

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

APPLICATION NO. Y/NE-LYT/13

<u>Applicant</u>	Yield-The-Best Limited represented by RHL Surveyors Limited
<u>Plan</u>	Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/17
<u>Site</u>	Lots 2835 RP, 2836 RP (Part), 2837, 2838, 2840, 2843 S.A, 2843 RP, 2846, 2847, 2848 S.A RP, 2848 RP, 2855 RP, 2857 RP, 2858, 2859 RP in D.D. 51 and Adjoining Government Land, Fanling, New Territories
<u>Site Area</u>	About 26,500 m ² (including about 8,300 m ² of Government land)
<u>Lease</u>	(i) Block Government Lease (demised for agricultural use) (18,200 m ² or 68.7% of the Site) (ii) Government land (about 8,300 m ² or 31.3% of the Site)
<u>Zoning</u>	“Recreation” (“REC”), restricted to: <ul style="list-style-type: none">- a maximum plot ratio (PR) of 0.2; and- a maximum building height (BH) of 2 storeys (6m)
<u>Proposed Amendment</u>	Rezone from “REC” to “Other Specified Uses” (“OU”) annotated “Residential Development cum Recreation and Fanling Bypass (FLBP)”, restricted to : <ul style="list-style-type: none">- a maximum PR of 6.2; and- a maximum BH of 140 mPD

1. The Proposal

- 1.1 The applicant seeks planning permission to rezone the application site (the Site) (**Plan Z-1**) from “REC” to “OU (Residential Development cum Recreation and Fanling Bypass)” on the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/17 to provide over 2,000 private residential units and “Starter Homes” for Hong Kong residents and public recreational facilities. The “OU (Residential Development cum Recreation and Fanling Bypass)” proposed by the applicant would be subject to a maximum PR of 6.2 and a maximum BH of 140 mPD.

- 1.2 According to the **indicative development scheme** submitted by the applicant (**Drawings Z1 to Z5**), the proposed development comprises six 39-storey residential blocks, including one block reserved for “Starter Homes” for Hong Kong residents. Recreational facilities and a village office are located on ground floor. Besides, there are four Community Museums and a number of shop and services on ground floor at 15.4 mPD underneath the proposed Fanling Bypass (FLBP). Roof garden and children playgrounds are provided on a podium deck at 33.4 mPD over the FLBP. The Skygarden on the 4/F of the residential blocks can be connected to the roof garden via the staircases.
- 1.3 The major development parameters of the **indicative development scheme** are summarised as follows:

Site Area	About 26,500 m ² (including Government land of about 8,300 m ²)	
Total Floor Area	164,300 m ²	
Site Coverage	About 26%	
Total Plot Ratio	6.2	
	Domestic	Non-domestic
Maximum Plot Ratio	5.95	0.05 for shop and services 0.2 for community facilities
Total Floor Area	157,675 m ²	1,325 m ² for shop and services 5,300 m ² for community facilities (including 4,986 m ² for Community Museums and 314 m ² for Village Office)
No. of Block	6 residential towers (including 1 for “Starter Homes”)	5 (including 4 for Community Museums and 1 for Village Office)
Building Height	No more than 125 m (140 mPD)	Community Museum – 6m Village Office – 4m
No. of storeys	39	1
No. of Unit/House	2,232	-
Average Unit Size	Approx. 70.6 m ²	
Population	5,314	-
Open Space	Private: 3,400 m ² Public: 2,401.74 m ²	
Parking Provision		
Private Car	420	
Motorcycle	23	
Loading/unloading	6	

- 1.4 The applicant also proposed a set of Notes for the proposed “OU” zone with ‘Place of Recreation, Sports or Culture’ and the FLBP put under Column 1 as always permitted uses and ‘Flat’ put under Column 2 use as a use requiring planning permission from the Town Planning Board (the Board) (**Appendix II**). The proposed Notes also proposed different sub-areas within the “OU” zone. According to the applicant, in calculating the maximum PR of 6.2, the area of sub-area (b), which is about 4,084 m², shall be included in site area for plot ratio calculation.
- 1.5 There is no impact assessment in the submission to support the rezoning application. According to the applicant, there will not be any adverse traffic impact. The proposed development, with proper design and layout, will not result in adverse air ventilation and visual impacts. The proposed development can phase out brownfield operations and bring environment improvements to the surrounding area. Since flat and other land uses with commercial value are all proposed as Column 2 uses requiring planning permission from the Board, technical assessments would be submitted to the Board at the planning application stage.
- 1.6 The broad land ownership pattern is shown on **Plan Z-2b**. About 4,630 m² (about 17.5%) of land is owned by the applicant, which is situated to the south of the local road within the Site, whereas about 13,570 m² (about 51.2%) of the Site is owned by other parties. For the remaining 8,300 m² (about 31.3%) of the Site, it is on Government land mainly located to the western portion of the Site adjoining the Ma Wat River.
- 1.7 Part of the Site is the subject of a previous rezoning application No. Z/NE-LYT/2 for rezoning from “REC” to “Residential (Group B)1” submitted by different applicant. The application was rejected by the Committee on 2.6.2000. Details of the previous application is summarised at paragraph 5 below.
- 1.8 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on 5.6.2018 (**Appendix I**)
 - (b) Supplementary Planning statement received on 5.6.2018 (**Appendix Ia**)
 - (c) Supplementary Information received on 19.6.2018 (**Appendix Ib**)
 - (d) Supplementary Information received on 20.6.2018 (**Appendix Ic**)
 - (e) Supplementary Information received on 21.6.2018 (**Appendix Id**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in section 1 of the Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) the proposed rezoning can better utilise the brownfield sites to meet the scarcity of housing and recreational facilities. It is expected that more than 2,000 private residential units would be sold in 4 to 5 years’ time. The size of the Site and proposed layout are suitable for the construction of “Starter Homes” for Hong Kong residents;

- (b) the proposed layout can minimise noise and air pollution and adverse landscape impacts generated by the FLBP through pipelines design and to provide housing and recreational facilities on both sides of the FLBP. The construction of the proposed development associated with FLBP is similar to the Discovery Park development in Tsuen Wan where Cheung Pei Shan Road, the section of Route No. 9 linking Chai Wan Kok and Shek Wai Kok passes through the Discovery Park development;
- (c) the proposed rezoning can improve living environment by minimising the adverse environmental impacts brought by FLBP, operations in brownfield sites and traffic of container vehicles along with the provision of recreational and community facilities;
- (d) the Site is about 1,000 m from the Fanling MTR Station and in close proximity to Fanling. A range of public facilities could be reached within walking distance. The proposed rezoning can also take advantage from the construction of the FLBP by harnessing the improved transport network;
- (e) the proposed rezoning is an example of better land utilisation through minimising the needs to exploiting fringe area of country parks or reclamation and encouraging multiple land owners to develop their fragmented land around the FLBP together. The Government could collect land premium instead of paying compensation for land resumption; and
- (f) the applicant has also suggested different mechanisms on land resumption so that the applicant's proposal can be taken forward without jeopardising the implementation of FLBP.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is one of the "current land owners" and has complied with the requirements as set out in the Town Planning Board Guideline on the on 'Satisfying the "Owner's Consent/ Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance' (TPB PG-No. 31A) by obtaining consents from the other seven "current land owners". For the Government land within the Site, the TPB PG-No. 31A is not applicable to the application. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

Zoning History

- 4.1 According to our record, the Site was designated as "Unspecified Use" area on the Lung Yeuk Tau and Kwan Tei Development Permission Area (DPA) Plan No. DPA/NE-LYT/1 gazetted on 12.7.1991. Before the publication of the first statutory plan in July 1991, part of the Site had been occupied by some open storage and car park uses and such uses, which are considered as "existing use", are tolerated under the Town Planning Ordinance. Nonetheless, due to its

proximity to the Tong Hang Village and its tranquil environment, recreational uses like holiday camp with sporting facilities are encouraged but such development should be restricted to low-density so as not to overload the infrastructure of the area and cause nuisance to the villagers.

- 4.2 On 1.7.1994, the Site was zoned to “REC” on the first draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/1. At that time, part of the Site still occupied by similar open storage and car park uses observed in 1991. The planning intention of “REC” zone is to designate areas for developments restricted to recreational uses. It encourages the development of active recreation and tourism. Since then, the “REC” zoning of the Site has remained unchanged and no planning application has been received for recreation/related uses within the subject “REC” zone.

Fanling Bypass (FLBP)

- 4.3 Part of the Site encroaches upon the alignment of the proposed FLBP which is part of the “Advance Site Formation and Engineering Infrastructure Works at Kwu Tung North (KTN) New Development Area (NDA) and Fanling North (FLN) NDA (Road Works)”. The Proposed FLBP was gazetted in December 2015 (with subsequent amendment gazetted in November 2016) under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) (**Plan Z-2a**). It is a regional highway linking Fanling North and Fanling Highway to improve the existing traffic condition and alleviate the anticipated traffic congestion in Fanling and Sheung Shui districts.
- 4.4 CEDD advises that upon authorisation of the proposed road works and agreement of the land resumption of the private land required for the works by Executive Council, and approval on the funding for the public works by Legislative Council, LandsD would commence the resumption of the private land in phases from the latter half of 2019 in an attempt to commence the construction of FLBP by end of 2019 to facilitate first population intake in the NDAs in 2023/24.

5. Previous Application

- 5.1 Part of the Site is the subject of a previous application No. Z/NE-LYT/2 for rezoning from “REC” to “Residential (Group B)1” (“R(B)1”) submitted by different applicant. The application was rejected by the Committee on 2.6.2000 mainly on the considerations that the proposed residential development with a plot ratio of 3.0 is incompatible with the surrounding rural settings; insufficient information has been provided in the submission to demonstrate that the proposed residential development would not have adverse impact on the proposed FLBP; and the approval of the application would set an undesirable precedent for similar applications.
- 5.2 Details of the application are shown on **Appendix III** and its location is shown on **Plan Z-1**. A comparison table on the key development parameters between the previous application and the current scheme is as follows:

Application No.	Z/NE-LYT/2 (rejected by the Committee on 2.6.2000)	Y/NE-LYT/13 (current rezoning application)
Proposed Amendment	“REC” to “R(B)1” with a PR of 3.0	“REC” to “OU(Residential Development cum Recreation and Fanling Bypass” with a PR of 6.2 and maximum building height of 140 mPD
Site Area	About 20,211 m ² (including Government land of about 4,439 m ²)	About 26,500 m ² (including Government land of about 8,300 m ²)
Site Coverage	About 20% (domestic)	About 26%
Total Plot Ratio	3.0	6.2
Domestic Plot Ratio	3.0	5.95
Non-domestic Plot Ratio	-	0.25
Domestic Gross Floor Area	60,633 m ²	157,675 m ²
No. of Block	5 residential towers and 1 town house crescent	6 residential towers (including 1 for “Starter Homes”); 5 (including 4 for Community Museums and 1 for Village Office)
No. of storeys/ Building Height	20 storeys over 3 levels of podium (tower type) 2, 4 and 10 storeys (town house crescent)	39 storeys No more than 125 m (140 mPD); Community Museum –6m Village Office – 4m
No. of Unit/House	841	2,232
Population	2,135	5,314
Parking Provision		
Private Car Parking Spaces	631	420
Motorcycle Parking Spaces	32	23
Loading/unloading Spaces	3	6

6. Similar Application

There is no similar application for amendment to the OZP covering the “REC” zone in the vicinity of the Site in the Lung Yeuk Tau and Kwan Tei South area.

7. The Site and Its Surrounding Areas (Plans Z-1 to Z-4)

7.1 The Site is:

- (a) flat, paved and partly fenced off (**Plans Z-1 and Z-2**);
- (b) the northern part of the Site is currently used for parking of vehicles whereas the southern part of the Site is used as testing laboratory and goods distribution centre and storage (**Plans Z-3 and Z-4**); and
- (c) is accessible by a local road connecting to Jockey Club Road.

7.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character with village houses of Tong Hang, temporary domestic structures, tree clusters and fallow agricultural land to its immediate east and southeast;
- (b) to the immediate southeast are some village development within “V” zone of Tong Hang;
- (c) to the immediate south are open storage and parking of vehicles;
- (d) to the immediate west is Ma Wat River running from west to north and to the further west across Ma Wat River are industrial buildings and factories in Fanling; and
- (e) to the further east and west are Pat Sin Leng Country park and Fanling/Sheung Shui New Town respectively.

8. Planning Intention

The planning intention of the “REC” zone in the Lung Yeuk Tau and Kwan Tei South area is primarily for the improvement of the environmental quality of the designated areas by offering incentives for low-density recreational development in the zone. It encourages the development of active and/or passive recreation and tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) the Site comprises 15 private lots and a large piece of Government land and all the private lots concerned are held under Block Government Lease as demised for agricultural use;
- (b) a large portion of the Site falls within the resumption limit for the construction of FLBP Eastern Section under PWP Item No. 7747CL “Advance Site Formation and Engineering Infrastructure Works at KTN and FLN NDAs (Road Works)” (G.N. 6487);
- (c) noting that half of the Site falls within the Village Environ Boundary (VEB) for Tong Hang, it is advised that the land within VEB of a recognised village should be reserved for development of Small Houses by indigenous villagers under the current Small House Policy; and
- (d) the rezoning proposal is considered not acceptable having noted that about 31.3% of the Site is Government land and a large portion of the private lots involved in the Site are going to be resumed for the construction of the FLBP. The Government land involved and/or to be involved (i.e. those private lots to be resumed) are capable for separate alienation or development, and thus land exchange application involving such vast area of Government land will not be considered.

Traffic

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

- (a) the application involves a large residential development in the Site at Tong Hang and will affect the proposed FLBP of the Civil Engineering and Development Department (CEDD). A comprehensive traffic impact assessment should be carried out covering the road network at Fanling area to assess the associated impacts on traffic and public transport and to recommend necessary mitigation measures, traffic management plans etc. to be implemented; and
- (b) without such information, he cannot render support to the application.

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

- (a) as the Site encroaches upon the project limit of “Development of KTN and FLN NDAs” and the proposed development will be in conflict with the proposed FLBP, interface issues are important matters to sort out with CEDD; and
- (b) the applicant should clarify the land and maintenance issues relating to the section of future FLBP falling in the Site.

Project Interface

9.1.4 Comments of the Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), NDO, CEDD):

- (a) it is noted that the proposed rezoning area encroaches upon the alignment of the proposed FLBP (**Plan Z-2a**) under the KTN and FLN NDAs which would be implemented under a very tight implementation programme. The Government has completed the statutory planning procedures for the respective OZPs. The statutory OZPs for the KTN and FLN NDAs were approved by Chief Executive on 16 June 2015. The plans and schemes of the proposed roadworks and sewerage works under PWP Item Nos. 7747CLand 7759CL respectively were gazetted in December 2015. The amendments to the proposed roadworks and sewerage works were also gazetted in November 2016. Upon the authorisation of the roadworks and sewerage works and agreement of the land resumption of private land required for the works by Executive Council, and the approval on the funding for the public works by Legislative Council, Lands Department will commence the resumption of private land in phases from the latter half of 2019 in an attempt to commence the construction of FLBP by end of 2019 to facilitate the first population intake in the NDAs in 2023/24; and
- (b) as the proposed re-zoning is not accompanied by analysis showing that it will not adversely affect the implementation of the FLBP, his office objects to the application.

Environment

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

- (a) he does not support the application since there is no technical assessment to demonstrate that no adverse environmental and sewerage impact arises from the proposal. The applicant should provide an Environmental Assessment and a Sewerage Impact Assessment to assess and address the potential impacts of the rezoning application (including air quality, noise and water pollution/ sewerage); and
- (b) the applicant should be advised that if the proposed development cannot be connected to public sewerage network by the time a flat is occupied, it may constitute a Designated Project under Environmental Impact Assessment Ordinance (EIAO) Schedule 2 Part 1 Item P.2, in which case the proposed development would be subject to statutory control of the EIAO, including the need to obtain an Environmental Permit before start of construction.

Landscape and Visual Impacts

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

Urban Design

- (a) the Site is located in the outskirts of village developments at Tong Hang which comprises 1–3 storeyed structures. Its further east is vegetated land and undulating hills in “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones, which form a buffer zone between Fanling Town Centre and the Pat Sin Leng Country Park. The Site is a relatively flat land and currently occupied for open storage and related uses with vehicular access running from east to west across the lower part of the Site. Ma Wat River is along its western boundary which separates the Fanling residential and industrial developments to the further west and the Site and the rural setting to the east. In terms of spatial arrangement for the rural setting in the area, “REC” zone is more desirable from urban design perspective than that proposed zone conducive to residential development with domestic PR of 5.95. Such high-rise residential development would significantly alter the rural landscape at the outskirts of the Fanling New Town. The proposed scheme reaching a maximum building height of 39 storeys (equivalent to 140 mPD) is not considered compatible with the local rural context;

Visual

- (b) the applicant has claimed that the development proposal would not cause adverse landscape and visual impacts. However, the Planning Statement only briefly mentioned that the development proposal would improve both air and light ventilation as well as visual aspect through good building layout and design. The applicant has not provided any information to demonstrate the visual impact of the proposal and hence potential visual impact cannot be ascertained at this stage. As the proposal will amount to pronounced increase in development scale and intensity, the proposed rezoning will cause visual changes from key public viewing points and may result in loss of visual openness around the area. The applicant should prepare a Visual Impact Assessment (VIA) according to the ‘Town Planning Board Guidelines on Submission of VIA for Planning Applications to the Town Planning Board’ (TPB PG-No. 41);

Air Ventilation

- (c) considering the development scale of the proposal and site circumstances, there may be potential air ventilation issues induced by the proposed development on the surrounding pedestrian wind environment. However, there is no information to demonstrate the acceptability of the proposed development

from air ventilation viewpoint;

Landscape

- (d) she has reservation on the rezoning application from the landscape planning perspective;
- (e) according to the latest aerial photo of 2018, some vegetation (including trees) are observed mostly on Government land at the western part within the Site facing Ma Wat River (**Plan Z-3**). Based on the layout plan submitted by the applicant, it appears that majority of the existing trees serving as a landscape buffer of Ma Wat River will be felled. It may cause adverse landscape impact on the surrounding. Yet, there is no existing tree information submitted for assessment of the potential impact on the existing trees arising from the rezoning application. There is no strong justification to include the whole stretch of Government land into the application; and
- (f) her detailed comments on the podium plan and Landscape Proposal submitted by the applicant are appended in **Appendix IV**.

Drainage

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

- (a) the Site is in an area where no public sewerage connection is available; and
- (b) as the Site is adjacent to Ma Wat River and its area is quite large, the applicant is required to submit a drainage impact assessment (DIA) to justify the application.

Building Matters

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

- (a) he has no comments on the application; and
- (b) his other comments are detailed at **Appendix IV**.

Nature Conservation

9.1.9 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) she has reservation on the application from nature conservation point of view;

- (b) majority of the Site is a vehicle park / open storage, while the Government land at the western part of the Site is an open area covered with vegetation with a number of large and mature trees (*Ficus microcarpa* 榕樹) located at the western edge;
- (c) the proposed development would be in direct conflict with the large and mature trees, although it was claimed in the applicant's submission that the development proposal does not involve felling of trees and/or cause damage to branches and roots of trees. The applicant fails to identify and address the potential impact on the trees in question; and
- (d) the Site is located adjacent to the Ma Wat River and a number of the proposed residential buildings are very close to the River. There is no information on whether the proposed development would cause any adverse impact to the river nearby.

Fire Safety

9.1.10 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 (FSIs) and water supplies for firefighting being provided to the satisfaction of his department; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.

Water Supply

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

- (a) the applicant is required to submit Water Supply Impact Assessment (WSIA) which should contain (1) detailed demand assessment for potable water and flushing water; (2) an estimated annual water demand build-up trend covering the period from initial completion to full development; (3) proposal of connection points to the existing water main network and new mains to be laid from the connection points to the development. The preliminary feasibility of the alignment of any new water mains should be established; (4) assessment of the impacts of the additional water demand generated by the proposed development on the existing/planned waterworks infrastructure; and (5) proposed measures to improve the water supply system in case it is found that the proposed development will lead to deficiency in the existing/planned waterworks infrastructure. The applicant is

required to provide detailed calculations and hydraulic assessment if appropriate to support the WSIA; and

- (b) existing water mains inside the Site may be affected (**Plan Z-2a**). The applicant is required to either divert or protect the water mains found on site as detailed in **Appendix IV**.

Electricity Supply and Safety

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

Town Gas safety

- (a) there is a high pressure underground town gas transmission pipeline (running across Fanling Highway) as well as the Fanling East Offtake Station in the vicinity of the Site (**Plan Z-1**). It is anticipated that the proposed development will result in a significant increase in population in the vicinity of the above gas installations. A risk assessment would be required from the applicant to assess the potential risks associated with the gas installations;
- (b) there is a LPG filling station located at Jockey Club Road (**Plan Z-1**). As such, for any development that introduces a substantial increase of nearby population to the aforesaid filling station, the original Quantitative Risk Assessment (QRA) study would no longer be valid. As such, it is required to conduct another QRA study taking into account the proposed development to substantiate that the Government risk guidelines can still be met;

Electricity safety

- (c) he has no particular comment on the application from electricity supply safety aspect; and
- (d) his other detailed comments on town gas and electricity safety are appended in **Appendix IV**.

Geotechnical

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

the development may affect or be affected by the registered man-made features No. 3SW-A/C241 (**Plan Z-2a**). The Site meets the criterion 1(ii) in the GEO Advice Notes for Planning Applications under Town Planning Ordinance (CAP.131) and the applicant should submit a Geotechnical Planning Review Report in support of the application.

Leisure

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

- (a) She has no specific comment on the application from operation viewpoint; and
- (b) no recreation facilities or roadside amenity and proposed District Minor Works (DMW) projects are observed at the subject area.

Public Hygiene

9.1.15 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) he has no comments on the application; and
- (b) his other comments are detailed at **Appendix IV**.

District Officer's Comments

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

he has consulted the locals and collected the following views:

- (a) the Resident Representative (RR) of Tong Hang (Lower) and the incumbent NDC member of Queen's Hill constituency object to the application on the grounds that the tranquil environment would be affected, the traffic conditions would be worsened, the commissioning of the proposed FLBP would be delayed and the structural safety of the FLBP would be affected;
- (b) the Chairman of Fanling District Rural Committee (FDRC), the incumbent NDC member of Fanling Town constituency, the Chairman of N.T. North District Manufacturers Association of Hong Kong Ltd. have no comments on the application. The Chairman of FDRC comments that the application would adversely affect the villagers of Tong Hang in terms of traffic, air and environment aspects. The Government should give due consideration when implementing large infrastructural projects and provide a better living environment for Tong Hang villagers;
- (c) the RR of Tong Hang (Upper) maintains a neutral stance and would not comment on the application; and
- (d) 28 written objections are also received from the residents of Tong Hang expressing grave concerns over the development scale and intensity of the proposed residential development and the increase

in traffic flow brought to the village road at Tong Hang.

9.2 The following Government departments have no comment on / no objection to the application:

- (a) Commissioner of Police (C of P); and
- (b) Executive Secretary of Antiquities and Monuments Office, Leisure and Cultural Services Department (ES(AMO), LCSD).

10. Public Comments Received During Statutory Publication Period

10.1 On 22.6.2018, the application was published for public inspection. During the statutory public inspection period, a total of 44 public comments were received (**Appendix V**), in which 5 support, 34 object, 3 expressing concerns and 2 indicating no comment to the application.

10.2 The 5 supporting comments are submitted by 4 Tong Hang villagers and 1 individual. The main supporting reasons are summarised as follows:

- (a) air, noise and visual impacts can be reduced by the proposed deck above the FLBP;
- (b) the proposed development can facilitate better utilisation of brownfield sites by encouraging comprehensive development in the area and provide more recreational facilities for residents; and
- (c) the proposed development, as a ‘Starter Homes’ scheme, can address the home ownership issue in Hong Kong.

10.3 The 34 objecting comments were mainly from a NDC member, local residents, three submissions from Tong Hang villagers (in which two of them attaching a number of signatures) and 29 villagers/individuals. Their views are summarised as follows:

- (a) the proposed development is not in line with the planning intention of the “REC” zone;
- (b) the proposed development is incompatible with the surrounding areas;
- (c) there would be adverse environmental, ecological and traffic impacts generated from the proposed development;
- (d) the proposed development will create ‘wall building’ effect and affect the air ventilation in the locality;
- (e) construction works will generate noise pollution and affect the tranquil living environment;

- (f) additional burden will be added to the existing drainage and sewerage systems and overload their capacities;
- (g) piecemeal development will destroy the village culture and landscape character of Tong Hang;
- (h) approval of the development would set an undesirable precedent for other similar cases in future;
- (i) the proposed development is not a real solution to address the housing needs; and
- (j) there is no technical assessment and no sufficient information submitted by the applicant to demonstrate that the proposed development would not generate adverse impacts to the surrounding areas or even to the FLBP.

10.4 The three comments expressing concerns are submitted by MTR Corporation Limited, a Tong Hang villager and an individual. MTR expresses that the proposed development might be suffered from potential noise impact from train operations and recommends Environment Assessment Study including a Railway Noise Impact Assessment as well as implement adequate noise mitigation measures. The Tong Hang villager raises concerns over the lack of publicity of the rezoning application and requests for an extension of publication period. An individual is concerned that the rezoning proposal would affect the Tong Hang villagers and surrounding ecological environment.

10.5 The two submissions indicating no comment are submitted by the Chairmen of Sheung Shui District Rural Committee and Fanling Rural District Committee. The latter provides supplementary views via another submission to DO(N) of HAD which are summarised in para 9.1.16 (b) above.

11. Planning Considerations and Assessments

The Site and Proposal

11.1 The Site, falling entirely within an area zoned “REC”, is located to the southeast of Fanling/ Sheung Shui New Town separated by Ma Wat River and to the west of Tong Hang Village (**Plan Z-1**). The applicant proposes to rezone the Site from “REC” to “OU(Residential Development cum Recreation and Fanling Bypass)” to facilitate a residential and recreational development with four community museums, shop and services and one village office. According to the indicative development scheme submitted by the applicant, the proposed development comprises six 39-storey residential blocks, including one block reserved for “Starter Homes” for Hong Kong residents. Recreational facilities and a village office are located on ground floor. Besides, there are four Community Museums and a number of shop and services uses on the ground floor at 15.4 mPD underneath the proposed FLBP. Roof garden and children playgrounds are provided on a podium deck at 33.4 mPD over the proposed FLBP. The Skygarden on the 4/F of the residential

blocks can be connected to the roof garden via the staircases. The development on the Site would be subject to a maximum PR of 6.2 with domestic PR of 5.95 and non-domestic PR of 0.25 and BH restriction of 140 mPD.

Land Use Compatibility and Development Intensity

11.2 The Site, currently mainly occupied by open storage, car parking and logistic uses, is located in the vicinity of the village development of Tong Hang and vegetated land to its southeast, Ma Wat River to its west and On Lok Tsuen to its further northwest (**Plans Z-2a and Z-3**). Residential use is considered not entirely incompatible with the adjoining village type development. Yet, the surrounding area is mainly rural in character. The undulating hills in “AGR” and “GB” zones to the east of the Site form a buffer zone between Fanling Town Centre and the Pat Sin Leng Country Park. The existing trees mainly within the “GB” to the north-east of the Site serve as a landscape buffer. From urban design perspective, CTP/UD&L of PlanD considers that current “REC” zone is more desirable than the proposed “OU” zone for a development with a maximum PR of 6.2 and a maximum BH of 140 mPD. Without submitting technical assessment to support the application, the applicant fails to demonstrate that the proposed development scale and intensity is technically feasible and would not result in adverse traffic, environmental, visual, air ventilation and landscape impacts on the surrounding areas.

Interface with Proposed Fanling Bypass

11.3 The Site encroaches upon the alignment of the proposed FLBP and its project limit/ land resumption area (**Plan Z-2a**). The FLBP is a regional highway linking Fanling North and Fanling Highway to improve the existing traffic condition and alleviate the anticipated traffic congestion when the proposed KTN and FLN NDAs are in place. The Proposed FLBP was gazetted in December 2015 (with subsequent amendment gazetted in November 2016) under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) (**Plan Z-2a**). CEDD advises that upon authorisation of the proposed road works and agreement of the land resumption of the private land required for the works by Executive Council, and approval on the funding for the public works by Legislative Council, LandsD would commence the resumption of the private land in phases from the latter half of 2019 in an attempt to commence the construction of FLBP by end of 2019 to facilitate first population intake in the NDAs in 2023/24.

11.4 The applicant fails to demonstrate that the proposed development would not interfere with the implementation of the FLBP project. Since the FLBP is under a very tight implementation programme in an attempt to commence in late 2019, PM(N), NDO of CEDD objects to the application from project interface perspective. C for T also considers that the approval of the rezoning application would pose serious constraints to and jeopardise the implementation of the FLBP and set an undesirable precedent for similar rezoning applications within the “REC” zones.

Land Administration

- 11.5 DLO/N considers that the rezoning proposal not acceptable as the eastern part of the Site (about 44.7%) falls within the Village Environ Boundary (VEB) for Tong Hang (**Plan Z-2a**). Land within VEB of a recognised village should be reserved for development of Small Houses by indigenous villagers under the current Small House Policy. In addition, about 31.3% of the Site is Government land and a large portion of the private lots involved in the Site are to be resumed for the construction of the FLBP. The Government land involved and/or to be involved (i.e. those private lots to be resumed) are capable of separate alienation or development, and thus land exchange application involving such vast area of Government land will not be considered.

Technical Assessments

Visual, Air Ventilation and Landscape Impacts

- 11.6 As advised by CTP/UD&L of PlanD, there is no technical assessment in the submission, including VIA and air ventilation mitigation measures, to demonstrate that the proposed development would not cause adverse visual, landscape, and air ventilation impacts on the surrounding areas.

Traffic Impact

- 11.7 C for T does not support the application from traffic engineering perspective as the applicant has not submitted traffic impact assessment to assess the associated impacts on traffic and public transport and propose mitigation measures. The implication of the proposed residential development on the capacity of the existing infrastructure and planned road network are unknown. As such, the rezoning proposal is at a preliminary stage without sufficient information in the submission to demonstrate that the proposed development would not cause adverse traffic impacts on the surrounding areas.

Environmental Impacts

- 11.8 DEP does not support the application from environmental perspective since there is no technical assessment to demonstrate that no adverse environmental and sewerage impacts would arise from the rezoning proposal. DSD and WSD also require the applicant to submit a drainage impact assessment and a water supply impact assessment to justify the feasibility of the proposal.
- 11.9 DEMS advises that as the proposed development would introduce a significant increase in population, a risk assessment and a Quantitative Risk Assessment are required from the applicant to assess the potential risks associated with the nearby gas installations and the LPG gas filling station respectively.
- 11.10 DAFC has reservation on the application from nature conservation point of view as the proposed development would be in direct conflict with a number of large and mature trees in the western part of the Site and Ma Wat River.

Geotechnical Impact

- 11.11 H(GEO) of CEDD advises that the proposed development may adversely affect a registered man-made slope and the applicant has not submitted a Geotechnical Planning Review Report.
- 11.12 Other departments consulted have no adverse comment on or no objection to the application.

Previous Application

- 11.13 The previous application No. Z/NE-LYT/2 for rezoning part of the Site from “REC” to “Residential (Group B)1” (“R(B)1”) with a lower PR of 3.0 was rejected by the Committee on 2.6.2000 mainly on the considerations that the proposed residential development is incompatible with the surrounding rural settings; insufficient information has been provided in the submission to demonstrate that the proposed residential development would not have adverse impact on the proposed FLBP; and the approval of the application would set an undesirable precedent for similar applications. The planning circumstances of the current rezoning application are similar to the previous rejected application.

Public Comments

- 11.14 Regarding the adverse public comments as detailed in paragraph 10 and the local objections conveyed by DO(N) in paragraph 9.1.16 above, the Government department’s comments and the planning assessment above are relevant. Regarding the concern raised on the lack of publicity of the rezoning application and the request to extend the publication period, it should be clarified that PlanD has followed the relevant guideline and established procedures for the publication of the application for public inspection.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:
- (a) the proposed development would affect the implementation of the proposed Fanling Bypass;
 - (b) the applicant fails to demonstrate in the submission that the proposed development would not result in adverse traffic, visual, air ventilation, landscape, geotechnical and environmental impacts on the surrounding areas; and
 - (c) the approval of the application, without any supporting technical assessments to demonstrate the technical feasibility and environmental acceptability of the proposed development, will set an undesirable precedent for similar applications within the “Recreation” zones. The cumulative effect of approving such similar applications would result in adverse traffic, visual, air ventilation, landscape and environmental

impacts.

12.2 Alternatively, should the Committee decide to agree or partially agree to the application, an amendment to the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/17 would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the approved plan.

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 reason(s) for the decision should be given to the applicant.

14. Attachments

Appendix I	Application Form with Attachments received on 5.6.2018
Appendix Ia	Supplementary Planning Statement received on 5.6.2018
Appendix Ib	Supplementary Information received on 19.6.2018
Appendix Ic	Supplementary Information received on 20.6.2018
Appendix Id	Supplementary Information received on 21.6.2018
Appendix II	Proposed Notes for the “OU(Residential Development cum Recreation and Fanling Bypass)” zone submitted by the applicant
Appendix III	Previous Application
Appendix IV	Other Detailed Comments from Government Departments
Appendix V	Public Comments
Drawing Z-1	Location Plan
Drawing Z-2	Site Layout Plan
Drawing Z-3	Vehicular Access Plan
Drawings Z-4a to Z-4c	Floor Plans
Drawing Z-5	Sectional Plan
Plan Z-1	Location Plan
Plans Z-2a and Z-2b	Site Plans
Plan Z-3	Aerial Photo
Plans Z-4a to Z-4c	Site Photos