

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FSS/279

- Applicant** : Champ Dynasty Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 834 and 838 RP in D.D. 52 and adjoining Government Land, Tin Ping Road, Sheung Shui, New Territories
- Site Area** : About 2,093m² (including Government Land of about 123m² (about 5.9%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fanling/Sheung Shui OZP No. S/FSS/24
- Zoning** : "Village Type Development" ("V") About 2,028m²
[maximum building height of 3 storeys (8.23m)]¹ (96.9%)
Area shown as 'Road' About 65m²
(3.1%)
- Application** : Proposed Social Welfare Facility (Residential Care Home for the Elderly) and Flat and Minor Relaxation of Building Height (BH) Restriction

1. The Proposal

- 1.1 The applicant seeks planning permission for development of a social welfare facility (residential care home for the elderly (RCHE)) and a 4-storey residential block at the application site (the Site) (**Plan A-1**) with minor relaxation of building height restriction from a maximum of 3 storeys / 8.23m to 4 storey / 12.15m (+1 storey (+33.3%) / +3.92m (+47.6%)) for the residential block (**Drawings A-1 to A-6**). According to the Notes of the OZP, 'Social Welfare Facility' and 'Flat' are Column 2 uses within the "V" zone and planning permission from the Town Planning Board (the Board) is required. Besides, both uses within the area shown as 'Road' require planning permission from the Board. The Site is currently predominately occupied by temporary domestic structures (**Plan A-3**).
- 1.2 According to the applicant's submission, the total gross floor area (GFA) of the proposed development is about 2,839m², which includes a 4-storey RCHE comprising 143 beds with a GFA of about 1,706m² (about 60.1%) and a 4-storey

¹ According to the Notes of the OZP, the building height restriction is applicable to 'Flat' use, but not applicable to 'Social Welfare Facility' use.

residential block comprising 28 flats with a GFA of about 1,133m² (about 39.9%). The proposed RCHE will be privately-operated. A portion of Government land of about 123m² is included in the Site to provide vehicular access to the Site from Tin Ping Road (**Plan A-2**).

- 1.3 The layout plan, floor plans, elevation plan, section plan, photomontages and Landscape Master Plan (LMP) submitted by the applicant are at **Drawings A-1 to A-9**. Major development parameters of the application are detailed in the following table:

Total Site Area	About 2,093m ²	
Total PR / GFA	1.36 / About 2,839 m ²	
- RCHE	0.82 / About 1,706m ²	
- Flat	0.54 / About 1,133 m ²	
Building Height	OZP Restriction (“V” zone)	Proposal
- RCHE	NA ²	4 storeys / 14.4m
- Flat	3 storeys / 8.23m	4 storeys / 12.15m (+1 storey (+33.3%) / +3.92m (+47.6%))
Site Coverage	Not more than 36.3%	
Flat Size	23.5m ² to 41.7m ²	
Number of Unit		
- RCHE	143 beds	
- Flat	28 flats	
Estimated Population		
- RCHE	143	
- Flat	84	
Communal Open Space	About 245m ²	
Common Greenery Coverage	About 635m ² / 30.34%	
Parking Spaces		
<u>RCHE</u>		
- Private car	3 (including 1 accessible car parking space)	
- Light Goods Vehicle (LGV) Loading /	1	

² According to the Notes of the OZP, the building height restriction is applicable to ‘Flat’ use, but not applicable to ‘Social Welfare Facility’ use.

Unloading (L/UL) Bay	
<u>Flat</u>	
- Private car	5 (including 1 accessible car parking space)
- Motorcycle	1
- LGV L/UL Bay	1
Tentative Completion Year	2030

Tree Preservation and Landscape Proposal

- 1.4 According to the applicant, in order to better integrate the proposed development with the surrounding, soft landscape measures including heavy standard trees, shrubs, groundcovers and climbing plants are proposed along the edge of the Site (**Drawing A-9**). In addition, landscaped areas at different levels (G/F and R/F) are proposed at the proposed RCHE. Trees and shrubs are also proposed along the internal access road, common landscaped area and in front of the proposed residential block.
- 1.5 A total of 41 existing trees (16 within the Site and 25 outside the Site) were recorded in the tree survey conducted (**Appendix Ia**). Most of the existing trees are in poor condition, while the remaining trees are in fair condition. The 16 existing trees within the Site is proposed to be felled and the 25 existing trees outside the Site will be preserved. To compensate the loss of 16 existing trees, 35 heavy standard trees are proposed to be planted within the Site (**Drawing A-11**).

Traffic

- 1.6 Parking spaces, as detailed in paragraph 1.3 above, are proposed in accordance with the latest Hong Kong Planning Standards and Guidelines (HKPSG). In addition, a 8.9m-wide access road, including 1.5m-wide footpath, connecting Tin Ping Road is proposed to provide pedestrian and vehicular access to the proposed development.
- 1.7 An access road connecting Tin Ping Road is proposed (**Drawing A-1**). To enhance pedestrian and vehicular safety, traffic arrangement measures are proposed within the Site, including separating the proposed footpath and driveway by railings, erecting traffic signs, installing amber revolving lanterns on both sides of the proposed access, proper road markings etc.
- 1.8 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 25.3.2021 (**Appendix I**)
 - (b) Supplementary Planning Statement received on 25.3.2021
 - (c) Further Information (FI) received on 31.5.2021[#] and

7.9.2021

- (d) FI received on 21.10.2021 enclosing consolidated SPS (**Appendix Ia**) which has incorporated the revised development scheme with revised technical assessments and previous responses to departmental comments^{#3}

[#]Exempted from publication

- 1.9 The application was received on 25.3.2021. On 14.5.2021 and 23.7.2021, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer a decision on the application, upon the request of the applicant, to allow more time for the applicant to submit FI to address departmental comments. After the last deferment, FIs were received on 7.9.2021 and 21.10.2021. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement and FIs received (**Appendices Ia to Id**). They are briefly summarized as follows:

Compatible with the Surrounding Environment

- (a) the proposed 4-storey RCHE and 4-storey residential block are considered compatible with the surrounding, which is mainly low-rise low-density domestic structures, with low to medium-rise government, institution and community (GIC) facilities to the south and southeast of the Site and high-rise residential development (Tsui Lai Garden) to the southeast of the Site;
- (b) according to the applicant, the formation level of the Site is about 2.1m lower than that of Tin Ping Road (**Drawing A-6**), which reduced the visual impact of the proposed development (**Drawings A-7 and A-8**). As such, the proposed minor relaxation of BH restriction from 3 storeys / 8.23m to 4 storeys / 12.15m (+1 storey / +3.92m (+47.6%)) is considered minor in scale and nature with no significant visual impact induced;

In Line with the Latest Government's Policy

- (c) as reflected in the policy and planning documents including Policy Addresses 2018, 2019 and 2020, and the "Hong Kong 2030+ Territorial Development Strategy and Elderly Services Programme Plan", the provision of housing, elderly-care services and RCHEs are considered important policy directions for the future. The proposed development is considered in line with the Government's policy;

³ The consolidated SPS received on 21.10.2021 at **Appendix Ia** has incorporated all previous FIs. The applicant has confirmed that the original SPS and previous FIs could be superseded by the consolidated SPS. Hence, the original SPS and the superseded FIs are not attached.

- (d) in view of the growing ageing population, there is high demand for residential care services for the elderly in the community. The need for residential care services for the elderly in North District and Fanling/Sheung Shui area have always been keen and there is shortfall in the provision of RCHE subsidized beds in Fanling/Sheung Shui area. The proposed RCHE could help to address the shortfall of elderly facilities and meet the demand of aged population in the community;

Efficient Use of Scarce Land Resources for Housing Supply and Provision of Home Care Services

- (e) Despite majority of the Site falls within an area zoned “V” with the planning intention primarily for designation of both existing recognized villages and areas of land considered suitable for village expansion, the Site is not covered by ‘Village Environs’ of any recognized villages. While it is anticipated that there will be no Small House development at the Site, the proposed development would make efficient use of the scarce and valuable land resources to address social needs for housing supply and provision of social welfare facilities;
- (f) the Site is currently occupied by temporary domestic structures and abandoned land. It is considered that the approval of the application would provide major improvement to the existing rural environment of the Site through a well-planned low-rise and low-density development comprising of RCHE and residential block, and address the housing and welfare needs of the society and community;

No Adverse Technical Impacts

- (g) the traffic impact assessment (TIA), environmental assessment (EA), drainage impact assessment (DIA), sewerage impact assessment (SIA) and quantitative risk assessment (QRA) have been conducted and concluded that the proposed development would not generate adverse traffic, air, noise, water quality, waste, drainage, sewerage and risk impacts; and

Not Setting an Undesirable Precedent

- (h) there are two similar applications (Nos. A/FSS/270 and A/FSS/276) for proposed residential development (houses) and RCHE within “V” zones of the same OZP approved by the Board recently. In addition, the Board has approved a number of s.16 planning applications for social welfare facility within “V” zones. Approval of the current application would not set an undesirable precedent for other similar application and would encourage developments involving RCHE in appropriate location to cater for the needs.

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

- 3.1 The applicant is the sole “current land owner” of all private lots within the Site. Detailed information would be deposited at the meeting for Members’ inspection.

- 3.2 For the Government land, the “owner’s consent/notification” requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirement under Section 12A and 16 of the Ordinance (TPB PG-No. 31A) is not applicable.

4. Previous Application

The Site is not the subject of any previous application.

5. Similar Applications

- 5.1 There are three similar applications (Nos. A/FSS/164, A/FSS/270 and A/FSS/276) for proposed house or proposed house and RCHE and minor relaxation of BH restriction within the “V” zones of the same OZP.
- 5.2 Application No. A/FSS/164 for a proposed house was rejected by the Committee on 13.1.2006 on the grounds that the proposed development was not in line with the planning intention of the “V” zone; there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse traffic impact; and approval of the application would set an undesirable precedent for other similar applications, and the cumulative effect would result in a loss of land for Small House development in the area.
- 5.3 Applications Nos. A/FSS/270 and A/FSS/276 were submitted for primarily the same site for proposed houses and RCHE as well as minor relaxation of BH restriction. They were approved with conditions by the Committee on 6.9.2019 and 6.11.2020 respectively mainly on similar considerations that the proposed development of houses and RCHE was not incompatible with the adjacent residential use; the proposed RCHE could help address the shortfall of elderly facilities and meet the demand of ageing population in the community; the proposed development would unlikely result in significant visual impact on the surroundings; the proposed minor relaxation of BH for the proposed houses from 3 storeys to 4 storeys is considered minor in scale and nature; and no insurmountable problem from traffic engineering, environmental and sewerage impact perspectives is anticipated.
- 5.4 Details of the applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

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

6.1 The Site:

- (a) is predominately occupied by domestic structures with some agricultural uses and vegetation; and
- (b) is accessible from Tin Ping Road via footpath.

6.2 The surrounding areas have the following characteristics:

- (a) to the north is a cluster of GIC facilities, including Fung Kai Innovative School, Fung Kai No. 1 Primary School and Fung Kai No. 1 Secondary School, and to its further north is the Fanling North New Development Area (FLN NDA);
- (b) to the east are temporary domestic structures intermixed with some agricultural land and vacant land;
- (c) to the south across Tin Ping Road are another cluster of GIC facilities, including Sheung Shui Fire Station, Construction Industry Council Training Academy Sheung Shui Training Centre and Fung Kai Liu Man Shek Tong Secondary School, and high-rise residential development known as Tsui Lai Garden (27 to 29 storeys) which is zoned “R(A)”; and
- (d) to the immediate west are temporary domestic structures; and further west are Fung Kai Kindergarten and the recognized village of Sheung Shui Heung across Jockey Club Road.

7. Planning Intention

7.1 The planning intention of “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

7.2 The area shown as ‘Road’ is intended for road use.

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:

Small House Policy and Land Administration

8.1.1 Comments of the Secretary for Development (SDEV):

the Site does not fall within any existing Village Expansion Area (VEA), nor proposed VEAs. Under the current policy, applications for Small House development may be considered in areas within VEs or in areas

zoned “V” that surround or overlap with the VE. Since the Site is not within and does not surround or overlap with the VE of any recognized village (including the Sheung Shui Heung), in the absence of any VEA, any application for Small House development in that area will generally not be considered under the current policy.

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

- (a) the Site comprises two private lots (Lots 834 and 838 RP in D.D. 52) and adjoining Government land;
- (b) the lots are held under Block Government Lease and demised for agricultural purposes;
- (c) please note the Site is not located within the VE of any recognized villages in North District and there is no approved Small House application at the Site and the subject “V” zone. In addition, the Site does not fall within any proposed VEA;
- (d) as mentioned in the planning statement, a new 8.9m-wide access road within Government land connecting the private lots to Tin Ping Road was proposed and the Government land concerned was included in the Site. Further, it is noted that the site formation works was proposed to facilitate connection of the proposed access road from the Site to Tin Ping Road. Land status check reveals that the proposed access road will pass through a piece of Government land with slope feature No. 3SW-A/F83 (with Highways Department being the responsible party as well as maintenance agent) (**Plan A-2**);
- (e) if the Board approves the application and the land owner subsequently applies to LandsD for land exchange, such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions as considered appropriate including but not limited to the revision of site boundary, the payment of premium and administrative fee. There is no guarantee that Government land involved or adjoining to the lots will be granted; and
- (f) his detailed comments are at **Appendix IV**.

Urban Design and Visual Aspects

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

- (a) the Site mainly falls within “V” zone which is subject to a maximum BH restriction of 3 storeys / 8.23m and partly within an area shown as

‘Road’ on the OZP. It is surrounded by village type development of 1 to 3 storeys to the east and further west, residential development with BH up to 91mPD to the southeast and some GIC uses to the north and south (up to 52mPD); and

- (b) according to the proposal submitted by the applicant, the proposed development is composed of one residential block of 4 storeys (about 12.15m) and one RCHE of 4 storeys (about 14.4m). Judging from the photomontages, the proposed development is considered not incompatible with the surrounding context. It is unlikely that the proposed minor relaxation of BH would induce significant visual impact to the surroundings.

Landscape Aspect

8.1.4 Comments of the CTP/UD&L, PlanD:

- (a) he has no objection to the application from the landscape planning perspective;
- (b) based on the aerial photo (**Plan A-3**), the Site is situated in an area of urban fringe landscape character which comprises high-rise and low-rise residential buildings, schools and roadside vegetation/ trees. The proposed development is not incompatible with the surrounding environment;
- (c) according to the submission, 16 trees of common species (**Drawing A-11**) are identified within the Site and they are generally in poor to fair conditions. All of them are proposed to be felled due to direct conflict with the proposed access of the Site and the building layout, and 35 new trees (**Drawing A-9**) are proposed to be planted within the Site;
- (d) besides, according to the submission, communal open space of about 245m² is provided for the estimated population of 227 occupants. Hard and soft landscape treatments with fitness area for adult, fitness area for elderly, multi-functional lawn, Tai Chi garden and chess garden will be provided on G/F and R/F of RCHE;
- (e) given that significant adverse landscape impact caused by the development is not anticipated and adequate landscape provisions are proposed to mitigate the landscape impact and improve the landscape quality of the development, he has no objection to the application from landscape planning point of view; and
- (f) it should be reminded that approval of the application does not imply approval of tree preservation / removal scheme under the lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planning

proposal, where appropriate.

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

a few roadside trees along Tin Ping Road (**Drawing A-11**) under LCSD maintenance will be affected. Should any trees be inevitably affected by the proposed development, the project proponent is advised to compensate the loss in accordance with the DEVB TC(W) No. 4/2020.

Social Welfare

8.1.6 Comments of the Director of Social Welfare (DSW):

- (a) given that the applicant has confirmed that the design and construction of the RCHE shall comply with all relevant licensing and statutory requirements and they would take note of the ceiling height requirement, he has no in-principle objection to the development from welfare perspective: and
- (b) his detailed comments are at **Appendix IV**.

Traffic Aspect

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

- (a) he has no further comment on the FI submitted (**Appendix Ia**);
- (b) for the proposed vehicular access on Tin Ping Road, it is noted that some trees would be required to be felled or transplanted. The applicant is required to ensure that the proposal would be accepted by relevant parties (e.g. LCSD); and
- (c) should the application be approved, the following approval conditions should be included:
 - (i) the design and provision of the vehicular access; and
 - (ii) the design and provision of parking facilities and loading/unloading spaces.

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

- (a) if the application is approved, the applicant is required to construct a proper run-in/out for the Site according to HyD's Standard Drawings and to his satisfaction at his own cost;
- (b) the proposed access road will pass through Slope No. 3SW-A/F83

maintained by his department (**Plan A-2**). The applicant should take up the maintenance responsibility of the affected slope portion; and

- (c) the proposed u-channel along the site boundary should be so designed that no surface runoff will flow from the Site onto the adjacent public road.

Environment

8.1.9 Comments of the Director of Environment Protection (DEP):

- (a) he has no in-principle objection to the application. Should the application be approved by the Board, the following approval conditions should be imposed:
 - (i) submission of noise impact assessment (NIA) and the implementation of mitigation measures identified therein to the satisfaction of DEP or of the Board;
 - (ii) submission of a revised sewerage impact assessment (SIA) to the satisfaction of the DEP or of the Board; and
 - (iii) implementation of the local sewerage upgrading/ sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the Board.
- (b) the EA recommended adoption of building setback and arrangement of non-noise sensitive use room at the façade of the RCHE facing Tin Ping Road, with a view to preventing the traffic noise impact from Tin Ping Road. The above approval condition (i) is to ensure this preventive measure be properly put in place, should the application be approved by the Board; and
- (c) his detailed comments on SIA are at **Appendix IV**. The applicant should address the comments in the revised SIA report under the above proposed approval condition (ii).

Drainage Aspect

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

- (a) if the application is to be approved, the following approval condition should be added:

submission of a revised SIA to the satisfaction of DEP and Director of Drainage Services or the Board; and
- (b) his detailed comments on the SIA are at **Appendix IV**.

Water Supply

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

- (a) he has no objection to the application;
- (b) existing water mains as shown in **Appendix IVa** are located within the Site and will be affected. The applicant is required to either divert or protect the water mains found within the Site; and
- (c) his detailed comments are at **Appendix IV**.

Building Matters

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

- (a) he has no objection to the application;
- (b) formal submission of any proposed new building works for approval and consent under the Buildings Ordinance (BO) is required. Detailed consideration will be made at the building plan submission stage; and
- (c) his detailed comments are at **Appendix IV**.

Fire Safety

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

- (a) he has no in-principle objection to the application subject to fire services installations (FSI) being provided to the satisfaction of D of FS;
- (b) in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;

- (c) however, the applicant is reminded that if the proposed structure(s) is required to comply with the BO or licence is required for the subject RCHE, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively.

Geotechnical

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

- (a) he has no adverse comment on the applicant; and
- (b) there is an existing feature No. 3SW-A/F83 located within/adjoining the boundary of the Site (**Plan A-2**). The applicant is reminded to provide necessary submission of site formation works to BD as required by the provision of BO if found applicable.

District Officer's Comment

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

- (a) he has consulted the locals from 26.4.2021 to 20.5.2021;
- (b) the President of Fung Kai Primary School and Resident Representative of Sheung Shui Heung supported the proposal;
- (c) 上水天平山村居民協會 and 天平山村街坊組 objected to the proposal mainly on grounds that the proposed development does not comply with the planning intention of “V” zone; the surrounding developments, including temporary residential structures, may be affected by the construction works of the proposed development; the proposed development will result in flooding issues; and instead of piecemeal developments, Tin Ping Tsuen should be planned in a holistic manner.
- (d) the Chairman of Sheung Shui District Rural Committee, the three Indigenous Inhabitant Representatives of Sheung Shui Heung and the representative of 香港路德會社會服務處路德會石湖社區發展計劃 offered no comment; and
- (e) the incumbent North District Council member of N15 Constituency has no in-principle objection to the proposed RCHE in view that the proposed RCHE alleviate the problem of inadequate provision of RCHE. However, the proposed development may bring adverse traffic impact, and the Government is suggested to increase the bus routes, especially for connecting Kowloon or Hong Kong Island.

8.2 The following Government departments have no objection to/no comments on the application:

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Commissioner of Police (C of P); and
- (c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);

9. Public Comments Received During Statutory Publication Period

9.1 On 9.4.2021 and 17.9.2021, the application and FI were published for public inspection. During the 3-week statutory publication periods, a total of 462 public comments were received from 上水天平山村居民協會 and individuals. All public comments received are deposited at the Board's Secretariat for Members' reference.

9.2 Among the 462 public comments, 332 comments made by individuals support the application (all in standard letters) (samples at **Appendix IIIa**), while 128 comments made by 上水天平山村居民協會 and individuals object (125 in standard letters) (samples at **Appendix IIIb**) and two indicate no comment on the application.

9.3 The major views of the public comments are summarized as follows:

Supporting comments

- (a) the proposed RCHE and flats optimise the site potential and respond to the Government's initiatives to address the shortage of elderly facilities, and could help increase the housing supply;
- (b) the proposed development is not incompatible with the surrounding developments and no insurmountable impacts from various aspects are expected as demonstrated from the technical assessments;
- (c) approval of the current application is in line with the previous decisions of the Board on applications Nos. A/FSS/270 and A/FSS/276;

Objection / adverse comments

- (d) the application is not in line with the planning intention of "V" zone and incompatible with the surrounding developments;
- (e) there is no detailed information on the proposed RCHE and flats;
- (f) adverse impacts on environmental, drainage and sewerage aspects induced by the proposed development and the construction works of the proposed development would affect the well-being of the residents in the surroundings;

- (g) the current residents within the Site were not consulted on the proposed development by the applicant and there is no compensation arrangement; and
- (h) the proposed development would result in an incomprehensive planning in Tin Ping Shan Tsuen, the Government should take the initiative in developing the area.

10. Planning Considerations and Assessments

- 10.1 The application is for a 4-storey social welfare facility (RCHE) and a 4-storey residential block with minor relaxation of BH restriction from a maximum of 3 storeys / 8.23m to 4 storey / 12.15m (+1 storey (+33.3%) / +3.92m (+47.6%)) for the residential block.

Planning Intention

- 10.2 Majority of the Site (about 96.9%) falls within “V” zone which is intended primarily for designation of both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Other community uses may be permitted on application to the Board. The remaining portion of the Site (about 3.1%) falls within an area shown as ‘Road’ which is intended for road use. Although the proposed development is not entirely in line with the planning intention of the “V” zone and the proposed RCHE will be privately-operated, the proposed RCHE could help address the shortfall for elderly facilities and meet the demand of ageing population in the community as there is a general deficit of residential care services for elderly in the Fanling/Sheung Shui area. Besides, the proposed residential block could also help meet the much-needed housing flats by the public.

- 10.3 Regarding the implementation of Small House development within the “V” zone, as advised by SDEV and DLO/N, LandsD, the Site is neither covered by ‘VE’ of any recognized village nor Village Extension Area (VEA). Any application for Small House development in area where lies within neither VEA nor VE will generally not be considered under the current policy. There is no Small House application approved in the Site or within the subject “V” zone.

Land Use Compatibility and Development Scale

- 10.4 The Site is generally neighbouring two low-rise G/IC clusters. The immediate surroundings of the Site are mainly occupied by temporary domestic structures, and low to medium-rise GIC facilities. High-rise residential development (e.g. Tsui Lai Garden) is to the further east and the planned Fanling North NDA is to the further north. The proposed RCHE and residential block are in low-rise (4 storeys) and low-density (plot ratio of 1.36 in total) character which are not incompatible with the adjacent existing residential and GIC uses.

- 10.5 CTP/UD&L, PlanD considers that the character and scale of the proposed

development at the Site (with a total PR of 1.36 and BH of 4 storeys/14.4m (RCHE) and 4 storeys/12.15m (for residential block)) is not incompatible with the surrounding context, especially the G/IC uses which have a building height ranging from 1 to 9 storeys. The proposed minor relaxation of BH would unlikely induce significant visual impact to the surroundings. According to the applicant, the site formation level of the proposed development is lower than that of Tin Ping Road, which would help reduce the visual impact from Tin Ping Road. Besides, the proposed minor relaxation of building height for the proposed flats from 3 storeys to 4 storeys is considered minor in scale and nature, with no significant visual impact.

Technical Aspects

- 10.6 The applicant has submitted relevant technical assessments including TIA, EA, SIA, DIA and QRA, which demonstrate that the proposed development would not cause insurmountable problem from traffic, environmental, sewerage, drainage and risk perspectives. In this regards, relevant departments, including C for T, DEP, CE/MN of DSD, DEMS, etc. have no adverse comment on the application.
- 10.7 16 trees are identified within the Site and they are generally in poor to fair conditions. All of them are proposed to be felled due to direct conflict with the proposed access of the Site and the building layout. The 16 trees to be felled involves a few roadside trees along Tin Ping Road under LCSD maintenance for the proposed access road. DLCS advise the applicant to compensate the loss in accordance with the DEVB TC(W) No. 4/2020. The applicant proposes to plant 35 new trees within the Site to compensate the loss, CTP/UD&L of PlanD has no objection to the application from the landscape planning perspective.

Similar Applications

- 10.8 There are three similar applications in “V” zones on the same OZP, in which two of them (Nos. A/FSS/270 and A/FSS/276) submitted for the primarily same site were approved by the Committee in 2019 and 2020 respectively on similar considerations as detailed in paragraph 5.3 above. The Committee’s considerations of these two similar applications are generally applicable to the current application in that the application site is outside VEA and/or VE and are compatible with the surrounding land uses. Approval of the current application is in line with the previous decisions of the Committee.
- 10.9 Application No. A/FSS/164 was rejected by the Committee in 2006 on grounds as detailed in paragraph 5.2 above. Unlike the current application in which technical assessments have been conducted to demonstrate that the proposed development would not cause insurmountable technical problem; however, there was insufficient information in the Application No. A/FSS/164 to ascertain the technical feasibility. The current application is subject to different circumstances as compared with Application No. A/FSS/164.

Local Views and Public Comment

10.10 Regarding the local views conveyed by DO/N of HAD and public comments as stated in paragraphs 8.1.15 and 9, the departmental comments and planning considerations and assessments as stated above are relevant. As for the compensation to the existing residents on the Site, it should be sorted out separately between the landlord and the tenants.

11. Planning Department's Views

11.1 Based on the assessments made in paragraph 10 and having taken into account the local views and public comments in paragraphs 8.1.15 and 9, the Planning Department 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 29.10.2025, 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 following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the design and provision of vehicular access to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (b) the design and provision of parking facilities and loading/unloading spaces to the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of noise impact assessment and the implementation of mitigation measures identified therein to the satisfaction of Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of a revised sewerage impact assessment to the satisfaction of Director of Environmental Protection and Director of Drainage Services or of the Town Planning Board;
- (e) in relation to (d) above, the implementation of local sewerage upgrading/sewerage connection works identified in the revised sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (f) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix IV**.

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of "V" zone, which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant 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

Appendix I	Application form received on 25.3.2021
Appendix Ia	FI received on 21.10.2021 with consolidated SPS
Appendix II	Similar applications in the "V" zones in Fanling/Sheung Shui OZP
Appendices IIIa to IIIb	Public comments
Appendix IV	Advisory clauses
Appendix IVa	Fresh water mains record plan
Drawings A-1 to A-6	Layout Plan, Floor Plans, Section Plan and Elevation Plan
Drawings A-7 and A-8	Photomontages
Drawing A-9	Landscape Master Plan
Drawing A-10	Open space demarcation plan
Drawing A-11	Tree survey plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo

Plans A-4a and 4b

Site Photos

**PLANNING DEPARTMENT
OCTOBER 2021**