

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TM/547**

- Applicant** : Hong Kong Housing Authority (HKHA) represented by Kenneth To and Associates Limited
- Site** : Tuen Mun Area 29 West, Tuen Mun, New Territories
- Site Area** : About 7,500 m<sup>2</sup>
- Lease** : Government Land  
Covered by Short Term Tenancy No. MX 17023 for building and associated works for public housing development
- Plan** : Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35
- Zoning** : “Residential (Group A) 21” (“R(A)21”)  
[restricted to a maximum domestic plot ratio of 6, a maximum non-domestic plot ratio of 2 and a maximum building height of 140mPD, with a minor relaxation clause]
- Application** : Proposed Minor Relaxation of Building Height (BH) Restriction from 140mPD to 143mPD for Permitted Public Housing Development

**1. The Proposal**

- 1.1 The applicant seeks planning permission for minor relaxation of BH restriction from 140mPD to 143mPD for permitted public housing development at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “R(A)21” on the approved Tuen Mun OZP No. S/TM/35. According to the Notes of the OZP for the “R(A)21” zone, ‘Flat’, ‘Public Clinic’ and ‘Social Welfare Facility’ are always permitted and the developments are restricted to a maximum domestic plot ratio of 6 and a non-domestic plot ratio of 2, and a maximum BH of 140mPD. Based on the individual merits of a development or redevelopment proposal, minor relaxation of the BH restriction may be considered by the Town Planning Board (the Board) upon application under section 16 of the Town Planning Ordinance. The proposed minor relaxation of BH restriction from 140mPD to 143mPD (+2.14%) requires planning permission of the Board.

1.2 According to the applicant's proposal, the proposed public housing development will comprise of a 34-storey residential block over a 7-storey podium for Community Health Centre (CHC)<sup>1</sup>, Residential Care Home for the Elderly (RCHE)<sup>2</sup> and ancillary facilities. The Site is accessible from Tin King Road. The proposed minor relaxation of BH restriction for addition of 1 storey will increase from 990 flats to 1,020 flats (+30 flats) and the resulting population will be 2,856 persons. The proposed public housing development is scheduled for completion by 2024.

1.3 The major development parameters of the proposed development are as follows:

Net Site Area	About 7,500 m <sup>2</sup>
Total Gross Floor Area (GFA) <ul style="list-style-type: none"> <li>• Domestic</li> <li>• Non-domestic</li> </ul>	Not more than 60,000m <sup>2</sup> Not more than 45,000m <sup>2</sup> Not more than 15,000m <sup>2</sup>
Plot Ratio <ul style="list-style-type: none"> <li>• Domestic</li> <li>• Non-domestic</li> </ul>	8 6 2
Site Coverage <ul style="list-style-type: none"> <li>• Podium</li> <li>• Tower</li> </ul>	Not more than 50% Not more than 30%
No. of Block	1
Maximum Building Height	143mPD
No. of Storeys	41 storeys 34 storeys atop 7 storeys podium (including G/F)
No. of Units <ul style="list-style-type: none"> <li>• Public housing units</li> <li>• RCHE</li> </ul>	1,020 flats 100 beds
Local Open Space	Not less than 2,856m <sup>2</sup>
Proposed Floor Use (floor-to-floor height) <ul style="list-style-type: none"> <li>• G/F (5.5m)</li> <li>• 1/F to 4/F (4.5m to 5m)</li> <li>• 5/F (4.1m)</li> <li>• 6/F (3.5m)</li> <li>• 7/F to 40/F (2.75m)</li> </ul>	Lobbies / Parking Spaces / L&UL Bays / Lay-bys / E&M Facilities CHC / E&M Facilities RCHE / Open Space Estate Management Office / Open Space Residential Block
No. of Private Car Parking Spaces <ul style="list-style-type: none"> <li>• Domestic</li> <li>• CHC</li> </ul>	25 49 (including 2 spaces for disabled)
No. of Light Goods Vehicle Parking Spaces <ul style="list-style-type: none"> <li>• Domestic</li> </ul>	2
No. of Motorcycle Parking Spaces <ul style="list-style-type: none"> <li>• Domestic</li> </ul>	5
No. of Space for 16 or 24-seater Van <ul style="list-style-type: none"> <li>• RCHE</li> </ul>	1
No. of Bicycle Spaces	68

<sup>1</sup> The proposed CHC will provide medical consultation, multi-disciplinary healthcare and patient empowerment services, a pharmacy and other ancillary facilities supporting the service operation.

<sup>2</sup> The RCHE will provide 100 places for elderly.

Loading/Unloading Bay <ul style="list-style-type: none"> <li>• Heavy Goods Vehicle (HGV) (Domestic)</li> <li>• Refuse Collection Vehicle (RCV) (Domestic)</li> <li>• Taxi/Private Car Lay-by (CHC)</li> <li>• Ambulance Lay-by (CHC &amp; RCHE)</li> <li>• HGV/RCV (CHC Chemical and Clinical Waste)</li> </ul>	1  1  1  1  1
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1.4 The location plan, site plan, floor plans and sections are in **Drawings A-1 to A-14** respectively.

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

- (a) Application Form received on 4.9.2019 with supplementary information **(Appendix I)**
- (b) Supplementary Planning Statement attached to Appendix I **(Appendix Ia)**
- (c) Further Information (FI) received on 11.10.2019 providing response to the departmental comments *(accepted and exempted from publication and recounting requirement)* **(Appendix Ib)**
- (d) FI received on 16.10.2019 providing updated water demand estimation *(accepted and exempted from publication and recounting requirement)* **(Appendix Ic)**
- (e) FI received on 21.10.2019 providing responses to departmental and public comments *(accepted and exempted from publication and recounting requirement)* **(Appendix Id)**
- (f) FI received on 25.10.2019 providing additional justifications on proposed minor relaxation of BH restriction and replacement of Section drawing *(accepted and exempted from publication and recounting requirement)* **(Appendix Ie)**

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement and FI at **Appendices Ia to Ie**. They can be summarised as follows:

- (a) The proposed public housing development is to meet the acute demand for public housing. Under the Long Term Housing Strategy 2018, the split ratio of public/private housing is revised from 60:40 to 70:30, and supply target for public housing is 315,000 for the ten year from 2019/20 to 2028/29.

- (b) The Site was rezoned from “G/IC” to “R(A)” in April 2014. Upon detailed design conducted by the Applicant, an optimised scheme has been devised by taking into account the results of the detailed assessments (including air ventilation assessment (AVA)) conducted, the various site constraints including non-building area (NBA) requirement, drainage reserve area and the finalization of flat mix. A slight increase of building height from 140mPD to 143mPD (+2.14%) is considered necessary to incorporate various design requirements and the optimal flat mix.
- (c) In response to the recommendations in the EE Report on AVA, the proposed development has been set back from the 20m-wide NBA and the podium bulk has been minimized as far as possible to incorporate various design features to enhance building permeability. Moreover, the disposition and size of the podium are constrained by the location of drainage reserve area and the need for providing an emergency vehicular access (EVA). With a reduced podium footprint, 7 nos. of podium floors are required to accommodate the CHC-cum-RCHE and ancillary facilities. In addition, in order to comply with the minimum requirement of at-grade greenery, the podium footprint cannot be further enlarged.
- (d) The tower footprint has already been maximized based on the current design. The current site coverage has already reached 32.86% (including transfer plate). Should the tower footprint be further elongated to accommodate one more flat per floor, the site coverage will exceed the maximum allowable site coverage.
- (e) The proposed floor-to-floor height for domestic floors, CHC floor and RCHE has already been minimised to meet the headroom and structural requirements. Taking into the above, the absolute building height of the proposed development is about 129m. Hence, the minor relaxation of building height restriction from 140mPD to 143mPD is required.
- (f) The proposed minor relaxation of BH from 140mPD to 143mPD (+2.14%) for public housing development is compatible with the BH of surrounding development, ranging from about 100mPD (Po Tin Estate) to 120mPD (Leung King Estate), thus creating a stepped height profile for the area.
- (g) Approval of the planning application would allow the HKHA to actualize the production of 1,020 flats, as well as providing the CHC-cum-RCHE to meet the need for community and social welfare facilities in a timely manner.
- (h) The increase of maximum building height from 140mPD to 143mPD (+2.14%) is considered very minor in nature and does not result in exceeding PR as stipulated under the approved OZP.
- (i) Technical assessments conclude that the proposed development will not result in adverse impact to the surrounding area in visual, air ventilation, environmental, geotechnical, traffic and sewerage terms.
- (j) The neighbourhood is very well-established with adequate provision of various

types of retail and GIC facilities to meet the demand of the existing and planned population in the area. The proposed minor relaxation of BH will only involve an increase of 84 persons. Hence the increase in demand for retail and community facilities would be limited.

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

As the Site involves Government land only, the “owner’s consent/notification” requirement as set out in the Town Planning Board Guidelines on satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB-PG 31) is not applicable.

**4. Previous Application**

There is no previous application at the Site.

**5. Similar Applications**

5.1 There are two similar applications (No. A/TM/499 and 500) for residential development with minor relaxation of plot ratio and BH restrictions in “R(A)” zones within the OZP. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

5.2 Both applications No. A/TM/499 and 500, submitted by the HKHA for public housing developments were approved by the Committee on 23.6.2017 on considerations that the proposals were in line with the government’s policy in boosting housing supply by increasing development intensity and optimising utilisation of scarce land resources; compatible with the surrounding developments; no adverse air ventilation, landscape, environmental and traffic impacts; and relevant government departments have no adverse comment on or objection to the proposals.

**6. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

6.1 The Site is:

- (a) located within Area 29 in the northwestern fringe on Tuen Mun New Town;
- (b) under construction for proposed public housing development; and
- (c) accessible from Tin King Road.

6.2 The surrounding areas have the following characteristics:

- (a) to the north and south are existing high-rise public housing estates of Po Tin Estate, Leung King Estate and Tin King Estate;
- (b) to the east is Tuen Mun North West Swimming Pool; and
- (c) to the west is the foothill of Castle Peak with dense vegetation.

## **7. Planning Intention**

- 7.1 The planning intention of the “R(A)” zone is intended primarily for high-density residential developments. For “R(A)21” zone, the planning intention is for public housing development.
- 7.2 A minor relaxation clause in respect of BH restriction is incorporated into the Notes in order to provide incentive for developments/redevelopments with planning and design merits. Each application for minor relaxation will be considered on its own merits and the relevant criteria for consideration of such relaxation in paragraph 7.7 of the Explanatory Statement (ES) of the OZP are as follow:
- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
  - (b) accommodating the bonus PR granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as public passage/ street widening;
  - (c) providing better streetscape/good quality street level public urban space;
  - (d) providing separation between buildings to enhance air ventilation and visual permeability; and
  - (e) other factors, such as site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.

## **8. Comments from Relevant Government Departments**

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

### **Land Administration**

- 8.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):
- (a) The Site falls within Short Term Tenancy No. MX 17023 which has been granted to HKHA for carrying out building and associated works for public housing development.
  - (b) The application concerns proposed minor relaxation of BH. As this is mainly planning concern, he has no comment on the planning application from land administration point of view.

### **Traffic**

#### 8.1.2 Comments of the Commissioner for Transport (C for T):

He has no comment on the application as the attached Traffic Impact Assessment No. 10 was agreed in April 2019.

### **Environment**

#### 8.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) HKHA has previously submitted an Environmental Assessment Study (EAS) and Sewerage Impact Assessment (SIA) for the subject public housing development (namely Tuen Mun Area 29 West), which both have taken into account the increased development parameters (from 990 flats to 1,020 flats) in the assessment.
- (b) The SIA demonstrated that the sewage flow generated from the proposed development will not have adverse sewerage impact on the downstream sewer and relevant sewerage facilities, including Western Interceptor Sewer Sewage Pumping Station and Pillar Point Sewage Treatment Works. The SIA report was accepted on 31.10.2018.
- (c) The EAS assessed the air quality and noise impact assessment for the subject public housing development and demonstrated that with implementation of suitable noise mitigation measures including central air-conditioning for CHC and provision of complete enclosure with silencers at CHC, all NSRs could comply with the road traffic noise standard in HKPSG. Moreover, with no industrial chimney identified within 500m and the larger buffer distance between the Site and Ming Kam Road (about 175m) and Tin King Road (about 80m), no adverse air quality impact is anticipated. He has no adverse comment on the EAS on 18.6.2019.
- (d) In view of the above, he has no objection to the application.

### **Urban Design**

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

##### **Urban Design and Visual**

- (a) The Site falls within an area zoned "R(A)21" on the OZP. According to the Notes of the OZP, the "R(A)21" zone is subject to the maximum BH of 140mPD, domestic plot ratio of 6 and maximum non-domestic plot ratio of 2.

- (b) The Site is about 7,500m<sup>2</sup>. The applicant is seeking planning permission for minor relaxation of BH from 140mPD to 143mPD (3m/+2.14%) for public housing development. The development comprises of 1 block of 34-storey domestic tower on top of a 7-storey podium (including G/F). Apart from providing 1,020 housing units, a CHC and 100-place RCHE are also provided.
- (c) To the northeast and southwest of the Site are two high-rise residential developments namely Po Tin Estate and Leung King Estate with building heights of about 100mPD to 120mPD respectively. Within the visual envelope, there are some residential buildings which are up to 140mPD. Although the development would slightly reduce the visual openness with blockage to the view of the mountainous backdrop, the development would not create visual incompatibility with the surrounding housing sites. As such, the minor relaxation of BH of addition of 3m is minor in nature.
- (d) On the mitigation measures, such as building setbacks and façade treatments, etc. the applicant should undertake these provisions according to the endorsed Planning Brief.

#### Landscape

- (e) In view that the Site is not located at landscape sensitive zone, and adverse landscape impact caused by the proposed development is not anticipated, it is considered not necessary to impose a landscape condition should the application be approved by the Board.

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

Based on the information provided, it is noted that the application involves slight adjustment of BH and massing. In this regard, he would have no comment from architectural and visual impact point of view.

#### **Fire Safety**

#### 8.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of his Department.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.



- (c) Furthermore, the EVA provision at the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 under the Building (Planning) Regulation 41D which is administrated by the Buildings Department.

### **Building Matters**

8.1.7 Comments of the Head of Independent Checking Unit, Office of the Permanent Secretary for Transport and Housing (Housing) (Head(ICU), Office of PSTH(H)):

- (a) He has no objection in principle to the proposed minor relaxation of BH restriction provided that the applicant should appoint an Authorised Person to assess the feasibility of the proposed change of BH and ensure that any proposed works/change of BH are/is carried out in compliance with the Buildings Ordinance and its allied regulations, including structural adequacy, means of escape, fire resistance construction, access for persons with disabilities, etc.
- (b) If the proposed change under application is subject to the issue of a licence, any structures on the Site are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.
- (c) Detailed comments under the Buildings Ordinance will be provided at the building plan submission stage.

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

The location of the application is a public housing estate which is under Housing Department's jurisdiction. BD is not in a position to provide comment on it.

### **Others**

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

He has no objection on the proposed minor relaxation of BH restriction, on the understanding that the proposed 100-place RCHE will be taken on board as part and parcel of the housing development with HD acting as the works agent. HD is reminded to construct the said RCHE according to the latest agreed layout plan unless otherwise agreed by his department for any other layout design.

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

He has no specific comment on the application. He takes this

opportunity to advise if FEHD is requested to provide refuse collection service, FEHD shall be separately consulted with submission of building plan.

8.1.11 Comments of the Secretary for Food and Health (SFH):

In consultation with Hospital Authority, he has no adverse comment on the planning application for the minor relaxation of BH restriction for the housing development at the Site submitted by HKHA. As for the supplementary planning statement (e.g. environmental assessment, traffic impact assessment, visual impact assessment, sewerage impact assessment and air ventilation assessment), he would rely on the responsible government departments to review these technical assessments.

**District Officer's Comments**

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

He has distributed consultation letters to the concerned locals and understand that they will provide their comments (if any) to the Board direct.

8.2 The following Government departments have no comment on the application:

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Chief Highways Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (Head (GEO), CEDD);
- (d) Project Manager (West) (PM(W)), CEDD;
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (f) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD); and
- (g) Commissioner of Police (C of P).

**9. Public Comments Received During Statutory Publication Period**

On 13.9.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 4.10.2019, 3 public comments from individuals were received (**Appendices III-1 to III-3**). One individual is in support of the application, and the others object on the grounds of adverse air ventilation impact and overload community, retail and transport facilities.

**10. Planning Considerations and Assessments**

- 10.1 The proposed public housing development will comprise a 34-storey residential block over a 7-storey podium for CHC, RCHE and ancillary facilities. The Site falls within an area zoned "R(A)21" on the Tuen Mun OZP and is subject to a

maximum BH of 140mPD. The application is for proposed minor relaxation of BH restriction for permitted public housing development from 140mPD to 143mPD (3m/+2.14%), which will lead to an increase in flat production from 990 flats to 1,020 flats (+30 flats). Except the increase in BH, the domestic and non-domestic plot ratios remain unchanged. The proposed minor relaxation to increase flat supply is in line with the Government policy to meet housing need and could optimise utilisation of land resources.

- 10.2 The Site is subject to various site constraints and design requirements, including provision of NBA, drainage reserve, EVA and greenery. The podium bulk has been minimised as far as possible to enhance building permeability; while accommodating the CHC-cum-RCHE and ancillary facilities (**Drawing A-3**). Meanwhile, the Site is located at the northwestern fringe of Tuen Mun New Town where high-rise public and private housing blocks can be found in the vicinity, including Po Tin Estate, Leung King Estate, Tin King Estate, Blossom Garden and Siu Hin Court (**Plans A-1 to A-3**). The proposed minor relaxation of the BH from 140mPD to 143mPD will lead to an increase in BH of 1 residential storey, which is not incompatible with the overall development profile in the northwest of Tuen Mun New Town. CTP/UD&L, PlanD considers the development would not create visual incompatibility with the surrounding housing sites. As such, the minor relaxation of BH of addition of 3m is minor in nature. CA/CMD2, ArchSD has no comment from the architectural and visual impact perspectives.
- 10.3 The current scheme is not anticipated to induce significant adverse environmental impacts and DEP has no objection to the application. DEP has already accepted the EAS and SIA of the proposed development. C for T has no objection to the application from traffic engineering point of view. Other relevant departments, including DEMS, CE/MN of DSD, CE/C of WSD, CTP/UD&L of PlanD and D of FS, have no objection to or no comment on the application. The proposed development will unlikely create significant adverse traffic, drainage, landscape, air ventilation, visual and environmental impacts on the surrounding areas.
- 10.4 There are 3 public comments received during the statutory publication period, and 2 of them objecting to the application on grounds as summarised in paragraph 9 above. The planning considerations and assessments in the paragraphs above are relevant.

## 11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9 above, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **1.11.2023**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.

Advisory clauses

The recommended advisory clauses are attached at **Appendix IV**.

11.3 There is no strong reason to recommend rejection of the application.

**12. Decision Sought**

12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) to be attached to the permission, and the date when the validity of the permission should expire.

12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**13. Attachments**

<b>Appendix I</b>	Application Form received on 4.9.2019 with supplementary information
<b>Appendix Ia</b>	Supplementary Planning Statement attached to Appendix I
<b>Appendix Ib</b>	FI received on 11.10.2019 providing response to the departmental comments
<b>Appendix Ic</b>	FI received on 16.10.2019 providing updated water demand estimation
<b>Appendix Id</b>	FI received on 21.10.2019 providing responses to departmental and public comments
<b>Appendix Ie</b>	FI received on 25.10.2019 providing additional grounds on proposed relaxation of BH restriction and replacement of Section drawing
<b>Appendix II</b>	Similar Applications within “R(A)” Zones on the approved Tuen Mun OZP No. S/TM/35
<b>Appendices III-1 to III-3</b>	Public comments received during statutory publication period
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Site Plan
<b>Drawings A-3 to A-14</b>	Floor Plans and Sections

<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2019**