in development parameters, including (i) increase in site area by 1m²; (ii) increase in total GFA by

1.785m²; (iii) increase in PR by 0.001; (iv) increase in SC by 2%; (v) increase in no. of blocks by 1; (vi) decrease in BH by 0.15m to 0.2m; (vii) increase in car parking spaces by 5; and (viii) decrease in greening ratio by 10%.

- 1.4 To demonstrate the technical feasibility of the proposal, the applicant has submitted a Traffic Impact Assessment (TIA), Environmental Assessment (EA), Drainage Impact Assessment (DIA), Geotechnical Planning Review Report (GPRR) and Landscape Proposal with Tree Survey Report (TSR).

Vehicular Access and Transport Arrangement

- 1.5 The Site is currently accessible from San Shek Wan Road via a walking trail which falls within the “Other Specified Uses (Public Recreation and Sports Centre)” (“OU(PRSC)”) zone (**Plans Z-2 and Z-4a**). The applicant puts forth an indicative proposal to widen the walking trail into a 6.1m wide access road (i.e. a 4.5m wide vehicular access with a 1.6m wide footpath along the eastern side of the vehicular access) connecting the Site with San Shek Wan Road, and to shift the existing passing bay at San Shek Wan Road some 20m westward for the proposed widening (**Drawing Z-6**). According to the applicant, the route of the proposed access road is the shortest route between the Site and the existing road network with minimum impact on the adjacent landscape resources. The applicant will be responsible for the construction, management and maintenance of the proposed access road. The proposed access road will intersect with the horse trail of the Tuen Mun Public Riding School (TMPRS). In order to improve the traffic safety and minimise the impact on horses/horse riders, electronic gates will be installed on both sides of the intersecting point (**Drawing Z-2**). Warning signs will also be erected to alert users and horse riders to pay attention at the intersecting point.

Landscape Proposal

- 1.6 According to the indicative landscape proposal with TSR, a total of nine trees will be affected, including three trees affected by the site formation works for the proposed development and six trees affected by the road works for the proposed access road. All nine trees are proposed to be felled¹. None of the trees identified are protected species nor ‘Old and Valuable Trees’, and all are in ‘poor’ to ‘average’ health condition. To create a green environment for future residents, the applicant proposes to plant a total of eight new trees of heavy standard within the Site (i.e. a compensatory ratio of 1:1) (**Drawing Z-7**). Private open space, including a leisure lawn at the southern portion of the Site allowing future residents to socialise and enjoy, will be provided within the Site in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). Within individual houses, private gardens will also be provided. Not 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.

¹ Including one *Leucaena leucocephala* (銀合歡) which is not required to be compensated according to the “Guidance Notes on Tree Preservation and Removal Proposals for Building Development in Private Projects” issued by Lands Department in June 2023.

Environmental, Sewerage, Drainage and Geotechnical Aspects

- 1.7 According to the EA, as the separation distance of 25m is met and with existing topographic screening, it is anticipated that the proposed development would not be subject to adverse railway noise impact. The predicted noise level of all selected noise sensitive receivers of the proposed development would comply with the relevant standards under the Noise Control Ordinance, and no adverse traffic noise impact on the proposed development is anticipated. Regarding the air quality issue, sufficient buffer distance from the surrounding road network and the proposed access road with reference to the HKPSG would be adopted to address potential vehicular emission impact. With proper implementation of recommended mitigation measures, in particular, the establishment of dry conditions for excavation works and good construction site practices, adverse water quality impact is not expected on the natural stream running along the southwestern boundary of the Site. As all sewage and wastewater generated from the proposed development would be treated by the proposed underground septic tank located at the northern tip of the Site and treated effluent would be percolated to surrounding subsoil in the soakaway pit, significant water quality impact on the natural stream is not anticipated during the operation phase.
- 1.8 According to the GPRR, the proposed development is considered geotechnically feasible. The applicant is committed to undertake a Natural Terrain Hazard Study (NTHS) with recommended mitigation measures as part of the proposed development. According to the DIA, to manage the stormwater flow with the proposed development, drainage provisions including the 300mm u-channels along the site boundary to collect the stormwater are also proposed by the applicant. No adverse drainage impact on the surrounding areas is anticipated with this proposed drainage system.
- 1.9 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|--|----------------------|
| (a) | Application Form received on 24.5.2023 | (Appendix I) |
| (b) | Supplementary Planning Statement | (Appendix Ia) |
| (c) | Supplementary Information (SI) received on 31.5.2023 | (Appendix Ib) |
| (d) | Further Information (FI) received on 26.9.2023* | (Appendix Ic) |
| (e) | FI received on 4.12.2023* | (Appendix Id) |
| (f) | FI received on 14.12.2023 [#] | (Appendix Ie) |
| (f) | FI received on 18.1.2024 [#] | (Appendix If) |
- [*Not exempted from publication and recounting requirements
[#]Exempted from publication and recounting requirements]*
- 1.10 On 11.8.2023, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at

Appendices Ia to If, which are summarised as follows:

In Line with Government Policy

- (a) According to “Hong Kong 2030+ - Towards a Planning Vision and Strategy Transcending 2030+”, about 510-680 hectares of housing land shortfall for future development is foreseen with the growing and ageing population profile of Hong Kong. The current application with the intention of optimising the use of private land for residential development to speed up the housing supply in the market supports the Government’s housing initiatives and aligns with the Government’s policy direction.

Compatible and Suitable Scheme with Acceptable Intensity and Sensitive Design

- (b) The Site is situated within a neighbourhood with residential and recreational uses, in which a low-rise and low-density residential development could be considered as a compatible and suitable scheme. The proposed development with a PR of 0.4, SC of about 22% and BH of 2 storeys is similar to the development intensity of the holiday camp previously approved under application No. A/TM/469, which is considered compatible with the surrounding rural settings. Adequate planting and open space will be introduced throughout the proposed development with a carefully designed interplay between soft landscape and built form to minimise the visual impact and provide a pleasant living environment for residents.

Suitable Site to be Rezoned for Residential Use

- (c) The Site is currently vacant which can be readily converted for residential development. The Site lies within a convenient transportation network and enjoys a peaceful and quiet environment which is suitable for residential development.

A More Preferable Scheme than the “REC” Zone to Better Utilise Land Resources

- (d) The Site has been idled for over 20 years. Without a viable land use, the environment of the Site would be further deteriorated and blighted. The previous proposal for a holiday camp is deemed financially unviable and impractical due to the social unrest in 2019 and the subsequent COVID-19 pandemic. Considering the current market circumstances, rezoning the area from “REC” to “R(C)” is a feasible solution to address the derelict state of the Site. The current application provides a solution to maximise land utilisation of the Site for residential development rather than leaving it idle and deteriorating.

Responding to Changing Planning Circumstances

- (e) While residential development at the Site was previously considered undesirable and rejected under application No. A/TM/399 in 2010 (detailed in paragraph 5 below), the changing planning circumstances in Hong Kong should be included in the consideration of the current application. The Government has currently initiated a territorial-wide searching exercise for unused sites (e.g. in zonings such as “Green Belt” (“GB”) and “Government, Institution or Community” (“G/IC”)) that are suitable for residential developments to meet housing demand. As a result, several former “GB” sites have been rezoned for residential developments in different

regions of the New Territories. The current application to rezone unused vacant land for residential development is coherent with the current planning circumstances.

No Interface Problem

- (f) The proposed access road for the proposed development will intersect the existing horse trail along the northern part of the Site. To ensure the safety of both horses and road users, safety measures (e.g. two electronic gates, a security guard, and warning signs) similar to those proposed in the previously approved application No. A/TM/469 will be implemented. Noise and visual mitigation measures such as planting tall trees and adopting sound absorbing wall near the horse trail will also be incorporated into the design of the proposed development. The applicant will have on-going communication and meetings with the TMPRS and concerned government departments to address and handle any potential issues.

Technical Aspects

- (g) Various technical aspects including landscape, traffic, environment, geotechnical, drainage and sewerage have been duly assessed and it is concluded that there would be no adverse impact from the proposed development on its surroundings and sufficient mitigation measures will be carried out during the construction and operational stages of the proposed development.

Not an Undesirable Precedent

- (h) The proposed residential development will not become an undesirable precedent to similar future developments as this “REC” zone is relatively small which merely covers the Site and the adjacent Lot 34 in D.D. 300.

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

On 5.4.2013, a s.12A application (No. Y/TM/11) for rezoning a larger site from mainly “GB” (99.3% of the site) with minor encroachment on “OU(PRSC)” zone (0.7% of the site) to “REC” to facilitate a proposed holiday camp development with a maximum BH of 38.5mPD and 2 storeys, a maximum PR of 0.4 and a maximum SC of 20% was partially agreed by the Committee. In order to ensure adequate statutory planning control on the building and landscape designs of the proposed holiday camp development, while agreeing to rezone the Site from “GB” and “OU(PRSC)” to “REC”, ‘Holiday Camp’ use was being put under Column 2 of the “REC” zone requiring the submission of s.16 application for the Board’s consideration. The agreed zoning amendments were later reflected in the draft Tuen Mun OZP No. S/TM/32 gazetted on 2.5.2014². The draft OZP was subsequently

² Beside rezoning the application site to the “REC” zone as agreed under the s.12A application (No. Y/TM/11), the residual area of the “GB” zone was also incorporated into the “REC” zone as it had the same character with the site in the agreed application.

approved by the Chief Executive in Council and the approved Tuen Mun OZP No. S/TM/33 was exhibited on 13.2.2015. The “REC” zoning of the Site has remained unchanged since then.

5. Previous Applications

- 5.1 The Site is the subject of two previous s.16 applications (No. A/TM/399 and A/TM/469) and one s.12A application (No. Y/TM/11)³. The site of Application No. A/TM/399 and No. Y/TM/11 were zoned “GB” and No. A/TM/469 was zoned “REC” respectively at the time of application. The application site boundaries are shown in **Plan Z-2**.
- 5.2 Application No. A/TM/399 for proposed residential development comprising two 2-storey houses at the Site was rejected by the Committee on 10.9.2010 mainly for the reasons that the proposed development was not in line with the planning intention of the then “GB” zone; the proposed development did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone (No. TPB PG-No.10) in that the proposal involved extensive clearance of existing natural vegetation and cause adverse landscape impact on the surrounding area; and approval of the application would set an undesirable precedent for other similar applications within the “GB” zone as the Site was zoned “GB” on the then OZP.
- 5.3 After the Site was rezoned to “REC” on the draft Tuen Mun OZP No. S/TM/32, the applicant submitted an application (No. A/TM/469) for proposed holiday camp development at the Site. The application was approved with conditions by the Committee on 22.5.2015 on the grounds that the proposal was generally in line with the planning intention of “REC” zone; the proposed development did not exceed the development restrictions of the “REC” zone; the proposed development was not incompatible with the surrounding environment; the scale of the proposed development was small and would not incur adverse traffic and environmental impacts; and other relevant government departments had no adverse comment on the application. Subsequently, an application (No. A/TM/469-1) for extension of time for commencement of approved development proposal for the proposed holiday camp (i.e. extended to 22.5.2023) was approved by the Director of Planning under the delegated authority of the Board⁴.

6. Similar Application

There is no similar s.12A application in the same “REC” zone on the OZP.

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

7.1 The site is:

- (a) a piece of vacant land covered by scattered vegetation which is located at the toe of a knoll to the east; and

³ These previous applications were submitted by the parent company of the applicant.

⁴ The development was commenced with the execution of relevant land exchange in 2021.

- (b) not served by any vehicular access. There is a walking trail connected to San Shek Wan Road (**Plans Z-2, Z-4a and Z-4b**). The Light Rail Transit (LRT) - LRT Depot Station and Butterfly Station are located 450m and 750m to the northeast and southeast of the Site respectively (**Plan Z-3**).

7.2 The surrounding areas have the following characteristics:

- (a) the Site is encircled by the “OU(PRSC)” zone subject to a maximum BH of 3 storeys accommodating the TMPRS, Tuen Mun Recreation and Sports Centre Archery cum Gateball Court (TMRSCAG) and Hung Lau Sitting-out Area to the south and Tuen Mun Golf Centre to the north. ‘Hung Lau’ (a Grade I historic building) zoned “GB” is located to the south of the Site. This whole area is sandwiched by Lung Fu Road to its the west and Lung Mun Road to its east;
- (b) the Site is mainly surrounded by hilly areas covered with woodland/vegetation with a horse trail meandering along the slopes abutting the site (**Plan Z-3**); and
- (c) to the east across Lung Mun Road are some existing high-rise residential developments including Siu Shan Court and Butterfly Estate and a planned public housing development at Wu Shan Road. To the west across Lung Fu Road is an existing village named Tsing Shan Tsuen San Shek Wan South (**Plan Z-3**).

8. **Planning Intention**

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. **Comments from Relevant Government Departments**

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

Land Administration

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

- (a) According to the Planning Statement, road widening/improvement works to the existing access connecting the Site and San Shek Wan Road are proposed. It is noted that the proposed access road falls on Government land and its alignment differs from that of the right-of-way granted under the New Grant No. 22878. It is also noted from the FI that the applicant will be responsible for the construction, management and maintenance of the proposed access road. Transport Department’s (TD) and Highways Department’s

(HyD) comments should be sought in this regard. His office would reserve comment at this preliminary stage, and details of the proposed access road would be considered during the processing of the lease modification or land exchange application stage.

- (b) The proposed access road would affect a section of an existing horse trail currently maintained by the Leisure and Cultural Services Department (LCSD) in connection with the use of LCSD's public horse-riding centre. LCSD and TD's comments should be sought on the interference that may be caused to the horse riders and horses by the proposed vehicular traffic generated by the proposed residential development and the road widening/improvement works of the proposed access road.
- (c) A 1.5m toe wall along the northern part of the proposed access road is proposed. It is noted from the FI that the applicant will be responsible for the construction and future management and maintenance of the proposed toe wall. The comment from the Head of the Geotechnical Engineering Office of the Civil Engineering and Development Department (H(GEO), CEDD) should be sought. His office would reserve comment at this preliminary stage, and details of the proposed toe wall would be considered during the processing of the lease modification or land exchange application stage.
- (d) The proposed private residential development including the proposed access road does not comply with the lease conditions governing the lot, including but not limited to restrictions relating to user, maximum GFA, right-of-way and parking requirements. If the application is approved by the Board, the lot owner will need to apply to LandsD for a lease modification or land exchange for the implementation of the proposal. The proposal will only be considered upon receipt of a formal application from the lot owner. However, there is no guarantee that the application, if received by LandsD, will be approved. The application will be considered by LandsD acting in the capacity of the landlord at its sole discretion. In the event that the application is approved, it will be subject to such terms and conditions as the Government shall consider appropriate, including, among others, payment of a premium and an administrative fee.

Interface with the Nearby Horse Trail

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

The proposed access road would affect a section of the existing horse trail currently used by the TMPRS of the Hong Kong Jockey Club (HKJC). Interface is observed and may pose potential risks to the horse riders and horses by the vehicular traffic generated by the proposed development and the road widening/improvement works of the proposed access road. He has no objection to the application provided that:

- (i) both LCSD and HKJC shall not be responsible for the liabilities and damages of any vehicle and injury of pedestrians/residents using and passing the horse trail of TMPRS. The project proponent shall possess valid third party insurance to protect both LCSD and HKJC against any potential claims that may happen in the future;
- (ii) management plan and construction plan with detailed works programmes as well as operation plan for the vehicles and pedestrians/residents of the development for passing the horse trail shall be provided upon satisfaction to LCSD and HKJC before any commencement of works. Division of noisy work and operation of TMPRS should be adopted to minimise the noise impact caused to the horses and horse riders; and
- (iii) relevant mitigation measures to address the interface issues would be imposed in the land lease apart from regular meetings and on-going communications with the applicant, contractors and occupants of the proposed development.

Traffic

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

- (a) She has no in-principle objection to the TIA for the public roads which are under TD's management submitted by the applicant from the traffic engineering point of view.
- (b) For the local access roads serving the site, including the proposed access road connecting to the proposed development, which are not public road under TD's management, the applicant should consult the management and maintenance authorities of these local access roads.

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

- (a) He has no comment on the application from the highway maintenance viewpoint.
- (b) Nothing that the existing walking trail connecting the Site and San Shek Wan Road is not a public road, the applicant should be responsible for his own access arrangement. His department is not/shall not be responsible for the maintenance of access connecting the Site to any public roads.

Urban Design

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

Being located in the southwestern urban fringe of the Tuen Mun New Town, the Site is situated at the foothills of vegetated slopes, which are interspersed with various low-rise recreational facilities, and sandwiched between existing and planned high-rise residential developments to the east and Castle Peak to the west. The proposed house development conforms to the BH restriction of 2 storeys as stipulated on the OZP, with other development parameters similar to those in the previously approved application (No. A/TM/469) for a proposed holiday camp development at the Site. In view of this and given its scale and low-rise nature, the proposed house development is considered not incompatible with the surrounding context and no significant adverse visual impact is anticipated.

Landscape

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

As observed from the aerial photo in 2022, the Site is situated in an area of miscellaneous urban fringe landscapes chartered predominated by woodlands and recreational facilities in the vicinity. Based on the applicant's submission, the Site is currently vacant with no significant vegetation observed within the site boundary. The proposed residential development comprises three 2-storeys houses with a guard room, underground septic tank as well as car parking spaces and an EVA/new access road connecting to San Shek Wan Road. Eight existing trees of common species and an additional *Leucaena leucocephala* will be felled while eight new heavy standard trees are proposed in the development. Landscape elements such as lawn area, green wall as well as peripheral wall planting will be provided to meet the provision requirements of open space and greenery coverage. The proposed development and rezoning are considered not incompatible with the landscape character due to its fringe location and developed setting in the surroundings. Significant landscape impact arising from the proposed residential development/rezoning is not anticipated due to the common species of affected existing trees. As such, she has no adverse comment on the application and her detailed comments are at **Appendix II**.

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

He has no comment on the application from the nature conservation perspective. According to the TSR submitted by the applicant, the trees proposed to be felled will be compensated by heavy standard trees in a ratio of 1:1 in terms of quantity.

Environment

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

- (a) He has no adverse comment on the application with reference to the revised EA submitted by the applicant.

- (b) In view that there are no existing or planned public sewers in the vicinity and the estimated population size is small (i.e. 8), the septic tank proposed by the applicant is acceptable. The applicant should follow all the requirements as stipulated in ProPECC PN 5/93.

Building Matters

- 9.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
She has no in-principle objection to the application under the Buildings Ordinance and her detailed comments are at **Appendix II**.

Fire Safety

- 9.1.10 Comments of the Director of Fire Services (D of FS):

He has no specific comment on the application. Detailed fire services requirements will be formulated upon receipt of formal submission of building plans.

Other Aspects

- 9.1.11 Comments of the H(GEO), CEDD:

- (a) He notes from the GPRR that a detailed assessment, and if necessary, stabilisation works of all the existing man-made slopes/retaining walls affecting/being affected by the proposed development will be carried out. In addition, the applicant has committed, in the GPRR, to undertake a NTHS and to implement mitigation measures, if necessary, as part of the proposed development. He therefore has no adverse comment on the application.
- (b) The applicant is reminded that the design of any new man-made slopes/retaining walls, and the geotechnical investigations/studies and any necessary modification/upgrading works on the existing slopes/retaining walls, which may affect or be affected by the proposed development, should be carried out and submitted to the relevant authorities in accordance with the Buildings Ordinance as appropriate.

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

She notes that the Site is located approximately 150m away from Hung Lau, a Grade 1 historic building. While she has no adverse comment on the application, the applicant should ensure that Hung Lau would not be adversely affected, both visually and physically, by the proposed rezoning if it is approved by the Board.

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

- (a) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD);
- (d) Commissioner of Police (C of P);
- (e) Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD); and
- (f) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

10. Public Comment Received During Statutory Publication Period

The application was published for public inspection on 9.6.2023 and 6.10.2023. During the statutory public inspection periods, one objecting comment from an individual was received (**Appendix III**). The major grounds of objection are that the Site should be used for recreational development to meet the demand of the increasing population, the construction of an access road to serve only three houses is unacceptable and whether the proposed development could meet imminent housing needs is in doubt.

11. Planning Considerations and Assessments

- 11.1 The application is for rezoning the Site from “REC” to “R(C)” to facilitate a proposed low-rise, low-density residential development at the Site. The applicant proposes to adopt the Notes of the “R(C)” zone under the current OZP for the Site. According to the Notes of the OZP for the “R(C)” zone, any development within the “R(C)” zone is subject to a maximum PR of 0.4 and a maximum BH of 2 storeys. The proposed amendment to the OZP submitted by the applicant is at **Drawing Z-1**.
- 11.2 According to the applicant’s indicative scheme (**Drawings Z-2 to Z-5**), the proposed residential development comprises three 2-storey houses (not more than 7m or 37.15mPD) with a PR of not more than 0.4 and a SC of about 22%. A guard house will be provided near the entrance of the proposed development. Not less than 20% greenery coverage is also proposed within the Site. The Site will be connected to San Shek Wan Road via a new 6.1m wide access road (i.e. 4.5m wide vehicular access with 1.6m wide footpath along its eastern side) to be constructed on an existing walking trail by the applicant outside the site boundary.

“REC” Zone

- 11.3 The Site falls on land zoned “REC” which has been designated on the OZP since 2014 with the planning intention for the development of active and/or passive recreation and tourism/eco-tourism. Given the Site is wholly under private ownership, the planning intention of the “REC” zone could only be realised through private initiatives. Since the designation of the “REC” zoning, the land owner of the Site had submitted a s.16 application (No. A/TM/469) for the

development of a proposed holiday camp which was approved in 2015 and applied for a land exchange for the proposed holiday camp development upon granting of planning approval. As explained by the applicant, the previous proposal for a holiday camp is considered financially unviable and impractical due to the social unrest in 2019 and the subsequent COVID-19 pandemic. After taking into account the current market circumstances, the applicant considers that rezoning the Site from “REC” to “R(C)” is a feasible solution to address the derelict state of the Site. The applicant also states that the proposed residential development at the Site can help to increase housing supply to meet the acute housing demand, better utilise the scarce land resources and facilitate early improvement to the environment in the area. Taking into account the history and background of the Site and the planning assessment below, the rezoning proposal is considered acceptable.

Land Use Compatibility and Development Intensity

- 11.4 The Site is located in the southwestern urban fringe of the Tuen Mun New Town and situated at the foothills of vegetated slopes, which are interspersed with various low-rise recreational facilities including TMRPS, TMRSCAG and Hung Lau Sitting-out Area, and sandwiched between existing and planned high-rise residential developments including Siu Shan Court, Butterfly Estate and a planned public housing development at Wu Shan Road and a number of GIC facilities such as sports centre and schools to the east, and an existing village named Tsing Shan Tsuen San Shek Wan South and Castle Peak to the west. According to the applicant, the Site will also be connected to San Shek Wan Road and Lung Mun Road via the proposed access road. In terms of land use, the rezoning proposal for low-rise, low-density residential development is considered not incompatible with the surrounding areas.
- 11.5 In terms of development intensity, the Site will adopt the current Notes of the “R(C)” zone subject to a maximum PR of 0.4 and a maximum BH of 2 storeys. The maximum BH of the proposed “R(C)” zone is also lower than that of the “OU(PRSC)” zone (i.e. 3 storeys) surrounding the Site (**Plan Z-1**). The proposed “R(C)” zone with a maximum PR of 0.4 and a maximum BH of 2 storeys is therefore considered not incompatible with the existing developments in the “OU(PRSC)” zone. CTP/UD&L has no adverse comment on the application from urban design and visual impact perspectives as the proposed house development conforms to the BH restriction of 2 storeys as stipulated on the current OZP, and given its scale and low-rise nature, the proposed house development is considered not incompatible with the surrounding context and no significant adverse visual impact is anticipated.

Technical Feasibility

- 11.6 The TIA submitted by the applicant concludes that the junctions analysed are expected to operate within capacities during the peak hours with the proposed development, and no adverse traffic impact to the surrounding road network is anticipated. The applicant will be responsible for the construction, management and maintenance of the proposed access road connecting the Site with San Shek Wan Road (**Drawing Z-6**). Similar to existing Special Conditions under New Grant No. 22878, the details of the proposed access road would be considered

during the processing of the lease modification or land exchange application stage. C for T has no adverse comment on the rezoning application from the traffic engineering point of view. Other government departments also have no adverse comments on the proposed access road/emergency vehicular access.

- 11.7 Regarding DLCS's concern about any possible interface issues arising from the proposed access road intersecting with the horse trail of the TMPRS, the applicant proposes to install electronic gates on both sides of the intersecting point (**Drawing Z-2**). Warning signs will also be erected to alert users and horse riders to pay attention at the intersecting point to improve traffic safety and minimise impact on horses/horse riders. As explained by the applicant, similar arrangements have been agreed by the relevant government departments before (i.e. under the Special Conditions of New Grant No. 22878) and a similar arrangement can be adopted in the lease modification or land exchange application if the current s.12A application is approved.
- 11.8 The Landscape Proposal submitted by the applicant indicates that nine trees will be affected and are proposed to be felled. The proposed felled trees are not protected species or 'Old and Valuable Trees', and all are in 'poor' to 'average' health condition. To compensate, a total of eight new trees of heavy standard will be planted within the Site. Private open space, including a leisure lawn at the southern portion of the Site, will be provided in accordance with the HKPSG; not less than 20% of the total area for greening will also be provided in accordance with the requirement of the PNAP APP-152. In this regard, DAFC has no comment on the application from the nature conservation perspective. CTP/UD&L, PlanD also advises that the proposed development/rezoning is considered not incompatible with the landscape character due to its fringe location and developed setting in the surroundings. Significant landscape impact arising from the proposed residential development/rezoning is not anticipated.
- 11.9 For other technical considerations, with reference to the EA submitted by the applicant, DEP has no adverse comment on the rezoning application from the environmental protection perspective. DEP also has no adverse comment on the proposed underground septic tank and submission of further sewage treatment arrangements to the relevant government departments' approval at the detailed design stage as proposed by the applicant. All other government departments consulted have no objection to/ no adverse comments on the application.

Previous Applications

- 11.10 As mentioned in paragraph 5 above, the Site is the subject of two previous s.16 applications (No. A/TM/399 and A/TM/469) and one s.12A application (No. Y/TM/11).
- 11.11 Application No. A/TM/399 for a proposed residential development comprising two 2-storey houses at the Site was rejected in 2010 mainly on the reason that the proposed development was not in line with the planning intention of the "GB" zone which has a general presumption against development within the zone. With the s.12A application (No. Y/TM/11) for rezoning mainly the "GB" to "REC" to facilitate a proposed holiday camp development partially agreed by the Committee in 2013, the planning circumstances of the Site have been changed.

The approved s.16 application (No. A/TM/469) for the proposed holiday camp development at the Site further established that a proposed development with a maximum PR of 0.4 and a maximum BH of 2 storeys at the Site was not incompatible with the surrounding environment in terms of development intensity, subject to the technical feasibility of the proposed development. Approval of the application is not in conflict with the Committee's previous decisions.

Public Comments

11.12 There is one public comment objecting to the application as mentioned in paragraph 10 above. The applicant's justifications in paragraph 2, the departmental comments in paragraph 9.1, and the planning considerations and assessments in paragraphs 11.1 to 11.11 above are relevant.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no in-principle objection to the application.

12.2 Should the Committee decide to agree/partially agree to the application, the relevant proposed 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 "Recreation" ("REC") zone for the Site is considered appropriate for recreational developments for the use of the general public in the area. There are no strong justifications for the proposed rezoning for residential development at the Site.

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 24.5.2023
Appendix Ia	Supporting Planning Statement
Appendix Ib	SI received on 31.5.2023
Appendix Ic	FI received on 26.9.2023

Appendix Id	FI received on 4.12.2023
Appendix Ie	FI received on 14.12.2023
Appendix If	FI received on 18.1.2024
Appendix II	Detailed Departmental Comments
Appendix III	Public Comment
Drawing Z-1	Proposed Amendment to the OZP
Drawing Z-2	Indicative Master Layout Plan
Drawings Z-3 to Z-5	Indicative Floor Plans, Sections and Elevations
Drawings Z-6	The Proposed Access Road
Drawings Z-7	Landscape Plan
Drawing Z-8	Drainage Proposal
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plans Z-4a and Z-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2024**