

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FSS/288

- 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** : Draft Fanling/Sheung Shui OZP No. S/FSS/25 at the time of submission

Approved Fanling/Sheung Shui OZP No. S/FSS/26 currently in force
[The zoning and development restrictions for the Site remain unchanged on the current approved OZP No. S/FSS/26]
- 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 (RCHE)) and Flat and Minor Relaxation of Building Height (BH) Restriction

1. The Proposal

- 1.1 The applicant seeks planning permission to amend an approved scheme under previous application No. A/FSS/279, which was approved on 29.10.2021 for RCHE and flat and minor relaxation of BH restriction at the Site. The proposed development comprises one block of residential flats and one block of RCHE. The proposed amendments under the current application mainly involve increase in the total plot ratio (PR) / gross floor area (GFA) from 1.36 / about 2,839 m² to 2.38 / about 4,972m² (+1.02 / +2,133m² (+75%)) respectively with no change in site area,

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.

and increase in overall site coverage (SC) from not more than 36.3% to not more than 48% (+11.7% (+32%)). For the residential portion, it proposes an increase in number of flat unit from 28 to 38 (+10 (+36%)) with no change in number of residential block and BH / number of storey. For the RCHE portion, the revised scheme proposes an increase in BH of the RCHE block from 4 storeys / 14.4m to 7 storeys / 24m (+3 storeys (+75%) / +9.6m (+67%)) with corresponding increase in number of bed in RCHE from 143 to not more than 210 (+67 (+47%)). The RCHE will be a privately-run social welfare facility. As the amendments are beyond Class A or Class B amendments specified in the Town Planning Board (the Board)'s Guidelines on Class A and Class B amendments to Approved Development Proposals (TPB PG-No. 36B), a fresh application under s.16 of Town Planning Ordinance (the Ordinance) is required.

- 1.2 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. According to the Notes of the OZP in "V" zone, there is no PR and SC restriction, while the BH restriction is applicable to 'Flat' use, but not applicable to 'Social Welfare Facility' use. The Site is currently predominately occupied by temporary domestic structures (**Plan A-3**).
- 1.3 The layout plan, floor and sectional plans, Landscape Master Plan (LMP), photomontages submitted by the applicant are shown in **Drawings A-1 to A-14**. Major development parameters of the current scheme as compared with the previous approved scheme are set out in the table below:

	Previous Approved Scheme (A/FSS/279) (a)	Current Scheme (A/FSS/288) (b)	Difference (b) – (a)
Total Site Area	About 2,093m ²	No change	-
Total PR / GFA	1.36 / about 2,839 m ²	2.38 / about 4,972m ²	+1.02 / +2,133m ² (+75%)
- RCHE	0.82 / about 1,706m ²	1.57 / about 3,281m ²	+0.75 / +1,575m ² (+92%)
- Flat	0.54 / about 1,133 m ²	0.81 / about 1,691m ²	+0.27 / +558m ² (+49%)
BH			
- RCHE	4 storeys / 14.4m	7 storeys / 24m	+ 3 storeys (+75%) / +9.6m (67%)
- Flat	4 storeys / 12.15m (OZP restriction: 3 storeys / 8.23m)	No change (+1 storey / +3.92m as compared with OZP restriction)	-
Overall Site Coverage	Not more than 36.3%	Not more than 48%	+ 11.7% (+32%)

	Previous Approved Scheme (A/FSS/279) (a)	Current Scheme (A/FSS/288) (b)	Difference (b) – (a)
Flat Size	23.5m ² – 41.7m ²	27.2m ² – 51.9m ²	+3.7m ² (+16%) to +10.2m ² (+25%)
Number of Unit			
- RCHE	143 beds	Maximum 210 beds	+67 beds (+47%)
- Flat	28 flats	38 flats	+10 flats (36%)
Estimated Population			
- RCHE	143	Maximum 210	+67 (+47%)
- Flat	84	114	+30 (36%)
Communal Open Space	About 245m ²	About 371.4m ²	+126.4m ² (+52%)
Common Greenery Coverage	About 635m ² / 30.34%	About 579.4m ² / 27.69%	-55.6m ² (-9%) / -2.65% (-9%)
Parking Spaces <u>RCHE</u>			
- Private car	3 (including 1 accessible car parking space)	4 (including 1 accessible car parking space)	+1
- Light Goods Vehicle (LGV) Loading / Unloading (L/UL) Bay	1	No change	-
<u>Flat</u>			
- Private car	5 (including 2 accessible car parking space)	7 (including 2 accessible car parking space)	+2
- Motorcycle	1	No change	-
- LGV L/UL Bay	1	No change	-
Tentative Completion Year	2030	2031	NA

1.4 Similar to the approved scheme, in order to better integrate the proposed development with the surrounding areas, soft landscape measures including heavy standard trees, shrubs, groundcovers and climbing plants are proposed along the edge of the Site (**Drawing A-15**). In addition, landscaped areas at different levels (G/F and R/F) are proposed at the RCHE (**Drawings A-15 and A-16**). Trees and shrubs are also proposed along the internal access road, common landscaped area and in front of the proposed residential block.

- 1.5 The 41 existing trees (16 within the Site and 25 outside the Site) recorded in the tree survey conducted (**Appendix Ia**) are generally in fair to poor conditions. Same as the approved scheme, 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-17**).
- 1.6 As compared with the approved scheme the width of footpath connecting Tin Ping Road is proposed to be increased from 1.5 m to 2m with no change to the total width of the access road (i.e. 8.9m) (**Drawing A-2**). Parking spaces, as detailed in paragraph 1.3 above, are proposed in accordance with the latest Hong Kong Planning Standards and Guidelines (HKPSG).
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 12.7.2022 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) received on 12.7.2022
 - (c) Further Information (FI) received on 23.8.2022[#], 19.10.2022 and 11.11.2022
 - (d) FI received on 20.12.2022 enclosing consolidated SPS (**Appendix Ia**) which has incorporated the revised development scheme with revised technical assessments and previous responses to departmental comments^{# 2}
[#] exempted from publication
- 1.8 The application was received on 12.7.2022. On 9.9.2022, 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.

2. **Justifications from the Applicant**

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

Compatible with the Surrounding Environment

- (a) the proposed low to medium-rise development (i.e. 7-storey RCHE and 4-storey residential block) is 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;

² The consolidated SPS received on 20.12.2022 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.

- (b) the formation level of the Site is about 2.1m lower than that of Tin Ping Road (**Drawings A-11 and A-12**), which reduced the visual impact of the proposed development (**Drawings A-13 and A-14**). As such, the proposed relaxation of BH restriction is considered minor in scale and nature with no significant visual impact induced;

In Line with the Latest Government's Policy

- (c) the proposed increase in number of flat and bed in RCHE in the current application could help address the community demand for housing supply and social welfare services for elderly. The proposed development is in line with the Government's policy direction as reflected in the Policy Address 2021, "Hong Kong 2030+ Territorial Development Strategy" and the Elderly Services Programme Plan;

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

- (d) despite that majority of the Site falls within an area zoned "V", the Site is not covered by 'Village Environs' ('VE') of any recognized villages. While it is anticipated that there will be no Small House development at the Site, the proposed development would help unleash the development potential of the under-utilised land resources to address the shortfall of housing and elderly home care services of the community;
- (e) 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;

No Adverse Technical Impacts

- (f) 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

- (g) 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 in 2019 and 2020. 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

- 4.1 The Site is the subject of a previous application (No. A/FSS/279) for proposed RCHE and flats and minor relaxation of BH restriction, which was approved by the Committee with conditions on 29.10.2021 mainly on the considerations that the proposed development was not incompatible with the adjacent residential and GIC uses; the proposed RCHE could help address the shortfall of the elderly facilities and meet the demand of ageing population in the community; the proposed minor relaxation of BH restriction for the proposed flat from 3 storeys to 4 storeys was considered minor in scale and nature; and no insurmountable problem from traffic engineering, environmental, visual and landscape, and drainage and sewerage impact perspectives was anticipated.
- 4.2 Details of the application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

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 primarily for proposed houses and RCHE as well as minor relaxation of BH restriction both on the same site. 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 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, visual and landscape, and drainage and sewerage impact perspectives is anticipated.

- 5.4 Details of the applications are summarized at **Appendix III** 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 (seven storeys), Fung Kai No. 1 Primary School (three storeys) and Fung Kai No. 1 Secondary School (one to three storeys), 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 (four storeys), Construction Industry Council Training Academy Sheung Shui Training Centre (nine storeys) and Fung Kai Liu Man Shek Tong Secondary School (eight storeys), and high-rise residential development known as Tsui Lai Garden (27 to 29 storeys) which is zoned “R(A)”;
- (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 consists of two private lots, namely Lot Nos. 834 and 838 RP in D.D. 52 (the Lots) and the adjoining Government land. The Lots are held under Block Government Lease demised for agricultural purposes;
- (b) a new 8.9m-wide road within Government land connecting the Lots to Tin Ping Road was proposed and the said Government land concerned was included in the Site. The access road will also pass through slope feature No. 3SW-A/F83 (with Highways Department (HyD) being the responsible party as well as the maintenance agent);
- (c) if the application is approved by the Board, the lot owner has to apply to LandsD for a land exchange to implement the approved planning scheme. The land exchange 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 payment of premium and administrative fee. There is no guarantee that any Government land involved or adjoining to the Lots will be granted and included in the land exchange; and
- (d) his detailed comments are at **Appendix V**.

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 is surrounded by village type development of 1 to 3 storeys to the east and further west, residential developments (with BH up to 91mPD) to the southeast and some GIC uses to the north and south (with BH up to 52mPD); and
- (b) compared to the previously approved application (No. A/FSS/279), the proposed BH of the RCHE block have increased from 14.4m to 24m (+about 67%) and that of the residential block remains the same (i.e. 12.15m). Judging from the proposal and submitted photomontages, the proposed development would bring forth some visual changes to the surrounding low-rise and low-density neighbourhood and would create slight obstruction to the skyview when viewed from the viewpoint near Fung Kai Kindergarten. The applicant has proposed some mitigation measures including 1) tree planting along the site boundary to provide screening to soften the visual impacts; and 2) provision of rooftop garden to enhance the visual amenity.

Landscape Aspect

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

- (a) she has no objection to the application from the landscape planning perspective;
- (b) when compared with Appendix II “Tree Preservation and Landscape Proposal” of the SPS (**Appendix Ia**) and the approved scheme, it is observed that there is no significant change in the landscape character of the adjacent area since the last approved application (No. A/FSS/279). The current tree preservation proposal generally follows that of the approved scheme, i.e. 16 trees of common species generally in poor to fair condition are identified within the Site, and all of them are proposed to be felled due to direct conflict with the proposed development, and 35 new trees are proposed to be planted within the Site. Communal open space of about 371m² is provided for the estimated 324 occupants. Hard and soft landscape treatments with the fitness area for adult and elderly, multi-functional lawn, Tai Chi garden and chess garden etc. are proposed on G/F and R/F of the RCHE building; and
- (c) since 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, she has no objection to the application from landscape planning point of view.

Social Welfare

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

- (a) in view of the ageing population and to meet the ongoing demand for residential care services for the elderly, subject to the views from other government departments on town planning and other development considerations, he has no objection in principle for the development of the proposed RCHE to be operated on private financing mode from the service perspective with no financial implication, both capital nor recurrent to the Government whilst the design and construction of the RCHE shall meet all the statutory and licensing requirements;
- (b) given the BH for the proposed RCHE is not more than 24m measuring from the site formation level, he has no adverse comment on the height of RCHE from the service perspective. Besides, it is observed that the proposed floor-to-floor height of 1/F to 7/F is 3175mm. The applicant should ensure that the ceiling (the ceiling structure or suspended false ceiling) of every room must be situated at a height of not less than 2.5m measuring vertically from the floor or not less than 2.3m measuring vertically from the floor to the underside of any beam; and
- (c) his detailed comments are at **Appendix V**.

Traffic Aspect

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

- (a) he has no further comment on the FI submitted (**Appendix Ia**);
- (b) should the application be approved, the following approval conditions should be included:
 - (i) the design and provision of run-in/out; and
 - (ii) the design and provision of parking facilities and loading/unloading spaces.

Water Supply

8.1.7 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 Va** 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 V**.

Building Matters

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

- (a) based on the information available, he have no objection in principle to the application under the Buildings Ordinance (BO). The applicant's attention is drawn to the following comments; and
- (b) his detailed comments are at **Appendix V**.

Fire Safety

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

- (a) he has no objection in principle to the captioned provided that the height restriction as stipulated in S.20 of Residential Care Homes (Elderly Persons) Regulation, Cap. 459A is observed; and
- (b) since SWD is the licensing authority of RCHE, detailed requirements in relation to fire safety will be issued by them upon formal applications. In the meantime, requirements as stipulated in the latest Code of Practice for RCHE should be strictly followed.

Electricity Safety

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

he has no particular comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer's Comment

8.1.11 Comments of the District Officer (North), Home Affairs Department

(DO(N), HAD):

- (a) he has consulted the locals from 28.7.2022 to 11.8.2022 and 26.10.2022 to 9.11.2022;
- (b) 天平山村街坊組, 上水天平山村居民協會 and a villager of Tin Ping Shan Tsuen objected to the application mainly on grounds that the surrounding developments, including temporary residential structures, may be affected by the construction works of the proposed development; and the proposed development will result in adverse environmental, drainage and air ventilation impacts; and
- (c) the Chairman of Sheung Shui District Rural Committee, three Indigenous Inhabitant Representatives and one Resident Representative of Sheung Shui Heung and 香港路德會社會服務處 路德會石湖社區發展計劃 had no comment.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Director of Environment Protection (DEP);
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (f) Commissioner of Police (C of P); and
- (g) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);

9. **Public Comments Received During Statutory Publication Period**

- 9.1 On 19.7.2022, 19.10.2022 and 11.11.2022, the application and FIs were published for public inspection. During the 3-week statutory publication periods, a total of 86 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 86 public comments, 78 comments made by individuals support the application (samples at **Appendix IVa**), while 5 comments made by 上水天平山村居民協會 and individuals object (**Appendix IVb**) and three indicate no comment on the application.
- 9.3 The major views of the public comments are summarised as follows:

Supporting comments

- (a) as compared with the previous approved scheme, the current scheme mainly involves increase in the development intensity of the Site, which could optimise the site potential and respond to the Government's initiatives to address the shortage of elderly facilities, and to increase the housing supply;
- (b) the proposed development will improve the landscape and environment as compared with the existing temporary residential structures;
- (c) 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;
- (d) approval of the current application is in line with the previous decisions of the Board;

Objection / adverse comments

- (e) the proposed development would result in adverse impacts on environmental, drainage and air ventilation aspects induced by the proposed development; and
- (f) the Site should be developed for public housing.

10. Planning Considerations and Assessments

- 10.1 The application is to seek planning permission for the proposed amendments to the previous approved scheme under application No. A/FSS/279 for proposed RCHE and flats with minor relaxation of BH restriction. According to the Notes of the OZP in "V" zone, there is no PR and SC restriction, while the BH restriction is applicable to 'Flat' use, but not applicable to 'Social Welfare Facility' use. As compared with the previous approved scheme, there is no change in the proposed uses and proposed BH of the residential block. The major amendments in the current application involve the increase in total PR / GFA from 1.36 / about 2,839 m² to 2.38 / about 4,972m² (+1.02 / +2,133m² (+75%)) with no change in site area, and increase in overall site coverage from not more than 36.3% to not more than 48% (+11.7% (+32%)). For the residential portion, it proposes an increase in number of flat unit from 28 to 38 (+10 (+36%)) with no change in number of residential block and BH / number of storey. For the RCHE portion, the revised scheme proposes an increase in BH of the RCHE block from 4 storeys / 14.4m to 7 storeys / 24m (+3 storeys (+75%) / +9.6m (+67%)) with corresponding increase in number of bed in RCHE from 143 to not more than 210 (+67 (+47%)). There are other changes in the proposed scheme including the increase in parking provision, private open space and width of pedestrian footpath as detailed in paragraphs 1.3 and 1.6 above.

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, the increase in the provision of 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 additional flats could also help address the demand for housing flats.
- 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. As advised by DLO/N, there is no Small House application approved or currently being processed in the Site or within the subject “V” zone. As such, approval of the current application would not affect Small House development in the area.

Land Use Compatibility and Development Scale

- 10.4 According to the Notes of the OZP, the BH restriction (3 storeys (8.23m)) is applicable to the residential block only, but not the RCHE. As compared with the approved scheme, while there is an increase in the BH of the proposed RCHE block, there is no change in the BH of the proposed residential block (4 storeys).
- 10.5 The Site is generally neighbouring two low to medium-rise G/IC clusters. The immediate surroundings of the Site are mainly occupied by temporary domestic structures, and low to medium-rise GIC facilities (maximum nine storeys). High-rise residential development (e.g. Tsui Lai Garden (27 to 29 storeys)) is to the further east and the planned Fanling North NDA is to the further north. The proposed development with low to medium-rise (four to seven storeys) and medium-density (total PR of 2.38) character is considered not incompatible with the adjacent existing residential and GIC uses across Tin Pin Road.
- 10.6 While the proposed development would bring forth some visual changes to the surrounding, mitigation measures, including tree planting along the site boundary and provision of rooftop garden, have been proposed to mitigate the visual impact. In addition, the site formation level of the proposed development is 2.1 m lower than that of Tin Ping Road, which would make the proposed development visually not incompatible with the G/IC use across Tin Ping Road (**Drawing A-14**).

Technical Aspects

- 10.7 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.
- 10.8 Same with the approved scheme, the 16 trees identified within the Site are generally in poor to fair conditions, and all of them are proposed to be felled due to direct conflict with the proposed access of the Site and the building layout. 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.

Previous and Similar Applications

- 10.9 The Site is subject to a previous planning application for the same use, and there are two similar applications in “V” zones on the same OZP (Nos. A/FSS/270 and A/FSS/276) approved by the Committee in 2019 to 2021 on similar considerations as detailed in paragraph 5.3 above. The Committee’s considerations of the previous application and the two similar applications are generally applicable to the current application in that the Site is outside VEA and/or VE and the proposed development is compatible with the surrounding land uses. Approval of the current application is in line with the previous decisions of the Committee.
- 10.10 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

- 10.11 Regarding the local views conveyed by DO/N of HAD and public comments as stated in paragraphs 8.1.11 and 9, the departmental comments and planning considerations and assessments as stated above are relevant.

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 8.1.11 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 23.12.2026, 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 or of the Town Planning Board; and
- (b) the design and provision of parking facilities and loading/unloading spaces to the Commissioner for Transport or of the Town Planning Board.

Advisory clauses

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

11.3 There is no strong reason to recommend rejection of the application.

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 12.7.2022
Appendix Ia	FI received on 20.12.2022 with consolidated SPS
Appendix II	Previous application
Appendix III	Similar applications in the "V" zones in Fanling/Sheung Shui OZP
Appendices IVa to IVb	Public comments
Appendix V	Recommended advisory clauses
Appendix Va	Fresh water mains record plan
Drawings A-1 to A-12	Layout Plan, Floor Plans, Section Plan and Elevation Plan
Drawings A-13 and A-14	Photomontages
Drawing A-15	Landscape Master Plan
Drawing A-16	Open space demarcation plan
Drawing A-17	Tree survey plan
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3

Plan A-4

Aerial Photo

Site Photos

PLANNING DEPARTMENT

DECEMBER 2022