

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FSS/270

- Applicant** : Faith Luck Corporation Limited and Win Million Internation Limited represented by Lanbase Surveyors Limited
- Site** : Various Lots in D.D. 51, Fanling, New Territories
- Site Area** : About 9,098m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fanling/Sheung Shui OZP No. S/FSS/22 (in force at the time of submission)

Draft Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/23 (currently in force)
[The zoning and development restrictions for the Site remain unchanged on the current draft OZP No. S/FSS/23.]
- Zoning** : "Village Type Development" ("V")
[maximum building height of 3 storeys (8.23m)]¹
- Application** : Proposed House and Social Welfare Facility (Residential Care Home for the Elderly) and Minor Relaxation of Building Height Restriction

1. The Proposal

- 1.1 On 27.4.2018, the applicant seeks planning permission for development of 22 houses with an ancillary clubhouse and a social welfare facility (residential care home for the elderly (RCHE)) on the application site (the Site) (**Drawing A-1**) and minor relaxation of building height restriction from a maximum of 3 storeys (8.23m) to 4 storey (11.025m above ground with a 4.55m basement level) for the 22 houses and from 8.23m to 10.05m above ground with a 4.55m basement level for the 3-storey ancillary clubhouse (**Drawing A-3**). According to the Notes for the "V" zone, 'House (not elsewhere specified)' and 'Social Welfare Facility' are Column 2 uses and planning permission from the Town Planning Board (the Board) is required. The Site is currently used mainly for a public vehicle park (**Plan A-3**).

¹ According to the Notes of the OZP, the building height restriction is applicable to 'House' use, but not applicable to 'Social Welfare Facility' use.

- 1.2 The Site is accessible via an access road connecting to Ma Sik Road (**Plan A-1**). According to the applicant's submission, the total gross floor area (GFA) of the proposed development is about 7,278.4m², which includes twenty-two 4-storey (including basement) houses with a GFA of 6,497.04m² (89.26%) and a 4-storey (including basement) RCHE comprising 60 beds with a GFA of 781.36m² (10.74%). A separate access is reserved for Lot No. 1984 which is encircled by the Site (**Drawing A-1**). The proposed floor plans, elevation plans and section plans submitted by the applicant are at **Drawings A-1 to A-6**.
- 1.3 A comparison of the major development parameters of the application and the restrictions under the "V" zone of the OZP is given in the following table:

Major Development Parameters	Restriction under the "V" zone of the OZP (a)	Current Application (A/FSS/270) (b)	Difference (b) - (a)
Total Site Area	-	About 9,098 m ²	n.a.
Total PR / GFA	-	0.8 ^[a] / About 7,278.4 m ²	n.a.
- House		About 6,497.04 m ²	
- RCHE		About 781.36 m ²	
GFA Concession			
- Clubhouse	-	About 324.85 m ² ^[b] [about 4.46% of total GFA]	n.a.
Site Coverage	-	Not more than 33.5%	n.a.
Number of blocks / Beds			
- House	-	22 blocks	n.a.
- Clubhouse	-	1 block	n.a.
- RCHE	-	60 beds	n.a.
Maximum Building Height			
- House	3 storeys / 8.23m	4 storeys (including 1-storey basement carpark) / 11.025m (above ground) and 4.55m (basement)	+1 storey (+33.3%) / +7.345m (+89.25%)
- Clubhouse	3 storeys / 8.23m	3 storeys (including 1-storey basement carpark) / 10.05m (above ground) and 4.55m (basement)	Nil / +6.37m (+77.40%)
- RCHE	-	4 storeys (including 1-storey basement carpark) /	n.a.

Major Development Parameters	Restriction under the “V” zone of the OZP (a)	Current Application (A/FSS/270) (b)	Difference (b) - (a)
		12m (above ground) and 4.55m (basement)	

^[a] A portion of an alienated Lot No. 1981 R.P. (**Plan A-2**) (about 93m²) proposed for landscaping is included in the total site area. If the concerned lot is excluded from the site area calculation, the PR of the development is about 0.81.

^[b] The clubhouse GFA is excluded from the GFA calculation in the submission. GFA concession is subject to the approval of Building Authority at building plan submission stage.

Traffic

- 1.4 According to the applicant, the proposed development would be accessible via an access road connecting to Ma Sik Road. A 6-m wide access will also be provided for the landlocked Lot No. 1984 in D.D. 51 (**Drawing A-1**) within the Site. 56 private car parking spaces, one motorcycle parking space, two loading/unloading (L/UL) space for heavy goods vehicle, one L/UL for light bus, one ambulance lay-by, one taxi and private car drop-off and 28 bicycle parking spaces will be provided. According to the Traffic Impact Assessment (TIA), traffic generation associated with the proposed development is expected to be less than the existing vehicle park development during both AM and PM peak hours. All key junctions would be operated in sufficient capacity and the proposed development at the Site is considered acceptable from traffic engineering point of view.

Sewerage

- 1.5 The sewage generated from the proposed development will be collected and conveyed to the public sewerage system located to the north of the Site. According to the Sewerage Impact Assessment (SIA) submitted by the applicant, the peak sewage flow from the proposed development, Wing Fok Centre, the future Fan Garden Government Police Married Quarters and a low density residential development in Wu Nga Lok Yeung would occupy approximately 50% to 86% of the downstream sewerage capacity. Besides, the proposed development will only occupy 3% of the capacity of the existing pipeline. Sewage flow will subsequently be conveyed by Mak Sik Road Sewage Pumping Station which has a design capacity (0.204m³/s) higher than the peak flow (0.126m³/s) generated by the proposed development and the surrounding catchments. Since there is spare sewerage capacity in the downstream sewers and Ma Sik Road Pumping Station, no unacceptable sewerage impact on the existing sewerage system is anticipated.

Environment

- 1.6 An Environmental Assessment (EA) covering air quality, noise impact, water quality and waste management was submitted by the applicant. According to the EA, as there are sufficient setbacks from Ma Sik Road and Fan Leng Lau Road (**Drawing A-5**) and no industrial chimney is located within 200m of the Site, no adverse air quality impact on the proposed development is anticipated. For fixed

noise impacts, as the proposed low-rise development is surrounded by taller residential buildings which provided effective acoustic shielding, adverse noise impact from the existing fixed noise sources is not anticipated. For traffic noise, self-protecting building design measures including screening of traffic noise by noise tolerant structure (i.e. clubhouse, refuse collection room and transformer/switch room), non-noise sensitive facades facing Ma Sik Road and Fan Leng Lau Road would be adopted (**Drawing A-6**). It is anticipated that compliance of relevant noise criteria for traffic noise will be achieved. As all sewage will be discharged to the municipal sewerage system, no adverse water quality impact is anticipated. No adverse waste impact from handling, transportation or disposal is anticipated as the major type of waste generated will be domestic waste which is insignificant.

1.7 In support of the application, the applicants have submitted the following documents:

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|--|----------------------|
| (a) Application form and attachment received on 27.4.2018 | (Appendix I) |
| (b) Supplementary planning statement received on 27.4.2018 | (Appendix Ia) |
| (c) Further Information (FI) received on 24.5.2018 | (Appendix Ib) |
| (d) FI received on 15.8.2018 | (Appendix Ic) |
| (e) FI received on 29.10.2018 | (Appendix Id) |
| (f) FI received on 17.1.2019 | (Appendix Ie) |
| (g) FI received on 6.5.2019 | (Appendix If) |
| (h) FI received on 14.6.2019 | (Appendix Ig) |
| (i) FI received on 19.7.2019 | (Appendix Ih) |

(The FI in (d) to (i) were accepted but not exempted from publication and recounting requirements)

1.8 The application was received on 27.4.2018. On 15.6.2018, 5.10.2018, 21.12.2018 and 8.3.2019 the Committee agreed to defer a decision on the application, upon the request of the applicant, to allow more time for the applicant to submit FI to address departmental comments. After the last deferment, FIs were received on 6.5.2019, 14.6.2019 and 19.7.2019. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement (**Appendix Ia**). They are summarized as follows:

- (a) The proposed development which provides domestic GFA of 6,497.04m² and a 60-bed RCHE with GFA of 781.36m² is in line with the Policy Address 2017 to

increase housing supply and home care services.

- (b) The Site falls within an area zoned “V” under the current OZP but is not covered by any ‘village environ’ (‘VE’). It is not anticipated that there will be Small House development at the Site. The proposed development would release the scarce and valuable land resources for supply of housing and provision of social welfare facilities.
- (c) The Site falls within a residential area with Ling Shan Tsuen and Good View Village to its west, Wing Fok Centre to its east, Fan Garden Government Police Married Quarters to its south and a “Residential (Group A)” site under Fanling North OZP to its north. The proposed PR of 0.8 is also same as the nearby “Residential (Group C)1” (“R(C)1”) sites. The proposed development is compatible with the surrounding environment in terms of land uses. The proposed RCHE can provide a small-scale social welfare facility in support of the area.
- (d) The Site is currently operated as a public vehicle park. An approval of the planning application would upgrade the existing rural areas to a well planned low-rise and low-density residential development with a RCHE supporting social welfare services in the local community. Replacement of the existing public car park by the proposed development would reduce the traffic flow in the area and greatly improve traffic noise and air quality impacts. Placing the proposed car parking spaces at the basement level can release more open spaces at ground level for gardening and landscaping purposes. This can increase the greenery area, improve the micro-climate in the neighbourhood and streetscape in the surrounding area. Moreover, separating the internal vehicular traffic from the pedestrian traffic by placing the car parking spaces at basement level would reduce traffic noise and improve living environment.
- (e) The proposed development would not incur adverse impacts to its surroundings on traffic, visual, drainage and sewerage aspects.

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

The applicant is the sole “current land owner” of all private lots within the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Application

The Site is not the subject of any previous application.

5. Similar Application

- 5.1 There is a similar application (No. A/FSS/164) for a proposed house in the same “V” zone, which is not covered by any ‘VE’, rejected by the Committee on 13.1.2006 on the grounds that the proposed development was not in line with the

planning intention of the “V” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion and intended for development of Small Houses by indigenous villagers; there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse traffic impact; and the approval of the application would set an undesirable precedent for other similar applications, and the cumulative effect would result in a loss of land for Small House development in the area.

- 5.2 There is no similar application on proposed RCHE nor minor relaxation of building height within the “V” zone of the Fanling/Sheung Shui OZP.
- 5.3 Details of the application are summarized at **Appendix II** and their location is shown on **Plan A-1**.

6. The Site and its Surrounding Areas (Drawings A-1 to A-6, Plans A-1 to A-3 and photos on Plan A-4)

6.1 The Site:

- (a) is paved, fenced off and currently used mainly for a public vehicle park. A private lot (Lot No. 1984) is encircled by the Site; and
- (b) is accessible from an access road connecting to Ma Sik Road to the north.

6.2 The surrounding areas have the following characteristics:

- (a) to the north is Ma Sik Road, and to its further north is the Fanling North New Development Area;
- (b) to the east across Fan Leng Lau Road are high-rise residential developments known as Wing Fok Centre (29-storey) and Wing Fai Centre (35-storey);
- (c) to the immediate northwest is a 3-storey residential development known as Good View New Village. The development falls within an area zoned “R(C)1” which is restricted to a maximum PR of 0.8, site coverage of 50%, a maximum BH of 3 storeys over one-storey carpark or the height of existing building, whichever is the greater;
- (d) to the west are temporary domestic structures intermixed with some vacant land, and to its further west is Ling Shan Tsuen; and
- (e) to the south is Fan Garden Government Police Married Quarter currently under redevelopment.

7. Planning Intention

The planning intention of “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

8. Comments from Relevant Government Departments

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

Land Administration

8.1.1 Comments of the Secretary for Development (SDEV):

- (a) The Site falls within an area administratively designated as the proposed Ling Hill Village Expansion Area (VEA). Under the VEA Scheme introduced in 1981, through resuming private land and assembling government land within an area proposed for the implementation of a VEA, and thereafter conducting site formation and other relevant public works therein, the Government would provide land within the VEA for indigenous villagers to build Small Houses in a more orderly manner and in so doing provide for better planning of village developments. In February 1999, in view of the review of the Small House Policy, the Government decided to suspend the implementation of designated VEA projects for which the related public works had not commenced at that time. At present, Ling Hill VEA project is one of the projects so suspended.
- (b) Having considered Heung Yee Kuk’s (HYK) views, the Development Bureau (DEVB) agreed in 2018 that private land within the area of two suspended VEA projects, namely Mang Kung UK, Sai Kung and Siu Lek Yuen, Sha Tin, would be “de-frozen” for developments permissible under the existing policy frameworks in planning, land administration, etc., as a result of which the VEA project as originally proposed will no longer be applicable. As for Ling Hill VEA project, DEVB has agreed to follow up with HYK separately about the possibility of de-freezing private land therein, making reference to the arrangements for the two abovementioned VEA projects as appropriate.
- (c) If planning approval is given by the Board to the application, the applicant will have to apply with Lands Department (LandsD) for a

Land Exchange to implement the proposed development. Given the above background, the Government will take into account the progress of the discussion on the future of the Ling Hill VEA project when considering the Land Exchange application. It is also noted that the eventual results of an ongoing judicial review² of the Small House Policy may affect the implementation of outstanding projects under the VEA Scheme.

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

- (a) The Site comprises 115 private lots and all the private lots concerned are held under Block Government Lease as demised for agricultural use. In addition, a Modification of Tenancy No. 38416 and a Letter of Approval No. L5417 for the purpose of agricultural & temporary structures only are found within the Site;
- (b) The Site does not directly abut Ma Sik Road and the proposed vehicular access road connecting to Ma Sik Road will pass through the footpath, cycle track and a portion of government land. The applicant is required to advise which party will be responsible for the construction and the subsequent management and maintenance of the concerned access road;
- (c) Lot No. 1984 in D.D. 51, which is surrounded by the Site, has been excluded from the subject application. The said lot will become landlocked upon development of the Site and is considered undesirable. The applicant is advised to liaise with the lot owner of Lot No. 1984 in D.D. 51 to resolve this issue; and
- (d) If the subject planning application is approved, the applicant is required to submit a Land Exchange application for the proposed development. Lands Department acting in the capacity as landlord will consider the Land Exchange application, which, if approved, will be subject to such terms and conditions as appropriate including the payment of premium and administrative fee. There is no guarantee that the Land Exchange application will be approved or the right of way over the concerned government land as referred to in paragraph (b) above will be granted. In any event, any structures existing on the Site should be cleared at the applicant's own expense to make way for the proposed development, if approved.

Traffic Aspect

8.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

² In April 2019 the Court of First Instance ruled that the Free Building Licence (FBL) arrangement under the small house policy and Land Exchange not involving government land is lawful and constitutional, while the Private Treaty Grant (PTG) and Land Exchange arrangements involving government land under the policy are not. The results are under appeal.

- (a) He has no adverse comment on the application but would like to point out the following;
- (b) The section of Ma Sik Road adjacent to the Site is under HyD's maintenance purview. From the schematic master layout plan, he noted that the applicant had put down a vehicular access road from Ma Sik Road routing through the footpath, cycle track and a portion of unallocated government land (UGL) to the Site. As part of the access road is on UGL which is outside HyD's jurisdiction, the maintenance responsibility of this part of access road should be sorted out with DLO/N; and
- (c) The state of the access to the Site is poor. If the application is approved, the applicant is required to submit details of the permanent run-in/out for his approval. To re-construct the run-in/out, the applicant is required to apply for an excavation permit.

Environment

8.1.4 Comments of the Director of Environment Protection (DEP):

- (a) He has no objection to the application; and
- (b) If the application is to be approved, the following approval conditions should be added:
 - (i) The applicant shall submit a Noise Impact Assessment (NIA) and implement the noise mitigation measures to achieve 100% compliance with road traffic noise standard to the satisfaction of the DEP; and
 - (ii) The landlocked Lot No. 1984 shall not be obstructed from connecting to the public drainage and sewerage network.

Water Supply

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

- (a) He has no objection to the application; and
- (c) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard.

Drainage Aspect

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

- (a) He has no objection to the application; and
- (b) If the application is to be approved, the following approval conditions should be added:
 - (i) The applicant shall submit and implement a drainage proposal for the sites to ensure that the developments will not cause adverse drainage impact to the adjacent area;
 - (ii) The applicant shall submit a revised SIA to the satisfaction of DEP and Director of Drainage Services; and
 - (iii) The applicant shall submit and implement a sewerage connection proposal in accordance with the approved SIA.

Building Matters

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

- (a) He has no objection to the application. Detailed comments under the Buildings Ordinance will be made at building plan submission stage;
- (b) Unallocated government lands are noted between the lots and Ma Sik Road/Fan Leng Lau Road. If the Site does not abut specified street(s) of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage; and
- (c) Detailed comments are at **Appendix IV**.

Fire Safety

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

- (a) He has no in-principle objection to the application subject to fire services installations (FSI) and water supplies for firefighting being provided to the satisfaction of his department;
- (b) EVA arrangement shall comply with Section 6, Part D of the Code of Practice of Fire Safety in Buildings 2011 administered by Buildings Department;
- (c) Detailed fire safety requirements will be formulated upon receipt of

formal submission of general building plans; and

- (d) The height restriction for RCHE as stipulated in section 20 of Residential Care Homes (Elderly Persons) Regulations, Cap 459A should be observed.

Urban Design and Visual

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

The Site falls within “V” zone and surrounded by Good View Village zoned “R(C)1” and Fan Garden Government Police Married Quarters zoned “Government, Institution or Community”. The Site sets within an area characterized by low-rise buildings. The proposed development comprising twenty-two 4-storey houses (including 1-storey basement carpark), a 4-storey RCHE (including 1-storey basement carpark) and a 3-storey ancillary clubhouse (including 1-storey basement carpark) at the Site is not incompatible with the neighbourhood. It is unlikely to result in significant visual impact to the surroundings.

Landscape Aspect

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

- (a) She has no objection to the application from the landscape planning perspective;
- (b) Should the application be approved by the Board, approval condition requiring the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board is recommended; and
- (c) Detailed comments are at **Appendix IV**.

Social Welfare

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

- (a) She has no objection in principle to the application subject to:
 - (i) the conditions that there will be no capital or recurrent financial implication to the Government; and
 - (ii) the design and construction of the proposed RCHE shall comply with all relevant licensing and statutory requirements including but not limited to the Buildings Ordinance (Cap.123) and Regulations; Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and its subsidiary legislation; and Code of

Practice for Residential Care Homes (Elderly Persons) March 2013 (Revised Edition).

Electricity Supply Safety

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

- (a) He has no particular comment on the application from electricity supply safety aspect;
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site; and
- (c) The applicant should be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comment

8.1.13 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 views were received from the locals.
- (b) The incumbent North District Council (NDC) member of N01 Constituency and the Chairman of Wing Fok Centre Owners’ Corporation (OC) supported the proposal.
- (c) The Chairman of Fanling District Rural Committee objected to the proposal on the grounds that it would induce adverse impact on traffic, air quality, drainage and environment; the proposed RCHE would attract additional population and adversely affect the rural environment.
- (d) The Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitant Representatives (IIRs) of Fanling Wai (one of them is the incumbent NDC member of N02 Constituency), the Resident Representative (RR) of Fanling Wai, the Hong Kong Lutheran Social Welfare Shek Wu Community Development Project, the Chairman of Good View New Village OC and the Chairman of Fanling Garden OC had no comments on the proposal.

- (e) The incumbent NDC member of N17 Constituency, and the IIRs and RRs of Fan Leng Lau Village did not reply to the consultations; and
- (f) He received 26 replies from the residents of Wing Fok Centre on the original submission, of which 21 residents supported the proposal on the grounds that there is a need for RCHE in the community and it can improve the land use efficiency by increasing the development intensity; three residents objected to the proposal with concerns on noise and dust pollution during construction stage, and traffic impact; two residents had no comment on the proposal.

8.2 The following Government departments have no objection to/no comments on the application:

- (a) Commissioner for Transport (C for T);
- (b) Commissioner of Police (C of P); and
- (c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);

9. Public Comments Received During Statutory Publication Period

9.1 On 4.5.2018, the application was published for public inspection. The subsequent FIs submitted by the applicant were published for public inspection on 24.8.2018, 9.11.2018, 29.1.2019, 17.5.2019, 25.6.2019 and 30.7.2019. During the statutory public inspection periods, a total of 1,939 comments were received from NDC members, Fanling District Rural Committee and individuals. All the public comments received are deposited at the Board's Secretariat for Members' reference.

9.2 Among the 1,939 public comments, 1,890 comments made by North District Council (NDC) members and individuals support the application (1,879 in standard letters) (samples at **Appendix IIIa**), while 40 comments made by Fanling District Rural Committee and individuals (29 in standard letters) object and 9 indicate no comment (samples at **Appendix IIIb**).

9.3 The major views of the public comments are summarized as follows:

Supporting comments

- (a) More domestic houses and RCHE should be provided to address the need of ageing population in the Fanling area;
- (b) The proposed uses are more preferable than the current use for public car park;
- (c) The proposed RCHE is in line with the Government's policy to engage private sector in providing social welfare facilities;
- (d) Basement car park can segregate pedestrian and vehicular traffic to enable

more greenery on the ground floor to serve as pedestrianized space;

- (e) The low-rise detached houses are well integrated with the RCHE;

Objection / adverse comments

- (f) The low-density residential development is not in line with the Government's housing policy to benefit the social needs, and is not an efficient use of land;
- (g) The low-density residential development is not compatible with the surrounding large scale development in Ma Shi Po;
- (h) Comprehensive planning review of the area and public consultation should be carried out after the completion of New Development Areas. It is inappropriate to grant permission for individual development;
- (i) The proposed development cannot improve community facilities in the district;
- (j) Adverse impacts on traffic, air quality, visual, drainage and environment induced by the proposed developments would affect the wellbeing of the residents in the surroundings;
- (k) The proposed RCHE would attract additional population and jeopardize the rural environment. Its contribution to meeting the local demand for RCHE is in doubt;
- (l) The whole site should be developed for RCHE; and
- (m) The site should be used for providing public housing instead of low-density housing.

10. Planning Considerations and Assessments

10.1 The application is for 22 proposed houses with an ancillary clubhouse and a social welfare facility (RCHE) and minor relaxation of building height restriction from a maximum of 3 storeys (8.23m) to 4 storey (11.025m above ground with a 4.55m basement level) for the houses and from 8.23m to 10.05m above ground with a 4.55m basement level for the 3-storey ancillary clubhouse.

Planning Intention

10.2 The Site falls within "V" zone which is intended primarily for designation of both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Although the proposed development is not entirely in line with the planning intention of the "V" zone, the proposed houses and RCHE are in low-rise (3 storeys above ground) and low-density (plot ratio of

0.8) character which is not incompatible with the existing land use setting in the surrounding area. For the proposed RCHE, based on the Hong Kong Planning Standards and Guidelines, there is a deficit of about 530 RCHE subsidised beds in the Fanling/Sheung Shui area. The proposed RCHE could help address the shortfall for elderly facilities and meet the demand of ageing population in the community.

- 10.3 Regarding the implementation of Small House development, it should be noted that the subject “V” zone is not covered by ‘VE’ of any recognised village. As mentioned by SDEV, the Site falls within the Ling Hill VEA, but the implementation of designated VEA projects has been suspended since February 1999. DEVB agreed in 2018 that private land within two suspended VEA projects, namely Mang Kung UK, Sai Kung and Siu Lek Yuen, Sha Tin, would be de-frozen for developments permissible under the existing policy frameworks in planning, land administration, etc. As for Ling Hill VEA project, DEVB has agreed to follow up with HYK separately about the possibility of de-freezing private land therein, making reference to the arrangements for the two abovementioned VEA projects as appropriate. SDEV further advised that if planning approval is given by the Board to the application, the applicant will have to apply with LandsD for a Land Exchange to implement the proposed development. Given the above background, the Government will take into account the progress of the discussion on the future of the Ling Hill VEA project when considering the Land Exchange application. Since whether the land in the subject VEA (including the Site) could be de-frozen is subject to further consideration by DEVB and LandsD, any land exchange application to implement the proposed development will in due course be scrutinized accordingly. It is considered that the assessment of the subject planning application should focus on planning considerations, while the land administrative matter can be dealt with separately.

Land use compatibility

- 10.4 The immediate surroundings of the Site are predominantly occupied by 3-storey residential development at Good View New Village to the northwest and 1-storey temporary domestic structures at Ling Shan Tsuen to the west. High-rise residential developments (e.g. Wing Fok Centre and Wing Fai Centre) are to the further east and the planned Fanling North NDA is to the further north across Ma Sik Road. The proposed development of houses, ancillary clubhouse and RCHE is not incompatible with the adjacent residential use.

Development scale

- 10.5 CTP/UD&L, PlanD considers the character and scale of the proposed development at the Site (i.e. 22 houses, an ancillary clubhouse and a RCHE with a maximum of 3 storeys aboveground and 1 storey basement) is not incompatible with the low-rise, low-density neighbourhood and is unlikely to result in significant visual impact on the surroundings. Besides, the proposed additional storey is mainly a basement level for car parking spaces. The net increase in building height above ground is only 2.795m. The proposed minor relaxation of building height for the proposed houses from 3 storeys to 4 storeys is considered minor in scale and nature,

with no significant visual impact.

Access to the landlocked lot

- 10.6 A private lot of about 315m² (Lot No. 1984) is enclosed by the Site. Under the application, a separate access with a width of 6m has been reserved for the said lot (**Drawing A-1**). The proposed development therefore will not compromise the separate development of the lot in future.

Technical Aspects

- 10.7 C for T has no objection to the application as the submitted TIA demonstrated that the proposed development would not cause insurmountable problem from traffic engineering perspective.
- 10.8 DEP and CE/MN, DSD have no objection to the application as the submitted EA and SIA demonstrated that the proposed development would not cause insurmountable problem from environmental and sewerage impact perspectives.

Similar Application

- 10.9 A similar application (No. A/FSS/164) for a proposed house in the same “V” zone was rejected by the Committee on 13.1.2006 mainly on grounds that the proposed house was not in line with the planning intention of the “V” zone and there was insufficient information to demonstrate the proposed development would not cause adverse traffic impact. The applicant of the current application (No. A/FSS/270) has demonstrated that the proposed development would not cause insurmountable problems from traffic engineering, environmental and sewerage impact perspectives. Relevant Government departments have no objection to the application. It is also relevant to note that DEVB would further follow up with HYK about the possibility of de-freezing private land in the proposed Ling Hill VEA. Subject to the discussion and taking into account that the Site is not within ‘VE’ of any recognized village, the Site may not need to be reserved to support the original VEA development or the development of isolated small houses for a particular village. In the circumstances, it is considered that the current application could be assessed based on its own merits, with regard to relevant planning considerations including land use compatibility, development scale and other technical aspects. The planning circumstance of the two applications is different.

Local Views and Public Comment

- 10.10 There are local objections and supports as conveyed by DO(N). Regarding the 1,939 public comments received during the statutory public inspection periods, relevant Government departments’ comments and planning assessments as stated in paragraphs 10.2 to 10.9 above are relevant. Regarding the commenters’ suggestion for a higher development intensity at the Site, the use and development intensity of the Site could be reviewed as appropriate subject to the results of the review on the de-freezing of the land covered by the proposed Ling Hill VEA

project. Pending such a review, one could not assume that the area would be able to accommodate higher development intensity. Arguably, it would be desirable to put land to gainful use permissible under the current zoning as soon as practicable.

11. Planning Department's Views

11.1 Based on the assessments made in paragraph 10 and having taken into account the comments conveyed by DO(N), HAD in paragraph 8.1.13 and public comments as mentioned in paragraph 9, the Planning Department has no objection to the application.

11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 6.9.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of a Noise Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the implementation of a sewerage connection proposal identified in the Sewerage Impact Assessment in approval condition (c) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (f) the 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 V**.

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

approving the application at this juncture will pre-empt possible land use reviews that are subject to discussions on the future of the Ling Hill VEA project.

12. Decision Sought

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

13. Attachments

Appendix I	Letter and application form received on 27.4.2018
Appendix Ia	Supplementary planning statement received on 27.4.2018
Appendix Ib	FI received on 24.5.2018 clarifying the application involves minor relaxation of building height restrictions
Appendix Ic	FI received on 15.8.2018 providing response to departmental comments, revised TIA and new EA
Appendix Id	FI received on 29.10.2018 providing response to departmental comments, revised TIA, revised SIA and revised EA
Appendix Ie	FI received on 17.1.2019 providing response to departmental comments, revised EA, revised SIA and replacement pages of TIA
Appendix If	FI received on 6.5.2019 providing response to departmental comments, revised SIA and rectification of an editorial error on the EA
Appendix Ig	FI received on 14.6.2019 providing response to departmental comments and revised TIA
Appendix Ih	FI received on 19.7.2019 providing response to departmental comments and revised SIA
Appendix II	Similar applications for house development in the same "V" zone in Fanling/Sheung Shui OZP
Appendix IIIa	Samples of Supporting Public Comments

Appendix IIIb	Samples of Objecting/No Comment Public Comments
Appendix IV	Detailed departmental comments
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-6	Layout Plans, Section Plan, Elevation Plans, Proposed Noise Improvement Measures and Proposed Setback at the Site submitted by the applicants
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2019**