

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

**APPLICATION NO. Y/FSS/15**

- Applicant** : HUI, Chun Hang Julian, Sole Executor of the Estate of Late Hui Oi Chow, Deceased, represented by Ove Arup & Partners Hong Kong Limited
- Plan** : Draft Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/23 at the time of submission
- Approved Fanling/Sheung Shui OZP No. S/FSS/24 currently in force
- Application Site** : Sheung Shui Lot 2 RP and adjoining Government land, New Territories
- Site Area** : 31,623m<sup>2</sup> (about) (including Government land of about 1,762.1m<sup>2</sup> (about 5.6%))
- Lease** : Building Lot subject to ‘rate and range’ and ‘non-offensive trades’ clauses
- Zoning** : “Comprehensive Development Area” (“CDA”)  
[Max. Plot Ratio (PR): 0.8  
Max. Site Coverage (SC): 27%  
Max. Building Height (BH): 3 storeys over one-storey carport  
Minor Relaxation Clause]  
[Zoning restrictions on OZP No. S/FSS/23 and S/FSS/24 are the same]
- Proposed Amendment** : Rezoning from “CDA” to “CDA(1)” with maximum PR of 3, maximum SC of 27% and maximum BH of 19 to 23 storeys (excluding basements)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to rezone the application site (the Site) (**Plans Z-1 and Z-2**), which falls within an area zoned “CDA” to “CDA(1)”, with a proposed maximum PR of 3 (based on development site area), a maximum SC of 27% and a maximum BH of 19 storeys in the west and 23 storeys in the east (excluding basements) (**Drawing Z-16a**), to facilitate a comprehensive residential development. No change to the planning intention and User Schedule for the “CDA” zone is proposed. The proposed amendments to the OZP, Notes and Explanatory Statement for “CDA(1)” zone are at **Drawings Z-16a to Z-16f**. The Site at the fringe of the Fanling/Sheung Shui New Town is sandwiched between Fanling Highway and Castle Peak Road- Kwu Tung. It is currently fenced off, occupied by a few structures and grown with grass and some trees.
- 1.2 The Site involves five previous s.16 applications and two previous s.12A applications. The last s.16 application (No. A/FSS/156) for a residential development with a PR of

0.8838, SC of 24.5% and a BH of 3-4 storeys over 1-storey carport was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 5.12.2003. For the two s.12A applications, Application No. Y/FSS/12 for rezoning from “CDA” to “CDA(1)” with a PR of 3.6, a SC of 27% and a BH of 25 storeys (excluding basements) was rejected by the Committee on 27.10.2017. Application No. Y/FSS/14 involving essentially the same proposed amendments to the OZP and indicative development scheme was submitted by the late HUI Sai Fun. The Committee on 21.6.2019 agreed that the application ceased to exist upon the death of the applicant, and therefore did not give further consideration to the application.

- 1.3 Compared with the previous rejected scheme (Application No. Y/FSS/12), the current application mainly involves reduction in GFA, PR, BH and number of flats. Comparisons of the Master Layout Plan, sections and major development parameters of the indicative development proposal between the previous application and the current application are at **Drawings Z-1, Z-6 to Z-8** and summarised in the following table:

|                                     | <b>Previous Rejected Scheme (Y/FSS/12) (a)</b>   | <b>Current Scheme (Y/FSS/15) (b)</b>   | <b>Difference (b) - (a)</b>                      |
|-------------------------------------|--|--|--|
| <b>Site area</b>                    | About 31,623m <sup>2</sup> (including Government Land of about 1,762.1m <sup>2</sup> )     | About 31,623m <sup>2</sup> (including Government Land of about 1,762.1m <sup>2</sup> )   | No change  |
| <b>Development site area</b>        | 29,860.9 m <sup>2</sup> (area of private lot)  | 29,860.9 m <sup>2</sup> (area of private lot)  | No change  |
| <b>Total gross floor area (GFA)</b> | About 107,499 m <sup>2</sup>   | About 89,582.7m <sup>2</sup>   | -17,916.3 m <sup>2</sup> (-16.7%)                |
| <b>Maximum plot ratio (PR)</b>      | 3.6 (Based on the development site area , subject to the setting out of the concerned Lot) | 3.0 (Based on the development site area, subject to the setting out of the concerned Lot)  | -0.6 (-16.7%)                                    |
| <b>Site coverage (SC)</b>           | Not more than 27%  | Not more than 27%  | No change  |
| <b>Number of residential blocks</b> | 7  | 7  | No change  |
| <b>Maximum BH</b>                   |  |  |  |
| <i>Number of storeys</i>            | 25 (excluding two to three basement levels for car park and other supporting facilities)   | 19 (Blocks 1 & 6)<br>21 (Blocks 2 & 5)<br>23 (Blocks 3 & 4)<br>17 (Block 7) (excluding two to three basement levels for car park, clubhouse and other supporting facilities) | -8 to -2 storeys (with stepped building profile) |
| <i>mPD (main roof)</i>              | 106.65 to 111.15   | 83.15 to 99.65   | -23.5 to -11.5 m (-22% to -10.3%)                |

|                                      | <b>Previous Rejected Scheme (Y/FSS/12) (a)</b> | <b>Current Scheme (Y/FSS/15) (b)</b> | <b>Difference (b) - (a)</b>     |
|--------------------------------------|--|--------------------------------------|---------------------------------|
| <b>Number of flats</b>               | 816  | 676                                  | -140<br>(-17.2%)                |
| <b>Average flat size</b>             | About 131.7 m <sup>2</sup>                     | About 132.5 m <sup>2</sup>           | +0.8<br>(+0.6%)                 |
| <b>Estimated number of residents</b> | About 2,285                                    | About 1,893                          | -392<br>(-17.2%)                |
| <b>Private open space</b>            | Not less than 2,285 m <sup>2</sup>             | Not less than 1,893 m <sup>2</sup>   | -392 m <sup>2</sup><br>(-17.2%) |

### Parking Arrangement

| <b>Car parking spaces</b>              |   |
|--|---|
| <i>Private car (for residents)</i>     | 657 (including 6 accessible car parking spaces) |
| <i>Private car (for visitors)</i>      | 35  |
| <i>Motorcycle</i>                      | 7   |
| <b>Loading/unloading (L/UL) spaces</b> |   |
| <i>Heavy goods vehicle</i>             | 2   |
| <i>Light goods vehicle</i>             | 5   |

### Major floor use

|  |   |
|--|---|
| <i>B2/F</i>                              | Carpark, E/M, sewage treatment plant room   |
| <i>B1/F</i>                              | Carpark, function room, E/M, sewage treatment plant room  |
| <i>B1 - M/F<br/>(For Block 6-7 only)</i> | Clubhouse   |
| <i>G/F</i>                               | Entrance lobby, clubhouse, swimming pool, landscape garden, covered garden, landscape area, access road, EVA, L/UL spaces |
| <i>1/F to 22F</i>                        | Flats   |

- 1.4 In response to Social Welfare Department (SWD)'s requirements, the applicant agrees to incorporate a 100-place residential care home for the elderly (RCHE) cum 30-place day care unit (DCU)<sup>1</sup> into the proposed development by placing the RCHE cum DCU on G/F or lower floors at the detailed design stage, if required. No RCHE cum DCU was included in the rejected s.12A application.
- 1.5 Compared with the previous rejected s.12A application, the current proposal also reduces the size of internal turnabout for better shaped environ of the Grade 1 historic building Oi Yuen Villa, enhances the landscape value and biodiversity of the area as provided in design concepts of the LMP, incorporates additional viewing point from Long Valley Nature Park for visual impact assessment (**Drawing Z-24**) and re-examines the proposed mitigation measures in the TIA.
- 1.6 According to the applicant's submission, the indicative development scheme adopts a concentric building design layout with a landscape core at the centre of the Site comprising

<sup>1</sup> As requested by SWD, the welfare facilities will be assigned back to the Financial Secretary Incorporated (FSI) as a Government Accommodation (GA) upon completion. The applicant proposed that the proposed welfare facilities (i.e. 100-place RCHE cum 30-place DCU) may be disregarded in determining the maximum plot ratio (**Drawing Z-16d**).

the conserved historic Grade 1 Oi Yuen Villa (about 772m<sup>2</sup> in GFA) with a new one-storey annex building extending from its east as clubhouse, a new swimming pool at its south and the surrounding landscape setting (**Drawing Z-1**). The grave of Oi Yuen Villa's owner located to the southeast of Oi Yuen Villa would be preserved, fenced off and screened by trees to better integrate with the residential development to minimise disturbance from each other (**Drawing Z-9**). It is designed to have a separate entrance from the residential development which comprises seven residential blocks of 17 to 23 storeys (above two to three basement levels), stepping down from the east to the west of the Site and surrounding Oi Yuen Villa in the middle. The proposed GFA is calculated based on a PR of 3 and the development site area which is the private land owned by the applicant (only 5.6% of land area within the Site is Government land (**Plan Z-2**)). The proposed Master Layout Plan (MLP), floor plans and section plans of the proposed development are at **Drawings Z-1 to Z-11**. The tentative completion year of the proposed development is 2024.

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

- (a) Application Form received on 10.12.2019 **(Appendix I)**
- (b) Supplementary Planning Statement including a Landscape Master Plan (LMP) and Tree Preservation Proposal (TPP), Traffic Impact Assessment (TIA), Air Ventilation Assessment (AVA), Visual Impact Assessment (VIA), Environment Assessment (EA), Drainage Impact Assessment (DIA), Water Supply Impact Assessment (WSIA), Sewerage Impact Assessment (SIA) and Quantitative Risk Assessment (QRA) **(Appendix Ia)**
- (c) Further Information (1) (FI) received on 15.7.2020 **(Appendix Ib)**
- (d) FI (2) received on 7.9.2020 **(Appendix Ic)**
- (e) FI (3) received on 9.11.2020, 12.11.2020 and 13.11.2020\* **(Appendix Id)**

\* *Exempted from publication*

1.8 At the request of the applicant, the Committee on 6.3.2020 and 15.5.2020 agreed to defer a decision for two months respectively so as to allow more time for the applicant to submit further information to address departmental comments. After the deferral requests, the applicant had submitted FIs including revised technical assessments in response to departmental comments.

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

The justifications put forth by the applicant in support of the application are detailed in Section 4 of the Supplementary Planning Statement at **Appendix Ia** and the FIs at **Appendices Ib to Id**, and are briefly summarised as follows:

### Increasing Housing Supply and Optimization of Land Resources

- (a) the proposed development would support the Government's objectives to enhance housing supply by increasing development intensity of developable land. The proposed development under the current scheme would provide 581 additional flats as compared to the approved scheme under previous s.16 Application No. A/FSS/156;

- (b) the Government has identified development potential of the North New Territories as a source of land supply to cater for uprising housing demand and has proposed Fanling North and Kwu Tung New Development Areas to form a bigger Fanling/Sheung Shui/Kwu Tung New Town. Rezoning of the Site with a more appropriate development intensity is considered necessary to cope with the changing planning circumstances and to optimise scarce land resources;

Compatible with the adjacent development

- (c) to address the Committee's concern on previous s.12A application (No. Y/FSS/12), the current development proposal takes into account the mixed development intensity and BH profile of the surrounding areas. A reduced PR of 3 is proposed to enhance compatibility of the development with the adjacent environ. A lower and stepped BH profile of 19 storeys aboveground in the west and 23 storeys aboveground in the east is also adopted, offering a gradient decrease of BH towards the low-rise villages in the west for better visual compatibility;

Realising and Enhancing the Planning Intention of "CDA" zone

- (d) the proposed rezoning conforms and realises the original planning intention of the "CDA" zone to enable "comprehensive development/redevelopment of the area for residential use with the provision of open space and other supporting facilities" by providing well-designed landscape area, open space and recreational facilities for the residents. High greenery coverage as well as the conservation of Oi Yuen Villa would be other gains, demonstrating the Applicant's efforts to pursue a quality comprehensive development;

Conservation of the existing Historic Buildings

- (e) Oi Yuen Villa is conserved in the proposed development and integrated with the landscape area serving as a key characteristics of the development. The current proposal reduces the size of internal turnabout for better shaped environ of the Grade 1 historic building Oi Yuen Villa. It will also be opened to the future residents for enjoyment and recreational use; and

No Insurmountable Impacts to the Surroundings from Various Technical Aspects

- (f) the technical assessments have concluded that the proposed development would not cause adverse landscape, traffic, air ventilation, environmental, drainage, sewerage, water supply, town gas safety and visual impacts to the Site and the surrounding areas.

*Traffic Impact Assessment*

- (g) according to the TIA submitted by the applicant, the proposed vehicular access (**Plan Z-2** and **Drawing Z-1**) will be located at Pak Wai Lane at the south-western portion of the Site, with the proposed roundabout connecting to the internal roads/ EVA serving the proposed seven residential blocks. All necessary carparking spaces would be accommodated at the basement levels, and the loading/unloading (L/UL) spaces would be at the ground level.
- (h) to support the proposed development, the applicant has proposed traffic improvement measures including adjustment on green light signal timing and the cycle time at the junction of Castle Peak Road – Kwu Tung and Fan Kam Road, increasing the approach entry width of Fanling Highway (westbound) and Po Shek Wu Road (southbound) and pavement widening at the bus stop on Castle Peak Road – Kwu Tung outside the Site (**Drawings Z-12 to Z-15b**).

*Environmental Assessment*

- (i) the applicant has submitted EA to assess possible environmental impacts to the surrounding areas:
  - (i) on road traffic noise aspect, the applicant proposes various noise mitigation measures including noise barriers at the northern and southern site boundaries, acoustic fins, specially designed acoustic balcony and window, careful building disposition with adequate buffer distance. With all the recommended mitigation measures, the compliance rate of road traffic noise level would be improved from 63% (from the unmitigated scenario) to 100%;
  - (ii) on air quality aspect, the proposed scheme will comply with the relevant buffer distances under the Hong Kong Planning Standards and Guidelines (HKPSG) to ensure that the proposed residential development would not be subject to unacceptable vehicular and chimney emission impact; and
  - (iii) on water quality aspect, sewage generated on-site is proposed to be discharged to the public sewer, insurmountable water quality impact is not anticipated during the operation of the proposed development. With proper mitigation measures and monitoring in place, insurmountable water quality impact is also not anticipated during the construction of the proposed development

*Landscape*

- (j) according to the proposed LMP (**Drawings Z-9 and Z-10**) and TPP (**Drawing Z-11**) (**Appendix Ia**), amongst the 254 trees within the Site, 140 trees (55%) are proposed to be retained (including six important trees) or transplanted (including one important tree) within the Site, whereas 114 trees (45%) would be felled. In combination with 140 retained or transplanted trees, and the 134 new trees for compensation (replanting ratio of 1:1.8), a total of 274 trees would be accommodated within the Site.
- (k) a landscape buffer of 5-10m wide (**Drawings Z-9 and Z-10**) is proposed at the boundary abutting Fanling Highway and Castle Peak Road – Kwu Tung. The buffer is largely composed of relatively mature trees which would create an instant screening effect to the proposed development.

*Other infrastructural aspects*

- (l) the applicant has submitted a DIA, SIA, WSIA, and AVA. In summary:
  - (i) on drainage aspect, the applicant has proposed to provide a new dedicated drain along Castel Peak Road – Kwu Tung from the Site to the open nullah to accommodate the expected future flows, and considers that there will be no unacceptable adverse drainage impact;
  - (ii) on sewerage aspect, the applicant has explored options of connections to public sewer including connecting to and upgrading of existing sewer serving Golf Parkview or laying of a new sewer in parallel with the existing connection from Golf Parkview. The applicant conclude that there will be no unacceptable adverse sewerage impact and detailed SIA will be submitted in s.16 application stage;

- (iii) on water supply aspect, with the proposed upgrading of dedicated watermain connection to the Site, the freshwater demand generated by the proposed development could be supplied from the existing Kwu Tung Freshwater Service Reservoir. According to the applicant, the impacts on the main and local water distribution pipes are considered to be acceptable and there will be no unacceptable adverse water supply impact;
- (iv) on air ventilation aspect, the AVA has indicated that the local spatial average velocity ratio (LVR)<sup>2</sup> and Site spatial average velocity ratio (SVR)<sup>3</sup> are the same for the proposed scheme and the baseline scheme (i.e. the approved scheme under s.16 Application No. A/FSS/156 with PR of 0.8, SC of 24.5% and BH of 3-4 storeys) under annual situation and summer situation. The overall performance is comparable; and
- (v) on gas supply and safety, in view of the existing high pressure Towngas pipeline and Fanling West Offtake Station (**Plan Z-2**) located in the vicinity of the Site, the applicant has submitted QRA (**Appendix Ib**). According to the applicant, the individual risk associated with the high pressure pipeline remains unchanged as the previous s.12A application (i.e. No. Y/FSS/12) because there is no change in the tower layout, deposition and orientation of the proposed development. Since there is a reduction in population compared to the previous rejected application, the societal risk for the proposed development would be reduced and lie within the “Acceptable” region of the relevant guidelines. No specific mitigation measure is thus required.

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

About 94.4% of the Site falls within private land. The applicant is the sole “current land owner” of the private lot within the Site. ~~In response to the review of a s.16 application (No. A/FSS/8) on 23.2.1990, t~~The remaining portion of the Site (about 5.6% of the Site) is Government Land, and the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable.

### 4. **Background**

The Site fell within “Green Belt” (“GB”) zone on the draft Fanling/Sheung Shui OZP No. S/FSS/1 which was gazetted on 23.10.1987. *In response to the review of a s.16 application (No. A/FSS/8) on 23.2.1990, t*The Site was subsequently rezoned from “GB” to “CDA” with a maximum PR of 0.8 on the draft Fanling/Sheung Shui OZP No. S/FSS/3 which was gazetted on 2.11.1990. The zoning, development restrictions and boundary of the “CDA” zone have remained unchanged since then.

### 5. **Previous Applications**

5.1 The Site was the subject of five previous s.16 applications (No. A/FSS/37, 72, 110, 152 and 156) for residential development with minor relaxation of the development restrictions for the “CDA” zone and two previous s.12A applications (No. Y/FSS/12 and

<sup>2</sup> LVR gives an idea of how the upper portion of the proposed development may affect the surroundings.

<sup>3</sup> SVR gives an idea of how the lower portion of the proposed development may affect the immediate surroundings.

14).

*Previous s.16 Applications*

- 5.2 Application No. A/FSS/37 for a residential development and Application No. A/FSS/72 for a residential development were rejected by the Board on 16.7.1993 upon review and by the Committee on 13.12.1996 respectively on the grounds that the proposed PR, SC and BH exceeded the restrictions in the “CDA” zone on the OZP, the proposed increase of PR and BH could not be considered minor, no strong justification to warrant the proposed deviations from the development restriction of the “CDA” zone and that the vehicular access to the Site as well as the TIA were unsatisfactory.
- 5.3 Application No. A/FSS/110 and A/FSS/152 both for a residential development were approved with conditions by the Board on 9.4.1999 upon review and by the Committee on 25.4.2003 respectively on the grounds that the proposed low-density and low-rise residential development was considered in line with the planning intention of “CDA” zone, the proposed development only result in a minor relaxation on PR and BH under OZP restrictions and the proposed development would not cause any adverse environmental, traffic and visual impacts on the surrounding areas.
- 5.4 Application No. A/FSS/156 for a residential development was approved with conditions by the Committee on 5.12.2003 mainly on the grounds that the proposed low-density and low-rise residential development was considered in line with the planning intention of “CDA” zone, the concerned proposal involved only minor amendments to a scheme (Application No. A/FSS/152) previously approved by the Committee, the approved MLP and the proposed amendments to the approved residential development would not cause any adverse environmental, traffic and visual impacts on the surrounding areas.

*Previous s.12A Applications*

- 5.5 Application No. Y/FSS/12 for rezoning the Site from “CDA” to “CDA(1)” with a proposed maximum PR of 3.6, a maximum SC of 27% and a maximum BH of 25 storeys (excluding basements) was rejected by the Committee on 27.10.2017 mainly on the grounds that the development intensity of the proposed “CDA(1)” zone was considered excessive and not compatible with the surrounding areas; there was no strong justification to substantiate the proposed PR and BH; and approval of the rezoning would set an undesirable precedent for similar rezoning applications.
- 5.6 For Application No. Y/FSS/14, the Committee on 21.6.2019 agreed that the application ceased to exist upon the death of the applicant, and therefore did not give further consideration on the application. The proposed rezoning and indicative development scheme under Application No. Y/FSS/14 are same as the current application.
- 5.7 Details of these previous applications are summarised at **Appendix II** and the locations are shown on **Plans Z-1** and **Z-2**.

6. **Similar Application**

There is no similar rezoning application for “CDA” zone on the Fanling/Sheung Shui OZP.

7. **The Site and Its Surrounding Areas** (Plans Z-1 and Z-2, aerial photo on Plan Z-3 and site



photos on **Plan Z-4**)

7.1 The Site:

- (a) is currently fenced off and grown with grass, with some trees mainly located at Site peripheries;
- (b) includes some building structures (Oi Yuen Villa, a Grade 1 historic building, which is located in the middle of the Site, an existing grave of the deceased Mr. HUI Oi Chow and a number of one-storey ancillary buildings/structures at the northern part); and
- (c) is accessible from Castle Peak Road – Kwu Tung.

7.2 The surrounding area has the following characteristics:

- (a) to its north is the Fanling Highway, and to its further north is Tsung Pak Long Village. The historic structures of Hak Ka Wai within Tsung Pak Long Village have been designated as Grade 1 historic buildings;
- (b) to its west is a low-rise residential development known as Golf Parkview (with a maximum GFA of 5,504m<sup>2</sup> (equivalent to PR of about 0.885), a maximum SC of 24% and a maximum BH of 4 storeys over one-storey carpark), and to its further west are some village houses and domestic structures in Kam Tsin Village, Tin Kwong Po and Yin Kong Village in Kwu Tung area;
- (c) to its south is the Castle Peak Road – Kwu Tung and further beyond are the Fanling Golf Course (FGC) (a Technical Study on Partial Development of Fanling Golf Course covering 32ha of land east of Fan Kam Road with a view to ascertaining the highest yield of housing flats attainable within the site, with emphasis on public housing, is on-going) and the medium-rise residential development known as Eden Manor (with a maximum PR of 3.6 and a maximum BH of 25 storeys); and
- (d) to its east is a potential public housing site (known as Tai Tau Leng Housing Site) (an engineering feasibility study to assess the feasibility to develop this area (about 2.08ha) for public housing is on-going) and currently occupied by some domestic structures intermixed with some vacant land, vehicle repair workshop, parking of container vehicles, logistics goods distribution and Government depots. To the further east and north-east are the Town Gas Fanling West Offtake Station and Tai Tau Leng Village respectively.

## 8. **Planning Intention**

The planning intention of the “CDA” zone is for comprehensive development/ redevelopment of the area for residential use with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

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

9.1 The following Government departments have been consulted and their views on the

application and the public comments received are summarised as follows:

### **Land Administration**

#### 9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

the Site comprises largely Sheung Shui Lot No. 2 RP (the Lot) which is held under a lease dated 27.4.1922. The lease governing the Lot is virtually unrestricted apart from a “rate and range” clause and an “offensive trades” clause. As the proposed residential development does not conflict with the lease conditions and so if the proposal is approved by the Board, the applicant is not required to seek a lease modification to implement the proposed residential development within the Lot. Therefore, any planning conditions, if imposed by the Committee, cannot be written into the lease through lease modification.

### **Traffic**

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

- (a) he has no further comment on the TIA; and
- (b) the current parking standard as stated in Hong Kong Planning Standards and Guidelines (HKPSG) will be subject to revision shortly. If the revised standard is promulgated before the subsequent s.16 planning application, such revised standard shall be adopted in the planning of parking provision.

### **Urban Design and Visual**

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

- (a) the Site is located in an urban fringe setting immediately adjacent to the Fanling Golf Course to the south. Under the respective OZP, development at the site is subject to a maximum PR of 0.8, maximum SC of 27% and maximum BH of 3 storeys over one-storey carport. Existing developments in its vicinity are either 3-storey village houses or of low-rise low-density with maximum BH of 5 storeys;
- (b) the Site with an area of about 31,623m<sup>2</sup> is situated on a knoll of 18.5mPD in height. According to the submission, the applicant seeks planning permission to rezone the Site from “CDA” to “CDA(1)” which is subject to a maximum PR of 3 (+2.2), maximum SC of 27% (no change) and maximum BH of 19 storeys in the west and 23 storeys in the east (+16 to 20 storeys). The rezoning proposal would enable the development of seven 17 to 23-storey towers (above two to three basement levels) encircling the existing historic building, Oi Yuen Villa, to be preserved and used as a clubhouse on top of the knoll;
- (c) the applicant states that the proposed development parameters are akin to those of the nearby Eden Manor and a stepped BH from maximum 19-storey in the east to 23-storey in the west is compatible with the changing planning circumstances in the vicinity. Nevertheless, the proposed development, by

virtue of its scale, height and building disposition, would be visually prominent in the immediate low-rise neighbourhood and diminish the knoll and the historic building as attributes to the townscape. As illustrated in the photomontages of the submitted VIA, the resulting development would bring forth changes to the visual context of the neighbourhood. To minimise its possible visual impact on the neighbourhood, the applicant is advised to explore further design measures for enhancing the visual permeability at the subsequent s.16 planning application stage should this application be approved.

### **Air Ventilation**

#### 9.1.4 Comments of CTP/UD&L, PlanD:

- (a) an AVA - Initial Study (IS) using computational fluid dynamic modelling was carried out to support the application. Two scenarios, the baseline scheme (i.e. the approved scheme under s.16 Application No. A/FSS/156 with low-rise house developments) and the proposed scheme (with maximum building height of 99.65mPD) have been studied;
- (b) although the reported Site Velocity Ratio (SVR) and Local Velocity Ratio (LVR) of both schemes are the same under both annual and summer conditions, the simulation results show that the proposed scheme with taller building towers would create rather significant adverse impacts on the surrounding area under most simulated winds except southerly wind when compared with the baseline scheme. It demonstrated that the wider and more building separations adopted in the proposed scheme as good air ventilation features compared with the baseline scheme would mainly benefit the proposed development within the Site. With the presence of noise barriers in the north, the proposed building separations could only facilitate wind penetration within the Site but not reaching its downstream areas. As such, the proposed development would create adverse air ventilation impacts on the surrounding pedestrian wind environment; and
- (c) should the application be agreed by the Committee, the applicant would be required to submit AVA at the s.16 application for review. The applicant should be reminded that it is not acceptable if the current proposed scheme would be adopted as the baseline scenario in the future s.16 planning application.

### **Landscape**

#### 9.1.5 Comments of CTP/UD&L, PlanD:

- (a) he has no objection to the application from landscape perspective;
- (b) the Site is located to the south of Hak Ka Wai and Fanling Highway, and falls within an area zoned "CDA" on the OZP. The applicant seeks planning permission to rezone the Site from "CDA" to "CDA(1)" on the OZP for the proposed development;
- (c) based on the aerial photo of 2019, the Site is situated in area of miscellaneous rural fringe landscape character comprising low-rise residential buildings,

village houses, vegetated areas and clusters of trees; and

- (d) it is noted in **Drawing Z-9** and Section 3 of the Tree Survey Report enclosed in the LMP (**Appendix Ia**) that sensitive landscape resources (i.e. approx.. 2 nos. of rare and protected tree species, *Auilaria sinensis* (土沉香), and approx. 5 nos. of potential old and valuable trees (OVTs)) are observed and proposed to be retained within the Site. Furthermore, although approx. 114 nos. of existing trees will be affected by the proposed development and are proposed to be removed, 134 nos. of new tree plantings have been proposed within the Site. In addition, landscape buffer along site boundary is proposed to alleviate the landscape and visual impact arising from the proposed development. In view of the above, he has no objection to the application from the landscape planning perspective.

### **Social Welfare**

#### 9.1.6 Comments of the Director of Social Welfare (DSW):

- (a) in view of the acute demand for social welfare facilities, the applicant should explore the feasibility to incorporate the following welfare facilities in the proposed development:
- (i) 100-p Residential Care Home for the Elderly (RCHE) cum 30-p Day Care Unit (DCU); and
  - (ii) 50-p Day Activity Centre (DAC) cum 50-p Hostel for Severely Mentally Handicapped Persons (HSMH);
- (b) it is noted from the FI that the applicant now proposes only to incorporate the proposed RCHE cum DCU in the development, but not the proposed DAC cum HSMH<sup>4</sup>. Having considered the responses from the applicant, he maintains his view that apart from RCHE cum DCU, the DAC cum HSMH should be provided in the development for the following reasons:
- (i) for the DAC cum HSHM, there has been persistently strong demand with long waiting time for adult rehabilitation services over the past years; and
  - (ii) with keen service demand for residential care services (RCS) for persons with disabilities, Social Welfare Department (SWD) is committed to actively identifying suitable RCS premises through multi-pronged means, including reserving suitable sites in new / re-development projects, using vacant government premises/school premises / public housing units where practicable, etc. Even if all the proposed rehabilitation facilities in the nearby housing developments could be provided (as suggested by the applicant), the number of such rehabilitation facilities are still not sufficient to meet the service needs; and
- (c) subject to the agreement of the incorporation of the welfare facilities in the

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<sup>4</sup> The applicant responds that due to the limited space at the G/F and lower floors of the proposed private residential development, there is no space to further provide the DAC cum HSMH after accommodating the RCHE cum DCU.

development, the premises for the agreed welfare facilities should be provided as an integral part of the development and will be assigned back to the Financial Secretary Incorporated (FSI) as a Government Accommodation (GA) upon construction completion. Upon satisfactory completion of works by the developer, the Government will reimburse the developer the actual cost of construction or the consideration sum as stipulated in the land lease (to be confirmed by departments concerned before the lease modification), whichever is the lesser, according to the established practice. The service operator would be selected by SWD.

### **Environment**

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

- (a) he has no further comment on the EA and SIA;
- (b) as confirmed that the proposed junction improvement measures at Fanling Highway/ Fan Kam Road/ Po Shek Wu Road is proposed under “Site Formation and Infrastructure Works for Police Facilities in Kong Nga Po” and undertaken by Civil Engineering and Development Department (CEDD), it is considered that the associated environmental impacts would be addressed under CEDD’s project. Hence, he has no further comment on the EA for the proposed development;
- (c) the applicant should be reminded to submit a Noise Impact Assessment (NIA) and provision of mitigation measures to achieve 100% compliance with the noise criteria with HKPSG including road traffic noise standard in future s.16 planning application stage; and
- (d) the applicant is reminded to conduct detailed assessment on the downstream sewerage network and pumping station in both average dry weather and peak flow scenarios and propose effective mitigation measure to the satisfaction of the relevant government departments in order to prevent adverse sewerage impact from the proposed development in the future s.16 planning application stage.

### **Heritage Conservation**

#### 9.1.8 Comments of the Antiquities and Monuments Office, Commissioner for Heritage’s Office, Development Bureau (AMO, CHO, DEVB):

- (a) he has no objection in principle to the application from heritage conservation viewpoint;
- (b) according to the supplementary planning statement (**Appendix Ia**), it is noted that Oi Yuen Villa, a Grade 1 historic building, is within the Site. By definition, a Grade 1 historic building is a building of outstanding merit, which every effort should be made to preserve if possible. In the application, Oi Yuen Villa will be preserved in-situ and converted with heritage value of Oi Yuen Villa. He, therefore, has no objection in principle from heritage conservation viewpoint to the proposed rezoning of the Site from “CDA” to “CDA(1)”; and

- (c) to properly manage the change in Oi Yuen Villa during the conversion works, both physically and visually, the applicant should submit a conservation management plan (CMP) including a detailed conservation proposal for Oi Yuen Villa prior to the commencement of any works and implementation of the works in accordance with the accepted CMP to the satisfaction of AMO or of the Town Planning Board. It is suggested that approval condition on the above may be included if subsequent application under s.16 planning application submitted by the applicant is approved.

### **Drainage**

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

- (a) given that revised DIA and SIA will be submitted at the subsequent s.16 planning application, he has no objection to the application;
- (b) he has the following comments on the revised SIA for the applicant's review:
  - (i) use of clay is not accepted due to its brittle material property. Precast concrete pipes should generally be used for stormwater connections while polyethylene pipes should generally be used for sewer connections. Proposals for using pipes of alternative materials should be submitted for agreement. Reference should also be made to Stormwater Drainage Manual and Sewerage Manual published by DSD;
  - (ii) the maintenance responsibility of the proposed sewer should be clearly indicated in the revised SIA report;
  - (iii) Annex B – part 2 – UFF of 0.37 m<sup>3</sup>/day/person should be adopted instead of 0.34. Please review; and
  - (iv) please be reminded that future SIA report should be submitted to EPD and DSD for review at appropriate time when (i) the discharge proposal is confirmed; (ii) the detailed design stage is commenced and the SIA report should be updated in view of the latest situation; and (iii) there is any update on the responsibility of upgrading works, proposed holding tank arrangement etc.

### **Water Supply**

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

- (a) he has no objection to the application and no further comment on the revised WSIA (**Appendix Ib**); and
- (b) existing freshwater mains found within or in the vicinity of the Site may be affected. The applicant shall bear the cost of any necessary diversion works affected by the proposed development and the corresponding connection cost.

### **Geotechnical**

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

- (a) he has no comment on the application; and
- (b) the applicant is reminded that there is an existing Feature No. 3SW-A/R130 (i.e. a slope) located at the northern boundary of the subject site. The applicant should ensure that the proposed development would not affect the said feature. Upgrading works should be carried out to the said feature, if found necessary.

### **Fire Safety**

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

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department; and
- (b) EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Building Authority.

### **District Officer's Comments**

9.1.13 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) he consulted the locals on the original submission and the subsequent FIs. The following objections were received from the locals;
- (b) the Chairman of Sheung Shui District Rural Committee, the incumbent North District Council (NDC) member of N10, N11 and N15 Constituencies, the three Indigenous Inhabitant Representatives (IIRs) and the Resident Representative (RR) of Tsung Pak Long, one of the two IIRs of Tai Tau Leng, the Chairmen of Owners' Committee, management company and three property owners of Golf Parkview raised objections mainly on the following grounds:
  - (i) the existing road network (e.g. Castle Peak Road – Kwu Tung, Pak Wai Lane, Po Shek Wu Road roundabout) has already reached maximum capacity and would be overloaded by additional traffic generated by the proposed development and Eden Manor in the vicinity. The planned provision of about 700 parking spaces in the proposed development would worsen the existing traffic congestion problem;
  - (ii) the proposed development would lead to an increase of population and worsen the existing problem of inadequate public transport services;
  - (iii) piling works during the construction period would induce adverse

impacts on the structure of Hakka Wai, Tsung Pak Long which is a group of Grade 1 historic buildings and *Fung Shui* of nearby villages;

- (iv) the social welfare facilities requested by SWD should be provided in other locations that are closer to the town centre and transport hub;
  - (v) the construction of the proposed development would lead to air, noise and light pollution and worsen the hygienic problem; and
  - (vi) the proposed development is incompatible with the surrounding rural environment.
- (c) The remaining one IIR of Tai Tau Leng had indicated no comments on the proposal.

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

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Chief Highway Engineer/ New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Director of Agriculture, Fisheries and Conservation (DAFC);
- (f) Director of Food and Environmental Hygiene (DFEH); and
- (g) Commissioner of Police.

## **10. Public Comments Received During Statutory Publication Period**

10.1 On 20.12.2019, 24.7.2020 and 18.9.2020, the application and FIs were published for public comments. During the respective 3-week statutory publication periods, a total of 347 comments were received. All the public comments received are deposited at the Board's Secretariat for Members' reference.

10.2 Among the 347 public comments, 345 from North District Council members, Chairman of Golf Parkview, Designing Hong Kong and individuals (333 in standard letters) (samples at **Appendix IIIa**) object to the application, while one from Hong Kong and China Gas Co. Ltd (**Appendix IIIb**) suggests that the applicant should consult the company at design and construction stages and one from an individual indicated no comment on the application. The major views of the objection/ adverse comments are summarised as follows:

- (a) the existing road network would be overloaded by the additional traffic generated by the proposed development. The planned provision of about 700 parking spaces and the proposed RCHE would worsen the existing traffic congestion problem in the area. The traffic impact brought by the proposed development may not be adequately assessed in the TIA due to the abnormal traffic pattern resulted from COVID-19;
- (b) the social welfare facilities requested by SWD should be placed in locations that are closer to the town centre and transport hub instead of the Site;



- (c) the proposed development intensity is incompatible with the surrounding areas and would result in adverse visual and air ventilation impacts;
- (d) the proposed development would lead to an increase in population which would worsen the existing problem of noise pollution in the area;
- (e) there is a lack of assessment over the historical value of Hak Ka Wai which is against the prevailing monument preservation policy. The high-rise buildings of the proposed development would affect the *feng shui* of nearby villages and residential development;
- (f) geotechnical impact assessment is missing. The piling works during construction period would affect the structural integrity of Golf Parkview and several nearby Grade 1 historic buildings ;
- (g) some old trees may be adversely affected by the proposed development;
- (h) the proposed development would have adverse impact on the market value of Golf Parkview units; and
- (i) approval of the application would set an undesirable precedent for similar rezoning applications.

## 11. Planning Considerations and Assessments

### The Proposal

- 11.1 The Site falls within the “CDA” zone on the approved Fanling/Sheung Shui OZP, which is intended for residential use with the provision of open space and other supporting facilities, with a maximum PR of 0.8, a maximum SC of 27% and a maximum BH of 3 storeys over one-storey carport. The application is for rezoning the Site from “CDA” to “CDA(1)”. While no change to the planning intention and User Schedule for the “CDA” zone is proposed, a maximum PR of 3, a maximum SC of 27% and a maximum BH of 19 storeys above ground in the west and 23 storeys above ground in the east (**Drawing Z-16a**) are proposed for the “CDA(1)” zone. The applicant also proposes to set out in the Notes that any floor space that is constructed or intended for use solely as Government, institution or community facilities as required by the Government may be disregarded in the calculation of PR. A set of the Notes and Explanatory Statement for the “CDA(1)” zone proposed by the applicant are at **Drawings Z-16b to Z-16f**. According to the indicative development scheme submitted by the applicant, the proposed development includes seven residential blocks of 17-23 storeys (676 flats in total), surrounding a Grade 1 historic building (**Plans Z-2 and Z-4b**) (i.e. Oi Yuen Villa at the central location to be preserved in-situ with a proposed new one-storey annex extension to be used as clubhouse). The existing grave area in the Site would be fenced off and buffered visually by landscape features (**Drawings Z-1 and Z-9**). The majority of the Site (94.4%) is private land owned by the applicant, and as shown in the indicated scheme submitted, the proposed development falls on the private land portion, and only the private land is included in the development site area for PR calculation.
- 11.2 In rejecting the previous s.12A application (No. Y/FSS/12) with a maximum PR of 3.6 and maximum BH of 25 storeys, the Committee considered that the proposed development intensity was excessive and the development was not compatible with the

surrounding areas. In order to address the concerns, the applicant has reduced the proposed maximum PR from 3.6 to 3 and maximum BH from 25 to 19-23 storeys in the current application.

- 11.3 In response to SWD's comments and to address the acute demand for social welfare facilities, the applicant is willing to incorporate a 100-place RCHE cum 30-place DCU into the proposed development at the detailed design stage. This would be included in the future comprehensive development scheme subject to s.16 planning permission. Regarding SWD's request for DAC cum HSMH, the applicant responds that due to the limited space at the G/F and lower floors of the proposed private residential development, there is no space to further provide the DAC cum HSMH after accommodating the RCHE cum DCU. Provision of additional social welfare facilities could be further explored at s.16 planning application stage.

#### Land Use Compatibility and Development Intensity

- 11.4 The subject "CDA" zone is intended for comprehensive development/ redevelopment of the area for residential use with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. The application involves increase in the maximum PR (from 0.8 to 3 (+275%)) and maximum BH from 3 storeys to 19-23 storeys (+533% to +667%), which is considered substantial. To support such level of increase in development intensity, the applicant has to demonstrate that the proposed development is compatible with developments in the surrounding areas and sustainable in urban design and various technical aspects at the s.16 application stage.
- 11.5 The Site is located in the fringe area of Sheung Shui New Town with low to medium-rise residential developments. Eden Manor comprising 8 residential towers with a PR of 3.6 and BH of 25 storeys is to its southeast across the road (**Plans Z-1 and Z-3**). To its north and northeast are mainly village type developments and low-rise residential development/structures including Tsung Pak Long Village and Tai Tau Leng Village both under the "Village Type Development" ("V") zone. Golf Parkview (with a maximum PR of about 0.885, SC of 24% and BH of 4 storeys over one-storey carpark) is located to its immediate west under "Residential (Group C)3" ("R(C)3") zone. The FGC is located to its south, and the Technical Study on Partial Development of Fanling Golf Course covering 32ha of land east of Fan Kam Road with a view to ascertaining the highest yield of housing flats attainable within the site, with emphasis on public housing, is now being studied. Moreover, an engineering feasibility study to assess the feasibility to develop Tai Tau Leng Housing Site at the immediate east of the Site for public housing is on-going. Based on the above, the proposed development at a PR of 3 and BH of 19-23 storeys (above two to three basement levels) is considered not entirely incompatible with the surrounding environment in the urban fringe of Fanling/Sheung Shui New Town.

#### Visual and Landscape

- 11.6 CTP/UD&L, PlanD considers that the proposed development, by virtue of its scale, height and building disposition, would be visually prominent in the low-rise neighbourhood and diminish the knoll and the historic building as attributes to the townscape. To minimise its possible visual impact on the neighbourhood, the applicant is advised to explore further design measures for enhancing the visual permeability at the s.16 application stage should this application be approved.

- 11.7 Noting that sensitive landscape resources within the Site are to be retained, 134 nos. of new trees are proposed while 114 nos. of trees will be felled and landscape buffer along site boundary is proposed to alleviate the landscape and visual impact, CTP/UD&L, PlanD has no objection from landscape perspective.

#### Air Ventilation Impact

- 11.8 According to simulation results of the AVA conducted by the applicant, while the SVR and LVR of both the baseline scheme (i.e. approved s.16 scheme with PR of 0.8838) and the proposed scheme are the same under both annual and summer conditions, the proposed scheme would create rather significant adverse impacts on the surrounding areas under most of the simulation winds (except southerly wind). The applicant is required to further address the air ventilation concerns through detailed design during the s.16 planning application stage.

#### Traffic Impact

- 11.9 C for T has no adverse comment on the rezoning application. The applicant shall submit an updated TIA, including but not limited to the vehicular access arrangement, traffic impact assessment and improvement measures, parking and loading/unloading provisions, public transport arrangement and design of pedestrian footpath at the s.16 application stage.

#### Other Technical Aspects

- 11.10 Apart from VIA, AVA and TIA, the applicant has submitted EA, DIA, SIA, WSIA, QRA, and TPP to support the proposed development. There is no adverse comment on the application from concerned departments on relevant technical aspects. However, should the application be approved, the applicant is required to submit revised EA (including NIA), DIA and SIA at s.16 application stage.
- 11.11 According to the proposal, Oi Yuen Villa will be preserved in situ and together with a new one-storey extension will be used as a clubhouse. AMO, DEVB has no comment on the application on the condition that the applicant shall be required to submit a conservation management plan for adaptive reuse of Oi Yuen Villa and to propose/implement appropriate mitigation measures for the protection of it at s.16 application stage.

#### Local Views and Public Comments

- 11.12 Regarding the local objections as conveyed by DO(N) in paragraph 9.1.13 and public comments against the application, mainly on traffic, air, noise, public health and safety, visual, historical preservation and landscape grounds, as well as concerns on land use compatibility and setting of undesirable precedent, as mentioned in paragraph 10.3 above, the planning considerations and assessments as stated above are relevant.

### **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 and conveyed by DO(N) in paragraph 9.1.13, the Planning Department has no in-principle objection to the proposed rezoning of the Site

from “CDA” to “CDA(1)” with the proposed development restrictions to facilitate a residential development with provision of social welfare facilities, open space and other supporting facilities.

12.2 Should the Committee decide to agree/partially agree to the subject application for rezoning the Site to “CDA(1)” zone for the proposed development, PlanD would work out the zoning boundaries, as well as the development parameters and restrictions to be set out in the Notes for Committee’s agreement prior to gazetting under section 5 of the Town Planning Ordinance.

12.3 Alternatively, should the Committee decide not to agree to the subject application, the following reason is suggested for Members’ consideration:

the development intensity of the proposed “CDA(1)” zoning is considered excessive and not compatible with the surrounding areas. The applicant fails to provide strong justification for rezoning the site from “CDA” to “CDA(1)” with the proposed development restrictions.

### **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 reasons for the decision should be given to the applicant.

### **14. Attachments**

|                                |   |
|--------------------------------|---|
| <b>Appendix I</b>              | Application Form received on 10.12.2019   |
| <b>Appendix Ia</b>             | Supplementary Planning Statement including a LMP and TPP, a TIA, an AVA, a VIA, an EA, a DIA, a WSIA, a SIA and a QRA received 10.12.2019 |
| <b>Appendix Ib</b>             | FI (1) received on 15.7.2020  |
| <b>Appendix Ic</b>             | FI (2) received on 7.9.2020   |
| <b>Appendix Id</b>             | FI (3) received on 9.11.2020, 12.11.2020 and 13.11.2020   |
| <b>Appendix II</b>             | Previous Applications   |
| <b>Appendix IIIa</b>           | Objecting Public Comments   |
| <b>Appendix IIIb</b>           | Public Comment Providing Views  |
| <b>Drawings Z-1 to Z-5</b>     | Proposed Master Layout Plan and Floor Plans   |
| <b>Drawings Z-6 to Z-8</b>     | Proposed Sections   |
| <b>Drawings Z-9 to Z-11</b>    | Proposed Landscape Master Plan and Tree Preservation Proposal   |
| <b>Drawings Z-12 to Z-15b</b>  | Proposed Traffic Improvement Measures   |
| <b>Drawings Z-16a to Z-16f</b> | Proposed Amendments to the OZP, Notes and Explanatory   |

|                              |   |
|------------------------------|---|
|                              | Statement of the “CDA(1)” zone                  |
| <b>Drawings Z-17 to Z-24</b> | Viewing points for the Visual Impact Assessment |
| <b>Plan Z-1</b>              | Location Plan                                   |
| <b>Plan Z-2</b>              | Site Plan                                       |
| <b>Plan Z-3</b>              | Aerial Photo                                    |
| <b>Plans Z-4a to Z-4c</b>    | Site Photos                                     |

**PLANNING DEPARTMENT  
NOVEMBER 2020**