

**APPLICATION FOR AMENDMENT OF PLAN**  
**UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. Y/FSS/18**

<b><u>Applicant</u></b>	: Faith Luck Corporation Limited and Win Million International Limited represented Llewelyn-Davies Hong Kong Ltd.
<b><u>Plan</u></b>	: Approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/24 at the time of submission  Draft Fanling/Sheung Shui OZP No. S/FSS/25 currently in force [The zoning and development restrictions for the Site remain unchanged on the current draft OZP No. S/FSS/25.]
<b><u>Application Site</u></b>	: Various Lots in D.D. 51 and Adjoining Government Land, Fanling, New Territories
<b><u>Site Area</u></b>	: About 14,750m <sup>2</sup> (including about 3,425m <sup>2</sup> of Government land (GL) (about 23.2%))
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<b><u>Proposed Amendment</u></b>	: To rezone the application site from “V” to “Residential (Group A)12” (“R(A)12”) and amend the Notes of the zone applicable to the Site

**1. The Proposal**

*The Proposed Rezoning*

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plans Z-1 and Z-2**) from “V” to “R(A)12”, with a proposed maximum domestic plot ratio (PR) of 5 and a maximum building height (BH) of 110mPD, to facilitate a proposed residential development with social welfare facilities (neighbourhood elderly centre (NEC) and residential care home elderly (RCHE)) and public vehicle park (PVP). The proposed amendments on the OZP and Notes for “R(A)12” zone are at **Drawing Z-1** and **Appendix II**. The Site is currently used mainly for an open-air PVP (**Plans Z-2 and Z-3**).
- 1.2 Majority of the Site involves two previous s.16 applications submitted by the same applicant (**Plan Z-2**) which were both proposed for houses development. The last s.16 application (No. A/FSS/276) proposed for 50 houses and RCHE with minor relaxation

of BH restriction from 3 storeys/8.23m to 4 storeys/11.025m (above ground) was approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 6.11.2020.

*The Indicative Development Scheme (for Applicant's private lots and GL only<sup>[a]</sup>)*

- 1.3 The proposed development parameters of the indicative development proposal are as follows:

	<b>Indicative Development Scheme</b>
<b>Site area</b>	About 14,750m <sup>2</sup> <sup>[b]</sup> (including about 3,425m <sup>2</sup> of GL)
<b>Development site area</b>	About 13,232m <sup>2</sup> <sup>[b]</sup> (excluding: <ul style="list-style-type: none"> <li>- other third party lots (1,010m<sup>2</sup>) and</li> <li>- the strip of existing footpath at the northern periphery of the Site along Ma Sik Road (GL) (508m<sup>2</sup>) (<b>Drawing Z-2</b>)</li> </ul>
<b>Domestic PR</b>	5
<b>Non-Domestic PR (for RCHE only)</b>	0.18 <sup>[c]</sup>
<b>Domestic gross floor area (GFA)</b>	About 66,155 m <sup>2</sup> <sup>[d]</sup> (Based on the development site area)
<b>Non-Domestic GFA (for RCHE only)</b>	About 2,372 m <sup>2</sup> <sup>[c]</sup>
<b>Number of residential blocks</b>	5
<b>Maximum BH/No. of Storeys (excluding basement)</b>	Tower 1: 102.5mPD/29 Tower 2: 105.7mPD/28 Tower 3: 109.5mPD/30 Tower 4: 106.3mPD/29 Tower 5: 103.2mPD/28
<b>Number of flats</b>	About 1,638
<b>Average flat size</b>	About 40m <sup>2</sup>
<b>Anticipated population</b>	About 4,586
<b>Private local open space</b>	Not less than 1m <sup>2</sup> per person (i.e. about 4,586)
<b>Social welfare facilities <sup>[c]</sup></b>	<ul style="list-style-type: none"> <li>- NEC (G/F under Tower 1)</li> <li>- 120-person RCHE (2/F and 3/F under Tower 1)</li> </ul>

	Indicative Development Scheme
<b>Parking facilities</b>	
<b>PVP</b> [c]	
- Private car	- 100 (at Basement 2 Level)
<b>Ancillary parking</b>	
- Private car	- 251 (for residential development, including 4 disabled car parking spaces and 25 visitor car parking spaces) + 10 (for welfare facilities, including 2 disabled car parking spaces) (at Basements 1 and 2 levels)
- Motorcycle	- 17
- Bicycle	- 110
- Light bus	- 1
- Loading/unloading(L/UL) bay	- 6 (5 for residential development + 1 for welfare facilities)
- Ambulance lay-by	- 1
- Taxi / private car lay-by	- 1
<b>Anticipated completion year</b>	2029

Notes

- [a] While a domestic PR of 5 has been adopted for the Site covering the third party lots for the purpose of conducting the technical assessments, the development schedule of indicative development scheme only shows the proposed development for the applicant's private lots plus the GL, i.e. the development site.
- [b] Subject to site survey and detailed setting out at subsequent land grant stage.
- [c] The applicant assumes that the proposed NEC and PVP, which are required by the Government, are to be disregarded from PR and GFA calculation; whereas the RCHE would be GFA accountable since the RCHE would be privately operated and would not be handed over to the Government.
- [d] Excluding the GFA of residential clubhouse (not more than 2,646m<sup>2</sup>, i.e. not more than 4% of domestic GFA) from PR calculation.

- 1.4 To ensure the comprehensiveness of land use zoning and avoid irregular zoning boundary, the application site include the private lots owned by the applicant and GL as well as three private land parcels owned by third parties. The Government land (site area of about 3,425m<sup>2</sup>) is located at the periphery of the application site fronting Ma Sik Road and Fan Leng Lau Road, while the three private land lots not owned by the applicant are located at the north-western, north-eastern and south-eastern parts of the Site (site area of about 1,010m<sup>2</sup>) (**Plan Z-2**). To ascertain the technical feasibility and respect the development right of third party lots, a maximum domestic PR of 5 for these third party lots (i.e. maximum GFA of 5,050m<sup>2</sup>) has been assumed in conducting the technical assessments. Besides, individual vehicular accesses have been provided for these third party lots, which are via an internal road within the Site, but are separated from the main vehicular entrance to the proposed development (**Drawing Z-2**). Indicative layouts have been worked out to illustrate the feasibility of independent development of these individual lots (**Drawing Z-18**)
- 1.5 According to the applicant, a 120-person privately operated RCHE is proposed to serve the needs of the community. In addition, in response to Social Welfare Department (SWD)'s requirements, the applicant agrees to incorporate a NEC in the proposed development as a Government Accommodation upon completion. The applicant proposes that the provision of NEC and PVP, as requested by the Government, may be disregarded in determining the maximum PR. The applicant indicates that the RCHE will be under private operation rather than a subvention facility as a form of G/IC use. The GFA of the RCHE is accountable in GFA calculation.

- 1.6 As the Site is currently occupied by an open-air PVP, a PVP with 100 private car parking spaces is proposed at the Basement 2 Level (**Drawing Z-3**) to compensate the loss of existing PVP and address Transport Department (TD)'s concerns. The proposed PVP will be constructed and maintained by the applicant. For the ancillary parking facilities, parking provision is proposed in accordance with the high-end provision of the Hong Kong Planning Standards and Guidelines (HKPSG) at the basements.
- 1.7 In order to improve the traffic condition, junction improvement works are proposed at the junction of Ma Sik Road/Tin Ping Road (**Drawing Z-16**) by widening southbound of Ma Sik Road to provide an additional left-turn traffic lane for allowing split phase signal arrangement. The applicant commits that the improvement works will be implemented by the applicant. According to the applicant, with the proposed improvement works, insurmountable traffic impact generated by the proposed development is not anticipated.
- 1.8 To promote visual and wind permeability, building separations of not less than 15m will be provided between T2/T3 and T3/T4 (**Drawing Z-2**), and these building separations are purposely aligned with the building separations between the tower blocks of the Fan Garden Junior Police Married Quarters to the immediate southeast of the proposed development (**Drawing Z-17**). Building setbacks from the development site boundary are also proposed for visual relief and minimize impact on the existing village local road and the villagers in the remaining "V" zone (**Plans Z-1 and Z-2**), as well as provide a reasonable separation from the existing Fan Garden Junior Police Married Quarters.
- 1.9 As reflected in the indicative Landscape Master Plan (LMP) (**Drawing Z-15**), different landscape components, such as landscape buffer, pool deck, extensive green roof, community farm etc. are proposed. Open space with not less than 1m<sup>2</sup> per person (i.e. about 4,780m<sup>2</sup>) will be provided in accordance with HKPSG. A total of 112 nos. of tree are recorded within the Site. None of the trees are Old and Valuable Trees (OVTs) nor rare or protected species. Out of these 112 nos. of tree, 57 nos. of tree are proposed to be retained and the remaining 55 nos. of tree are recommended for felling as they are in conflict with the proposed development. Not less than 55 nos. of new heavy standard trees will be planted for compensation, and the compensatory ratio will be 1:1. At least 20% green coverage will be provided in the proposed development.
- 1.10 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form received on 24.5.2021 (Appendix I)
  - (b) Supplementary Planning Statement (SPS)
  - (c) Further Information (FI) received on 6.9.2021, 15.11.2021<sup>#</sup>, 21.1.2022
  - (d) FI received on 28.4.2022<sup>#</sup> enclosing consolidated SPS<sup>1</sup> (Appendix Ia) which has incorporated the revised development scheme with revised technical assessments and previous responses to comments.

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<sup>1</sup> The consolidated SPS received on 28.4.2022 (**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 superseded FIs are not attached.

(e) FIs received on 13.5.2022<sup>#</sup> and 1.6.2022<sup>#</sup>

(Appendices Ib & Ic)

<sup>#</sup> Exempted from publication

- 1.11 On 13.8.2021, 26.11.2021 and 1.4.2022, the Committee agreed to defer a decision on the application, upon 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 28.4.2022, 13.5.2022 and 1.6.2022. 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 SPS at **Appendix Ia**, and are briefly summarised as follows:

### *In Line with Overall Government's Policy Directives on Increasing Housing Supply through Optimization of Scarce Land Resources*

- (a) as early as at 2013 Policy Address, the Government recognised the urgent need to meet housing and other development needs. In the Policy Addresses that follow, housing is still the most important livelihood issue to be addressed. The Government has adopted multi-pronged approach to enhance and expedite housing supply, which include the intensification and optimization of the development potential of various housing sites throughout the Territory including the new development areas (NDAs), such as Kwu Tung North (KTN)/ Fanling North (FLN) NDAs;
- (b) the proposed OZP amendments to rezone the Site to "R(A)12" intends to allow more housing supply in the medium term. Compared with the approved scheme (S.16 Application No. A/FSS/276) which only offers 50 houses in the current "V" zone, the proposed rezoning could offer about 1,700 residential units and could further alleviate the shortage of housing supply;

### *Fully Compatible with the Surrounding Developments*

- (c) although the Site is currently zoned "V" with low development intensity, the surroundings have been intensified in recent years with various existing and planned developments. To the immediate north of the Site across Ma Sik Road is FLN NDA, where the "R(A)1" zone is subject to a maximum PR and BH of 6 and 110mPD respectively. To the south and east of the Site are the existing high-rise residential developments, namely Wing Fok Centre, Wing Fai Centre, Mount One, etc. with PR of about 5, and a newly completed Fan Garden Junior Police Married Quarters with PR and BH of about 7 and 108mPD respectively. As such, the proposed rezoning from "V" to "R(A)12" with a maximum domestic PR and BH of 5 and 110mPD respectively is fully compatible with the local development profile;

### *Possibility of Unfreezing Development Potential*

- (d) the Site does not fall within village environ (VE) of any recognized village. Although the Site lies within the Ling Hill Village Expansion Area (VEA), the implementation of VEAs has been suspended since 1999, whilst Ling Hill VEA is not included in those identified suspended VEA projects for being "unfrozen" by Development Bureau in

Year 2018. Implementation of Small House development at the Site is therefore suspended;

- (e) the development restrictions in the “V” zone limit the development potential of the Site to respond the gradual change of the development context. In this regard, the current application provides possibility to “unfreeze” private land for other forms of appropriate residential use with high density and community facilities to serve the neighbourhood;

*Address the Shortfall of Elderly Facilities amid a Growing and Aging Population in the Community*

- (f) Hong Kong is facing a problem of rapid aging population in the coming decade, and the aging population would increase the demand for elderly care facilities such as RCHE in the near future. In support of the rezoning application, the applicant proposes to incorporate a 120-place privately-operated RCHE and a NEC in the proposed development to alleviate the shortage of RCHE in the district and address the community needs;

*Address the Parking Demand in the Community*

- (g) To address the acute parking demand in the area, a PVP with a total of 100 private car parking spaces is provided at the Basement 2 Level, which will be open for public use while at the same time, free up ground level space for landscape purpose to enhance the visual amenity of the neighbourhood; and

*Technically Feasible with no Insurmountable Problems in Various Aspects*

- (h) relevant technical assessments including Environment Assessment (EA), Traffic Impact Assessment (TIA), Visual Impact Assessment (VIA), Tree Preservation Proposal, Air Ventilation Appraisal (AVA), Drainage and Sewerage Impact Assessment (DSIA) and Water Supply Impact Assessment (WSIA) have been undertaken in support of the proposed development, which conclude that the proposed development scheme will not cause any insurmountable problems.

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

The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by giving notification to the other land owners. Detailed information would be deposited at the meeting for Members’ inspection. For the Government land, the requirements as set out in the TPB PG-No. 31A is not applicable.

**4. Previous Applications**

- 4.1 Majority of the Site is the subject of two previous s.16 applications (Nos. A/FSS/270 and 276) for proposed house and RCHE and minor relaxation of BH restriction, which was approved by the Committee with conditions on 6.9.2019 and 6.11.2020 respectively mainly on the considerations that the proposed development of houses and RCHE is 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.

- 4.2 Details of these previous applications are summarised at **Appendix III** and the locations are shown on **Plans Z-1** and **Z-2**.

## **5. Similar Application**

There is no similar rezoning application for “V” zone on the Fanling/Sheung Shui OZP.

## **6. The Site and Its Surrounding Areas (Plans Z-1 and Z-2, aerial photo on Plan Z-3 and site photos on Plans Z-4a to Z-4c)**

### **6.1 The Site:**

- (a) is currently paved, fenced off and used mainly for an open-air public vehicle park; and
- (b) is accessible from an access road connecting to Ma Sik Road.

### **6.2 The Site is at the fringe of Fanling/Sheung Shui New Town and its surrounding areas have the following characteristics:**

- (a) to the north is Ma Sik Road, and to its further north is the FLN NDA;
- (b) to the east across Fan Leng Lau Road are high-rise residential developments known as Wing Fok Centre (about 92mPD) and Wing Fai Centre (about 109mPD);
- (c) to the south and southwest are Fan Garden Government Police Married Quarters (about 110mPD), and planned public and private housing developments at Fanling Area 17 which are zoned “R(A)7” and “R(A)8” respectively (maximum BH restriction ranging from 135mPD to 170mPD); and
- (d) to the west and northwest are a 3-storey residential development known as Good View New Village zoned “R(C)1”, temporary domestic structures intermixed with some vacant land, and to its further west is Ling Shan Tsuen.

## **7. Planning Intention**

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.

## **8. Comments from Relevant Government Departments**

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

### **Land Administration**

8.1.1 Comments of the Secretary for Development (SDEV):

- (a) the Site falls within the proposed Ling Hill Village Expansion Area (VEA). Under the VEA Scheme introduced in 1981, through resuming private land and assembling government land within an area proposed for implementation of a VEA, and thereafter conducting site formation and other relevant public works therein, the Government would provide land within the VEA for indigenous villagers to build small houses in a more orderly manner and in so doing provide for better planning of village developments. In February 1999, in view of the review of Small House Policy (the Policy), the Government decided to suspend the implementation of designated VEA projects for which the related public works had not commenced at that time. At present, Ling Hill VEA project is one of the projects so suspended;
- (b) having considered Heung Yee Kuk (HYK)'s proposal, the Development Bureau (DEVB) agreed in 2018 that private land within two suspended VEA projects, namely in Mang Kung Uk, Sai Kung and Siu Lek Yuen, Sha Tin, would be "unfrozen" based on certain prerequisites (i.e. any developments on the private land of individual proposed VEAs must be in compliance with the existing policy frameworks in planning, land administration etc., and the HYK and the concerned villages have to accept that the original planned VEA projects will no longer be applicable). As for the Ling Hill VEA project, DEVB has agreed to further follow up with HYK about the possibility of "unfreezing" private land therein by making reference to the arrangements for the two frozen VEA projects to be "unfrozen"; and
- (c) if planning approval is given by the Board to the application, the applicant will have to apply with the Lands Department (LandsD) for a land exchange to implement the proposed development. The Government will take into account progress of the above discussion on the future of the Ling Hill VEA project when considering the land exchange application.

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

- (a) the Site comprises 123 private lots and the adjoining unleased Government land. All the private lots concerned are held under Block Government Lease as demised for agricultural use. In addition, a Modification of Tenancy No.



38416 and a Letter of Approval No. L5417 for the purpose of agricultural and temporary structures only are found within the Site. The size of the Site including Government structures has not been verified yet and will be subject to detailed survey;

- (b) if the application is approved, the applicant is required to submit a land exchange application to effect the proposed development. LandsD acting in the capacity as landlord will consider the land exchange application which, if approved, will be subject to such terms and conditions as considered appropriate including the payment of premium and administrative fee. Please note that there is no guarantee that the land exchange application (which involves grant of Government land) will be approved. It is also noted that the Site falls within the proposed Ling Hill VEA; and
- (c) according to the SPS and the Indicative Master Layout Plan (**Drawing Z-2**), the six private lots owned by third party are not proposed to be developed and accesses to these lots have been reserved. The applicant shall be advised to seek comments from the concerned lot owners/occupiers as appropriate and reserve access to the concerned lot owners/occupiers during construction stage as well.

### **Urban Design and Visual**

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

- (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), Wing Fai Centre (up to about 109mPD), Regentville (up to about 120mPD) and Grand Regentville (up to about 130mPD) to its east across Fan Leng Lau Road; 3-storey residential development known as Good View New Village and Ling Shan Tsuen of 1 to 2 storeys to its immediate west; sites recently rezoned to “R(A)7” and “R(A)8” (with BH restriction ranging from 135mPD to 170mPD), Police Married Quarter (up to 110mD) and Fanling Garden (up to about 27mPD) to its south; and FLN NDA to its north across Ma Sik Road (with BH restriction ranging from 55mPD to 130mPD) (**Plan Z-2**);
- (b) according to the submission, some design and mitigation measures are proposed to promote visual permeability and interest, including a stepped BH profile descending from the east towards the existing low-rise houses to its west (from 109.45mPD to 102.5mPD), building separations between T2/T3 and T3/T4 to promote visual openness and permeability, building setback along the site boundary for peripheral landscape treatment and basement carpark to free up space at ground level for landscape area and open space to improve the visual amenity; and
- (c) judging from the photomontages of the submitted VIA (**Drawings Z-9 to Z-14**), although the proposed development would be somewhat taller and larger than the low-rise houses to its immediate west, its proposed scale and height is considered not incompatible with the existing/planned residential

character of the area in the wider context. With the incorporation of the design and mitigation measures, the overall visual impact is concluded to be slightly adverse as rated by the applicant.

### **Air Ventilation**

#### **8.1.4 Comments of CTP/UD&L, PlanD:**

an AVA-EE for the Proposed Scheme to compare against the Approved Scheme (i.e. the latest approved s.16 Application No. A/FSS/276) is submitted to support the application. It is noted that two major building separations of not less than 15m in width between the residential portions of T2/T3 to facilitate SSW wind and T3/T4 to facilitate SE and SSE winds, as well as building setback of about 9m to 20m from the site boundary to facilitate E and SSW winds are proposed. No significant adverse air ventilation impact on the surrounding areas is anticipated.

### **Landscape**

#### **8.1.5 Comments of CTP/UD&L, PlanD:**

- (a) she has no objection to the application from landscape planning perspective;
- (b) based on the aerial photo (**Plan Z-3**), the Site is situated in area of residential urban fringe landscape character comprising village houses, residential buildings in Good View New Village within an area zoned “R(C)1” to the immediate west of the Site, and Wing Fok Centre in an area zoned “R(A)” to the east of the Site. The proposed rezoning is considered not entirely incompatible with the landscape character of the surrounding environment;
- (c) with reference to Section 2.5 and Appendix A2 of the SPS (**Appendix Ia**), about 112 nos. of existing trees of common species are found within the Site, approx. 55 nos. of them are proposed to be removed due to proposed development. Despite some existing trees will be affected by the proposed development, new tree planting at ratio of 1:1 would be provided within the Site as landscape mitigation measure. Significant adverse landscape impact arising from the application is not anticipated; and
- (d) furthermore, with reference to para. 2.5.5 of the SPS (**Appendix Ia**), open space within the Site of not less than 1m<sup>2</sup> per person would be provided in accordance with the HKPSG requirements.

### **Social Welfare**

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

- (a) he has no adverse comment on the application at this stage;
- (b) it is noted that the applicant agreed to incorporate the additional Neighbourhood Elderly Centre (NEC) (with NOFA of about 139.3m<sup>2</sup>) into the development, the premises for the NEC should be provided as an

integral part of the development and will be assigned back to the Financial Secretary Incorporated (FSI) as a Government Accommodation (GA) upon construction completion. Upon satisfactory completion of works by the developer, the Government will reimburse the developer the actual cost of construction or the consideration sum as stipulated in the land lease, whichever is the lesser, according to the established practice. The service operator would be selected by SWD; and

- (c) as for the proposed 120-person Residential Care Home for the Elderly (RCHE), in view of the ageing population and the need to meet the ongoing demand for residential care need for the elderly, he has no objection in principle for the development of the proposed RCHE (which is assumed to be a non-subsidised RCHE) with no financial implication, both capital nor recurrent to the Government, subject to the views from other government departments on town planning and other development considerations. The applicant should ensure that the design and construction of the RCHE shall comply with all relevant licensing and statutory requirements including but not limited to the i) Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and its subsidiary legislation and ii) the latest version of the Code of Practice for Residential Care Homes (Elderly Persons). Without further information for the proposed RCHE, e.g. the area, height, design, layout etc., he is unable to provide comments on the proposal at the present stage.

### **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; and
- (b) his detailed comments are at **Appendix IV**.

### **Buildings Matter**

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

- (a) sustainable building design requirements and pre-requisites under PNAP APP-151 and 152 would be applicable to the proposed development if GFA concession is claimed;
- (b) the access route to the third party lots shall be excluded from the calculation of site area under Building (Planning) Regulation 23(2)(a); and
- (c) his detailed comments are at **Appendix IV**.

### **Fire Safety**

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

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the

satisfaction of his department;

- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans, or referral from relevant licensing authority if licence is required for the proposed RCHE; and
- (c) the EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Building Authority.

**District Officer's Comments**

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

- (a) he consulted the locals on the original submission and the subsequent FIs. The following views were received from the locals;
- (b) the Chairman of Lung Shan Area Committee, the Chairman, Vice-Chairman, 1<sup>st</sup> Vice-Chairman and 2<sup>nd</sup> Vice-Chairman of Fanling District Rural Committee (FDRC), 8 village representatives under FDRC, the Principal of Alliance Primary School, Sheung Shui and the Principal of Wai Chow Public School (Sheung Shui) supported the proposal mainly on grounds that the proposed development could address the shortage of housing supply and elderly facilities; land resources would be better utilized; and may support the economic development of Fanling District; and
- (c) the incumbent North District Council member of N17 Constituency, the Vice-chairman of Wing Fok Centre Owners' Committee (OC) and two individuals raised objections mainly on grounds that the proposed development would induce adverse traffic impact; the provision of GIC facilities cannot support the needs of increased population; the visual quality of Wing Fok Centre will be affected and the property value of Wing Fok Centre will be affected; and the construction works of the proposed development may affect the structural safety of Wing Fok Centre.

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

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/ New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (d) Director of Environmental Protection (DEP);
- (e) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (f) Director of Electrical and Mechanical Services (DEMS); and
- (g) Commissioner of Police (C of P).

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

- 9.1 On 4.6.2021, 10.9.2021 and 11.2.2021, the application and FIs were published for public comments. During the respective 3-week statutory publication periods, a total of 1,439 comments were received. All the public comments received are deposited at the Board's Secretariat for Members' reference.
- 9.2 Among the 1,439 public comments, 1,184 comments made by the Chairman, Vice-chairman, 1<sup>st</sup> Vice-chairman and village representatives of the Fanling District Rural Committee (FDRC) and individuals support the application (1,027 in the form of 11 types of standard letters) (samples at **Appendix Va**), while 250 comments made by the owners of the third party lots, Incorporated Owners of Wing Fok Centre, Owners' Corporation of Good View New Village and individuals object (69 in the form of 7 types of standard letters) (samples at **Appendix Vb**) and five indicate no comment on the application.
- 9.3 The major views of the public comments are summarized as follows:

### Supporting comments

- (a) the proposed development could optimise the site potential and respond to the Government's initiatives to increase housing supply and providing more RCHE places for the increasing demand due to ageing population;
- (b) the proposed development is not incompatible with surrounding developments and planned developments in FLN NDA;
- (c) the proposed development will not generate adverse environmental, traffic, air and visual impacts.

### Objection / adverse comments

- (d) the proposed development will exacerbate the existing traffic congestion and illegal parking problem in the North district considering the accumulative traffic impacts brought by nearby existing and planned residential developments;
- (e) the proposed development will cause adverse impacts on air quality, visual, drainage, noise and environment which subsequently affect the wellbeing of the nearby residents (including owners of the third party lots);
- (f) the construction of the proposed development will pose structural threats to the surrounding domestic structures and residential developments, and create disturbance to the nearby residents (including owners of the third party lots);
- (g) the proposed development will worsen the shortage in GIC facilities and open space in the North district; and
- (h) the owners of the third party lots were not consulted on the proposal by the applicant and no agreement has been reached and raised concern on the development right of their lots.

## 10. **Planning Considerations and Assessments**

### *The Proposal*

- 10.1 The applicant proposes to rezone the Site from “V” to “R(A)12” to facilitate a proposed residential development with social welfare facilities and PVP. A maximum domestic PR of 5 and maximum BH of 110mPD are proposed for the “R(A)12” zone (**Drawing Z-1**). The applicant also proposes to set out in the Notes that any floor space that is constructed or intended for use solely as Government, institution or community facilities and public vehicle park, as required by the Government, may be disregarded in the calculation of PR. A set of the Notes for the “R(A)12” zone proposed by the applicant are at **Appendix II**.
- 10.2 The proposed rezoning is reflected in the indicative scheme submitted by the applicant (**Drawings Z-2 to Z-8**), which includes five residential blocks of not more than 30 storeys (excluding 2 basement storeys for carpark) providing about 1,648 flats with provision of social welfare facilities and PVP. As shown on **Drawing Z-2**, the proposed development site excluded private lots owned by third parties and a strip of Government land along Ma Sik Road for the provision of footpath. Vehicular accesses have been provided for these third party lots for independent developments which were also covered in the impact assessments.
- 10.3 In response to SWD’s comments and to address the shortage of social welfare facilities, a NEC is proposed in the proposed development. SWD has no objection to the 120-place privately-operated RCHE in view of the ageing population. It could provide an alternative choice for the elderly who could afford the market price. A PVP with 100 private car parking spaces, which will be constructed and maintained by the applicant, is proposed at the Basement 2 Level to compensate the loss of existing PVP and to address TD’s concerns. While the proposed NEC and PVP could be disregarded from PR/GFA calculation, the proposed RCHE with a non-domestic PR of 0.18, being a privately operated social welfare facility, should be GFA accountable.

### *Planning Intention*

- 10.4 The Site is at the fringe of Fanling/Sheung Shui New Town and surrounded by considerable high density residential developments. It is logical from planning intention point of view to allow extension of urban development into the Site and nearby areas. The proposed residential development with social welfare facilities (RCHE and NEC) and PVP could unleash the development potential of the Site which is in the vicinity of development clusters and help address the acute shortfall of housing, elderly and public parking facilities in the district.
- 10.5 Regarding the implementation of Small House development, it should be noted that the subject “V” zone is not covered by ‘VE’ of any recognised village. As advised by SDEV, while the Site falls within the Ling Hill VEA, DEVB has agreed to follow up with HYK separately about the possibility of “unfreezing” private land within Ling Hill VEA. Against such background, and taking into account also the supportive stance of the rural community in the area represented by FDRC, it does not appear that there is any pressing policy prerogative to insist that the Site must maintain the “V” zoning the planning intention of which is to designate both existing recognized villages (the Site does not overlap with the ‘VE’ of any recognised village) and areas of land considered suitable for village expansion. Any land exchange application to implement the

proposed development will in due course be scrutinized accordingly under the land administrative regime.

Land Use Compatibility and Development Intensity

- 10.6 The Site is at the fringe of Fanling/Sheung Shui New Town and surrounded by residential developments. While to the west and northwest are a low-rise residential development and temporary domestic structures, areas on three sides to the east, south and north of the site have either been developed or planned for high-rise residential developments with building height ranging from 92mPD to 110mPD for developments to the east (i.e. Wing Fok Centre, Wing Fai Centre, Fan Garden Government Police Married Quarters). The planned public and private housing developments at Fanling Area 17 to the south will develop to a maximum BH ranging from 135mPD to 170mPD. To the north across Ma Sik Road is the Fanling North New Development Area (FLN NDA) where the BHs of the planned housing sites are around 105mPD to 115mPD (**Plan Z-2**). In view of the above local context, the proposed development is considered compatible with the surrounding environment in the urban fringe of Fanling/Sheung Shui New Town. The proposed domestic PR of 5 is also considered in line with the above development context with PR ranging from 5 (for private housing) to 6.5 (for planned public housing).
- 10.7 CTP/UD&L of PlanD advises from urban design perspective that with the implementation of the proposed design mitigation measures such as stepped BH, building separations, building setback along the site boundary etc., the proposed development is not incompatible with the existing / planned residential character of the area in the wider context. If the application is approved by the Committee, consideration would be given on any control measures relating to the building separation and set back as proposed in the current application when the proposed amendment to OZP is formulated.

Other Technical Aspects

- 10.8 The applicant has submitted EA, TIA, VIA, Tree Preservation Proposal, AVA, DSIA, and WSIA to demonstrate that the proposed development scheme would not cause any insurmountable problems. Relevant Government departments including DEP, C for T, CTP/UD&L of PlanD, CHE/NTE of HyD, CE/MN of DSD and CE/C of WSD have no objection to/adverse comment on the proposed development scheme.
- 10.9 A maximum PR of 5 for the Site covering the third party lots has been assumed in conducting the technical assessments, which demonstrate the technical feasibility of development of the Site. Besides, the indicative development scheme also demonstrates that provision of vehicular accesses could be provided for independent development of the third party land parcels.

Local Views and Public Comments

- 10.10 Regarding the local objections as conveyed by DO(N), HAD and public comments in paragraphs 8.1.11 and 9, the departmental comments and planning considerations and assessments as stated above are relevant. As for the concern on inadequate provision of GIC facilities, the planned provision for GIC facilities in Fanling/Sheung Shui New Town area is generally sufficient, except Child Care Centre, RCHE and Community Care Services Facilities. As the HKPSG requirements for these facilities are long term

goals, the provision would be addressed by SWD on a wider district basis, having regard to a number of factors including the distribution of facilities, land supply and service demand as a result of population growth and demographic changes. Apart from the proposed RCHE and NEC in the proposed development, an additional GFA up to 5% of the total domestic GFA of the planned public housing sites to the north of the Site within the FLN NDA would be reserved for provision of social welfare facilities. In addition, despite that the proposed RCHE is privately-operated, it 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. As for the third party lots within the application Site, their development potential has been demonstrated by the applicant.

## **11. Planning Department's Views**

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the local views and public comments mentioned in paragraphs 8.1.10 and 9, the Planning Department has no in-principle objection to the application.
- 11.2 Should the Committee decide to agree/partially agree to the application, PlanD would work out the zoning boundaries, as well as the development parameters and restrictions to be set out in the Notes for Committee's agreement prior to gazetting under section 5 of the Town Planning Ordinance.
- 11.3 Alternatively, should the Committee decide not to agree to the subject application, the following reason is suggested for Members' consideration:

the development intensity of the proposed "R(A)12" zoning is considered excessive and not compatible with the surrounding areas. The applicant fails to provide strong justification for rezoning the site from "V" to "R(A)12" with the proposed development restrictions.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 12.2 Should the Committee decide not to agree to the application, Members are invited to advise what reasons for the decision should be given to the applicant.

## **13. Attachments**

<b>Appendix I</b>	Application Form received on 24.5.2021
<b>Appendix Ia</b>	FI received on 28.4.2022 enclosing consolidated SPS
<b>Appendix Ib</b>	FI received on 13.5.2022
<b>Appendix Ic</b>	FI received on 1.6.2022
<b>Appendix II</b>	Proposed Amendments to Notes and Explanatory Statement of



	the “R(A)12” zone
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Detailed Departmental Comments
<b>Appendices Va to Vb</b>	Public Comments
<b>Drawing Z-1</b>	Proposed Amendments to the OZP
<b>Drawing Z-2</b>	Indicative Block Plan
<b>Drawings Z-3 to Z-6</b>	Indicative Floor Plans
<b>Drawings Z-7 to Z-8</b>	Indicative Sections
<b>Drawings Z-9 to Z-14</b>	Photomontages
<b>Drawing Z-15</b>	Landscape Master Plan
<b>Drawing Z-16</b>	Proposed Traffic Improvement Measure
<b>Drawing Z-17</b>	Wind Corridors
<b>Drawing Z-18</b>	Indicative Blocking for Third Party Lots
<b>Plan Z-1</b>	Location Plan
<b>Plan Z-2</b>	Site Plan
<b>Plan Z-3</b>	Aerial Photo
<b>Plans Z-4a to Z-4c</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**