

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/YL-MP/9 Application for Amendment to the Approved Mai Po and Fairview Park Outline Zoning Plan No. S/YL-MP/8, to amend the Notes of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone applicable to the site, Lots 50 S.A and 77 in D.D. 101, Wo Shang Wai, Mai Po, Yuen Long

(RNTPC Paper No. Y/YL-MP/9B)

9. The Secretary reported that the application site (the Site) was located in Mai Po and the application was submitted by Profit Point Enterprises Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD). The following Members had declared interests on the item:

- Mr K.W. Leung - owning a property in Mai Po;

- Mr Vincent K.Y. Ho - having current business dealings with HLD; and

- Mr Ryan M.K. Ip - being the vice-president and executive director of Public Policy Institute of Our Hong Kong Foundation which had received donations from Henderson Group.

10. As the interest of Mr Vincent K.Y. Ho was considered direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item. As the property owned by Mr K.W. Leung had no direct view of the Site and Mr Ryan M.K. Ip had no involvement in the project(s) under the sponsorship of Henderson Group in relation to the item, the Committee agreed that they could stay in the meeting.

[Mr Vincent K.Y. Ho left the meeting temporarily at this point.]

Presentation and Question Sessions

11. The following representatives from the Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

PlanD

- Ms Josephine Y.M. Lo - District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE)
- Mr Kimson P.H. Chiu - Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE)
- Ms Karen K.Y. Chan - Town Planner/Fanling, Sheung Shui and Yuen Long East

Applicant's Representatives

Masterplan Limited

Mr Benson Poon

Ms Li Man Fei, Michelle

Mott Mcdonald Hong Kong Limited

Ms Chan Wing Yin, Julia

MVA Hong Kong Limited

Mr Pun Wai Lun, Alan

AEC Limited (Member of the Aurecon Group)

Mr Paul Leader

Mr Ma Chun Ning

LWK & Partners (HK) Limited

Mr Mak King Man, Andrew

Scenic Landscape Studio Limited

Mr Chris Foot

Ms Winza Choi

WSP (Asia) Limited

Ms Mila So

Mr Chan Ka Chun

12. The Chairperson extended a welcome and explained the procedures of the meeting. To ensure smooth and efficient conduct of the meeting, a time limit of 15 minutes was set for presentation of the applicant. He then invited PlanD's representatives to brief Members on the background of the application.

13. With the aid of a PowerPoint presentation, Mr Kimson P.H. Chiu, STP/FSYLE, briefed Members on the background of the application, the proposed amendments to the Notes of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone to facilitate a proposed residential development with residential care home for the elderly (RCHE) and wetland restoration area (WRA), departmental comments, and planning considerations and assessments as detailed in the Paper. PlanD had no in-principle objection to the application.

14. The Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Benson Poon, the applicant's representative, made the following main points:

- (a) the Site was located within the 'Innovation and Technology Zone' of the Northern Metropolis (NM), which was an area undergoing transformation from a low-density rural setting to high-density developments, including the planned San Tin Technopole (the Technopole), the NM University Town in Ngau Tam Mei, the planned Northern Link (NOL) Main Line and the NM Highway under planning. Adjacent to the Site was the planned Sam Po Shue Westland Conservation Park (SPS WCP). The proposed development could unleash the Site's development potential, adhering to the principle of co-existence between development and conservation;

- (b) the Site was covered by an Environmental Impact Assessment (EIA) report approved in 2008. The proposed development encompassed a completed WRA of about 4.74 ha in the northern part of the Site, ensuring no further direct loss of wetland habitats under the current scheme. The residential portion in the southern part of the Site was planned with a total plot ratio (PR) of 1.3 based on a total site area of about 20.74 ha, accommodating a total of about 3,562 units. Those units comprised a mix of three-storey houses and residential towers ranging from six to 10 storeys, with an average unit size of about 74.7m². The development also included a four-storey RCHE cum electrical and mechanical (E&M) building;

- (c) the Site was subject to five previously approved planning applications under section 16 of the Town Planning Ordinance (s.16 applications) for residential development with wetland habitats. The recent s.16 application No. A/YL-MP/344 was approved in 2024 for the development of 789 two to three-storey houses with a PR of 0.4 and an average unit size of about 100m². As compared with this approved scheme, the current proposal aimed to increase private housing supply by offering diversified housing options and incorporating more open greenery. In addition, an RCHE would be provided;

- (d) the current scheme had incorporated various planning gains and design merits. A sensitive building design was proposed, which included a stepped building height (BH) profile descending from the proposed residential towers at the central part of the Site to the edge of WRA, a 16m-wide visual corridor and other appropriate building separations to maintain sightlines and reduce visual impact. A 100-bedspace RCHE was proposed. In addition, the scheme provided communal open spaces, landscape gardens, green rooftops on the RCHE and clubhouse, a tree-lined boulevard, and building setbacks at the western and eastern site boundaries. To further minimise ecological impacts, additional mitigation measures were proposed in comparison with the approved EIA report. Those measures included phased construction with restricted construction periods and hours, a reduced BH for a residential

tower (i.e. C2-1) located close to the wetland conservation area (WCA), and carefully designed lighting for buildings and streetscape; and

- (e) the current application only involved the relaxation of PR and BH restrictions, while maintaining the original planning intention of the “OU(CDWRA)” zone. The proposed development was technically feasible, and relevant government bureaux/departments raised no comment and/or no in-principle objection to the application. It aligned with the strategic development potential of the area, while also providing an alternative housing option that incorporated ecological and design merits for the well-being of the community. Detailed design aspects could be further reviewed during the future s.16 application stage.

15. As the presentations of PlanD’s representative and the applicant’s representative had been completed, the Chairperson invited questions from Members.

RCHE

16. Members raised the following questions:

- (a) details of the proposed RCHE, such as its scale, capacity and operational model; and
- (b) whether there were specific design elements incorporated to mitigate the potential impacts of the E&M facilities on the residents of the RCHE.

17. In response, Mr Benson Poon and Ms Chan Wing Yin, Julia, the applicant’s representatives, with the aid of some PowerPoint slides, made the following main points:

- (a) the proposed RCHE with a gross floor area of about 3,800m² would provide 100 bedspaces. The construction and operation of the RCHE would be undertaken by the applicant; and
- (b) an enclosed design would be adopted for the proposed RCHE. To mitigate

potential noise impacts, design measures such as placing E&M facilities underground and adjusting the orientation of windows of the proposed RCHE buildings would be adopted. Those measures were commonly adopted in other development projects.

Access to the WRA

18. Members expressed that the WRA was a valuable ecological asset and enquired about the possibility of opening it to the general public through guided tours, and whether any facilities would be required to accommodate future residents and guests within the WRA. In response, Mr Benson Poon, the applicant's representative, clarified that as the proposed development was a private development project, the applicant did not plan to make the area accessible to the general public. The future residents and their guests could only be able to enjoy the ecological assets outside the WRA through viewing points and recreational walking trail under a registration and management system, with a view to minimising human disturbance to the area. Members noted that physical access to the WRA was prohibited, ensuring that the WRA remained undisturbed and preserved in its natural state.

Maintenance and Management Plan and the Funding Arrangement of Wetland Preservation

19. A Member enquired about the details of the Maintenance and Management Plan (MMP) for the subject WRA and the funding agreement under the Environmental and Conservation Fund (ECF). In response, Ms Josephine Y.M. Lo, DPO/FSYLE, with the aid of a PowerPoint slide, said that the MMP for the WRA was approved in 2015. The funding agreement under the ECF for the long-term maintenance and management of the WRA was signed in 2021. Regarding the funding arrangement, the concerned lot owner was required to make a lump sum contribution to the ECF and appoint a conservation agent to apply for time-limited funding from the ECF regularly to carry out necessary conservation work. At the Chairperson's invitation, Ms Chan Wing Yin, Julia, the applicant's representative, supplemented that the lump sum contribution to the ECF was agreed upon by the ECF Committee and was sufficient to generate recurrent income. The appointed non-government organisation, acting as the conservation agent, would apply for funding to support conservation works such as daily maintenance, and ecological and water quality monitoring in accordance with the approved wetland preservation plan. Monthly reports would be submitted to the ECF

Committee. Conservation work at the WRA had been maintained since its implementation, and the recurrent funding would be used for future maintenance.

20. The Member further enquired whether the responsibility for the management and maintenance of the WRA was permanent and what would happen if the funding became insufficient. In response, Mr Benson Poon, the applicant's representative, said that the lump sum contributed was assessed through extensive financial evaluations conducted by professional consultants. Noting that the concern on long-term responsibility, the Chairperson requested more details on the ECF. In response, Ms Josephine Y.M. Lo, DPO/FSYLE, with the aid of a PowerPoint slide, said that the ECF was a statutory trust fund established under the Environment and Conservation Fund Ordinance (Chapter 450). The ECF Committee consisted of both official and non-official members appointed by the Chief Executive. Under the New Natural Conservation Policy (NNCP), 12 priority sites with high ecological value had been identified for enhanced conservation. Private development of an agreed scale would be allowed at ecologically less sensitive portions of those sites, provided that landowners made a lump sum contribution to the ECF sufficient to generate recurrent income to support the long-term conservation work. Although the Site for the proposed development was not one of the 12 priority sites, the applicant had voluntarily adopted the funding mechanism under the NNCP for conservation. The same recurrent funding principle applied to the proposed development.

21. As a related matter, the Vice-chairperson raised the following questions:

- (a) whether the WRA at the Site would be maintained to the same conservation standard as the planned SPS WCP; and
- (b) the possibility of the maintenance cost being borne by future residents.

22. In response, Messrs Benson Poon and Paul Leader, the applicant's representatives, made the following main points:

- (a) the WRA had been well managed since its implementation, although its scale was relatively small compared with the planned SPS WCP; and

- (b) the lump sum contributed was intended for long-term maintenance. The WRA had been in place for some time, and this had been factored into the funding assessment for long-term arrangements.

23. In response to the Chairperson's follow-up enquiry, Ms Josephine Y.M. Lo, DPO/FSYLE, explained that the WRA and the residential portion in the current scheme were under separate lots and there was no relevant clause related to the maintenance of the WRA in the lease of the residential portion.

The Approved EIA Report and Possible Impact on Wetland

24. A Member raised a question regarding the necessity of reapplying for the EIA and Environmental Permit (EP) in light of the proposed increase in development intensity (with a PR of 1.3) and BH (up to 10 storeys) under the current scheme. If not, what the reason was and how to ensure that the potential environmental impacts could be mitigated. In response, Ms Josephine Y.M. Lo, DPO/FSYLE, said that the Site was covered by the EIA report approved by the Director of Environmental Protection in 2008 for a proposed comprehensive development and variations to the EP issued in 2017 for the construction and operation of the development. Should this section 12A application be agreed, the applicant would need to review the implications of the current scheme under the EIA Ordinance (EIAO) in consultation with relevant government departments. Depending on the review outcome, the applicant might need to submit a new EIA report or apply for variation to the EP. One of the conditions of the issued EP required the submission of a monthly Environmental Monitoring & Audit Report during construction, ensuring effective monitoring and control by government departments. In the planning regime, it would be necessary to go through the statutory procedures, including amendment to the relevant outline zoning plan and obtaining planning permission via a s.16 application under the Town Planning Ordinance, before proceeding with the proposed development at the Site. The Chairperson supplemented that relevant technical assessments, including those on environmental and ecological aspects, were submitted by the applicant under the current section 12A application to demonstrate that the proposed development would not have significant adverse impacts on the surrounding area.

25. A Member enquired about the proposed additional mitigation measures (as stated in paragraph 14(d) above) compared with the approved EIA report. In response, Messrs

Benson Poon and Paul Leader, the applicant's representatives, with the aid of some PowerPoint slides, explained that those additional measures were proposed due to the increased development intensity under the current scheme. The current scheme would not result in additional wetland loss and the potential indirect impacts had been mitigated.

26. The Vice-chairperson enquired about the mitigation measures to minimise ecological impact during the construction period. In response, Ms Chan Wing Yin, Julia, the applicant's representative, explained that the completed WRA served as a buffer area to protect the WCA in the northern part of the Site. The construction would be carried out in phases to mitigate possible impacts, such as noise and dust, as proposed in the Environmental Assessment and Ecological Impact Assessment in support of the current application. Further review on additional mitigation measures would be conducted during the s.16 application stage and under EIAO mechanism.

The Proposed Development

27. In view of the scale of the proposed residential development, which comprised over 3,000 units, the Vice-chairperson enquired why retail facilities were not proposed in the current scheme. In response, Mr Benson Poon, the applicant's representative, explained that the applicant anticipated that the future residents would utilise the retail facilities in the Technopole scheduled for completion in 2031 and the existing retail facilities in the surrounding area. In response to a Member's follow-up enquiry, Mr Benson Poon, the applicant's representative, said that the inclusion of retail facilities in the proposed development could be reviewed during the s.16 application stage.

28. Referring to paragraph 9.1.3(d) of the Paper, the Vice-chairperson sought clarification on the term 'development footprint'. In response, Ms Josephine Y.M. Lo, DPO/FSYLE, with the aid of a PowerPoint slide, explained that in the context of the Agriculture, Fisheries and Conservation Department (AFCD)'s comments, 'development footprint' referred to the portion of the Site designated for development, i.e. the residential portion of the Site. The Site was divided into two portions, i.e. the completed WRA in the north and the development portion in the south respectively. There had been no change in the size of the development portion compared to the last approved scheme. On a related issue, the Chairperson enquired about the site coverage (SC) comparison between the two schemes.

In response, Ms Josephine Y.M. Lo, DPO/FSYLE, with the aid of a PowerPoint slide, said that the SC for both schemes was indicated as not exceeding 25%. Nevertheless, the last approved scheme involved only houses, while the current scheme included both houses and residential towers, resulting in a different site layout. Mr Mak King Man, Andrew, the applicant's representative, with the aid of a PowerPoint slide, added that the greenery SC in the current scheme was higher than that in the last approved scheme.

29. Noting that the proposed development included about 3,562 units with an estimated population of about 9,974, resulting in an average household size of about 2.8, a Member asked if the total number of units included houses and whether the average household size was underestimated. In response, Messrs Benson Poon and Mak King Man, Andrew and Ms Li Man Fei, Michelle, the applicant's representatives, said that the total number of units included 128 houses. Regarding the average household size, it reflected the average across the entire development and was based on the Small Tertiary Planning Unit of the area and Yuen Long district, using data from the 2021 Population Census.

Traffic, Access and Parking Arrangements

30. Noting that the Site had a single access point and there was no proposed public transport interchange at the Site, two Members raised the following questions:

- (a) whether the provision of about 1,520 private car parking spaces was sufficient; and
- (b) what the public transport arrangements were, given that the completion of the NOL Main Line was scheduled for 2034, which was later than the target completion year (i.e. 2031) of the proposed development.

31. In response, Mr Pun Wai Lun, Alan, the applicant's representative, made the following main points:

- (a) the car parking provision was planned based on the requirements set out in the Hong Kong Planning Standards and Guidelines; and

- (b) the Traffic Impact Assessment submitted by the applicant had comprehensively assessed the public transport demand. To mitigate potential traffic disruptions and enhance accessibility, the applicant proposed shuttle bus services connecting the proposed development to nearby public transport interchanges, including the planned San Tin Station. Moreover, road improvement works were suggested to facilitate safer and more efficient pedestrian access to bus stops along Castle Peak Road. The applicant would conduct a review during both the s.16 application and the detailed design stages, and liaise with the Transport Department to ensure seamless integration of transport solutions prior to the population intake at the Site.

32. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairperson informed the applicant's representatives that the hearing procedure of the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked PlanD's and the applicant's representatives for attending the meeting. They left the meeting at this point.

[Mr Ryan M.K. Ip and Ms Vilian W.L. Sum left the meeting during the question and answer session.]

Deliberation Session

33. The Chairperson recapitulated that the Site was involved in various previous applications, with the WRA already implemented. The current application was primarily submitted to increase the development intensity, and the Committee was invited to consider its acceptability. The Chairperson emphasised that if the application was approved, it would still be required to go through the statutory plan-making procedures and s.16 application process to obtain planning permission from the Town Planning Board before the proposed development could be implemented at the Site. He then invited views from Members.

34. The Vice-chairperson and Members generally supported the application, recognising the evolving planning context since the Site's first approved development scheme in 2008, a period predating the NM development strategy. Given its location within the NM

and adjacent to the Technopole, the proposed development effectively maximised land utilisation. The proposed development intensity was considered acceptable and not incompatible with the surrounding area, taking into account the planned developments and infrastructural capacity in the area. The application did not propose any change to the planning intention of the “OU(CDWRA)” zone. This application represented the first step towards the development of the Site, with detailed design to be considered by the Committee during the s.16 application stage. The proposed development could progress in step with the rapid development of the NM.

35. While supporting the application, a few Members had the following observations and suggestions:

- (a) given the increase in development intensity, the applicant was advised to conduct a thorough review and explore strategies to enhance accessibility of the Site. It was also essential to propose measures that complied with relevant government requirements and regulations, as necessary, including traffic measures to improve accessibility;
- (b) the applicant should explore the possibility of extending the availability for visitation of the proposed wildlife viewing points, landscaped gardens and ponds with recreational walk/nature trail, as stated in paragraph 1.8 of the Paper, to the general public under a registration and management system; and
- (c) the applicant should consider the necessity to provide retail facilities in the proposed development to serve future residents and the neighbourhood, and explore the relocation of E&M facilities away from the entrance and RCHE at the s.16 application stage so as to improve the overall layout and functionality of the Site.

36. Regarding the location of E&M facilities, a Member highlighted that there was an additional E&M building situated north of residential tower C1-22. The meeting noted that E&M facilities for each residential tower were typically located within the respective tower itself. Besides, the impact of E&M facilities associated with a 100-bedspace RCHE was expected to be minimal.

37. At the invitation of the Chairperson, Ms Clara K.W. U, Principal Environmental Protection Officer (Territory North), Environmental Protection Department (PEPO(TN), EPD) explained that the Site was covered by an approved EIA report and an EP. The applicant was required to review the implications of the intensification of the proposed development under the EIAO to determine if additional mitigation measures were necessary for compliance with statutory requirements. In the current application, the applicant had conducted a preliminary Environmental Assessment and Sewerage Impact Assessment, which concluded that no insurmountable adverse impacts were anticipated from the increased development intensity. Both EPD and AFCD concurred that no further ecological measures within the completed WRA were needed for compensation, given the unchanged 'development footprint' and the setback of taller buildings. During the construction phase, temporary ecological impacts were anticipated with the implementation of mitigation measures. Concerning the WRA under consideration, conservation efforts over the past 15 years had led to improvement in ecological function and water quality. While the existing WRA was relatively small, it served as a buffer to the planned SPS WCP and was an integral part of the wetland system to the north of the Site. To minimise disturbance to wildlife and their habitats, controlling access to the WRA was essential. Many conservation initiatives, such as removing invasive plant species, monitoring water quality and adjusting water levels, incurred low costs, ensuring that the financial feasibility of wetland conservation remained manageable.

38. The Chairperson concluded that the Committee generally supported the application and suggested that Members' observations and suggestions stated in paragraph 35 above could be conveyed by PlanD to the applicant for consideration during the s.16 application and detailed design stages.

39. After deliberation, the Committee decided to agree to the application. The relevant proposed amendments to the Mai Po & Fairview Park Outline Zoning Plan, together with the revised Notes and Explanatory Statement, would be submitted to the Committee for consideration prior to gazetting under the Town Planning Ordinance.

[The meeting was adjourned for a 5-minute break.]

[Mr Vincent K.Y. Ho rejoined the meeting at this point.]