

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FLN/33

- Applicant** : Sun Prosper Company Limited represented by Townland Consultants Limited
- Site** : Fanling/Sheung Shui Town Lot 297 (FSSTL 297), Area 14, Fanling North New Development Area, New Territories
- Site Area** : About 215m²
- Lease** : FSSTL 297 held under New Grant No. 23284
- (i) Restricted to non-industrial (excluding godown, hotel and petrol filling station) purposes
 - (ii) Subject to a maximum total gross floor area (GFA) of not exceeding 103,910.4m²
 - maximum GFA for non-industrial (excluding private residential, godown, hotel, and petrol filling station) purposes of 17,318.4m²
 - maximum GFA for private residential purposes of 86,592m²
- Plan** : Approved Fanling North Outline Zoning Plan (OZP) No. S/FLN/4
- Zoning** : “Residential (Group A) 1” (“R(A)1”)
- (i) A total maximum plot ratio (PR) of 6 (of which the domestic PR should not exceed 5)
 - (ii) A maximum building height (BH) restriction of 115mPD
 - (iii) A 20m-wide non-building area (NBA) running in northeast to southwest direction as shown on the OZP. Under exceptional circumstances, for developments and/or redevelopments, minor relaxation of the NBA restrictions may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance)
- Application** : Proposed Minor Relaxation of the Non-building Area Restriction for Proposed Footbridges and Covered Walkways Connecting the Permitted Commercial/Residential Development

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of the NBA restriction for proposed footbridges and covered walkways connecting the permitted commercial/residential development (the Planned Development) on the application site (the Site), which falls within an area zoned “R(A)1” subject to a 20m-wide NBA (with an area of about 1,994m²) running in northeast to southwest direction on the OZP to facilitate wind penetration to the Fanling area through the Site together with the adjacent site (**Plan A-2**). According to the Notes of the OZP, for developments and/or redevelopments, minor relaxation of the NBA restrictions may be considered by the Board on application under section 16 of the Ordinance. The Site also falls within the Remaining Phase of the Fanling North (FLN) New Development Area (NDA) project (**Plan A-1**). The Site is paved and currently under construction (**Plans A-4a and 4b**).
- 1.2 According to the applicant, the proposed minor relaxation of the NBA restriction is to facilitate the construction of two proposed enclosed footbridges, each with an open-sided covered walkway above, to enhance pedestrian connectivity and circulation with all-weather and barrier-free access between two separate podiums of the Planned Development. The proposed footbridges will cover a total area of about 215m² (21.5m (L) x 5m (W) x 2) on the NBA (about 10.8% of the area of the NBA) and are both 4.9m high with glass façade design to allow visual transparency. They will provide connections between the retail floor on 1/F of the two podiums for the general public. The roofs of both footbridges on 2/F will be inaccessible and open-sided to allow air ventilation and visual permeability. Only column structures are erected on the roofs on 2/F to support the two open-sided covered walkways, each of 5m wide and sheltered by a 3.5m-wide and 4.5m high glass canopy, to connect the separated landscape areas and recreational facilities on 3/F of the podiums for the residents (**Drawings A-1 to A-7**). Greenery will be provided along the open-sided covered walkways on 3/F. The ground level of the NBA will be occupied by landscape areas and driveway. Various design approaches, including minimal structural design, pillar-free on the ground level, glass façade design and greenery along the walkways are proposed to enhance visual and wind permeability as well as the visual quality of the proposed footbridges and walkways above. There will be no commercial use within the proposed footbridges and the walkways above.
- 1.3 The proposed footbridges will have a total non-domestic gross floor area (GFA) of not more than 215m² and a clear headroom ranging from 3.4m to 4.5m from the ground level (**Drawing A-5**) which complies with the minimum headroom requirement of emergency vehicular access by the Buildings Department (BD) and Fire Services Department. The proposed footbridges will not cause any changes to the major development parameters of the Planned Development approved under the last application No. A/FLN/32 for minor relaxation of PR and BH restrictions of the Planned Development, as the PR/GFA arising from the proposed footbridges would be accommodated within the non-domestic PR of the Planned Development⁽¹⁾. For the open-sided covered walkways with canopies above the

⁽¹⁾ The Planned Development has a permissible maximum domestic GFA of not more than 86,592m² (PR 6) and permissible maximum non-domestic GFA of not more than 17,318m² (PR 1.2) as approved under application No. A/FLN/32.

footbridges, the applicant proposes to seek exemption from GFA calculation in accordance with Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-42 at building plan submission stage subject to BD's approval. The Planned Development including the proposed footbridges is anticipated to be completed in 2029 tentatively.

- 1.4 The indicative floor plans, section plan and artist's impressions submitted by the applicant are at **Drawings A-1 to A-7**. A summary of the major parameters of the proposed footbridges and covered walkways is as follows:

Site Area	About 215m ²
Total GFA (Non-domestic)	Not more than 215m ² ⁽¹⁾
Dimensions (each)	
- Open-sided walkway with canopy connecting 3/F of the podiums	21.5m (L) x 5m (W) ⁽²⁾ x 4.5m (H)
- Enclosed footbridge connecting 1/F of the podiums	21.5m (L) x 5m (W) x 4.9m (H)
Clear Headroom from the Ground Level	3.4m to 4.5m

Note:

- (1) According to the applicant, the total GFA is for the enclosed footbridges on 1/F. The open-sided walkways with canopies on 3/F and other covered areas associated with the proposed structures are excluded from GFA calculation under the current application. Such exemption, however, will be subject to the Building Authority's consideration under the Buildings Ordinance (BO) at building plan submission stage.
- (2) Each canopy above the open-sided walkway is 3.5m wide.
- 1.5 In support of the application, an air ventilation assessment – expert evaluation (AVA-EE) has been submitted. According to the AVA-EE, part of the prevailing wind at low-level would collide at the proposed footbridges and a wake zone would be created on the immediate leeward side of the proposed footbridges. As the proposed footbridges will adopt pillar-free design at ground level with a clear headroom ranging from 3.4m to 4.5m underneath, and the inaccessible roofs of the footbridges on 2/F and the covered walkways on 3/F above will be open-sided, adverse impact on downwind areas is expected to be minimal. The AVA-EE concludes that no significant adverse impact on the surrounding pedestrian wind environment is anticipated.
- 1.6 The Site is the subject of two previous planning applications (No. A/FLN/30 and 32) for minor relaxation of PR and BH restrictions for the permitted composite commercial/residential development which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 and 2024 respectively (details in paragraph 4.3 below). The last application (No. A/FLN/32) involves minor relaxation of domestic PR from 5 to 6, non-domestic PR from 1 to 1.2, and BH from 115mPD to 144.14mPD for the Planned Development. The general building plan submission for the Planned Development was first approved by the Building Authority on 10.1.2025.

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

- (a) Application Form with Supplementary Planning Statement (SPS) received on 16.7.2025 **(Appendices I and Ia)**
- (b) Further Information (FI) received on 22.8.2025* **(Appendix Ib)**
- (c) FI received on 2.9.2025# **(Appendix Ic)**

* accepted and exempted from publication and recounting requirements

accepted and not exempted from publication and recounting requirements

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form with SPS and FIs at **Appendices I to Ic**, and can be summarised as follows:

Promotion of Barrier Free Access

- (a) Two separate podiums are proposed for the Planned Development due to the NBA within the Site. The proposed footbridges and covered walkways would provide direct, safe, efficient, all-weather and barrier-free connections for both the general public and the residents to enjoy the facilities of the two podiums. The design of the proposed footbridges and covered walkways would comply with the relevant requirements on barrier-free access to ensure universal accessibility and inclusivity, which is in line with Government's commitment to create an inclusive, age-friendly and barrier-free built environment for all individuals. A similar footbridge is provided over the NBA within the public housing development under construction in FLN Area 15 East for the same circulation propose.

Effective Use of the NBA for Public Enjoyment

- (b) The proposed footbridges and covered walkways would reduce the pedestrian flow on the ground floor and release the valuable space for more welcoming landscape area through place making and urban design elements to enhance street-level vibrancy and promote a more liveable and attractive environment for public enjoyment.

In compliance with the Fire Safety Requirement

- (c) The proposed footbridges and covered walkways would not only provide more direct connections between the two podiums, they would also enhance fire safety by providing additional evacuation routes.

Maximising the Visual Permeability

- (d) The Site is surrounded by various planned housing developments which limit the visual openness of the NBA. Therefore, the potential visual impact caused by the proposed footbridges and covered walkways is considered insignificant.

- (e) Various design approaches including minimal structural design, pillar-free on the ground level, glass façade design, and greenery along the covered walkways would be adopted to improve the visual permeability of the proposed footbridges, and minimise the visual and air ventilation impacts.

Insignificant Air Ventilation Impact to the Surrounding Area

- (f) The proposed footbridges and covered walkways would not cause significant adverse air ventilation impact to the wind environment at the pedestrian level and the overall wind environment as compared with the approved scheme (without footbridges or walkways) under application No. A/FLN/32.

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

The applicant is the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Applications

- 4.1 The Site forms part of the application sites of seven previous applications. The locations and details of the previous applications are at **Plan A-1** and **Appendix II** respectively.
- 4.2 Five applications (No. A/FSS/12, 19, 25, 31 and 52) submitted by the same applicant for proposed low-rise residential development were considered by the Committee between 1990 and 1994 when the Site was then zoned “Green Belt” (“GB”)⁽²⁾ and not yet incorporated in the FLN NDA development. The considerations of these previous applications are not relevant to the current application for proposed minor relaxation of NBA restriction within “R(A)1” zone of the FLN NDA.
- 4.3 Two applications (No. A/FLN/30 and 32), submitted by the Civil Engineering and Development Department (CEDD) and the applicant respectively, were both for minor relaxation of PR and BH restrictions for the permitted composite commercial/residential development, mainly arising from the intensification of development intensity and adoption of Modular Integrated Construction, at the “R(A)1” zone involving the Site. The two applications were approved by the Committee on 23.9.2022 and 22.11.2024 respectively, mainly on the considerations that the proposal was in line with the Government’s policy in boosting housing supply by increasing the development intensity where technically feasible; the proposed intensity was considered acceptable for the subject locations and site context; and the proposed minor relaxation of PR and BH restrictions of the development would not induce significant adverse impacts on the traffic, environmental, landscape, drainage and sewerage aspects.

⁽²⁾ The Site was zoned “GB” on the then Fanling/Sheung Shui OZP No. S/FSS/18 and has subsequently been rezoned to “R(A)1” on the FLN OZP No. S/FLN/1 since 20.12.2013.

5. **Similar Application**

While there is no similar application within the “R(A)” zones on the OZP, there is one similar application (No. A/FLN/28) at the “Other Specified Uses” annotated “Commercial/Residential Development with Public Transport Interchange (1)” zone in Area 15 East on the OZP which is located further east of the Site (**Plan A-1**). Application No. A/FLN/28 was for proposed minor relaxation of PR, BH and NBA restrictions for permitted public housing development including an open-sided footbridge connecting the podiums of the development across the NBA which was approved with conditions by the Committee on 18.2.2022. The considerations regarding the minor relaxation of NBA restriction were that the proposed footbridge would enhance the pedestrian connectivity in the area and the submitted AVA concluded that the footbridge with open design would not have adverse impact on the air flow through the NBA and the proposed relaxation of NBA was considered acceptable. The location and details of the similar application are at **Plan A-1** and **Appendix III** respectively.

6. **The Site and its Surrounding Areas (Plans A-1 to A-4b)**

6.1 The Site:

- (a) is paved and currently under construction; and
- (b) forms part the Planned Development at the “R(A)1” zone.

6.2 The Site is within the Remaining Phase of the FLN NDA and is generally surrounded by existing and planned high-rise residential developments, including several planned public and private housing developments, a planned private residential development as approved under application No. A/FSS/294, and existing high-rise residential development (Wing Fok Centre), low-rise residential development (Good View New Village) and village settlement of Ling Shan Tsuen.

7. **Planning Intention**

- 7.1 The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.
- 7.2 As stated in the Explanatory Statement of the OZP, an NBA, amongst others, running in northeast to southwest direction is designated within “R(A)1” in Area 14 to divert wind to penetrate through the site to the Fanling area. Within the NBAs stipulated on the OZP, landscaping and street furniture and underground structures will be permitted. For residential sites, fence or boundary walls that are designed to allow for high visual/air porosity will be allowed in the NBAs.

8. Comments from Relevant Government Departments

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

Land Administration

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

- (a) the Site falls within FSSTL 297 which is held under the New Grant No. 23284 dated 12.12.2024 (the New Grant) for non-industrial (excluding godown, hotel, and petrol filling station) purposes subject to a maximum total GFA of 103,910.4m² and a maximum GFA of 17,318.4m² for non-industrial (excluding private residential, godown, hotel, and petrol filling station) purposes;
- (b) the applicant alleged that the proposed footbridges would be countable to non-domestic GFA and would not result in a development exceeding the permissible non-domestic GFA under the New Grant. Subject to the submission of the general building plans, LandsD reserves the right on the actual calculation of GFA in respect of the footbridges under lease and there is no guarantee that GFA figure for of 215m² will be adopted.

Urban Design, Visual, Air Ventilation and Landscape Aspects

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

- (a) no objection to the application from urban design, visual and air ventilation perspectives;

Urban Design and Visual Aspects

- (b) two sets of footbridges spanning the NBA are proposed. Each set of footbridges comprises a fully enclosed footbridge connecting the retail portion of podium with dimension of 21.5m (L) x 5m (W) and 4.9m (H), leaving a headroom of about 3.4m to 4.5m above ground, and with an open-sided covered walkway with landscape area along both sides connecting 3/F of podium with dimension of 21.5m (L) x 5m (W) on top;
- (c) it is noted that glass facade design is adopted for the proposed footbridges, and open-sided design is adopted for the space above the proposed footbridges and the proposed covered walkways to allow visual permeability. According to the SPS and visual illustration, the visual impact of the proposed footbridges and covered walkways adopting the above design is considered not significant;

Air Ventilation Aspect

- (d) currently, the NBA of the Site forms part of an unobstructed strip of NBA on the OZP in southwest to northeast direction leading to the planned riverside promenade along Ng Tung River in the further north. According to the AVA-EE, part of the prevailing wind at low-level would collide at the proposed footbridges and a wake zone would be created on the immediate leeward side of the proposed footbridges. The applicant claimed that the proposed footbridges with headroom of about 3.4m to 4.5m have adopted minimal structural design, i.e. no pillar support at ground level, to facilitate air penetration at pedestrian level. The roofs of the footbridges on 2/F and the covered walkways on 3/F have adopted open-sided design to allow air penetration. According to the AVA-EE, no significant adverse impact on the surrounding pedestrian wind environment is anticipated;
- (e) the applicant should be advised to adopt permeable design at detailed design stage to minimise the potential visual and air ventilation impacts; and

Landscape Aspect

- (f) with reference to the aerial photo of November 2024, the Site is located in a rural inland plains landscape character comprising village houses, temporary structures, open storages, vacant lands and scattered tree groups. With reference to the site photos taken in July 2025, the Site has been cleared and under construction. The applicant proposed minor relaxation of the NBA restriction to facilitate the construction of two proposed footbridges and covered walkways within the permitted commercial/residential development. Significant adverse landscape impact within the Site from the proposed minor relaxation of NBA restriction for proposed footbridges and covered walkways is not anticipated.

8.1.3 Comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD):

- (a) no comment from architectural and visual impact point of view; and
- (b) it is noted that the proposal mainly involves the addition of two footbridges with covered walkways above between two podiums within the Site and there is no change to the proposed PR and the proposed maximum BH compared with the previously approved application (No. A/FLN/32).

Building Matter

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

- (a) no objection to the application under the BO;
- (b) the covered areas on 2/F between the proposed covered walkways and footbridges, the proposed footbridges on 1/F and the associated covered areas on G/F shall be included in the site coverage and GFA calculation. The proposed covered walkways on 3/F may be exempted from GFA calculation under the BO if they comply with the requirements under PNAP APP-42, 151 and 152; and
- (c) detailed comments under the BO will be provided at building plan submission stage.

District Officer's Comments

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

his office has not received comment from the locals upon close of consultation and have no particular comment on the application.

8.2 The following government departments have no objection to/no comment on the application:

- (a) Commissioner for Transport;
- (b) Director of Environmental Protection;
- (c) Director of Fire Services;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Engineer/Mainland North, Drainage Services Department;
- (f) Chief Highway Engineer/New Territories East, Highways Department; and
- (g) Project Manager/North, Civil Engineering and Development Department.

9. Public Comments Received During Statutory Publication Periods

On 25.7.2024 and 5.9.2025, the application was published for public inspections. During the statutory public inspection periods, six public comments were received including two supporting comments from individuals, two expressing concerns on the application from the same individual, and two indicating no comment on the application from a Member of the North District Council (**Appendix IV**). The supportive views mainly include that the proposed footbridges would enhance pedestrian connectivity and benefit the elderly; and the proposed development with retail facilities should be implemented timely to meet residents' need. Other comments expressed concerns that the proposed footbridges would reduce sky visibility and should be confined to one footbridge only.

10. Planning Considerations and Assessments

- 10.1 The application is for minor relaxation of NBA restriction for proposed footbridges and covered walkways connecting the podiums within the Planned Development approved under the application No. A/FLN/32, i.e. a permitted commercial/residential development, at the Site zoned “R(A)1”. As stipulated in the Notes of the OZP for the “R(A)” zone, under exceptional circumstances, for developments and/or redevelopments, minor relaxation of the NBA restrictions may be considered by the Board through planning permission. Taking into account the planning assessments below, the proposed minor relaxation of NBA restriction is considered not unacceptable.
- 10.2 According to the applicant, the proposed footbridges and covered walkways are to facilitate the connection between the separated facilities on two sides of the podiums of the Planned Development with all-weather and barrier-free access for the general public and the residents. Besides, the scale of the proposed structures with a total covered area of about 215m² on the NBA (with an area of 1,994m²) is not considered excessive in view of the overall scale of the Planned Development (with an area of 14,432m²) and the proportion of NBA to be occupied (i.e. 10.8% of the area of the NBA).
- 10.3 As stated in the Explanatory Statement of the OZP, the 20m-wide NBA at the Site is to facilitate wind penetration to the Fanling area through the Site together with the adjacent site. From air ventilation perspective, the proposed footbridges would adopt pillar-free design at ground level, with a clear headroom ranging from 3.4m to 4.5m underneath. Besides, the inaccessible roofs of the proposed footbridges on 2/F and the covered walkways on 3/F would be open-sided to allow air penetration. An AVA-EE has been submitted by the applicant and it concludes that the air ventilation impact of the proposed footbridges and covered walkways on the surrounding pedestrian wind environment under both annual and summer conditions as compared with the approved scheme under application No. A/FLN/32 which does not consist of any footbridges or walkways would be insignificant. According to the submitted AVA-EE, no significant adverse impact on the surrounding pedestrian wind environment is anticipated and CTP/UD&L, PlanD has no objection to the application from air ventilation perspective.
- 10.4 On urban design and visual aspects, various design approaches have been adopted to improve visual transparency, permeability and quality of the proposed structures, including glass façade design for the proposed footbridges, and open-sided design and greenery for the inaccessible roofs of the proposed footbridges and the proposed covered walkways. The proposed structures are also compatible with the surrounding context which is predominantly of residential nature with retail podiums. The visual impact caused by the proposed structures adopting the above design is considered not significant. CA/CMD2, ArchSD has no adverse comment on the application from architectural and visual impact points of view. CTP/UD&L, PlanD also has no objection to the proposed structures from urban design and visual perspectives.
- 10.5 There is one similar application (No. A/FLN/28) for proposed minor relaxation of PR, BH and NBA restrictions for permitted public housing development as

mentioned in paragraph 5 above. Approving the current application is in line with the Committee's previous decisions.

- 10.6 Regarding the public comments mentioned in paragraph 9 above, the departmental comments and planning assessments above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9 above, PlanD has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 24.10.2029 and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The recommended advisory clauses attached at **Appendix V** are suggested for Members' reference.
- 11.3 Alternatively, should the Committee decide to reject the application, the following reason is suggested for Members' reference:

the NBA restriction on the "Residential (Group A) 1" zone is intended to facilitate the wind penetration in the area and there is no strong planning justification or exceptional circumstance in the submission for relaxing the NBA restriction.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendices I and Ia	Application Form with SPS received on 16.7.2025
Appendix Ib	FI received on 22.8.2025
Appendix Ic	FI received on 2.9.2025
Appendix II	Previous Applications
Appendix III	Similar Application
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-4	Floor Plans

Drawing A-5	Section Plan
Drawings A-6 and A-7	Artist's Impressions
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2025**