

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FSS/276

- Applicant** : Faith Luck Corporation Limited and Win Million International Limited represented by Lanbase Surveyors Limited
- Site** : Various Lots in D.D. 51, Fanling, New Territories
- Site Area** : About 9,987m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/24
- 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 The applicant seeks planning permission to amend a previous application (No. A/FSS/270), which was approved on 6.9.2019 for 22 houses and social welfare facilities (residential care home for the elderly (RCHE)) and minor relaxation of building height (BH) restriction at the Site. The proposed amendments under the current application mainly involve slight increase in site area and gross floor area (GFA), increase in number of houses (from 22 to 50 houses) and reduction of average house size, without changing the plot ratio (PR), site coverage (SC) and BHs of the approved scheme. 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 application site (the Site) is currently used mainly for a public vehicle park (**Plans A-3 and A-4**).
- 1.2 Compared with the previous approved scheme, the current application mainly involves a slight increase in site area (+889m² or about +9.8%) to include two additional land lots, i.e. lots 1984 and 722RP in D.D. 51 (**Plan A-2**), and increase in total GFA accordingly from 7,278.4m² to 7,989.6m² (about +9.8%), increase in number of houses from 22 to 50 (about +127%), substantial reduction in average house size from 295m² to 139m² (about -52.8%) and change in layout and disposition of houses. Other major development parameters including PR (0.8),

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

SC (about 33.5%) and BH remain unchanged. Same as with the previous approval, the current scheme involves minor relaxation of BH restriction from a maximum of 3 storeys (8.23m) to 4 storeys (11.025m above ground with a 4.55m basement level) for the 50 houses; and from 8.23m to 10.05m above ground with a 4.55m basement level for the ancillary 3-storey clubhouse (**Drawing A-3**). Lot 1984 (**Plan A-2**), which was originally landlocked in the middle of the Site under the approved scheme, is included in the Site under the application, and a separate vehicular access for the lot is no longer required. Comparison of the proposed layout plan and major development parameters between the previous approved scheme and the current one is at **Drawings A-1** and summarised in the following table respectively:

	Previous Approved Scheme (A/FSS/270) (a)	Current Scheme (A/FSS/276) (b)	Difference (b) - (a)
Site Area	About 9,098 m ²	About 9,987 m ²	+889 m ² (+9.77%)
Total GFA	About 7,278.4 m ² Dom GFA: 6,497.04 m ² RCHE: 781.36m ² (60 beds)	About 7,989.6 m ² Dom GFA: 6,948.76 m ² RCHE: 1,040.84m ² (60 beds)	+711.2 m ² (+9.77%) +487 m ² (+7.50%) +259.5 m ² (+33.21%)
Clubhouse	About 324.85m ² [a]	About 347.44m ² [a]	+22.59m ² (+6.95%)
PR	0.8	No change	-
Site Coverage	about 33.5%	No change	-
Building Height			
- House	4 storeys / 11.025m (above ground)	No change	-
- Clubhouse	3 storeys / 10.05m (above ground)	No change	-
- RCHE	4 storeys / 12m (above ground)	No change	-
Number of house	22	50	+28 (+127%)
Average house size	294.5 m ²	138.9752 m ²	-155.5248m ² (-52.8%)

	Previous Approved Scheme (A/FSS/270) (a)	Current Scheme (A/FSS/276) (b)	Difference (b) - (a)
Estimated number of residents	88	200	+112 (+127%)
Private car parking spaces	56	101	+45
Loading/Unloading	5	No change	-

^[a] 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.

1.3 Same as the approved application, the proposed development would be accessible via an access road connecting to Ma Sik Road (**Drawing A-1**). 101 private car parking spaces and five loading/unloading (L/UL) space will be provided. The sewage generated from the proposed development will be collected and conveyed to the public sewerage system located to the north of the Site.

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

- (a) Application form and attachment received on 12.3.2020 (**Appendix I**)
- (b) Supplementary planning statement with Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA) and Environmental Assessment (EA) received on 12.3.2020 (**Appendix Ia**)
- (c) Further Information (FI) received on 10.6.2020 (**Appendix Ib**)
- (d) FI received on 16.9.2020[#] (**Appendix Ic**)
- (e) FI received on 23.10.2020[#] (**Appendix Id**)
- (f) FI received on 3.11.2020[#] (**Appendix Ie**)

[#] *Exempted from publication*

1.5 The application was received on 12.3.2020. On 24.4.2020 and 15.9.2020, the Rural and New Town Planning Committee (the Committee) agreed to defer a decision on the application upon the request of the applicant to allow more time for the applicant to prepare FI to address departmental comments. After the deferral, the applicant submitted FIs on 10.6.2020, 16.9.2020, 23.10.2020 and 3.11.2020.

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 6,948.76m² and a 60-bed RCHE with GFA of 1,040.84m² is in line with the Policy Address 2017 to increase housing supply and elderly home care services. Compared with the previous application, there is an increase in housing units from 22 to 50 which

could further contribute to the housing supply.

- (b) The majority of the Site is the subject of a previous approved application (No. A/FSS/270). While there are increases in site area and GFA in the current application, PR, SC and BH remain unchanged.
- (c) The Site falls within an area zoned “V” under the 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.
- (d) 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 residential 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.
- (e) 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. Besides, the proposed development would provide greenery and landscaping at the Site so that the living environment could be improved. Placing the proposed car parking spaces at the basement level can release more open spaces at ground level for gardening and landscaping purposes, and reduce traffic noise. This can increase the greenery area, improve the micro-climate in the neighbourhood and streetscape in the surrounding area.
- (f) According to the TIA, all key junctions would be operating in sufficient capacity in 2027 and the proposed development at the Site is considered acceptable from traffic engineering point of view. According to the EA covering air quality, noise impact, water quality and waste management, as there are sufficient setbacks from Ma Sik Road and Fan Leng Lau Road (**Drawing A-4**) and no industrial chimney is located within 200m of the Site, no adverse air quality impact on the proposed development is 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-5**). It is anticipated that compliance of relevant noise criteria for traffic noise will be achieved. According to the SIA, since there is spare sewerage capacity in the downstream sewers and Ma Sik Road Pumping Station, no unacceptable impact on the existing sewerage system is anticipated. 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. The proposed development would not induce adverse impacts to its surroundings on traffic, visual, drainage and sewerage

aspects as demonstrated by the TIA, SIA and EA.

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

The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant has complied with the 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) by obtaining consent from the other land owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Application

4.1 For the majority of the Site is the subject of a previous Application (No. A/FSS/270) (proposed house and RCHE and minor relaxation of BH restriction), which was approved by the Committee with conditions on 6.9.2019 mainly on the considerations that the proposed development of houses and RCHE is not incompatible with the adjacent residential use; the proposed RCHE could help address the shortfall of elderly facilities and meet the demand of ageing population in the community; the proposed development would unlikely result in significant visual impact on the surroundings; the proposed minor relaxation of BH for the proposed houses from 3 storeys to 4 storeys is considered minor in scale and nature; and no insurmountable problem from traffic engineering, environmental and sewerage impact perspectives is anticipated.

4.2 Details of the application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

5. Similar Application

5.1 There is a similar application (No. A/FSS/164) for a proposed house in the same “V” zone, which was 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; 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 BH restriction within the “V” zone of the Fanling/Sheung Shui OZP.

5.3 Details of the application are summarized at **Appendix III** and its 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 currently paved, fenced off and used mainly for a public vehicle park; and
 - (b) is accessible from an access road connecting to Ma Sik Road.
- 6.2 The Site is at the fringe of Fanling/Sheung Shui New Town and its 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 zoned “R(C)1”;
 - (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 Quarters 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 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 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 (HYK)'s proposal, the Development Bureau (DEVB) agreed in 2018 that private land within two suspended VEA projects, namely, in Mang Kung Uk, Sai Kung and Siu Lek Yuen, Sha Tin, would be "unfrozen" based on certain prerequisites (i.e. any developments on the private land of individual proposed VEAs must be in compliance with the existing policy frameworks in planning, land administration etc., and HYK and the concerned recognized villages have to accept that the original planned VEA projects will no longer be applicable). As for the Ling Hill VEA project, DEVB has agreed to further follow up with HYK about the possibility of "unfreezing" private land therein by making reference to the arrangements for the two frozen VEA projects to be "unfrozen". This commitment has not been affected by the Court of First Instance's judgment handed down on 8 April 2019 and took effect on 8 October 2019 on a judicial review of the small house policy, which ruled that the Free Building Licence arrangement under the policy and land exchange not involving government land (GL) is lawful and constitutional, while the Private Treaty Grant and Land Exchange arrangements involving government land under the policy are not; and
- (c) if planning approval is given by the Board to the application, the application will have to apply with the Lands Department (LandsD) for a land exchange to implement the proposed development. The Government will take into account progress of the above discussion on the future of the Ling Hill VEA project when considering the land exchange application.

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

- (a) the Site comprises 117 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) besides, it is noted that 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 GL; and
- (c) if the application is approved, the applicant is required to submit a land exchange application for the proposed development. LandsD acting in the capacity as landlord will consider the land exchange application which, if approved, will be subject to such terms and conditions as considered appropriate including the payment of

premium and administrative fee. There is no guarantee that the land exchange application will be approved nor the right of way over the concerned GL as referred above will be granted.

Traffic Aspect

8.1.3 Comments of Commissioner for Transport (C for T)

- (a) based on the FI (**Appendix Id**) submitted, he has no comment on the application;
- (b) if the application is to be approved, the following approval conditions should be added:
 - (i) the design of the vehicular access and parking facilities should be subject to his satisfaction or of the Board; and
 - (ii) the design and provision of traffic measures at junction of Jockey Club Road/ Ma Sik Road/ So Kwun Po Road and junction of Ma Sik Road/ Tin Ping Road and the design and modification / relocation of the general lay-by at Ma Sik Road west bound outside the Site to his satisfaction or of the Board.

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

- (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

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

- (a) having reviewed the submitted FIs (**Appendices Ib and Ic**), he has no further comment on the application from environmental planning perspective;
- (b) if the application is to be approved, the applicant should be required to submit a Noise Impact Assessment (NIA) report and the provision

of mitigation measures to achieve full compliance with the noise criteria in Hong Kong Planning Standards and Guidelines (HKPSG) (including the road traffic noise standard as committed by the applicant in the EA) to the satisfaction of DEP or of the Board; and

- (c) detailed comments are at **Appendix IV**.

Social Welfare

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

- (a) in view of the growing ageing population, the demand for residential care service (RCS) for the elderly over the territory is keen. As proposed by the applicant, a 60-place RCHE would be in mixed mode for low to high level care elderly. Having considered the high service demand for RCS for the elderly in the community, he has no objection in-principle to the application from welfare point of view for the setting-up of a RCHE at the captioned site, subject to the town planning considerations and on conditions that there will be no capital or recurrent financial implication to the Government; and
- (b) the applicant is reminded at the present stage that for an RCHE licence to be issued, the proposed RCHE has to comply with the licensing requirements as stipulated in the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459, its subsidiary legislation and the latest version of Code of Practice for Residential Care Homes (Elderly Persons) (CoP) (January 2020 Revised Edition). Meanwhile, for there being parking spaces on the basement level for the RCHE, please remind the operator that the RCHE (or any part of it) should not be, in general, situated on the basement floor, according to para. 5.2.3 of CoP.

Urban Design and Visual

8.1.7 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 “G/IC”. The Site sets within an area characterized by low-rise buildings. The proposed development comprising 50 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

8.1.8 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**.

Water Supply

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

- (a) he has no objection to the application; and
- (b) 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

8.1.10 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; and
 - (ii) the applicant shall submit and implement a sewerage connection proposal in accordance with the revised SIA.

Building Matters

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

- (a) he has no objection to the application;
- (b) if the Site does not abut on a specified street 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

8.1.12 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 his satisfaction;
- (b) the height restriction for RCHE as stipulated in section 20 of Residential Care Homes (Elderly Persons) Regulations, Cap 459A should be observed;
- (c) EVA arrangement shall comply with Section 6, Part D of the Code of Practice of Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by Buildings Department; and
- (d) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

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 FI. The following views were received from the locals;
- (b) the Chairman of Fanling District Rural Committee and 靈山村居民關注組 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.

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (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 20.3.2020 and 19.6.2020, the application and FI were published for public inspection. During the 3-week statutory publication periods, a total of 321 comments were received from 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 321 public comments, 308 comments made by individuals support the application (307 in standard letters) (samples at **Appendix Va**), while 11 comments made by Fanling District Rural Committee (submitted twice) and individuals object (samples at **Appendix Vb**) and two indicate no comment on the application.
- 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 RCHE is compatible with the proposed houses and in line with the Government's policy to engage private sector in providing social welfare facilities; and
- (c) the proposed uses are more preferable than the current use for public car park. Basement car park can segregate pedestrian and vehicular traffic to enable more greenery on the ground floor to serve as pedestrianized space.

Objection / adverse comments

- (d) the application is not in line with the planning intention of "V" zone;
- (e) adverse impacts on traffic, air quality, visual, drainage and environment induced by the proposed development would affect the wellbeing of the residents in the surroundings; and
- (f) the number of beds provided in the proposed RCHE is limited and its contribution to meeting the local demand for RCHE is in doubt. The proposed RCHE is located at an undesirable location (i.e. next to a refuse collection point). There is insufficient information provided on the management and affordability of the proposed RCHE.

10. Planning Considerations and Assessments

Proposed Amendments to Approved Scheme

- 10.1 The application seeks to amend an approved scheme (Application No. A/FSS/270) approved in 2019. The current scheme is for 50 proposed houses with an ancillary clubhouse and a RCHE and minor relaxation of BH.
- 10.2 Compared with the approved scheme, the proposed amendments mainly involve a slight increase in site area by incorporating two additional land lots (**Plan A-2**), corresponding increase in the total GFA, increase in the number of proposed houses, reduction in the average house unit size, and change in layout and disposition of houses. Under the approved scheme, a private lot (i.e. Lot No. 1984) with an area of about 315m² was landlocked by the proposed development. By including the subject private lot within the Site under the current scheme, a separate vehicular access for the landlocked lot is not required and a more efficient layout can be achieved. There is no change in the other major development

parameters including total PR, SC and BH as compared with the previous planning approval, which covers minor relaxation of BH restriction from a maximum of 3 storeys (8.23m) to 4 storey (11.025m above ground with a 4.55m basement level) for the proposed houses and from 8.23m to 10.05m above ground with a 4.55m basement level for the proposed 3-storey ancillary clubhouse.

- 10.3 Planning permission was granted for the house and RCHE uses and minor relaxation of BH restriction at the Site under the previous approved scheme. The planning assessment will therefore focus on the amendments proposed in the current application. As mentioned in paragraph in 10.2 above, the proposed increase in site area/GFA is due to inclusion of two lots (with one landlocked in the previous scheme) to achieve more efficient layout, and the increase in house numbers is intended to increase the housing supply, while keeping major development parameters under approved scheme unchanged. Taking into account the assessments submitted and comments of the concerned departments, the proposed amendments are considered not substantial and would not bring about unacceptable impacts on the surrounding areas. More detailed assessments are set out in the following paragraphs.

Planning Intention

- 10.4 Although the proposed development is not entirely in line with the planning intention of the “V” zone which is intended primarily for designation of both existing recognized villages and areas of land considered suitable for village expansion, the proposed houses and RCHE could help address the shortfall of housing and elderly facilities amid a growing and ageing population in the community.
- 10.5 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 advised by SDEV, the Site falls within the Ling Hill VEA, and DEVB has agreed to follow up with HYK separately about the possibility of “unfreezing” private land within Ling Hill VEA and any land exchange application to implement the proposed development will in due course be scrutinized accordingly under the land administrative regime.

Land Use Compatibility

- 10.6 The Site is at the fringe of the Fanling/Sheung Shui New Town. The immediate surroundings of the Site are predominantly occupied by 3-storey residential development (i.e. 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. Under the current development scheme, the proposed development would remain as a low-rise, low-density residential use with an ancillary clubhouse and a RCHE, which is not incompatible with the adjacent residential use in terms of land use and development intensity.
- 10.7 CTP/UD&L, PlanD advises from urban design perspective that the character and scale of the current proposed development scheme is not incompatible with the low-rise neighbourhood and is unlikely to result in significant visual impact on the surroundings.

Technical Aspects

10.8 The applicant has submitted TIA, SIA and EA to demonstrate that the current development scheme would not cause insurmountable problems. C for T has no objection to the application as the submitted TIA demonstrated that the current development scheme would not cause insurmountable problem from traffic engineering perspective. DEP and CE/MN, DSD have no objection to the application as the submitted EA and SIA demonstrated that the current development scheme 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 as detailed in paragraph 5.1. As detailed in paragraph 10.5 above, 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 light of the latest land policy. Besides, the current application is only for amendments to an approved development scheme. The current application is subject to different circumstances.

Local Views and Public Comment

10.10 Regarding the local views conveyed by DO/N of HAD and public comments as stated in paragraphs 8.1.13 and 9, the departmental comments and planning considerations and assessments as stated above are relevant.

11. Planning Department’s Views

11.1 Based on the assessments made in paragraph 10 and having taken into account the local views and public comments in paragraphs 8.1.13 and 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 6.11.2024, 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 design and provision of vehicular access and parking facilities to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (b) the design and provision of traffic measures at junction of Jockey Club Road/ Ma Sik Road/ So Kwun Po Road and junction of Ma Sik Road/ Tin Ping Road and the design and modification / relocation of the general lay-by at Ma Sik Road west bound outside the Site to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (c) 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;
- (d) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) the submission and implementation of sewerage connection proposal identified in the revised Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (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; and
- (g) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

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

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or 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 12.3.2020
Appendix Ia	Supplementary planning statement received on 12.3.2020
Appendix Ib	FI received on 10.6.2020
Appendix Ic	FI received on 16.9.2020
Appendix Id	FI received on 23.10.2020
Appendix Ie	FI received on 3.11.2020
Appendix II	Previous Application

Appendix III	Similar application for house development in the same “V” zone in Fanling/Sheung Shui OZP
Appendix IV	Detailed departmental comments
Appendix Va	Samples of Supporting Public Comments
Appendix Vb	Samples of Objecting Public Comments
Appendix VI	Recommended Advisory Clauses
Drawings A-1 to A-5	Layout Plans, Sections, Proposed Setback and Proposed Noise Improvement Measures at the Site submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2020**