

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

APPLICATION NO. Y/FSS/14

- Applicant** : HUI Sai Fun, Sole Executor of the Estate of Late Hui Oi Chow, Deceased represented by Ove Arup & Partners Hong Kong Limited
- Plan** : Approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/22
- Application Site** : Sheung Shui Lot 2 RP and adjoining Government land, New Territories
- Site Area** : 31,623m² (about) (including about 1,762.1m² (about 5.6%) of Government land)
- Lease** : Building Lot subject to ‘rate and range’ and ‘non-offensive trades’ clauses
- Zonings** : “Comprehensive Development Area” (“CDA”)
[Max. Plot Ratio (PR): 0.8
Max. Site Coverage (SC): 27%
Max. Building Height (BH): 3 storeys over one-storey carport
Minor Relaxation Clause]
- Proposed Amendment** : Rezoning from “CDA” to “Comprehensive Development Area (1)” (“CDA(1)”) with maximum PR of 3, maximum SC of 27% and maximum BH of 19 to 23 storeys

1. The Proposal

- 1.1 The applicant seeks planning permission to rezone the application site (the Site) (**Plans Z-1 and Z-2**), which falls within an area zoned “CDA” to “CDA(1)”, with a proposed maximum PR of 3, a maximum SC of 27% and a maximum BH of 19 storeys in the west and 23 storeys in the east (excluding basements), to facilitate a residential development with provision of open space and other supporting facilities. No change to the planning intention and User Schedule for the “CDA” zone is proposed. The proposed amendments to the OZP, Notes and Explanatory Statement for “CDA(1)” zone are at **Drawings Z-16a to Z-16e**. The Site is currently fenced off and grown with grass and some trees.
- 1.2 The Site is the subject of a previous s.16 Application No. A/FSS/156 for a residential development with a PR of 0.8838, SC of 24.5% and a BH of 3-4 storeys over 1-storey carport, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 5.12.2003. The latest building plans were approved on 25.7.2018 but construction work has not commenced.

- 1.3 The Site is the subject of a previous s.12A Application No. Y/FSS/12 (Rezoning from “CDA” to “CDA(1)”) with a PR of 3.6, a SC of 27% and a BH of 25 storeys (excluding basements), which was rejected by the Committee on 27.10.2017 mainly on the grounds that the development intensity of the proposed “CDA(1)” zone was considered excessive and not compatible with the surrounding areas; there were no strong justification to substantiate the PR and BH of the proposed “CDA(1)” zone; and approval of rezoning would set an undesirable precedent for similar rezoning applications.
- 1.4 When compared with the previous rejected scheme (Application No. Y/FSS/12), the current application mainly involves reduction in GFA, PR, BH and number of flats. Comparisons of the Master Layout Plan, sections and major development parameters of the indicative development proposal between the previous application and the current application are at **Drawings Z-1, Z-6 to Z-8** and summarised in the following table:

Development Parameters

	Previous Rejected Scheme (Y/FSS/12) (a)	Current Scheme (Y/FSS/14) (b)	Difference (b) - (a)
Site area	About 31,623m ² (including Government Land of about 1,762.1m ²)	About 31,623m ² (including Government Land of about 1,762.1m ²)	No change
Development site area	29,860.9 m ²	29,860.9 m ²	No change
Total gross floor area (GFA)	About 107,499 m ²	About 89,582.7m ²	-17,916.3 m ² (-16.7%)
Maximum plot ratio (PR)	3.6 (Based on the development site area of about 29,860.9m ² (area of private lot), subject to the setting out of the concerned Lot)	3.0 (Based on the same development site area, subject to the setting out of the concerned Lot)	-0.6 (-16.7%)
Site coverage (SC)	Not more than 27%	Not more than 27%	No change
Number of blocks	7	7	No change
Maximum BH			
<i>Number of storeys</i>	25 (excluding two to three basement levels for car park and other supporting facilities)	19 (Blocks 1 & 6) 21 (Blocks 2 & 5) 23 (Blocks 3 & 4) 17 (Block 7) (excluding two to three basement levels for car park and other supporting facilities)	-2 to 8 storyes (with stepped building profile)
<i>mPD (main roof)</i>	106.65 (Block 1-5) 111.15 (Block 6-7)	85.65 (Block 1) 92.65 (Blocks 2 & 5) 99.65(Blocks 3 & 4) 90.15 (Block 6) 83.15 (Block 7)	-7 to 21 m

Number of flats	816	676	-140 (-17.2%)
Average flat size	About 131.7 m ²	About 132.5 m ²	+0.8 (+0.6%)
Estimated number of residents	About 2,285	About 1,893	-392 (-17.2%)
Private open space	Not less than 2,285 m ²	Not less than 1,893 m ²	-392 m ² (-17.2%)

Parking Arrangement

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

Major floor use

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

- 1.5 According to the applicant's submission, the proposed indicative development proposal includes seven residential blocks of 17 to 23 storeys (excluding basement levels), stepping down from the east to the west of the Site, one Grade 1 historic building (i.e. Oi Yuen Villa) with a proposed one-storey extension which will be used as clubhouse, and a grave with landscape buffer from the proposed residential blocks. The proposed GFA is calculated based on a PR of 3 and the development site area which is the private land owned by the applicant. The proposed Master Layout Plan (MLP), floor plans and section plans of the proposed development are at **Drawings Z-1 to Z-11**. The indicative scheme adopt a concentric building design layout with a landscape core at the centre of the Site comprising the conserved historic Oi Yuen Villa and its surrounding landscape setting, a new one-storey extension from Oi Yuen Villa and a new swimming pool. The grave of Oi Yuen Villa's owner would be preserved, fenced off and screened by trees to better integrate with the residential development to minimise disturbance from each other. It is designed to have a separate entrance from the residential development. The tentative completion year of the proposed development is 2022.

Traffic Impact Assessment

- 1.6 The applicant has submitted a Traffic Impact Assessment (TIA), an updated Traffic Statement, revised TIA (**Appendix Ia, Id, Ie, Ig and Ii**). The proposed vehicular access (**Plan Z-2** and **Drawing Z-1**) will be located at Pak Wai Lane at the south-western portion of the Site, with the proposed roundabout connecting to the internal roads/ EVA serving the proposed seven residential blocks. All necessary carparking spaces would be

accommodated at the basement levels, and the loading/unloading (L/UL) spaces would be at the ground level.

- 1.7 To support the proposed development, the applicant has proposed traffic improvement measures such as adjustment on green light signal timing at the junction of Castle Peak Road – Kwu Tung and Fan Kam Road, increasing the approach entry width of Fanling Highway (westbound) and Po Shek Wu Road (southbound), modifying road markings at the junction of Po Shek Wu Road and Choi Yuen Road and pavement widening at the bus stop on Castle Peak Road – Kwu Tung outside the Site (**Drawings Z-12 to Z-15**).

Environmental Assessment

- 1.8 The applicant has submitted an Environmental Assessment (EA) to assess possible environmental impacts to the surrounding areas (**Appendix Ia**):
 - (a) on road traffic noise aspect, the applicant proposes various noise mitigation measures including noise barriers at the northern site boundary, acoustic fins, specially designed acoustic balcony and window, careful building disposition with adequate buffer distance. With all the recommended mitigation measures, the compliance rate of road traffic noise level would be improved to 100% from 57% (from the unmitigated scenario); and
 - (b) on air quality aspect, the proposed scheme will comply with the relevant buffer distances under the Hong Kong Planning Standards and Guidelines (HKPSG) to ensure that the proposed residential development would not be subject to unacceptable vehicular and chimney emission impact.

Other infrastructural aspects

- 1.9 The applicant has submitted a Drainage Impact Assessment (DIA), a Sewerage Impact Assessment (SIA), a Water Supply Impact Assessment (WSIA), and an Air Ventilation Assessment (AVA) (**Appendix Ia and Id**). In summary:
 - (a) on drainage aspect, the applicant has proposed to provide a new dedicated drain along Castel Peak Road – Kwu Tung from the Site to the open nullah to accommodate the expected future flows, and states that there will have no unacceptable adverse drainage impacts.
 - (b) on sewerage aspect, the applicant has proposed to construct an on-site sewage treatment plant at basement levels in short run, and connect the public sewer system to Shek Wu Hui Sewage Treatment Works of which the treatment capacity would be expanded. The applicant states that there will have no unacceptable adverse sewerage impacts;
 - (c) on water supply aspect, with the proposed upgrading of dedicated watermains connection to the Site, the freshwater demands generated by the proposed development could be supplied from the existing Kwu Tung Freshwater Service Reservoir. According to the applicant, the impacts on the main and local water distribution pipes are considered to be acceptable and there will have no unacceptable adverse water supply impacts; and
 - (d) on air ventilation aspect, the assessment has indicated that the local spatial average velocity ratio (LVR) and Site spatial average velocity ratio (SVR) are

the same for the proposed scheme and the baseline scheme (i.e. the approved scheme under s.16 Application No. A/FSS/156 with PR of 0.8, SC of 24.5% and BH of 3-4 storeys) under annual situation and summer situation. The overall performance is comparable.

Landscape

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

Town Gas Safety

- 1.12 In view of the existing high pressure Towngas pipeline and Fanling West Offtake Station (**Plan Z-2**) located in the vicinity of the Site, the applicant has submitted a Quantitative Risk Assessment (QRA) (**Appendix Ia**). According to the applicant, the individual risk associated with the high pressure pipeline remains unchanged as the previous s.12A application (i.e. No. Y/FSS/12) as there is no change in the tower layout, deposition and orientation of the proposed development. Since there is a reduction in population compared to previous application, the societal risk for the proposed development would be reduced and lie within the “Acceptable” region of the relevant guidelines. No specific mitigation measure is thus required.
- 1.13 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 9.1.2018 (**Appendix I**)
 - (b) Supplementary Planning Statement including a LMP and TPP, a TIA, an AVA, a VIA, an EA, a DIA, a WSIA, a SIA and a QRA (**Appendix Ia**)
 - (c) Letter received on 17.1.2018 submitting replacement pages of the Application Form regarding the development proposal (**Appendix Ib**)
 - (d) Letter received on 19.3.2018 requesting for deferment on the consideration of the application (**Appendix Ic**)
 - (e) Further Information (FI) received on 1.6.2018 providing a response-to-comment table and new technical assessment including AVA, TIA and WSIA (**Appendix Id**)
[accepted but not exempted from publication requirement]
 - (f) FI received on 6.6.2018 providing replacement pages for response-to-comment table and traffic statement to rectify the number of proposed parking provision (**Appendix Ie**)

- (g) FI received on 25.7.2018 providing a response-to-comment table and replacements pages for technical clarification on the air ventilation performance and the number of test points in the AVA report **(Appendix If)**
- (h) FI received on 6.8.2018 providing a response-to-comment table for technical clarification to address comments from Transport Department (TD) **(Appendix Ig)**
- (i) Letter received on 8.8.2018 requesting for deferment on the consideration of the application **(Appendix Ih)**
- (j) FI received on 13.9.2018 providing a response-to-comment table and revised TIA with revision on assumption on planned/proposed developments and revised public transport demand assessment **(Appendix Ii)**
[accepted but not exempted from publication requirement]

1.14 At the request of the applicant, the Committee on 6.4.2018 and 17.8.2018 agreed to defer a decision for two months respectively so as to allow more time for the applicant to submit further information to address departmental comments. After the last deferment, further information was received by the Board on 13.9.2018. The application is therefore 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 Section 4 of the Supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

Increasing Housing Supply

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

Response to Changing Planning Circumstances

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

Compatible with the adjacent development

- (c) to address the Committee's concern on previous s.12A application (No. Y/FSS/12), the current development proposal takes into account the mixed development intensity and BH profile of the surrounding areas. A reduced PR of 3 is proposed to enhance compatibility of the development with the adjacent environ. A lowered and stepped BH profile of 19 storeys aboveground in the west and 23 storeys aboveground in the east is

also adopted, offering a gradient decrease of BH towards the low-rise villages in the west for better visual compatibility. The current proposal also reduces the size of internal turnabout for better shaped environ of the Grade 1 historic building Oi Yuen Villa, enhances the landscape value and biodiversity of the area as provided in design concepts of the LMP, incorporates additional viewing point from Long Valley Nature Park for visual impact assessment (**Drawing Z-24**) and re-examines the proposed mitigation measures in the TIA;

Realising and Enhancing the Planning Intention of “CDA” zone

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

Conservation of the existing Historic Buildings

- (e) Oi Yuen Villa is conserved in the proposed development and integrated with the landscape area serving as a key characteristics of the development. It will also be opened to the future residents for enjoyment and recreational use; and

No adverse impacts

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

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

About 92.1% of the Site falls within private land. The applicant is the sole “current land owner” of the private lot within the Site. The remaining portion of the Site (about 7.9% of the Site) is Government Land, and the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable.

4. **Background**

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

5. **Previous Applications**

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

- 5.2 Application No. A/FSS/37 for a residential development with a PR of 1.017 and maximum BH of 3 to 6 storeys and Application No. A/FSS/72 for a residential development with a PR of 1.0 and maximum BH of 4 to 6 storeys were rejected by the Board on 16.7.1993 upon review and by the Committee on 13.12.1996 respectively on the grounds that the proposed PR, SC and BH exceeded the restrictions in the “CDA” zone on the OZP, the proposed increase of PR and BH could not be considered minor, no strong justification to warrant the proposed deviations from the development restriction of the “CDA” zone and that the vehicular access to the Site as well as the TIA were unsatisfactory.
- 5.3 Application No. A/FSS/110 and A/FSS/152 both for a residential development with a PR of 0.87 and BH of 3 to 4 storeys over 1-storey carport were approved with conditions by the Board on 9.4.1999 upon review and by the Committee on 25.4.2003 respectively on the grounds that the proposed low-density and low-rise residential development was considered in line with the planning intention of “CDA” zone, the proposed development only result in a minor relaxation on PR and BH under OZP restrictions and the proposed development would not cause any adverse environmental, traffic and visual impacts on the surrounding areas. The planning permissions had lapsed on 9.4.2004 and 25.4.2007 respectively.
- 5.4 Application No. A/FSS/156 for a residential development with a PR of 0.8838 and a BH of 3-4 storeys over 1-storey carport was approved with conditions by the Committee on 5.12.2003 mainly on the grounds that the proposed low-density and low-rise residential development was considered in line with the planning intention of “CDA” zone, the concerned proposal involved only minor amendments to a scheme (Application No. A/FSS/152) previously approved by the Committee, the approved MLP and the proposed amendments to the approved residential development would not cause any adverse environmental, traffic and visual impacts on the surrounding areas. Building plans were approved on 8.11.2007, 1.3.2011, 19.11.2012, 26.9.2014, 13.9.2016 and 25.7.2018 but construction work has not yet commenced.
- 5.5 Application No. Y/FSS/12 for rezoning the Site from “CDA” to “CDA(1)” with a proposed maximum PR of 3.6, a maximum SC of 27% and a maximum BH of 25 storeys (excluding basements) was rejected by the Committee on 27.10.2017 mainly on the grounds that the development intensity of the proposed “CDA(1)” zone was considered excessive and not compatible with the surrounding areas; there were no strong justification to substantiate the proposed PR and BH; and approval of rezoning would set undesirable precedent for similar rezoning applications.
- 5.6 Details of these previous applications are summarized at **Appendix II** and the locations are shown on **Plans Z-1** and **Z-2**.

6. **Similar Application**

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

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

7.1 The Site:

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

7.2 The surrounding area has the following characteristics:

- (a) to its north is the Fanling Highway, and to its further north is Tsung Pak Long Village. The historic structures of Hak Ka Wai within Tsung Pak Long Village have been designated as Grade 1 historic buildings;
- (b) to its west is a low-rise residential development known as Golf Parkview (with a maximum GFA of 5,504m², a maximum SC of 24% and a maximum BH of 4 storeys over one-storey carpark), and to its further west are some village houses and domestic structures in Kam Tsin Village, Tin Kwong Po and Yin Kong Village in Kwu Tung area;
- (c) to its south is the Castle Peak Road – Kwu Tung and further beyond are the Hong Kong Golf Club and the medium-rise residential developments (with a maximum PR of 3.6 and a maximum BH of 25 storeys) at Lot No. 2640 in D.D. 92 known as Eden Manor currently under construction; and
- (d) to its east are some domestic structures intermixed with some vacant land, and to its further east are covered vehicle repair workshop, parking of container vehicles, logistics goods distribution, Government depots and the Town Gas Fanling West Offtake Station. To the further north-east is Tai Tau Leng Village.

8. Planning Intention

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

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application and the public comments received are summarised as follows:

Land Administration

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

the Site comprises largely Sheung Shui Lot No. 2 RP (the Lot) which is held under a lease dated 27.4.1922. The lease governing the Lot is virtually

unrestricted apart from a “rate and range” clause and an “offensive trades” clause. As the proposed residential development does not conflict with the lease conditions and so if the proposal is approved by the Board, the applicant is not required to seek a lease modification to implement the proposed residential development within the Lot. Therefore, any planning conditions, if imposed by the Committee, cannot be written into the lease through lease modification.

Traffic

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

- (a) as the applicant shall submit an updated TIA, including but not limited to the vehicular access arrangement, traffic impact assessment and improvement measures, parking and loading/unloading provisions and public transport arrangement to the satisfaction of the C for T at the s.16 application stage, he has no objection in-principle to the proposal from traffic viewpoint; and
- (b) the TIA assumed that the proposed traffic improvement measures in North District will be implemented by others. The applicant shall note that these traffic improvement measures are uncertain at this moment and subject to changes during the course of the project development. In case those traffic improvement measures would not be carried out by relevant government department(s) and/or party(ies), the applicant is required to reassess traffic impact and implement appropriate traffic improvement works to the satisfaction of the C for T. All traffic improvement measures required for alleviating the traffic impact of the development shall be implemented prior to the population intake.

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

- (a) he has no comment on the application; and
- (b) he has the following observation:

the Pak Wai Lane (maintained by his office) leading to the Site is substandard in width and without footpath on the eastern side, the applicant may consider to widen the Pak Wai Lane to a standard access road.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

he has no objection to the rezoning application. Should the application be approved, the applicant should fully and satisfactorily address all his comments in **Appendix III** via revised EA and SIA reports to be submitted in support of the MLP. In particular, given the subject site falls within Deep Bay catchment area, the revised EA and SIA reports should assess and address the potential water quality and sewerage impacts and recommend suitable measures to avoid or minimize any impact to the Deep Bay catchment, during both construction and operation stages of the project. Other environmental issues including noise

impact should also be assessed and addressed in the revised EA report.

Drainage

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

he has no further comments regarding the DIA and SIA. If the application is approved, the applicant shall be required to submit detailed drainage and sewerage proposals and implement the proposed works at his own costs. The maintenance matrix for the drainage and sewerage works should be agreed with DSD in detailed design stage.

Water Supply

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

(a) he has no objection to the application and no comment on the WSIA; and

(b) he has the following observation:

existing freshwater mains found within or in the vicinity of the Site may be affected. The applicant shall bear the cost of any necessary diversion works affected by the proposed development and the corresponding connection cost.

Geotechnical

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

(a) he has no comment on the application; and

(b) the applicant is reminded that there is an existing Feature No. 3SW-A/R130 located at the northern boundary of the subject site. The applicant should ensure that the proposed development would not affect the said feature. Upgrading works should be carried out to the said feature, if found necessary.

Urban Design and Visual

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

(a) she has the following comments on the indicative scheme under the subject application from urban design and visual perspective;

(b) the Site is located in an urban fringe setting immediately adjacent to the Fanling Golf Course to the south. Under the respective OZP, development at the site is subject to a maximum PR of 0.8 and maximum BH of 3 storeys over one-storey carport. Existing developments in its vicinity are either 3-storey village houses or of low-rise low-density with maximum BH

of 5 storeys;

- (c) the Site is situated on a knoll of 18.5mPD in height. According to the submission, the proposal comprises seven 17 to 23-storey towers (over 2-storey basements) encircling the existing Grade I historic building, Oi Yuen Villa, to be preserved and used as a clubhouse on top of the knoll. The proposed development, by virtue of its scale, height and building disposition, would be visually prominent in the low-rise neighbourhood and diminish the knoll and the historic building as attributes to the townscape. Although the proposed development parameters are akin to those of the nearby Eden Manor and a stepped BH from maximum 19-storey in the west to 23-storey in the east is provided, the applicant has yet to demonstrate that the same would be compatible with the setting of the site;
- (d) the urban design and feasibility to alleviate visual impact and through building disposition and stepped height profile could be explored during the s.16 planning application stage.

Air Ventilation

9.1.9 Comments of CTP/UD&L, PlanD:

- (a) she has the following comments on the indicative scheme from urban air ventilation perspective;
- (b) an AVA - Initial Study (IS) using computational fluid dynamic modelling was carried out to support the application. Two scenarios, the Baseline Scheme (i.e. the approved scheme under s.16 Application No. A/FSS/156 with low-rise house developments) and the current Proposed Scheme (with maximum building height of 99.65mPD) were studied;
- (c) although the reported Site Velocity Ratio (SVR) and Local Velocity Ratio (LVR) of both scheme are the same under both annual and summer conditions, the simulation results show that the Proposed Scheme would create rather significant adverse impacts on the surrounding area under most simulated winds except southerly wind when compared with the Baseline Scheme. The Proposed Scheme has incorporated wider and more building separations as good air ventilation features compared with the Baseline Scheme, which would mainly benefit the proposed development within the application site. With the presence of noise barriers, the proposed building separations could only facilitate wind penetration within the application site but not reaching its downstream area; and
- (d) should the application be agreed by the Committee, the applicant would be required to submit AVA at the s.16 application for review.

Landscape

9.1.10 Comments of CTP/UD&L, PlanD:

- (a) she has no objection to the application from landscape perspective, but has the following comments on the proposed scheme:

- (b) the Site is located in an area of urban fringe landscape character, comprising of low rise residential buildings at its west, some villages and Fanling Highway at its North, and some tree groups and Hong Kong Golf Club at its south. Grade 1 historic building, Oi Yuen Villa, is within the Site. It is also noted that numbers of high rise residential buildings adjacent to the Site are under construction at this urban fringe area. As such, the proposed development is considered not incompatible with the surrounding environment by virtue of the future planning in this area; and
- (c) having reviewed the LMP (**Appendix Ia**), 2 numbers of protected tree species *Anquilaria sinensis* (土沉香) and 5 numbers of potential Old and Valuable Trees (OVTs) are identified within the Site. These trees are important landscape resources in the Site and they are all proposed to be retained/transplanted as stated in the Planning Statement. In addition, compensatory trees are proposed in the compensatory planting proposal. A 5-10m wide strip of screen planting with trees and shrubs is proposed as buffer area at where abutting Fanling Highway and Castle Peak Road to alleviate the landscape and visual impact arising from the propose development, including the possible noise barrier installation.

Fire Safety

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

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

Electricity Supply and Town Gas Safety

9.1.12 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, organising 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;
- (c) the applicant is 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; and
- (d) he has no further comment to the QRA report from town gas safety point of

view.

Heritage Conservation

9.1.13 Comments of Antiquities and Monuments Office, Commissioner for Heritage's Office, Development Bureau (AMO, CHO, DEVB):

the development proposal at the Site will involve Oi Yuen Villa, a Grade 1 historic building (the "Building"). As the Building will be preserved in situ, subject to the approval condition requesting the applicant to submit a conservation management plan for adaptive reuse of the Building and to propose/implement appropriate mitigation measures for the protection of the Building during the course of works would be included in the subsequent s.16 application, he has no further comment on this s.12A application.

District Officer's Comments

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

- (a) he consulted the locals from 24.1.2018 to 9.2.2018, 22.6.2018 to 6.7.2018 and 8.10.2018 to 19.10.2018. The following objections were received from the locals;
- (b) the Chairman of Sheung Shui District Rural Committee, the incumbent North District Council (NDC) member of N10 and N11 Constituencies, the Indigenous Inhabitant Representatives (IIRs) and the Resident Representative (RR) of Tsung Pak Long, the IIRs and RR of Kam Tsin, one of the two IIRs of Tai Tau Leng, the Chairman of Owners' Committee of Golf Parkview and 89 villagers from Tsung Pak Long raised objections mainly on the following grounds:
 - (i) the existing road network (e.g. Castle Peak Road – Kwu Tung, Pak Wai Lane, Po Shek Wu Road roundabout) has already reached maximum capacity and would be overloaded by additional traffic generated by the proposed development and Eden Manor in the vicinity. The planned provision of about 700 parking spaces in the proposed development would worsen the existing traffic congestion problem.
 - (ii) the proposed development would lead to an increase of population and worsen the existing problem of inadequate public transport services.
 - (iii) piling works during the construction period would induce adverse impacts on the structure of Hakka Wai, Tsung Pak Long which is a group of Grade I historic buildings and *Fung Shui* of nearby villages.
 - (iv) the proposed buildings of 19-23 storeys would create "wall effect" and result in poor air ventilation and shadowing effect to the nearby Golf Parkview.

- (v) a group of matured trees were removed at the Site during the past years that jeopardizes the natural environment. The transplant trees in the proposed development could hardly restore the habitat.
 - (vi) the construction of the proposed development would lead to air, noise and light pollution and worsen the hygienic problem.
 - (vii) the proposed development is incompatible with the surrounding rural environment.
- (c) The remaining one IIR and RR of Tai Tau Leng had no comments on the proposal. Detailed comments are at **Appendix III**.

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

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Director of Food and Environmental Hygiene (DFEH); and
- (e) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

10.1 On 26.1.2018, the application was published for public inspection. The subsequent further information (FIs) submitted by the applicant on 1.6.2018 and 13.9.2018 was also published for public inspection on 15.6.2018 and 28.9.2018. During the statutory publication periods, a total of 418 comments were received. All the public comments received are deposited at the Board's Secretariat for Members' reference.

10.2 Among the 418 public comments, 410 are objecting while 5 indicate no comment/providing information and 3 indicate support. These public comments are submitted by the parties below:

Submission	Support	Object	No comment /provide information	Comments Received
Original Submission	0	266	1	267
FI received on 1.6.2018	1	70	2	73
FI received on 13.9.2018	2	74	2	78
Total	3	410	5	418

- (a) Support:
 - North District Council (NDC) members (1)
 - Individual members of the public (2)
- (b) Object:
 - NDC members (6)
 - Legislative Council (LegCo) member (2)
 - Sheung Shui District Rural Committee (2)

- Tsung Pak Long Village Office (1)
- Ho Sheung Heung Village Office (1)
- Kam Tsin Village Affairs Committee (1)
- Land Justice League (2)
- Individual members of the public (394)

10.3 Among the 410 objecting comments, 252 were submitted in 7 standard letters during the first publication period, 62 were submitted in 5 standard letters during the second publication period and 70 were submitted in 4 standard letters during the third publication period (sample is attached at **Appendix IVa**). The objection comments submitted by a LegCo member, NDC members and typical objecting comments are at **Appendix IVb**. The major views of the public comments are summarized as follows:

Supporting comments
(**Appendix IV**)

- (a) relaxation of maximum PR and BH of the Site could encourage development in the surrounding areas and increase the overall density to meet the pressing need for housing supply;
- (b) support the application on the condition that Castle Peak Road – Kwu Tung should be widened and traffic mitigation measures should be implemented to improve traffic flow at Fan Kam Road and Tai Tau Leng Roundabout;

Objection / adverse comments
(**Appendices IVa and IVb**)

- (c) the existing road network (e.g. Pak Wai Lane, Tai Tau Leng Roundabout, Fanling Highway and Castle Peak Road – Kwu Tung) and public transport (e.g. green public light buses and buses) would be overloaded by the additional traffic generated by the proposed development. The planned provision of about 700 parking spaces would worsen the existing traffic congestion problem in the area. In addition, the current design of the proposed development would seriously jeopardize the safety of pedestrians, cyclists and vehicular traffic;
- (d) the proposed development would lead to an increase in population and visitors which would worsen the existing problem of air, noise and light pollution, inadequate public transport services and community facilities (including health services, educational and recreational facilities) in the area;
- (e) in addition to nearby development projects, the proposed development would create “wall effect” and result in bad air ventilation and shadowing effect on Gold Parkview;
- (f) increased transport flow and piling works during construction period would bring about adverse impacts on the traffic condition, health and safety issues;
- (g) piling works during construction period would affect the structural integrity of Golf Parkview and several nearby Grade 1 historic buildings. The high-rise buildings of the proposed development would affect the *feng shui* of nearby villages and residential development;
- (h) the frequent use of heavy goods vehicles during construction period would destroy

the curbs and road;

- (i) there is a lack of assessment over the historical value of Hak Ka Wai which is against the prevailing monument preservation policy;
- (j) Geotechnical impact assessment is missing;
- (k) some trees were removed before the submission of this application and the “destroy first, develop later” approach should not be encouraged;
- (l) the proposed development involving Government land may result in hampering of public interests;
- (m) the proposed development would generate adverse impact on the market value of Golf Parkview units;
- (n) the proposed development is incompatible with the surrounding rural environment; and
- (o) approval of the application would set an undesirable precedent for similar rezoning applications.

11. Planning Considerations and Assessments

The Proposal

- 11.1 The Site falls within the “CDA” zone on the approved Fanling/Sheung Shui OZP, which is intended for residential use with the provision of open space and other supporting facilities, with a maximum PR of 0.8, a maximum SC of 27% and a maximum BH of 3 storeys over one-storey carport. The application is for rezoning the Site from “CDA” to “CDA(1)”. While no change to the planning intention and User Schedule for the “CDA” zone is proposed, a maximum PR of 3, a maximum SC of 27% and a maximum BH of 19 storeys aboveground in the west and 23 storeys aboveground in the east are proposed for the “CDA(1)” zone. A set of the Notes for the “CDA(1)” zone proposed by the applicant is at **Drawings Z-16a to Z-16e**. According to the indicative development scheme submitted by the applicant, the proposed development includes seven residential blocks of 17-23 storeys (676 flats in total), surrounding a Grade 1 historic building (**Plan Z-2 and Z-4b**) (i.e. Oi Yuen Villa at the central location to be preserved in-situ) together with its proposed new-one-storey extension to be used as clubhouse. The existing grave area in the Site would be fenced off and buffered visually by landscape features (**Drawings Z-1 and Z-9**). The majority of the Site (92.1%) is private land owned by the applicant, and as shown in the indicated scheme submitted, the proposed development falls on the private land portion, and only the private land is included in the development site area for PR calculation.
- 11.2 In rejecting the applicant’s previous s.12A application (No. Y/FSS/12) with a maximum PR of 3.6 and maximum BH of 25 storeys, the Committee considered that the proposed development intensity was excessive and the development was not compatible with the surrounding areas. In order to address the concerns, the applicant has reduced the proposed maximum PR from 3.6 to 3 and maximum BH from 25 to 19-23 storeys in the current application.

Land Use Compatibility and Development Intensity

- 11.3 The subject “CDA” zone is intended for comprehensive development/ redevelopment of the area for residential use with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. The application involves relaxation of the maximum PR (from 0.8 to 3 (275%)) and maximum BH from 3 storeys to 19-23 storeys (533% to 667%), which are considered substantial. To support such level of increase in development intensity, the applicant has to demonstrate that the proposed development is compatible with developments in the surrounding areas and sustainable in urban design and various technical aspects.
- 11.4 The Site is located in the fringe area of Sheung Shui Town with a medium-rise residential development, known as Eden Manor, with a PR of 3.6 and BH of 25 storeys currently under construction to its east (**Plans Z-1 and Z-3**). To its north and northeast are mainly village type developments and low-rise residential development/structures including Tsung Pak Long Village and Tai Tau Leng Village both under the “Village Type Development” (“V”) zone. Golf Parkview (with a maximum PR of about 0.885, SC of 24% and BH of 4 storeys over one-storey carpark) is located to its immediate west under “Residential (Group C)3” (“R(C)3”) zone. The Fanling Golf Club is located to its south. In view of the surrounding setting, the development parameters of the proposed development at a PR of 3 and BH of 19-23 storeys (excluding basements) are considered not entirely incompatible with the surrounding environment in the urban fringe of Fanling/Sheung Shui New Town.

Visual and Landscape

- 11.5 CTP/UD&L, PlanD considers that the proposed development, by virtue of its scale, height and building disposition, would be visually prominent in the low-rise neighbourhood and diminish the knoll and the historic building as attributes to the townscape. Although the proposed development parameters are akin to those of the nearby Eden Manor, the applicant has yet to demonstrate that the same would be compatible with the setting of the Site. The applicant is required to further address urban design and visual concerns through detailed design during the s.16 planning application stage.
- 11.6 CTP/UD&L, PlanD considers that the proposed development is not incompatible with the surrounding environment, and has no objection from landscape perspective.

Traffic Impact

- 11.7 C for T has no objection to the rezoning application from traffic point of view. The applicant shall submit an updated TIA, including but not limited to the vehicular access arrangement, traffic impact assessment and improvement measures, parking and loading/unloading provisions and public transport arrangement to the satisfaction of the Commissioner of Transport at the s.16 application stage.

Air Ventilation Impact

- 11.8 According to simulation results of the AVA conducted by the applicant, while the SVR and LVR of both baseline and proposed scheme are the same under both annual and summer conditions, the proposed scheme would create significant adverse impacts on

the surrounding areas under most of the simulation winds (except southerly wind). The applicant is required to further address air ventilation concerns through detailed design during the s.16 planning application stage.

Other Technical Aspects

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

Local Views and Public Comments

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

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 and conveyed by DO(N), the Planning Department has no objection to the proposed rezoning of the Site from "CDA" to "CDA(1)" with the proposed development restrictions, to facilitate a residential development with provision of open space and other supporting facilities.
- 12.2 Should the Committee decide to agree/partially agree to the subject application for rezoning the Site to "CDA(1)" zone for the proposed development, PlanD would work out the zoning boundaries, as well as the development parameters and restrictions to be set out in the Notes for Committee's agreement prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the OZP for amendment by the Chief Executive in Council.
- 12.3 Alternatively, should the Committee decide not to agree to the subject application, the following reason is suggested for Members' consideration:

the development intensity of the proposed "CDA(1)" zoning 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.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 13.2 Should the Committee decide not to agree to the application, Members are invited to advise what reasons for the decision should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 9.1.2018
Appendix Ia	Supplementary Planning Statement including a LMP and TPP, a TIA, an AVA, a VIA, an EA, a DIA, a WSIA, a SIA and a QRA received 9.1.2018
Appendix Ib	Letter received on 17.1.2018 submitting replacement pages of the Application Form regarding the development proposal
Appendix Ic	Letter received on 19.3.2018 requesting for deferment on the consideration of the application
Appendix Id	FI received on 1.6.2018 providing a response-to-comment table and new technical assessment including AVA, TIA and WSIA
Appendix Ie	FI received on 6.6.2018 providing replacement pages for response-to-comment table and traffic statement to rectify the number of proposed parking provision
Appendix If	FI received on 25.7.2018 providing a response-to-comment table and replacements pages for technical clarification on the air ventilation performance and the number of test points in the AVA report
Appendix Ig	FI received on 6.8.2018 providing a response-to-comment table for technical clarification to address comments from TD
Appendix Ih	Letter received on 8.8.2018 requesting for deferment on the consideration of the application
Appendix Ii	FI received on 13.9.2018 providing a response-to-comment table and revised TIA with revision on assumption on planned/proposed developments and revised public transport demand assessment
Appendix II	Previous Applications
Appendix III	Detailed Departmental Comments
Appendix IV	Samples of Supporting Public Comments
Appendix IVa	Samples of Standard Objecting Public Comments
Appendix IVb	Samples of Non-standard Objecting Public Comments
Drawings Z-1 to Z-5	Proposed Master Layout Plan and Floor Plans

Drawings Z-6 to Z-8	Proposed Sections
Drawings Z-9 to Z-11	Proposed Landscape Master Plan and Tree Preservation Proposal
Drawings Z-12 to Z-15	Proposed Traffic Improvement Measures
Drawings Z-16a to Z-16e	Proposed Amendments to the OZP, Notes and Explanatory Statement of the "CDA(1)" zone
Drawings Z-17 to Z-24	Viewing points for the Visual Impact Assessment
Plan Z-1	Location Plan
Plans Z-2	Site Plan
Plan Z-3	Aerial Photo
Plan Z-4a to Z-4c	Site Photos
Plan Z-5	Building Height of adjacent developments

**PLANNING DEPARTMENT
DECEMBER 2018**