

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FSS/294

- Applicants** : Faith Luck Corporation Limited and Win Million International Limited represented by Llewelyn-Davies Hong Kong Limited
- Site** : Various Lots in D.D. 51 and Adjoining Government Land, Ma Sik Road, Fanling, New Territories
- Site Area** : About 13,232m² (including about 2,963m² of Government land (about 22.4%))
- Lease** : Block Government Lease (demised for agriculture use)
- Plan** : Approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/28 (*Currently in force*)
- Draft Fanling/Sheung Shui OZP No. S/FSS/27
(*In force at the time of submission*)
- [The zoning and development restrictions of the application site remains unchanged on OZP No. S/FSS/28]
- Zoning** : “Residential (Group A) 12” (“R(A)12”)
- [Restricted to a maximum domestic plot ratio (PR) of 5.0 and maximum non-domestic PR of 0.18, and the maximum building height (BH) of 110mPD, or the PR and height of the existing building, whichever is the greater]
- Application** : Proposed Minor Relaxation of PR and BH Restrictions for Permitted Flat Development with Social Welfare Facility and Public Vehicle Park

1. The Proposal

- 1.1 The applicants seek planning permission for minor relaxation of PR and BH restrictions for permitted residential development with social welfare facilities and public vehicle park (PVP) on the application site (the Site). The Site falls within an area zoned “R(A)12” on the approved Fanling/Sheung Shui OZP No. S/FSS/28, which is subject to maximum domestic PR of 5.0 and non-domestic

PR of 0.18, and maximum BH of 110mPD (**Plan A-1a**). According to the Notes of the OZP, ‘Flat’, ‘Social Welfare Facility’ and ‘Public Vehicle Park (excluding container vehicle)’ are always permitted within the “R(A)12” zone. In determining the maximum PR, any floor space that is constructed or intended for use solely as PVP and government, institution or community facilities, as required by the Government, may be disregarded. Minor relaxation of the PR and BH restrictions may be considered by the Town Planning Board (the Board) on application. According to the Explanatory Statement of the OZP, the non-domestic PR of 0.18 is for the provision of a privately operated residential care homes for the elderly (RCHE) only. The Site is paved and currently used for an open-air vehicle park and car washing facility (**Plan A-2**).

- 1.2 Two small parcels of lands at the northern part of the “R(A)12” zone owned by the third parties are excluded from the proposed development. The internal road planned for the proposed development has reserved two ingress/egress points to access to these third parties lots (**Drawing A-1**). The proposed private residential development comprises five residential blocks with a domestic PR of 6.0, non-domestic of PR of 0.18, BH of 132mPD for providing 1,898 residential units with a 120-place RCHE and a neighbourhood elderly centre (NEC) on the podium floors of T1, and a public vehicle park with 100 parking spaces for private cars in the basement floors (**Drawings A-1 to A-10**). According to the applicants, the NEC and PVP are required by the relevant government departments and should be exempted from the GFA calculations in accordance with the statutory requirements stipulated on the OZP. Besides, the non-domestic PR of 0.18 would be solely for a proposed privately operated RCHE, and there is no commercial use provided within the proposed development. The anticipated completion year of the proposed development is 2029.
- 1.3 Based on the above and in pursuit of the Government’s initiatives to increase the maximum domestic PR of private housing sites by 20% where their technical feasibility permits, the applicants propose to intensify the development potential of the Site through minor relaxation of the domestic PR restriction from 5.0 to 6.0. In view of the intensification, the BH would be correspondingly increased from 110mPD to 132mPD to cater for the additional number of flats, and also for the use of Modular Integrated Construction (MiC) method for the proposed development. The comparison of major development parameters between the provision under the OZP and the proposed development are summarised as follows:

Major Development Restrictions	Under the OZP [A]	Proposed Development [B]	Difference [B] – [A]
Total PR	5.18	6.18	+ 1 (+19.3%)
- Domestic PR	5	6	+1 (+20%)
- Non-domestic PR	0.18	0.18	-
Maximum BH	110mPD	132mPD	+22m (+20%)

- 1.4 The major development parameters of the proposed development with the minor relaxation of the PR and BH restrictions are as follows:

Site Area	13,232 m ² (Includes Government Land of about 2,963 m ²)
Total PR - Domestic PR - Non-domestic PR	6.18 6 0.18 (for RCHE only)
Total Gross Floor Area (GFA) - Domestic GFA - Non-domestic GFA	About 81,774 m ² About 79,392 m ² ⁽¹⁾ About 2,382 m ² ⁽²⁾
Maximum BH / Number of Storeys	Not more than 132mPD ⁽¹⁾ / 37 storeys (excluding 2 basement floors)
Number of Towers	5
Number of Flats	1,898
Design Population	About 5,125
Total Parking Spaces - Private Cars - Motorcycles - Bicycles - Light Bus	593 447 19 126 1
Total Loading/Unloading Bays/Lay-bys - Heavy Goods Vehicle Spaces - Ambulance Lay-by - Taxi/Private Car Lay-by	8 6 1 1
PVP for Private Cars	100 ⁽³⁾
Social Welfare Facilities	- 120-place RCHE ⁽²⁾ - A NEC (GFA of about 722m ²) ⁽³⁾

Note:

- (1) 10% of MiC floor area exemption and 4% BH exemption of the total storey height of MiC floors by adopting MiC for construction under Joint Practice Note (JPN) No. 8 have been taken into account
- (2) The 120-place privately operated RCHE which is accountable towards GFA calculations referred
- (3) Since the PVP and NEC are required by the relevant government departments, they would be exempted from GFA calculations according to the OZP

- 1.5 A total of 113 trees are identified within or close to the Site. The 65 trees within the Site are all common species. No tree is identified as rare or protected species, or registered as Old and Valuable Trees. Among these 113 existing trees, 62 trees are proposed to be felled due to the direct conflict with the proposed development, while the remaining 51 trees would be retained. A complementary planting ratio of not less than 1:1 would be adopted. Various landscape design components would also be incorporated including tree and

shrub planting, landscape buffer to soften the edges along Ma Sik Road and Fan Leng Lau Road, and green roofs on the proposed RCHE (**Drawing A-11**). The proposed development would achieve a site coverage of greenery of not less than 20%.

- 1.6 The Site is currently accessible from Ma Sik Road to the north. As the proposed ingress/egress point would encroached the existing cycle track and lay-by along Ma Sik Road, the applicants propose to re-provide the existing on-street lay-by with footpath and cycle track on Ma Sik Road westbound at their own cost to facilitate the vehicular access of the proposed development (**Drawing A-16**). In request to the Transport Department (TD)'s requirement, the proposed new lay-by would be about 28m-long for accommodating two buses to cater the future public transportation services. The proposed lay-by would be handed over to the relevant government departments for maintenance and management upon completion.
- 1.7 The proposed development has incorporated building setbacks ranging from 7m to 10m from the site boundary/major roads in accordance with the Hong Kong Planning Standards and Guidelines to alleviate the air pollution due to vehicular emission; and building separations between residential blocks ranging from 15m to 20m to promote visual openness and facilitate permeability (**Drawing A-1**).
- 1.8 Technical assessments including Landscape Master Plan, Tree Preservation Proposal, Visual Impact Assessment (VIA), Traffic Impact Assessment (TIA), Environmental Assessment (EA), Air Ventilation Assessment (AVA), Drainage and Sewerage Impact Assessment (DSIA) and Water Supplies Impact Assessment (WSIA) have been submitted to support the application.
- 1.9 The indicative block plan, floor plans, section plans, landscape plan, photomontages, proposed run-in/out and lay-by arrangement plan submitted by the applicants are at **Drawings A-1 to A-16**.
- 1.10 In support of the application, the applicants have submitted the following documents:
 - (a) Application Form, supplementary information and (**Appendix I**) Planning Statement¹ received on 2.8.2023
 - (b) Further information (FI) received on 29.4.2024 (**Appendix Ia**)[@] including a Planning Statement and revised technical assessments^{*}
 - (c) FI received on 14.6.2024 including a revised TIA[#] (**Appendix Ib**)[@]

^{*} Not exempted from publication and recounting requirements

[#] Exempted from publication and recounting requirements

[@] In hard copy and separately sent to Members. The submission is available for public inspection at the Planning Enquiry Counters of the Planning Department in North Point and Sha Tin.

¹ The Planning Statement received on 2.8.2023 was superseded by FI at **Appendix Ia**.

- 1.11 On 22.9.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application as requested by the Planning Department (PlanD) as the Site was still subject to an outstanding adverse representation relating to the draft Fanling/Sheung Shui OZP No. S/FSS/27 yet to be considered by the Board and Chief Executive in Council (CE in C) and the substance of the representation is relevant to the application. The Committee also agreed that the application would be submitted to the Committee for consideration after the CE in C's decisions on the draft OZP and the relevant adverse representation was made. After considering the representations relating to the draft Fanling/Sheung Shui OZP No. S/FSS/27 on 1.12.2023, the Board decided not to propose any amendment to the draft OZP to meet any representation. On 9.4.2024, the CE in C under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) approved the draft OZP, which was subsequently renumbered as S/FSS/28 and exhibited on 19.4.2024 for public inspection. On 29.4.2024, the applicants submitted Planning Statement and revised technical assessments for the application, which is scheduled to be considered by the Committee at this meeting.

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in Application Form and submissions of FI in **Appendices I to Ib**. They are summarised as follows:

In Compliance with the Strategic and Regional Spatial Development Frameworks

- (a) The Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030 and the Northern Metropolis Development Strategy have identified to develop the Northern New Territories into a metropolitan area in response to the latest relevant national and regional policy directions. The proposed development under application could optimise the use of private land to expedite housing supply in the short- to medium-term and to rationalise the Government's long-term planning framework in the Northern New Territories.

In-line with the Government's Policy to Increase Housing Supply

- (b) As announced in the 2014 Policy Address, the maximum domestic PR of housing sites outside the north of Hong Kong Island and Kowloon Peninsula could generally be increased by about 20% (i.e. from 5.0 to 6.0) as appropriate to expedite housing land supply. This was also one of the multi-pronged approaches for land supply options as recommended by the Task Force on Land Supply. The proposed minor relaxation of the domestic PR from 5.0 to 6.0 could increase the number of residential flats by about 316 flats and is in line with the Government's policy on intensification of housing sites to address the problem of housing shortage.

Echo with the Development Potential of the Fanling North New Development Area (FLN NDA)

- (c) Three planning applications (No. A/KTN/54, A/FLN/28 and A/FLN/30) submitted by the Government/Hong Kong Housing Authority had been approved by the Board for minor relaxation of PR and BH restrictions for the planned public and private housing developments in the FLN NDA in response to the Government's policy to increase the flat production. Upon the approval of these planning applications, the domestic PR and BH for private housing developments has been relaxed to a maximum of 6.0 and 140mPD respectively. The subject Site located adjacent to the FLN NDA with a proposed domestic PR of 6 and BH of 132mPD could echo with the Government's intensification in the FLN NDA.

Development Intensity Compatible with Surrounding Context

- (d) The Site is located in an area with high-rise and high-density developments including the "R(A)1" zone to the north with a maximum domestic PR and BH of 6.0 and 140mPD respectively; Wing Fok Centre, Wing Fai Centre, and Fan Garden Junior Police Married Quarters to the east and southeast with a domestic PR of at least 5; and a planned public housing development in Fanling Area 17 to the immediate south with a domestic PR and BH of 6.5 and 170mPD respectively. The proposed development with the proposed minor relaxation is compatible with the surrounding areas, and is proportionate in scale and comparable with the other approved cases in the vicinity.

Relaxation of BH required for the Adoption of MiC

- (e) To enhance the productivity and cost-effectiveness of the construction industry and expedite the housing supply, the Government has been encouraging the use of MiC for construction which could also reduce the construction time and cost.
- (f) As stated in the JPN No. 8, a 10% of the MiC floor area of a new building could be exempted from the GFA calculation while an increase of BH up to 4% of the total storey height of MiC floors would be subject to the approval of the Board. As such, the proposed minor relaxation of the BH restriction does not only cater for the increase of PR by 20% but also for the adoption of MiC for all domestic floors of the proposed development.

Technical Feasibility

- (g) Various technical assessments on landscape, visual, traffic, environmental, air ventilation, drainage, sewerage and water supply aspects have been conducted, which demonstrate that the proposed development would not cause any insurmountable problem.

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

The applicants are the “current land owners”. Detailed information would be deposited at the meeting for Member’s inspection. For the Government land, the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A²) are not applicable.

4. Background

- 4.1 The Site was previously zoned “Village Type Development” (“V”) on the first draft Fanling/Sheung Shui OZP No. S/FSS/1 gazetted on 23.10.1987. The s.12A application No. Y/FSS/18 to rezone the Site from “V” to “R(A)12” to facilitate a high-rise residential development with social welfare facilities and PVP, submitted by the same applicants, was agreed by the Committee on 10.6.2022. To take forward the decision of the Committee, the draft OZP No. S/FSS/27 incorporating the amendments agreed under application No. Y/FSS/18, among others, the rezoning of the Site to “R(A)12” with a maximum domestic PR of 5.0, non-domestic PR of 0.18, and a maximum BH of 110mPD, was gazetted on 12.5.2023. After considering the representations relating to the draft Fanling/Sheung Shui OZP No. S/FSS/27 on 1.12.2023, the Board decided not to propose any amendment to the draft OZP. On 9.4.2024, the CE in C under section 9(1)(a) of the Ordinance approved the draft OZP, which was subsequently renumbered as S/FSS/28 and exhibited on 19.4.2024 for public inspection.
- 4.2 In the earlier 2014 Policy Address, the then Chief Executive announced that in order to address the continued shortage of land supply for housing development, the maximum domestic PR for housing sites outside the north of Hong Kong Island and Kowloon Peninsula could be generally increased by around 20% (i.e. from 5.0 to 6.0 for Residential Density Zone 1 for most New Towns including the Fanling/Sheung Shui New Town), subject to availability of infrastructural capacities (such as traffic and sewerage capacities), environmental and other technical constraints as well as urban design considerations.

5. Previous Applications

- 5.1 Other than the s.12A application mentioned in paragraph 4.1 above, the Site is the subject of two previous s.16 applications No. A/FSS/270 and 276 when the Site was zoned “V”. The locations and details of the previous applications are at **Plans A-1a** and **A-1b** and **Appendix II** respectively.
- 5.2 The said two previous applications (No. A/FSS/270 and 276) were submitted by the same applicants as the current application and for proposed houses and social welfare facility (RCHE) and minor relaxation of BH restriction. They were approved with conditions by the Committee on 6.9.2019 and 6.11.2020

² Pursuant to the Board’s decision on 4.8.2023, TPB PG-No. 31A applies to applications made before 1.9.2023.

respectively. The considerations of these applications are not relevant to the current application.

6. Similar Applications

- 6.1 There are four similar applications (No. A/FSS/223, 236, 280 and 295) for proposed minor relaxation of GFA/PR and BH restrictions for permitted public housing developments within the “R(A)1” to “R(A)4” zones of the same OZP. These applications were approved with conditions by the Committee between September 2014 and January 2024 mainly on the considerations that the proposal was in line with the Government policy in boosting public housing supply by increasing the development intensity where technically feasible; the proposed minor relaxation to increase flat supply could help optimise scarce land resources and meet the community’s imminent demand for housing, which were in the public interest, in line with Government policy and hence had planning merits; the proposed intensity was considered acceptable for the subject locations and site context; and the proposed minor relaxation of GFA/PR and BH restrictions of the development would not induce significant adverse impacts on the traffic, environmental, landscape, drainage, sewerage, water supplies, geotechnical and fire services aspects.
- 6.2 The locations and details of the similar applications are at **Plans A-1a** and **A-1b** and **Appendix III** respectively.

7. The Site and its Surrounding Areas (Plan A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)

- 7.1 The Site is:
- (a) paved and currently mainly used for an vehicle park and car washing facility; and
 - (b) abuts Ma Sik Road and Fan Leng Lai Road, and accessible from Ma Sik Road.
- 7.2 The Site is at the fringe of Fanling/Sheung Shui New Town and is generally surrounded by existing and planned high-rise residential developments. Its surrounding areas have the following characteristics:
- (a) to the north across Ma Sik Road is the FLN NDA with a few planned public and private housing developments with a BH of 120mPD to 140mPD as approved under planning application No. A/FLN/30. One of the planned housing sites is being used as a community isolation facility; and
 - (b) to the east across Fan Leng Lau Road is a high-rise residential development, i.e. Wing Fok Centre, with a BH of 92mPD. To the south is Fan Garden Police Married Quarters with a BH of 110mPD. To the

southwest is planned public and private housing developments with BH restrictions ranged from 135mPD to 170mPD in Fanling Area 17. To the west and northwest are village houses, residential dwellings /squatters in Ling Shan Tsuen and low-rise residential development (Good View New Village) respectively.

8. Planning Intention

- 8.1 The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 8.2 According to the Notes of the OZP, based on the individual planning merits of a development or redevelopment proposal, minor relaxation of the PR, GFA and/or BH restrictions may be considered by the Board through planning permission.

9. Comments from Relevant Government Bureau/Departments

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

Land Administration

- 9.1.1 Comments of the Secretary for Development (SDEV):

the Site falls within the proposed Ling Hill Village Expansion Area (VEA)³. The final approval of any land exchange applications by the Lands Department (LandsD) to implement the proposed development under the current application would be subject to the outcome of the aforementioned discussion on the future of the Ling Hill VEA project.

- 9.1.2 Comments of the Chief Estate Surveyor/Land Supply (CES/LS) and District Lands Officer/North (DLO/N), LandsD:

- (a) the Site comprises 117 private lots held under Block Government Lease as demised for agricultural use in D.D. 51 and adjoining Government land abutting Ma Sik Road and Fan Leng Lau Road. Modification of Tenancy No. 38416 permitting temporary structures and Letter of Approval Nos. 5370, L4877 and L5417 permitting structures for agricultural purposes are found within the

³ The VEA Scheme was introduced in 1981. Under the VEA Scheme, through resuming private land and assembling government land within the proposed VEA, and thereafter conducting site formation and other relevant public works therein, the Government would allow indigenous villagers to apply for building small houses within the VEA for better planning of village developments. In February 1999, in view of the review of the Small House Policy, the Government decided to suspend the implementation of designated VEA projects for which the related public works had not commenced at that time.

Site. The area of the Site has not been verified yet and will be subject to detailed survey at land exchange stage;

- (b) the proposed residential development under the subject application will be in breach of the lease conditions. Should approval be given to the subject planning application, the applicants will need to apply to LandsD for a land exchange for the proposed development. Such application will be considered by LandsD acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application, including the granting of any Government land, will be approved. If such application is approved, it will be subject to such terms and conditions including among others, the payment of such appropriate fees and premium, as may be imposed by LandsD;
- (c) the Site falls within the proposed Ling Hill VEA and implementation of the subject development proposal shall after all be subject to the Development Bureau's steer on "unfreezing" of the private land within the concerned VEA; and
- (d) advisory comments are set out at **Appendix V**.

Traffic

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

- (a) no objection to the planning application from traffic engineering and transport perspectives; and
- (b) should the Committee approve the application, an approval condition on the submission of a construction traffic impact assessment before commencement of works is recommended to be imposed in the permission.

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

- (a) the proposed access arrangement and the Traffic Impact Assessment for the run-in/out at Ma Sik Road should be commented and approved by TD;
- (b) the run-in/out should be designed and constructed in accordance with the prevailing HyD's standard drawing to the satisfaction of HyD and TD; and
- (c) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Urban Design, Visual, Air Ventilation and Landscape

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

Urban Design and Visual Aspects

- (a) the Site is situated within the Fanling/Sheung Shui New Town surrounded by residential clusters, including some high-rise residential developments such as Wing Fok Centre (up to about 92mPD) and Wing Fai Centre (up to about 109mPD) to its east across Fan Leng Lau Road; the Police Married Quarter at Fan Garden (up to about 109mPD) to the its immediate south; and three-storey residential development known as Good View New Village and Ling Shan Tsuen (with one to two storeys buildings) to immediate west. To further south of the Site are a “R(A)7” zone for a planned public housing development and a “R(A)8” zone for a planned private housing development which are subject to BH restrictions of 170mPD and 135mPD respectively. To the north across Ma Sik Road is the FLN NDA with BH restrictions of the planned developments ranging from 60mPD to 140mPD;
- (b) some design measures are generally maintained in the proposed development under application, including building separations between T2 and T3 (not less than 20m) and between T3 and T4 (not less than 15m), building setbacks of the residential towers from the site boundary facing Ma Sik Road and Fan Leung Lau Road. No significant visual impact is envisaged from the proposed development;

Air Ventilation Aspect

- (c) the proposed development does not fall within the criteria for the Air Ventilation Assessment under the Housing, Planning and Lands Bureau and Environment, Transport and Works Bureau’s Joint Technical Circular No. 1/2006 on AVAs jointly published by the then Planning and Lands Bureau and Environment, Transport and Works Bureau;

Landscape Aspect

- (d) no objection to the application from landscape planning perspective;
- (e) with reference to the aerial photo of February 2023, the proposed development is not incompatible with the landscape character of the surrounding environment. According to the Landscape Master Plan, approximate 62 out of 65 trees within the Site will be affected and recommended to be felled with compensatory planting of new trees in a ratio of no less than 1:1 in terms of quantity. There are 51 trees within and in close proximity of the Site are recommended

to be retained. According to the Compensatory Tree Planting Plans, 94 heavy standard trees with native species are proposed to be planted. Landscape treatments, such as landscape buffer screening the adjacent roads, gardens, community farm and green roof on RCHE, are proposed. The proposed development will provide 5,139m² open space for approximate 5,125 residents (i.e. fulfilling 1m² open space per person in accordance with the Hong Kong Planning Standards and Guidelines) and a green coverage of not less than 20%;

- (f) in comparison with the Indicative Scheme submitted under the agreed s.12A application (No. Y/FSS/18), further signification adverse landscape impact arising from the proposed minor relaxation of PR and BH restrictions for the development is not anticipated; and
- (g) the applicants are advised that approval of the application does not imply approval of trees works, if any, such as pruning, transplanting and felling. Application for any tree works should be submitted direct to relevant authority(ies) for approval.

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

- (a) it is noted that the development proposal mainly consists of five residential blocks with proposed BH of about 132mPD and a maximum PR of 6. The proposed height of the development is 20% higher than the permitted BH of 110mPD. It is noted that the BH of surrounding developments are ranging from three-storeys (Good View New Village and village settlement of Ling Shan Tsuen) to 140mPD (a planned public housing development in the FLN NDA). Hence, there may be some visual impact on the existing surrounding areas; and
- (b) to avoid adverse impact on the ventilation and air permeability, the applicants are reminded to comply with the building separation requirements and the sustainable design guidelines promulgated under PNAP APP-152, particularly for T1 and T2.

Building Matter

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

- (a) no adverse comment on the application;
- (b) presumably the Site abuts on more than one specified street of not less than 4.5 wide, and as such, the development intensity shall not exceed the permissible as stipulated under the First Schedule of Building (Planning) Regulations (B(P)R). The applicants'

attention is drawn to the compliance with B(P)R 18A and 20 and the First Schedule of B(P)R, in particular on the permitted site coverage for the proposed development (the maximum site coverage for domestic buildings over 61m high for Class A site under the First Schedule of B(P)R is only 33.33%);

- (c) no specific comment under the Buildings Ordinance (BO) on adapting MiC as construction method for the proposed development. Attention is drawn to PNAP ADV-36 and JPN No. 8 for relevant design considerations and requirements for compliance with the BO; and
- (d) advisory comments are set out at **Appendix V**.

Fire Safety

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

- (a) no specific comment on the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of D of FS; and
- (b) advisory comments are set out at **Appendix V**.

Water Supply

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

- (a) no objection to the application from water supply system planning point of view;
- (b) the existing water mains inside the Site may be affected. The applicants are required to either divert or protect the water mains found on the Site; and
- (c) advisory comments are set out at **Appendix V**.

Other Aspects

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

- (a) no adverse comment on the planning application; and
- (b) advisory comments are set out at **Appendix V**.

9.1.11 Comments of Director of Food and Environmental Hygiene (DFEH);

- (a) no comment on the application; and
- (b) advisory comments are set out at **Appendix V**.

District Officer's Comments

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

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

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

- (a) Commissioner of Police;
- (b) Director of Electrical and Mechanical Service;
- (c) Director of Environmental Protection;
- (d) Director of Social Welfare;
- (e) Chief Engineer/Mainland North, Drainage Services Department; and
- (f) Project Manager/North, Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Periods

10.1 During the statutory public inspection periods, a total of 91 comments were received including 82 supporting comments (**Appendix IVa**), seven objecting comments (**Appendix IVb**) and two submitted by the same individual indicating no comment on the application (**Appendix IVc**).

10.2 The 82 supporting comments were received from the individuals. The supportive views include: the proposed development and minor relaxation of development intensity is in line with the development initiative of the Northern Metropolis, and would provide more residential flats with new social welfare facilities and PVP to help address the housing shortage problem, allow better land utilisation, and enhance the elderly services in the community; and the use of MiC would also reduce construction waste and nuisance to the surrounding areas.

10.3 The seven objecting comments were submitted by the Chairman, 1st Vice-chairman and 2nd Vice-chairman of the Fanling District Rural Committee and an individual. Their major objection grounds are summarised as follows:

- (a) the development of the Northern Metropolis with lots of new developments and infrastructure/construction works have generated severe noise and air pollutions, and traffic congestions at Sha Tau Kok Road and Ma Sik Road, causing serious disturbances to the livelihood of the community;

- (b) there is no urgent need for the provision of residential units as a lot of vacant units are available in the market. The high-rise development would consume more energy which is in a conflict in tackling the problem of climate change; and
- (c) the provision of social welfare facilities and PVP are not sufficient to be regarded as planning merits of the proposed development. Local open space provision of 1m² per person should also be applied on the residents of the RCHE.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR and BH restrictions from total maximum domestic PR of 5.0 to 6.0 (+1 or +20%) and from 110mPD to 132mPD (+22m or +20%) respectively for a permitted residential development at the Site zoned “R(A)12” on the OZP. The proposed development also include a non-domestic of PR of 0.18 for a proposed privately operated RCHE. According to the proposal submitted by the applicants, the proposed private residential development comprises five residential blocks providing about 1,898 flats, a 120-place RCHE, a NEC and a PVP with 100 parking spaces for private cars. The proposed development is in line with the planning intention of the “R(A)” zone which is primarily for high-density residential developments.

Minor Relaxation of PR Restriction

- 11.2 The proposed minor relaxation of domestic PR restriction from 5.0 to 6.0 is in line with the Government’s policy of enhancing the development intensity of private housing sites by 20% to increase the housing supply where technical feasibility permits. According to the applicants, the proposed minor relaxation of PR restriction would increase the number of residential flats by about 316 flats. The FLN NDA to the north of the Site would be one of the major land supply sources of the Development Bureau’s latest 10-year supply forecast of developable land for 2024-25 to 2033-34. The Site together with the surrounding areas would be developed into a residential cluster.

Minor Relaxation of BH Restriction

- 11.3 In view of the intensification in domestic PR, the BH would be correspondingly increased from 110mPD to 132mPD to cater for the additional flats numbers, and also for the use of MiC method for the proposed development. In this regard, as stipulated under the JPN No. 8 on ‘Enhanced Facilitation Measures for Building Adopting MiC’, favourable consideration may be given to an increase in BH for the adoption of MiC up to 4% of the total story height of MiC floors.
- 11.4 The Site is at the fringe of Fanling/Sheung Shui New Town and is generally surrounded by existing and planned high-rise residential developments, i.e. a number of planned housing developments in FLN NDA and Fanling Area 17

(from 120mPD to 170mPD), Wing Fok Centre (92mPD), Fan Garden Police Married Quarters (110mPD), etc. in the surrounding areas. The proposed development with minor relaxation of BH restriction to 132mPD is not incompatible with the surrounding areas.

- 11.5 The VIA conducted by the applicants demonstrated that the proposal would unlikely cause any significant adverse visual impact. While CA/ASC of ArchSD considered that there may be some visual impacts, CTP/UD&L of PlanD has no adverse comment on the application from urban design and visual perspectives. In order to alleviate the potential visual impact, mitigation measures such as building separation between residential blocks and building setback from the site boundary/major roads are proposed.

Landscape and Air Ventilation Considerations

- 11.6 The applicants have submitted landscape proposal to compensate the loss of 62 trees due to direct conflict with the proposed development, and a complementary planting ratio of not less than 1:1 would be adopted. Landscape treatments, such as landscape buffer screening the adjacent roads, gardens, community farm and green roof on RCHE are proposed to soften the visual impact of the proposed development. The proposed development could achieve a site coverage of greenery of not less than 20%. CTP/UD&L of PlanD considers that significant adverse landscape impact arising from the proposed minor relaxation of PR and BH restrictions for the development is not anticipated.
- 11.7 For the concerns on air ventilation, the proposed development does not fall within the criteria for the Air Ventilation Assessment under the Housing, Planning and Lands Bureau and Environment, Transport and Works Bureau's Joint Technical Circular No. 1/2006 on AVAs jointly published by the then Planning and Lands Bureau and Environment, Transport and Works Bureau. Notwithstanding the applicants have submitted a quantitative AVA, which demonstrates significant adverse air ventilation impact on the surrounding pedestrian wind environment is not anticipated. Design mitigations including building separations between residential towers and building setbacks from the site boundary/major roads in various width would be proposed to minimise the potential air ventilation impacts arising from the proposed development.

Other Technical Considerations

- 11.8 The technical assessments submitted by the applicants, including TIA, EA, DSIA and WAIS, concluded that no insurmountable problems on traffic, environmental, drainage and sewerage impacts and water supply aspects are anticipated. Concerned government departments, including C for T, DEP, CE/MN of DSD and CE/C of WSD and have no objection to/no adverse comment on the application. Furthermore, relevant approval condition is recommended in paragraph 12.2 below to address the technical requirements of the concerned government department.

Similar Applications

- 11.9 There are four similar applications (Nos. A/FSS/223, 236, 280 and 295) for proposed minor relaxation of GFA/PR and BH restrictions for permitted public housing developments within the “R(A)1” to “R(A)4” zones on the same OZP. All applications were approved with conditions by the Committee between September 2014 and January 2024 mainly on grounds as stated in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.

Public Comments

- 11.10 Regarding the public comments received, the departmental comments and planning assessments as mentioned in the above paragraphs are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 21.6.2028 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 condition of approval and advisory clauses are also suggested for Members’ consideration:

Approval Condition

the submission of a construction traffic impact assessment before commencement of works to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory Clauses

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

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

the applicants fail to demonstrate sufficient merits to justify the proposed minor relaxation of PR and BH restrictions.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

14. Attachments

Appendix I	Application Form and Supplementary Information received on 2.8.2023
Appendix Ia	FI received on 29.4.2024 including a Planning Statement and revised technical assessments
Appendix Ib	FI received on 14.6.2024 including a revised TIA
Appendix II	Previous Applications covering the Site
Appendix III	Similar Applications within the “R(A)” Zones in the Vicinity of the Site
Appendices IVa to IVc	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Block Plan
Drawings A-2 to A-8	Floor Plans
Drawings A-9 and A-10	Section Plans
Drawing A-11	Landscape Plan
Drawings A-12 to A-15	Photomontages
Drawing A-16	Proposed Run-in/out and Lay-by Arrangement Plan
Plans A-1a and A-1b	Location Plans
Plan A-2	Site Plans
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2024**