

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

**APPLICATION NO. A/FLN/21**

<b><u>Applicant</u></b>	Best Galaxy Limited represented by PlanPlus Consultancy
<b><u>Site</u></b>	Lots 2083 (Part), 2085 (Part), 2086 (Part), 2087 (Part), 2088 (Part), 2089 (Part) and 2130 (Part) in D.D. 51, Fanling North, New Territories
<b><u>Site Area</u></b>	About 1,931 m <sup>2</sup>
<b><u>Lease</u></b>	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	Approved Fanling North Outline Zoning Plan (OZP) No. S/FLN/2
<b><u>Zoning</u></b>	“Open Space” (“O”)
<b><u>Application</u></b>	Proposed Underground Public Vehicle Park (PVP) (excluding container vehicle)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for the development of a proposed underground PVP at the application site (the Site) which is zoned “O” on the OZP. According to the Notes of the OZP, ‘PVP (excluding container vehicle)’ use is a Column 2 use within “O” zone, which requires planning permission from the Town Planning Board (the Board) (**Plan A-1**). The ground level of the Site is currently vacant and covered with vegetation, and no underground spaces have been formed.
- 1.2 The Site zoned “O” is sandwiched between two “Residential (Group A)1” (“R(A)1”) sites to its immediate west and east for planned private residential developments (i.e. Sites 1 and 2 respectively) (**Plan A-1** and **Drawings A-1** and **A-2**). The “O” and two “R(A)1” sites fall within the Remaining Phase Works of the Kwu Tung North/Fanling North New Development Area (KTN/FLN NDA). The applicant proposes to provide an underground PVP at -2.4mPD level of the Site, with a total gross floor area (GFA) of about 1,834 m<sup>2</sup> and a headroom of 7.2m (**Drawings A-3** and **A-6**). It would operate 24 hours daily and provide not more than 50 private car parking spaces. Apart from the 50 parking spaces, the

PVP would accommodate the ancillary car parking facilities (i.e. entrance gate and booth) and the shared underground connection between ancillary car parks at the Basement Level 2 (B2 Level) of Sites 1 and 2 (there are currently no development schemes for Sites 1 and 2). The PVP layout is shown in **Drawing A-3**. Subject to the future detailed design, passenger lifts and staircases will be provided at Site 1 to allow carpark users to access to the PVP (the pedestrian access route on **Drawing A-7**).

Proposed Access Arrangement

- 1.3 According to the planning of the FLN NDA, there will be a new road (Road L2) (**Drawings A-1** and **A-2**) serving Sites 1 and 2. Assuming that there will be ancillary basement car parks for the future residential developments at Sites 1 and 2, the applicant proposes that the proposed underground PVP at the Site will be accessible from planned Road L2 via the assumed shared vehicular passageways within the two ancillary car parks at Sites 1 and 2 from ground level to B2 Level (**Drawing A-7**). The PVP will be connected to the two adjoining ancillary car parks at the same level (i.e. B2 Level).
- 1.4 A section of Roads L1 and L2 (i.e. grey area at **Drawing A-5**) will be constructed under the First Phase Works of the KTN/FLN NDA development, which commenced in a progressive manner from end 2019 for target completion by 2026. Upon the completion of the said road sections, vehicles would be able to access the PVP and Site 1 (which has no direct road access at such time) via the applicant's proposed ingress/egress of Site 2 (i.e. blue route at **Drawing A-7**).
- 1.5 The remaining sections of Roads L1 and L2 (i.e. hatch area at **Drawing A-5**) will be constructed under the Remaining Phase Works, which is anticipated to commence in 2024 for target completion by 2031. Upon the completion of the said road sections, a section of temporary extension of Road L2 within the 'non-building area' (NBA) of the "Government, Institution or Community" ("G/IC") site to the immediate southeast of the Site would be closed and reinstated as the intended NBA<sup>1</sup> (**Plan A-1**). By that time, vehicles would be able to access the PVP via the applicant's proposed ingress/egress of Site 1 (i.e. green route at **Drawing A-7**), as well as the access at Site 2.

PVP at Underground Level in order not to Pre-empt the Future Park Design

- 1.6 There is currently no detailed design for the planned FLN Eastern District Centre open space known as FLN Town Plaza (i.e. the cruciform shaped open space in green colour shown at **Drawing A-5**, and the Site forms part of this Town Plaza), which will be developed under the Remaining Phase Works of the KTN/FLN NDA development. According to the applicant, in order to allow maximum flexibility for the subsequent design and provision of open space at the FLN Town Plaza at the ground level, the PVP is proposed only at -2.4mPD level. There will be about 5.7m-depth unexcavated spaces above the proposed PVP up to the ground level (**Drawing A-6**) with a view to avoid jeopardizing or pre-empting the future park design.

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<sup>1</sup> The temporary arrangement of the extended section of Road L2 onto the 'NBA' is to facilitate the timely delivery of the school developments within the "G/IC" site under the NDA First Phase Works.

- 1.7 The location plans, layout plans, section plan and the proposed access arrangement plan of the proposed underground PVP, as well as the plan showing the car parking provision in the vicinity of the Site are at **Drawings A-1 to A-8**.
- 1.8 In support of the application, the applicant has submitted the following documents:
- |   |               |
|---|---------------|
| (a) Application Form received on 6.11.2019  | (Appendix I)  |
| (b) Supplementary Planning Statement        | (Appendix Ia) |
| (c) Further Information (FI) dated 2.3.2020 | (Appendix Ib) |
| (d) FI dated 4.12.2020 <sup>#</sup>         | (Appendix Ic) |
- <sup>#</sup> *exempted from publication*
- 1.9 On 3.1.2020, 24.4.2020, 10.7.2020 and 9.10.2020, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's request to defer making a decision on the application for two months each (eight months in total) in order to allow time for the applicant to prepare FI to address comments from various departments. On 4.12.2020, the applicant submitted responses to the comments of Transport Department (TD) and a review of the application against the criteria as stated in the Town Planning Board Guidelines No. 8 (TPB PG-No. 8).

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

The justifications put forth by the applicant in support of the application are detailed in **Appendices Ia to Ic** and are briefly summarized as follows:

- (a) The proposed underground PVP is conducive to the development of open space in FLN NDA, since it is important that necessary transport facilities (including PVP) are adequately provided in order to maintain a high degree of accessibility to the FLN Eastern District Centre and the surrounding open spaces. With reference to the existing parking provision ratio of some open spaces of similar scale in Hong Kong, the provision ratio of one parking space to 626 m<sup>2</sup> of open space at the Site is considered reasonable.
- (b) The proposed PVP use meets the Policy Address initiative to achieve the "Single Site, Multiple Uses" principles to provide public parking spaces in joint user developments for better land utilization. Locating entirely at B2 level, the PVP demonstrates the applicant's care and consideration in providing the maximum design flexibility for the future open space development at ground level.
- (c) It offers an opportunity for providing off-street car parking facilities at landlocked location. If the residential and commercial developments on Sites 1 and 2 (**Drawing A-1**) are separately developed, this underground PVP will not be realized. In addition, it could also meet the current parking demand in the Fanling/Sheung Shui area and alleviate illegal on-street parking problem in

Luen Wo Hui area (**Drawing A-8**).

- (d) In view of the phased implementation of Roads L1 and L2, it is unlikely that Site 1 would have any vehicular access upon completion of the NDA First Phase Works. The approval of this application would connect Sites 1 and 2 through a basement vehicular access linking up the two ancillary car parks, forming an integrated carpark development which would facilitate an early implementation and completion of the residential development at Site 1. In addition, no separate ingress/egress point will be required for the proposed underground PVP. This could minimize on-street public areas for the provision of vehicular/pedestrian access. With reference to Cheung Kong Centre, Middle Road and Murray Road redevelopment sites, shared or common access for PVP and ancillary carpark is not unprecedented and is supportive from traffic engineering point of view.
- (e) The PVP is a public facility to be constructed by the applicant for public use. The “General Criteria for Consideration of Lease Modification (including in-situ Land Exchange) Applications in the KTN/FLN NDA” is silent on whether the provision of public facility is allowed to be included in land exchange application. Whether a land exchange application is possible for further processing should be considered at the later stage after the planning application.
- (f) Technical feasibility has been demonstrated. According to the Traffic Impact Assessment (TIA) (**Appendices Ib** and **Ic**), all identified road links and key junctions will be operated in positive capacities upon operation of the PVP. The TIA has taken into account and assessed the anticipated traffic impact induced upon the approval of the underground PVP which may enable the early implementation and completion of the residential development at Site 1.
- (g) The proposed PVP is anticipated to be completed by 2025. The applicant is capable of incorporating the underground PVP into the development plan of the adjoining residential developments at Sites 1 and 2. The applicant is prepared to pay for the land premium and agree to bear the sole responsibility in the construction, operation and management of the PVP at no cost to the Government. If necessary, the PVP will be handed over to the Government upon completion.
- (h) A review of the application against the criteria as stated in TPB PG-No. 8 (**Appendix Ic**) is provided to demonstrate that the proposed PVP development generally meets the criteria.

### **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. Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 8 for “Application for Underground Development of Commercial/Car Parking Facilities beneath Open Space, Government/Institution/Community Zones and Road under Section 16 of the Town Planning Ordinance” (TPB PG-No. 8) is relevant to the application. The following criteria are relevant:

- (a) The scale and extent of the proposed underground development should be compatible with both the characteristics of the surrounding sites and the broad land use intention of the area from a wider planning viewpoint.
- (b) The proposed development should not exceed six levels below ground. A higher intensity of development must be justified by special studies on engineering feasibility, viability, security and fire safety considerations. Such applications will be considered on their individual merits.
- (c) The proposed development should not impose any adverse planning and development constraints on other surface and sub-surface land uses. The necessary railway protection measures and utility corridors should be respected.
- (d) Staircases, vehicular access points, ventilation shafts, glazed roofs, and ancillary structures associated with the proposed development that emerge above ground should be sensitively integrated with the existing and planned land uses. Also, the development should provide improvements to pedestrian circulation with the provision of sub-surface connections to neighbouring uses for example, mass transit railway, hotels, shopping areas and car parks.
- (e) The proposed development should demonstrate that there is sufficient consumer demand for the proposed commercial/car parking facility, taking due consideration of both the existing and planned developments in the area.
- (f) The proposed development should not have any adverse impact upon the business activities of neighbouring developments.
- (g) The proposed development should not have any adverse effect upon the local and strategic road network in terms of capacity, safety and circulation. Car parking and loading/unloading facilities should be sufficiently provided according to the Hong Kong Planning Standards and Guidelines and to the satisfaction of the TD.
- (h) The proposed development schemes should not have an adverse effect upon the surrounding environment either during construction or after completion.
- (i) The proposed development should also satisfy fire protection, emergency evacuation and other hazard control requirements administered by the relevant authorities.

5. **Background**

The Site falls within the boundary of Remaining Phase of the KTN/FLN NDA development (**Plan A-1**). The site formation and infrastructure works are anticipated to commence in 2024 for target completion by 2031. It has been planned for open space development under “O” zone. For implementation of the KTN/FLN NDA, the Government has adopted the ‘Enhanced Conventional New Town Approach’. Under the ‘Enhanced Conventional New Town Approach’, the Government will take the lead in the development of the NDA. Private land will be resumed for development according to planned uses, while flexibility will be provided for private landowners to apply for lease modification (including in-situ land exchange) to develop their land planned for private development in the NDA. As the Site zoned “O” is planned for public open space development and not for private development, it would be resumed by the Government in accordance with Civil Engineering and Development Department (CEDD)’s implementation programme.

6. **Previous Application**

There is no previous application in respect of the Site.

7. **Similar Application**

There is no similar application for PVP use within the same and adjacent “O” zones on the OZP.

8. **The Site and Its Surrounding Areas** (**Plans A-1** and **A-2**, aerial photo on **Plan A-3**, and site photos on **Plan A-4**)

8.1 The Site is:

- (a) currently vacant and covered with vegetation without any basement; and
- (b) currently landlocked, and would be accessible from the planned Road L2 in the future.

8.2 At present, the surrounding areas are predominantly rural in character with mainly active/fallow farmland intermixed with some domestic structures and unused land (**Plan A-2**).

8.3 The Site falls within the Eastern District Centre of future FLN NDA under the prevailing urban design framework for KTN/FLN NDA, which aims to serve as a major activity node in the area. The area around the Eastern District Centre will comprise a mix of residential, commercial, social and community facilities, supported by a nearby Public Transport Interchange (PTI) within a planned public housing development zoned “Other Specified Uses” annotated “Commercial/Residential Development with Public Transport Interchange (1)” (“OU(CRDPTI)1”) in FLN Area 15 (**Plan A-1**) and extensive provision of

public open spaces.

- 8.4 The Site also forms part of the future FLN Town Plaza (about 3.1 ha), a major open space corridor stretching across the eastern part of the FLN NDA in the form of cruciform open space spine. The four sides of the cruciform open space are occupied by four “R(A)1” sites planned for high-density private residential developments, including Sites 1 and 2 to the immediate west and east of the Site respectively (**Plan A-1**). It is intended that the Eastern District Centre will create a pedestrian-friendly environment by utilizing the open space corridors and will be lined on both sides by two-storey terraced retail shops, cafes and restaurants forming pedestrian streets that enhance street level vibrancy and improve pedestrian walking experience. To the further east of the Site is an area zoned “OU(CRDPTI)1” (**Plan A-1**) which is planned for a public housing development with commercial uses, social welfare facilities and a PTI.

## 9. **Planning Intention**

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

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

- 10.1 The following Government departments have been consulted and their views are summarised as follows:

### **Land Administration**

- 10.1.1 Comments of the Chief Estate Surveyor/NDA, Lands Department (CES/NDA, LandsD):

- (a) preliminary land status check revealed that the Site involves portions of seven private lots, namely Lots 2083 (Part), 2085 (Part), 2086 (Part), 2087 (Part), 2088 (Part), 2089 (Part) and 2130 (Part) all in D.D. 51. All private lots are old schedule agricultural lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (b) the actual site area and building entitlements of the private lots involved will be subject to verification;
- (c) the Site falls within the project limit of the Remaining Phase of the KTN/FLN NDA development;
- (d) as noted in paragraph 2.4.3 of the Supplementary Planning Statement (**Appendix Ia**) and paragraphs 2.2.1 and 2.2.2 of the TIA (**Appendix Ib**), the applicant proposes a combined

development scheme comprising the proposed underground PVP together with the adjoining Site 1 to its west and Site 2 to its east so that the proposed underground PVP can be accessed via Site 2 (upon the completion of the First Phase Works for KTN/FLN NDA) whereas Sites 1 and 2 can be connected through an underground passageway of the proposed PVP as demonstrated in **Drawings A-3 to A-7**;

- (e) according to the set of “General Criteria for Consideration of Lease Modification (including in-situ Land Exchange) Applications in the KTN/FLN NDA” attached to the Practice Note No. 1/2014 dated 25.2.2014 as varied by Practice Note Nos. 1/2014A to 1/2014D promulgated by LandsD, applications for in-situ land exchange or lease modification would be considered if they are confined to sites planned for private development on the adopted KTN/FLN Outline Development Plans (ODPs). While Sites 1 and 2 are zoned “R1” on the adopted FLN ODP No. D/FLN/1 (**Drawing A-2**) and hence are sites planned for private development where applications for in-situ land exchange/lease modification in each site would be considered, the proposed PVP would be constructed under an area zoned “District Open Space” (“DO”) on the FLN ODP which is not a site planned for private development. Besides, surrender of lots within an area planned for public use such as open space will not normally be accepted. Hence, even if permission is given to the planning application, the application for a land exchange to effect the proposed combined development scheme would not be considered as it fails to fulfill the said General Criteria. As the Site is not a site planned for private development, it would be resumed in accordance with CEDD’s implementation programme; and
- (f) in response to the applicant’s statement (item 5(e) of the responses-to-comments table at **Appendix Ib**) that the application of an in-situ land exchange of FSSTL 262 was accepted to include an area zoned “Other Specified Uses” annotated “Amenity Area” (“OU(A)”) and surrender of lots within the “OU(A)” zone was also accepted, it should be noted that according to the land exchange of FSSTL 262, the developer was only allowed to landscape and carry out geotechnical investigations such as slope treatment and remedial works on the area zoned “OU(A)”. Hence, the considerations taken into account in the land exchange of FSSTL 262 should not be applicable to the proposed erection of PVP in the area zoned “O” under this application, and each case should be considered on its own merits.

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



- (a) the Site comprises Lots 2083, 2085, 2086, 2087, 2088, 2089 and 2130 all in D.D. 51. The lots are Old Schedule lots held under Block Government Lease (demised for agricultural use) without any guaranteed right of access; and
- (b) the Site falls within the KTN/FLN NDA, and is currently covered with dense vegetation. Having considered that the application would involve an underground basement PVP, the applicant should apply for a land exchange for that from lease point of view.

### **Traffic**

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

- (a) having regard to the FIs (**Appendices Ib** and **Ic**), he could not lend his support to the application from traffic engineering viewpoint;
- (b) noting that the parking demands for the planned uses within FLN NDA are met by the ancillary parking provisions within individual sites, he observes that there is no obvious demand for PVP in FLN NDA for incorporation into individual private developments;
- (c) on the understanding that the Site will be resumed by the Government for public open space development (and as such the Site would become Government land), he considers that in case a PVP is proposed on Government land, its access points are recommended to be via a public road. The proposed access via a private development is not acceptable; and
- (d) shall the application be approved, an approval condition requiring the design and provision of vehicular access and car parking facilities to the satisfaction of the C for T or of the Board should be included in the planning approval. In addition, his department will not take up the management responsibilities of the proposed PVP or any future complaints in relation to the PVP.

### **Environment**

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

he has no objection to the application, having regard that the proposed PVP would be located underground, which serves not more than 50 parking spaces, and is intended for private car use. No traffic of heavy vehicles would be generated.

### **Future Development**

10.1.5 Comments of the Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD):

he has no comment on the application from KTN/FLN NDA Remaining Phase implementation point of view.

### **Open Space Development**

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

he has no adverse comment on the application.

### **Visual and Urban Design**

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

- (a) he has no adverse comment on the application from visual and urban design perspective, noting that the proposed PVP is located at -2.4mPD level, and it is unlikely to have any visual impact on the open space at the ground level and surrounding area; and
- (b) the proposed PVP should be incorporated into FLN Town Plaza at the detailed design stage in order to provide integrated open space. According to the FI (**Appendix Ib**), the applicant would coordinate with the relevant authority to ensure alignment with the design of the FLN Town Plaza development.

### **Drainage**

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

- (a) he has no objection in-principle to the application from public drainage point of view;
- (b) it is noted from the applicant that the proposed PVP is a public facility and there is a chance that the Site may be handed over to the Government. Thus, a stormwater drainage system separating from the adjoining Site 1 and Site 2 would be required;
- (c) if the application be approved, an approval condition to require the applicant to submit and implement a drainage proposal for the Site should be included, taking into consideration that the Site is located in an area where there have been frequent flooding cases reported in rainy season;

and

- (d) the Site is currently within an area where no public sewerage connection is available.

### **Water Supply**

10.1.9 Comments of the Chief Engineer/New Territories East, Water Supplies Department (CE/NTE, WSD):

he has no objection to the application. His detailed comments are at **Appendix III**.

### **Building Matters**

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

- (a) he has no objection to the application;
- (b) according to PNAP APP-2 (Calculation of GFA and Non-accountable GFA under Building (Planning) Regulations 23(3)(a) and (b)), the Authorized Person (AP) may apply for exemption of public carparks at basement from GFA calculation provided that the car parking spaces are electric vehicle (EV) charging-enabling and the carpark is in private ownership required under the statutory town plans or by C for T that are open and operated commercially for parking by the general public; and
- (c) detailed comments will be made at the building plan submission stage.

### **Fire Safety**

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

- (a) he has no objection in-principle to the proposal subject to water supplies for firefighting and fire service installations being provided to his satisfaction;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority; and
- (c) the emergency vehicular access (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 Buildings 2011 under the Building (Planning) Regulations 41D which is administered by the BD.

**District Officer's Comments**

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

- (a) he has consulted the locals on the application. The Chairman and the 1<sup>st</sup> Vice-chairman of Fanling District Rural Committee, the North District Council (NDC) member of Tin Ping East constituency, 馬屎埔環境關注組, 石湖新村街坊組 and a total of 126 local residents objected to the application mainly on the following grounds:
  - (i) PVP should be designed and constructed by the Government instead of private developers to avoid collusion;
  - (ii) the road capacity in the area could not support the proposed PVP which would add much burden to the nearby road network;
  - (iii) the Site is located at a low-lying area with drainage and flooding risk and without proper vehicular access. It is not suitable for the underground PVP development;
  - (iv) part of the Ma Shi Po Village falls within the First Phase Works of FLN NDA. The number of villagers has been decreasing as a result of recent removal, and the parking demand in the area is low. The PVP development is not necessary;
  - (v) the proposed PVP development would adversely affect the natural environment and the pedestrian access for villagers and farmers; and
  - (vi) the Site falls within the Remaining Phase of FLN NDA. The approval of this application would encourage illegal eviction of villagers by the developer.
- (b) the Owners' Corporation (OC) Chairmen of Green Code and Belair Monte, as well as Hong Kong Lutheran Social Service Shek Wu Community Development Project had no comment; and
- (c) the NDC member of Luen Wo Hui constituency and the OC Chairmen of Wing Fok Centre and Wing Fai Centre did not reply to the consultation.

10.2 The following Government departments have no objection to/adverse comment on the application.

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Commissioner of Police (C of P).

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

- 11.1 On 15.11.2019 and 10.3.2020, the application and FI were published for public inspection. During the three-week statutory publication periods, a total of 60 public comments were received. Whilst three from individuals indicate no comment on the application, the remaining 57 object to the application (**Appendix II**). A full set of public comments would be deposited at the meeting for Members' inspection.
- 11.2 The major grounds of the 57 objecting comments from 馬屎埔環境關注組, the representative of 石湖新村（河北段）街坊會, the NDC member of Ching Ho constituency and other 54 individuals are summarized below:
- (a) the Site is planned for open space development. The applicant seeks to exploit public asset for the provision of PVP, rather than providing open space with flora and fauna. The proposed PVP development would pose adverse impact on the provision and quality of the open space;
  - (b) the Site without proper vehicular access is not suitable for PVP development. In addition, the Site is too remote for drivers to park and return to the existing residential community;
  - (c) there are already some existing car parks in the surrounding housing developments. In terms of the parking demand in the area, the PVP at the Site is not necessary;
  - (d) the Site and the lots in the surroundings will be resumed by the Government for future NDA development. The applicant fails to demonstrate that the PVP development will be compatible with the future planned NDA development;
  - (e) there is insufficient information in the submission in relation to ecological and environmental impact of the proposed PVP development. Moreover, the provision of ventilation shaft and access would intrude into the open space and reduce its size and quality; and
  - (f) the construction works of the Site and the associated vehicles would create nuisance, air and noise pollution, as well as affect the living and safety of the villagers. The chance of flooding would also be increased, which would impose risk to the villagers and cause financial loss.

## 12. Planning Considerations and Assessments

### Planning Intention and Land Use Compatibility

- 12.1 The application is for proposed underground PVP at -2.4mPD level of the Site which is zoned “O” on the OZP and is sandwiched between two “R(A)1” sites to immediate its west and east for planned private residential developments (Sites 1 and 2 respectively) (**Drawings A-1** and **A-2**). According to the applicant, the proposed PVP would operate 24 hours daily and provide not more than 50 private car parking spaces. The Site falls within the Eastern District Centre of FLN NDA, which is intended to serve as a major activity node in the area (**Plan A-1**). It also forms part of the future FLN Town Plaza, which will serve as the major public open space in the FLN NDA.
- 12.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. According to the applicant, the proposed underground PVP would not jeopardize or pre-empt the future park design on ground level as the 5.7m-depth spaces above the proposed PVP up to the ground level would be unexcavated (**Drawing A-6**). The proposed underground PVP would unlikely result in any adverse visual impact on the open space at the ground level and surrounding area. CTP/UD&L of PlanD and DLCS have no adverse comment on the application from visual and urban design, and open space development perspectives respectively.

### Necessity for a PVP at the Site and Site Access Arrangement

- 12.3 According to the applicant, the proposed underground PVP is intended to meet the parking demand of the public. The applicant also admits that it is his intent to make use of the proposed PVP for the early provision of a vehicular access to Site 1 to facilitate an early implementation and completion of the residential development at Site 1 (as Site 1 is landlocked until the completion of the western section of the planned Road L2 under the KTN/FLN NDA Remaining Phase Works scheduled to be completed in 2031 (**Plan A-1** and **Drawing A-5**)). The proposed PVP would serve as an underground vehicular linkage between Sites 1 and 2, through which Site 1 would be accessible via the proposed underground PVP and the internal access of Site 2 from the eastern section of the planned Road L2 to be completed by 2026 under the NDA First Phase Works (**Plan A-1** and **Drawings A-5** and **A-7**). By doing so, the provision of the vehicular access to Site 1 would be advanced from 2031 to 2026. However, the applicant fails to demonstrate the need for the proposed underground PVP at the Site. C for T could not lend his support to the application from traffic engineering viewpoint as he considers that parking demands for the planned uses within FLN NDA are met by the ancillary parking provisions within individual sites, and there is no obvious demand for PVP in FLN NDA for incorporation into individual private developments.
- 12.4 As regards the above access arrangement proposed by the applicant, it is noted that the underground PVP will be accessible from the planned Road L2 via the shared vehicular passageways within the ancillary car parks at the two adjoining future private residential developments (Sites 1 and 2) from ground level to B2 Level (**Drawing A-7**). On the understanding that the Site will be resumed by

the Government for public open space development (the Site would become Government land), C for T considers that in case a PVP is proposed on Government land, its access points are recommended to be via a public road. The proposed access via a private development is not acceptable.

*Suitability of the Location for a PVP*

- 12.5 The applicant did not provide information to demonstrate that the Site is a suitable location for accommodating the proposed PVP. Under the current application, the Site for the proposed PVP is narrow and elongated in shape, and is only confined to one underground level of the Site sandwiched between two adjoining “R(A)1” sites, which could only accommodate a total of 50 parking spaces. From land utilization perspective, the applicant also did not provide any justifications on why there is a need for the proposed PVP at the southern strip of the FLN Town Plaza, but not in other parts or extended to the remaining part of the underground space of the Town Plaza. Besides, since the development scheme and design of the FLN Town Plaza have not been formulated at this stage, it is unable to ensure that this underground PVP will be integrated with the future topside open space of the FLN Town Plaza in terms of design.

*Town Planning Board Guidelines*

- 12.6 Regarding the criteria laid down in the TPB PG-No. 8 for “Application for Underground Development of Commercial/Car Parking Facilities beneath “O”, “G/IC” Zones and ‘Road’” as stated in paragraph 4, the applicant has not provided detailed layout plan or scheme design showing the staircases, ventilation shafts, glazed roofs, and ancillary structures associated with the proposed PVP that may emerge above ground which should be sensitively integrated with the planned open space at ground level. Also, no information has been submitted to show improvements to pedestrian circulation with the provision of sub-surface connections to neighbouring uses.

*Land Exchange Procedures and Implementability*

- 12.7 The implementation of the proposed PVP hinges on the planned private residential developments of Sites 1 and 2 to provide a shared access to the proposed PVP as stated above. While Sites 1 and 2 are currently owned by the applicant, the applicant has not obtained approval of the in-situ land exchange application from LandsD. If the applicant fails to obtain such approval, the PVP could not be implemented even if this application is approved.
- 12.8 While PM/N of CEDD has no comment on the application from KTN/FLN NDA Remaining Phase implementation perspective, CES/NDA of LandsD considers that land exchange application would need to fulfill the “General Criteria for Consideration of Lease Modification (including in-situ Land Exchange) Applications in the KTN/FLN NDA” (the General Criteria). Applications for in-situ land exchange or lease modification would be considered if they are confined to sites planned for private development on the adopted KTN/FLN ODPs. However, the proposed PVP would be constructed under an area zoned “O” on the OZP and zoned “DO” on the FLN ODP, which is not a site planned for private development. Besides, surrender of lots within an area planned for public use such as open space will not normally be accepted. He further advises that even if planning permission is given to the planning

application, the application for a land exchange to effect the proposed combined housing and PVP development scheme would not be considered as it fails to fulfil the said General Criteria. As the Site is not a site planned for private development, it would be resumed in accordance with CEDD's implementation programme.

Other Technical Aspects

- 12.9 Other than C for T and CES/NDA of LandsD, other relevant Government departments including CE/MN of DSD, CE/NTE of WSD and D of FS have no objection to the application from drainage, water supplies and fire safety perspectives. In addition, in view of the underground nature, DEP has no objection to the application from environmental perspective.

Public Comments

- 12.10 Regarding the local views conveyed by DO/N of HAD and 60 public comments received during the statutory publication periods, the departmental comments and planning considerations and assessment above are relevant.

**13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the local views and public comments in paragraphs 10.1.12 and 11, the Planning Department does not support the application for the following reason:

the applicant fails to demonstrate that there is a genuine need for the proposed underground PVP at the Site, and that the Site is a suitable location for the proposed underground PVP.

- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 8.1.2025, 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 conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the design and provision of vehicular access and car parking facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the design and provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.



Advisory Clauses

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

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 6.11.2019
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Further Information (FI) dated 2.3.2020
<b>Appendix Ic</b>	FI dated 4.12.2020
<b>Appendix II</b>	Public Comments
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan (on FLN OZP base)
<b>Drawing A-2</b>	Location Plan (on FLN ODP base)
<b>Drawing A-3</b>	Layout Plan (B2 Level)
<b>Drawing A-4</b>	Layout Plan (B1 Level)
<b>Drawing A-5</b>	Layout Plan (Ground Level)
<b>Drawing A-6</b>	Section Plan
<b>Drawing A-7</b>	Proposed Access Arrangement Plan
<b>Drawing A-8</b>	Car Parking Provision in the Vicinity of the Site
<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