


**Proposed Rezoning of the “Comprehensive Development Area (1)” Site to “Residential (Group B)13”, “Residential (Group B)14” and “Recreation” and Amendment to the Building Height Restriction on the “Government, Institution or Community” Site from 2 storeys to 8 storeys for Residential Development(s) with Retail, Public Vehicle Park and Social Welfare Facilities Various Lots in D.D. 11 and Adjoining Government Land, Fung Yuen, Tai Po, New Territories (Section 12A Amendment of Plan Application No. Y/TP/40)**

**– Further Information No. 5 –**

Item	Views and Concerns from Fung Yuen Village Office	Our Responses
<b>1</b>	<b>Concerns on Traffic and Infrastructure Capacity</b>	
1.1	The existing road network in Tai Po District (including Tolo Highway, Ting Kok Road, Nam Wan Road and Tai Po Road) is already saturated and is a well-recognised traffic black spot, with severe congestion occurring regularly during morning and evening peak hours. The Traffic Impact Assessment submitted by the applicant fails to reflect the wider traffic impacts on the surrounding road network arising from the development and does not adequately take into account the cumulative loading from nearby schools and commercial areas.	Traffic Impact Assessment (TIA) has been carried out. The existing traffic condition of key junctions and critical road link including Ting Kok Road, Yuen Shin Road and Fung Yuen Road and Dai Fat Street have been assessed in the TIA.  To fully reflect the traffic growth, trip generation of the future committed developments in the vicinity have been taken into consideration. The TIA has confirmed that the Proposed Development is feasible from traffic engineering point of view.
1.2	The introduction of new residents is expected to generate additional private car and bus trips daily, further paralysing local traffic. According to past decisions of the Town Planning Board, similar high-density projects must be accompanied by concrete traffic improvement measures (such as road widening or new traffic signal systems). No effective measures have been proposed in this application.	Improvement works on five key junctions have been proposed under the TIA with concrete proposal and details. The Applicant will be responsible for the road improvement works at his own cost before population intake. With the completion of the improvement works, the traffic condition of the area will be greatly enhanced.

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1.3	<p>Development and associated works have caused large rocks and debris to accumulate in the nullah beside the Village Office, seriously affecting flood discharge and water storage capacity — a potentially fatal hazard. The Applicant ignored its responsibility for clearance and maintenance.</p>	<p>Upon recent (17 June 2026) visit of the nullah beside the Village Office, no flooding nor accumulation of large rocks and debris were found.</p> 
1.4	<p>The Applicant claims that road widening does not require gazettal under the Roads (Works, Use and Compensation) Ordinance, depriving the villagers statutory right to lodge formal objections. The statement of “In case of emergency situations, the Applicant will discretionarily permit/allow emergency vehicles to enter the adjacent private lots” is not acceptable to the villagers of Fung Yuen.</p>	<p>The internal roads within the Proposed Development will be private road managed by the Applicant. Appropriate internal footpath will be provided for pedestrian access to the adjacent third party lots to avoid land locking.</p> <p>Since they are generally not served by vehicular access, the allowance of emergency vehicles accessing the third party lots through the internal road is indeed improving their accessibility, especially during emergency situation.</p>
<p><b>2 Concerns on Environmental and Ecological</b></p>		
2.1	<p>The application site adjoins government land and a Site of Special Scientific Interest (SSSI), forming an important ecological habitat that includes rare trees, bat roosting sites and butterfly habitats. Fung Yuen is a well-known local ecological hotspot. Large-scale land formation and tree felling would directly contravene the mitigation measures recommended in the Ecological Impact Assessment and destroy biodiversity.</p>	<p>The Development Site would not encroach natural resources of Fung Yuen, including but not limited to Fung Yuen SSSI and Fung Yuen Butterfly Reserve which are located 380m and 480m respectively from the northernmost corner of the Development Site. The affected habitats due to construction within Development Site would have low/ low to moderate ecological value, also no species of conservation importance will be affected unacceptably. Good construction practices are recommended to minimise the disturbances to habitats in the vicinity.</p> <p>A total of 502 new trees in heavy standard to standard sized stocks and whip planting will form the new tree planting proposal. The replanting ratio of 1:1 (496 trees felled: 502 trees planted) could be achieved. In combination with the retention of 70 trees in-situ and through tree transplanting, the proposed</p>

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		<p>developments would be able to accommodate a total of 572 trees within the Development Site. Through the implementation of tree preservation and new tree planting proposal, replacement of weedy trees with quality tree specimens, the loss of landscape resources of the Development Site will be alleviated, and the landscape context and amenity will be enhanced in long term after the planting proposal is fully established.</p>
2.2	<p>At the same time, the existing drainage and sewerage systems are already near capacity. The Drainage and Sewerage Impact Assessment indicates that the additional population would significantly increase flooding risk and river pollution, threatening Fung Yuen's natural landscape and water resource security.</p>	<p>Drainage Impact Assessment (DIA) and Sewerage Impact Assessment (SIA) have been conducted to assess the relevant infrastructure capacity and the impact from the Proposed Development.</p> <p>To cater for the additional population and the increase in surface runoff, drainage works such as the proposed box culvert and boundary drains are proposed at the Development Site. The proposed boundary drains will intercept runoff from nearby villages to the existing stream course and/or the proposed box culvert. Also, an on-site treatment plant is proposed to treat the sewerage arising from the proposed residential development in Area (A) Phase I. The public sewerage system has sufficient capacity to collect the sewerage generated by the developments in Area (A) Phase II and Area (B). With the implementation of the mitigation measures proposed in the DIA and SIA, flooding and river pollution in Fung Yuen are not anticipated.</p>
<b>3</b>	<b>Concerns on Visual, Landscape and Air Ventilation</b>	
3.1	<p>High-density building clusters would obstruct air ventilation, exacerbate the urban heat island effect and trap smog. The applicant's Air Ventilation Assessment overlooks the winter temperature inversion phenomenon and the daylight rights of neighbouring village houses; its conclusions are overly optimistic.</p>	<p>An Air Ventilation Assessment - Expert Evaluation has been conducted. The Proposed Development may inevitably result in wind blockage impact under particular wind directions and the wind availability would be slightly affected. Nevertheless, mitigation measures such as optimal building disposition and provision of building separations would enhance the air ventilation performance at the pedestrian level and minimise potential air ventilation impacts.</p>
3.2	<p>The application further proposes to increase the building height of "Government, Institution or Community" land from 2 storeys to 8 storeys. This would severely conflict with Fung Yuen's existing low-density rural character, creating visual dominance and a wall effect.</p>	<p>The "Government, Institution or Community" site is located at the junction of Fung Yuen Road and Ting Kok Road which is at a distance away from the existing low-rise village developments. Demonstrated in the Visual Impact Assessment, the proposed 8-storey residential care home for the elderly cum day care unit will be compatible with the village developments. It is considered compatible with the surrounding low-density rural character.</p>

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<b>4</b>	<b>Concerns on Community Facilities and Social Impacts</b>	
4.1	Existing medical, educational and recreational facilities in Tai Po District are already overstretched, with acute shortages of school places and long hospital waiting times. The new population would intensify competition for resources and further undermine the quality of life of existing residents.	The estimated population (5,169) arisen from the Proposed Development is minimal (1.5%) compared to the projected population of Tai Po District (340,600 in Year 2030). In any case, the provision of medical, educational and recreational facilities will be assessed on a district or regional basis and constantly reviewed by relevant government bureaux/departments.
4.2	The application process lacks genuine public participation. It has not adequately consulted Fung Yuen Village residents and stakeholders, relying solely on the applicant's reports.	Opinion from Fung Yuen Village residents and stakeholders could be conveyed by the Tai Po District Office of Home Affairs Department. Under the current regime, public are welcome to provide any of their comments during the plan amendment stage should this amendment of plan application be approved by the Town Planning Board.
<b>5</b>	<b>Concerns on Land Resources and Indigenous Inhabitant's Right</b>	
5.1	The application site includes a high proportion of government land. This would severely restrict the village development opportunities available to Fung Yuen's indigenous residents. Planning principles require that government land should first and foremost serve the needs of the local community — that is, the long-term development needs of Fung Yuen Village — rather than being used for high-density private residential development.	<p>The western portion of the application site is consisted of private land owned by the Applicant (i.e. 52%), private land owned by other parties (i.e. 15%) and adjoining government land (i.e. 33%). However, the majority of the government land is primarily referred to those "Yellow Area" as stipulated in the Lease while the remaining is scattered and incapable of reasonable separate development.</p> <p>The delineation of this "Yellow Area" can be traced back to the planning approval back in early 2000.</p> <p>The Site was zoned to "CDA(1)" for comprehensive development/ redevelopment in the area back in 1999. After spending more than 13 years since 1987 in assembling the land and clearing the black spots within the "CDA(1)" zone by the Applicant, first planning approval for the MLP of the entire "CDA(1)" zone was granted to the Applicant in 2000 (Planning Application No. A/TP/256) with the second approval granted in 2004 (Planning Application No. A/TP/333).</p> <p>With the surrender of the Applicant's private lots within the "CDA(1)" zone (including those previously also falling within the Yellow Area), the said Yellow Area has been <b>reserved for Subsequent Phase Development</b> which could only take place when the Applicant has been able to acquire <b>ALL</b> the</p>

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		<p>remaining private lots scattered within the “CDA(1)” zone within the “CDA(1)” zone.</p> <p>This had been clearly indicated in the Tai Po District Lands Conference held on 2 Jan 2003 and the approved MLP of Planning Application No. A/TP/333 (deposited in the Land Registry) that the Applicant has been expected to further acquire ALL the remaining private lots within the “CDA(1)” zone, followed by a land exchange, to enable the implementation of the Subsequent Phase Development on the Yellow Area. Prior to the materialisation of land exchange for the Subsequent Phase Development, the Tai Po District Lands Conference had no objection to allow the Applicant to maintain the Yellow Area.</p> <p>For the implementation of Subsequent Phase Development, the Applicant has never thought of giving up and has made persistent efforts in land acquisition. After spending another 26 years since the 1st planning approval in 2000, for assembling all the remaining piecemeal private lots, the prospect for implementation of the Subsequent Phase Development is very remote, if not impossible, due to absentee ownership, tso tong and land title problems. With a total land assembly time of 39 years, the acquisition of ALL remaining private lots within the “CDA(1)” zone in order to exchange land for implementation of Subsequent Phase Development is therefore pessimistic.</p> <p>The Applicant has therefore taken the first step to put forward this S12A Amendment of Plan Application to include those land owned and newly acquired by the Applicant together with the Yellow Area to resolve the dilemma on landownership. We believe that this will be a better alternative proposal for a comprehensive residential development with the aim of providing more housing unit supply, which is also in line with Government’s policy of optimising the use of developable land as far as practicable.</p> <p>With the approval of this application by the TPB, the development potential of the western portion of the Application Site including the originally planned subsequent phase development can be unleashed to meet the urgent housing needs.</p>

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5.2	<p>The application contains no compensation or rights-protection measures whatsoever for the affected Fung Yuen residents. This is unfair and contrary to social responsibility. The enormous profits to be derived from such large-scale development stand in stark contrast to the permanent losses inflicted on local residents.</p>	<p>For the owners of the private lots within the Development Site, the proposed rezoning from “CDA(1)” to “Residential (Group B)13” unleashed the development potential of their land. For the residents of Fung Yuen area, they could enjoy the supporting retail facilities, public vehicle park and open space provided by the Proposed Development. Besides, with the proposed drainage improvement works, it is anticipated that the drainage condition of the area will be greatly enhanced. In addition, there will also be a new bus layby provided at Fung Yuen Road.</p>
5.3	<p>The proposed development would cause permanent and multifaceted damage to a culturally significant heritage building “ The Yip Ancestral Hall” through visual oppression, structural threats, and the destruction of its sacred setting — impacts that go beyond flooding concerns.</p>	<p>To respect the view of “The Yip Ancestral Hall”, an indicative visual corridor within the Development Site has been reserved to maintain a relatively open view from the ancestral hall. The residential towers of the proposed development have been dispositioned more than 30m away from the ancestral hall and the village developments in Fung Mei Wai to reduce visual oppression and maintain its rural setting.</p>
<b>6</b>	<b>Concerns on the Implementation of the Development</b>	
6.1	<p>In the applicant’s completed first-phase project, i.e. Mont Vert within the Fung Yuen area, multiple promised land management measures have not been properly implemented, including:</p> <ul style="list-style-type: none"> <li>• Drainage systems that have failed to operate effectively, increasing flooding risk in surrounding areas during rainstorms;</li> <li>• Landscape beautification and greening works that have not met the promised standards;</li> <li>• Traffic management measures that have been poorly enforced, causing ongoing adverse impacts on neighbouring roads.</li> </ul> <p>The applicant’s implementation capability and the credibility of its commitments in the current large-scale development are in doubt.</p>	<p>Under Application No. A/TP/333, the approval of the development scheme including Mont Vert are subject to the following conditions:</p> <ol style="list-style-type: none"> <li>(a) Submission and implementation of a revised Master Layout Plan;</li> <li>(b) Submission and implementation of a revised landscape master plan, including a tree survey and tree preservation proposal;</li> <li>(c) Provision of mitigation measures as proposed in the environmental impact assessment;</li> <li>(d) Provision of sewerage facilities as proposed in the sewerage impact assessment;</li> <li>(e) Provision of drainage facilities as proposed in the drainage impact assessment;</li> <li>(f) Implementation of improvement works on the vehicular access roads for the proposed development and the adjoining villages;</li> <li>(g) Provision of carparking spaces, loading/unloading bays and public transport facilities;</li> </ol>

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		<ul style="list-style-type: none"> <li>(h) Provision of educational facilities;</li> <li>(i) Implementation of mitigation measures as proposed in the ecological assessment to protect Fung Yuen Valley Site of Special Scientific Interest;</li> <li>(j) Submission of a geotechnical planning review report and the implementation of the mitigation measures identified therein;</li> <li>(k) Diversion of water mains to be affected by the proposed development and the provision of water supply facilities;</li> <li>(l) Submission of a detailed maintenance and management plan for the proposed agricultural uses and the implementation of the proposals made therein;</li> <li>(m) Implementation of the proposed agricultural uses prior to the issue of occupation permit for the proposed residential development;</li> <li>(n) Submission of an implementation programme, with phasing proposals to tie in with the completion of both major infrastructural facilities serving the proposed development and the proposed traffic improvement measures</li> </ul> <p>Since the Applicant has complied with <b>ALL</b> approval conditions to the satisfaction of relevant Government bureaux/departments, there is no doubt to the applicant's implementation capability and the credibility of its commitments in the current development. Most importantly, the area which was once before considered as the "black spots" in Fung Yuen back in 1980, was now been greatly enhanced with the tremendous time and resources spent by the Applicant over the years.</p>
<b>7</b>	<b>Concerns on Planning Intention and Sustainable Development</b>	
7.1	<p>The application is driven primarily by commercial interests and runs directly counter to the Government's long-standing advocacy of balanced development and conservation. It also ignores Fung Yuen's role as a rural buffer zone.</p>	<p>The Applicant has taken the opportunity to rezone the whole "CDA(1)" zone to appropriate residential and recreation zones with respect to its as-built condition. With the enhancement to the Agricultural Portion both in the eastern and western portion, and maintaining the non-building area to the north of Mont Vert. The rezoning proposal has struck a balance between development and conservation.</p>

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7.2	High-density urbanisation would destroy the rural character of the Fung Yuen area and harm long-term quality of life.	A large portion of Fung Yuen area was zoned to “CDA(1)” for comprehensive development/ redevelopment in the area back in 1999 and several development schemes for the “CDA(1)” zone were approved between 2000 and 2004. Furthermore, a high-density public housing (i.e. Fu Tip Estate) 200m to the west of Fung Yuen valley was planned for many years and completed between 2021 and 2024. The partial upzoning of Fung Yuen area is in line with the Government’s policy to untap the development potential of agricultural land or underutilised land and increasing development intensity wherever appropriate.
7.3	The planning intention of a “CDA” zone is to ensure that infrastructure and development proceed in tandem and to avoid piecemeal development. Because the Applicant has been unable to acquire all the property rights, it is now attempting, through this Section 12A application, to carve out its own land for separate rezoning. This will leave the remaining third-party private lots that have not been acquired in a state of “land locking”, exhausting the limited traffic and sewerage capacity of the area.	<p>With the Applicant’s continuous and unflinching effort over the decades in assembling the remaining private lots within the “CDA(1)” zone, it is apparent that after almost 39 years since land assembly took place in 1987, the prospect for implementation of this Subsequent Phase is very remote, if not impossible, due to absentee ownership, Tso Tong and land title problems.</p> <p>The proposed development has been thoughtfully designed to avoid any land locking issues or problems. While there is no existing vehicular access to the third party lots within the Development Site, appropriate internal footpath will be provided for pedestrian access to these lots. In case of emergency situations, the Applicant will discretionarily permit/allow emergency vehicles to enter the adjacent private lots.</p>

**Encl.**

**Annex A – Replacement Pages of Supporting Planning Statement**

**Annex B – Replacement Pages of Sensitivity Test for the Proposed “R(B)14” Zone**

**Annex C – Replacement Pages of Landscape Proposal**

**Annex D – Extract of RNTPC Paper No. A/TP/267**

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