

Previous Applications

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/FSS/110	Comprehensive Residential Development (Master Layout Plan Submission) Minor Relaxation of Plot Ratio and Building Height Restrictions	09.04.1999	A1 – A8
A/FSS/152	Residential Development (Minor Amendments to an Approved Master Layout Plan)	25.04.2003	A6, A7, A9 – A13
A/FSS/156	Residential Development (Minor Amendments to an Approved Master Layout Plan)	05.12.2003	A6, A7, A9 – A12, A14 – A15

Approval Conditions

- A1 The submission of a revised Master Layout Plan by taking into account the conditions A2, A3, A6 and A7 below to the satisfaction of the Director of Planning or of the Town Planning Board;
- A2 The design and provision of vehicular access road, visitor car parking spaces, loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- A3 The submission of a revised traffic noise assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- A4 The submission of a revised drainage impact assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- A5 The submission and implementation of the sewage disposal facilities to the satisfaction of

the Director of Environmental Protection or of the Town Planning Board;

- A6 The submission and implementation of landscaping proposals including tree preservation and felling proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- A7 The submission of an implementation programme to the satisfaction of the Director of Planning or of the Town Planning Board;
- A8 The permission shall cease to have effect on 9.4.2002 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed;
- A9 The submission of a revised Master Layout Plan (MLP) by taking into account the conditions A6, A7 and A10 below to the satisfaction of the Director of Planning or of the Town Planning Board;
- A10 The design and provision of vehicular access road, parking spaces, loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- A11 The implementation of the accepted mitigation measures on traffic noise impact and sewage disposal facilities to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- A12 The implementation of the accepted mitigation measures on drainage impact to the Director of Drainage Services or of the Town Planning Board;
- A13 The permission should cease to have effect on 25.4.2007 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed;
- A14 The surrender of land from the roundabout at the ingress/egress to the west of the application site to the Government, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- A15 The permission should cease to have effect on 5.12.2007 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed.

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Reasons for Rejection
A/FSS/37	Residential Development with Ancillary Recreational Facilities	16.07.1993	R1, R2
A/FSS/72	Residential Development with Minor Relaxation in Plot Ratio and Height Restrictions	26.01.1996	R3 – R10
Y/FSS/12	To rezone the application site from "Comprehensive Development Area" to "Comprehensive Development Area (1)"	27.10.2017	R11– R12

Reasons for Rejection

- R1 The proposed development plot ratio, site coverage and building height exceed the stated restrictions in the "Comprehensive Development Area" zone on the draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/3. According to Section 16(4) of the Town Planning Ordinance, "the Board may grant permission under Section 16(3) of the Ordinance only to the extent shown or provided for or specified in the plan"; therefore, the Town Planning Board has no authority to grant planning permission to the application;
- R2 The vehicular access to the proposed development is unsatisfactory, the provision of car parking spaces is inadequate and the Traffic Impact Study is also unsatisfactory;
- R3 The proposed increase in plot ratio from 0.8 to 1 and building height from 3 storeys over 1-storey carport to 4 to 6 storeys with 2 levels of underground car-park cannot be considered as minor;
- R4 There is no strong justifications/merits in the submission to warrant the proposed deviations from the development restrictions of the "Comprehensive Development Area" ("CDA") zone on the draft Fanling/Sheung Shui OZP No. S/FSS/5;
- R5 The master layout plan is not satisfactory in the following aspects:
- (i) It has not allowed sufficient flexibility for the future upgrading of Castle Peak Road to a dual-lane road;
 - (ii) It has not provided clear information on the relationship on the site formation works

necessary to produce building platforms and the vehicular access road; and

(iii) It has not provided sufficient details on the proposed vehicular access road which forms a common ingress/egress point with the adjoining "CDA";

- R6 The traffic forecast to support the increase in plot ratio is unsatisfactory as the traffic flow forecast is derived from out-dated information and there is no indication on the source of population assumption along both sides of Castle Peak Road and for North District for the design year of 2011. The unsatisfactory traffic forecast also affects the result of the noise modelling;
- R7 The master landscape plan is not satisfactory in that it does not provide clear and adequate description of the existing trees on the site and many trees have been mis-identified;
- R8 The construction of the proposed underground car-park in the centre of the knoll will necessitate a construction area larger than the car-park area. This will adversely affect the root systems of the trees on the site, including some of the trees which falls outside the footprint of the proposed development;
- R9 The environmental impact assessment is not satisfactory in that no air quality impact assessment has been included to derive effective mitigation measures;
- R10 The approval of the application will set an undesirable precedent for similar applications for more intensive development in the "CDA" zone in the district;
- R11 The development intensity of the proposed "Comprehensive Development Area (1)" ("CDA(1)") zoning was considered excessive and not compatible with the surrounding areas. The applicant fails to provide strong justification for rezoning the site from "CDA" to "CDA(1)" with the proposed development restrictions; and
- R12 Approval of the rezoning application would set an undesirable precedent for similar rezoning applications. The cumulative effect of approving such similar applications would result in adverse impacts on the surrounding area.

Detailed Departmental Comments

Environment

Comments of the Director of Environmental Protection (DEP):

The proposed rezoning from "CDA" to "CDA(1)" is to facilitate a proposed residential development to a maximum PR of 3, comprising 7 residential blocks from 17 to 23 storeys and 2 to 3 levels of basement producing 676 of flats, 7 loading/unloading spaces for goods vehicles and 699 parking spaces for private car, visitor car and motorcycle. The site area involved is about 31,623m². The development scale has been reduced compared with the scheme in the previous S.12A planning application (Y/FSS/12) which was rejected by RNTPC in Oct 2017.

Environmental Assessment (EA)

(a) Water Quality

- The subject site falls within Deep Bay catchment area, water quality impact shall be assessed in the latest EA report to avoid or minimize the impact to the Deep Bay catchment, including during construction stage of the project; and
- The applicant shall be reminded to implement proper management on site drainage during construction to minimize the construction site runoff and shall draw reference to ProPECC PN 1/94 "Construction Site Drainage". The road surface runoff should be collected and treated by proper system (e.g. silt traps, road gullies, petrol interceptors, etc.).

(b) Noise

- From noise planning perspective, he has no objection to the s.12A application, provided that the applicant is required to submit Noise Impact Assessment (NIA) report and provision of noise mitigation measures to achieve 100% compliance with road traffic noise criteria in accordance to HKPSG to the satisfaction of DEP/TPB under the relevant provisions of Town Planning Ordinance and to the satisfaction of DEP under the relevant land title documents, if applicable; and
- The site is considered as one of the noise sensitive receivers in CEDD's project, San Tin Highway and Fanling Highway Kwu Tung Section widening (Between San Tin Interchange and Po Shek Wu Interchange). Environmental permit no. EP-465/2013/A requires CEDD to submit a Traffic Noise Mitigation Plan before start of construction of that project to tackle traffic noise impacts from road projects.

(c) Air Quality

- From air quality perspective, please be advised that we have no adverse comment on the development proposal as the indicative layout in the Master Layout Plan showed ample buffer distances as recommended in the HKPSG to avoid adverse vehicular emission impact from the nearby roads (Fanling Highway and Castle Peak Road – Kwu Tung) on the sensitive uses in the development; and
- As the AQIA in the EA has not identified any chimney within 200m of the subject site, it is considered that chimney emission impact is not a concern at the subject site.

Sewerage Impact Assessment (SIA)

(d) Although no adverse sewerage impact is envisaged as the proposed development scale has been reduced and tertiary on-site sewage treatment would be provided in the short term when public sewerage is not available, the applicant is still required to update their SIA report which is the same one used for the previous application No. Y/FSS/12 and to tally with the reduced flat number in the current application and incorporate specific comments as follows:

- S.4.9 should be revised to read “As the Site is located in Deep Bay catchment, on-site STP has to be provided prior to the availability of public sewerage. The STP should achieve tertiary treatment level and comply with Cap. 358 AK...”.
- Table 1: while Table 5 of WPCO TM sets the minimum standards for effluent discharge, the TN, TP and E. Coli levels should be able to meet 20mg/l, 2mg/l and 1000count/100ml respectively for tertiary treatment.

Building Matters

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

- (a) Before any new buildings/building works are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained. An Authorized Person should be appointed as the co-ordinator for the proposed building/building works in accordance with the BO;
- (b) Presumably the Site abuts on a specified street – Castle Peak Road – Kwu Tung of not less than 4.5m wide, and as such, the development intensity shall not exceed the permissible as stipulated under the First Schedule of the Building (Planning) Regulations (B(P)R);
- (c) The Site shall be provided with emergency vehicular access in accordance with the B(P)R 41D;

- (d) The sustainable building design requirements and pre-requisites under PNAP APP-151 & 152 would be applicable to the subject development if GFA concessions for no-mandatory/non-essential plant rooms and services are claimed; and
- (e) Detailed consideration will be made at the building plan submission stage.

District Officer's comments

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

(a) Comments received on 27.2.2018

He has consulted the locals from 24.1.2018 to 9.2.2018 and objections were received from the Chairman of Sheung Shui District Rural Committee, North District Council (NDC) members of N10 and N11 constituency, one of the two Indigenous Inhabitant Representatives (IIRs) of Tai Tau Leng, the IIRs and Resident Representative (RR) of Tsung Pak Long, the IRR and RR of Kam Tsin, the Chairman of Owners' Committee of Golf Parkview, and 89 villagers from Tsung Pak Long. The remaining one IIR and RR of Tai Tau Long had no comment. They object to the application as the proposed development would result in adverse traffic impacts, in particular the capacity of Castle Peak Road – Kwu Tung Section and Pak Wai Lane, and concern over the adverse effect brought to Hakka Wai (Grade I historical building). The remaining one IIR and RR of Tai Tau Leng had no comment on the proposal; and

(b) Comments received on 12.7.2018:

He has consulted the locals from 22.6.2018 to 6.7.2018 and objections were received from the incumbent North District Council member of N10 and N11 Constituency, the IIRs of Tsung Pak Long, one of the two IIRs of Tai Tau Leng, and 88 villagers from Tsung Pak Long. They object to the application as the proposed development would lead to adverse traffic impacts, in particular the capacity of Castle Peak Road – Kwu Tung Section & Tai Tau Leng Roundabout; "destroy first, develop later" approach should not be encouraged; and piling work would affect the structure of Hakka Wai (Grade I historical building). The RR of Tsung Pak Long, the remaining one IIR and RR of Tai Tau Leng had no comments on the proposal. The Chairman of Golf Parkview OC did not reply to the consultation.

(c) Comments received on 25.10.2018:

He has consulted the locals from 8.10.2018 to 19.10.2018 and objections were received from the Chairman of Sheung Shui District Rural Committee, the incumbent North District Council member of N10 Constituency, the IIRs and RR of Tsung Pak Long, one of the two IIRs of Tai Tau Leng. They object to the application as the proposed development would result in adverse traffic impacts, in particular the capacity of Castle Peak Road – Kwu Tung Section, and concern over the adverse effect brought to Tsung Pak Long and Hakka Wai (Grade I historical building).

on Fung Shui, geotechnical, structural integrity of the heritage and air ventilation aspects. The incumbent North District Council member of N11 Constituency, the remaining one IIR and RR of Tai Tau Leng had no comments on the proposal. The Chairman of Golf Parkview OC did not reply to the consultation.