

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

APPLICATION NO. Y/FSS/19

- Applicant** : HUI, Chun Hang Julian represented by Ove Arup & Partners Hong Kong Limited
- Plan** : Draft Fanling/Sheung Shui Outline Zoning Plan (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]
- Application Site** : Sheung Shui Lot 2 RP and adjoining Government land, New Territories
- Site Area** : 31,623m² (about) (including Government land of about 1,762.1m² (about 5.6%))
- Lease** : Building Lot subject to ‘rate and range’ and ‘non-offensive trades’ clauses
- Zoning** : “Comprehensive Development Area” (“CDA”)
[Max. Plot Ratio (PR): 0.8
Max. Site Coverage (SC): 27%
Max. Building Height (BH): 3 storeys over one-storey carport
Minor Relaxation Clause]
- Proposed Amendment** : Rezoning from “CDA” to “CDA(1)” with maximum domestic PR of 4.3, maximum non-domestic gross floor area (GFA) of 2,708m², maximum SC of 27% and maximum BH of 130mPD

1. The Proposal

- 1.1 The applicant seeks planning permission to rezone the application site (the Site) (**Plans Z-1 and Z-2**), which falls within an area zoned “CDA” to “CDA(1)”, with a proposed maximum domestic PR of 4.3 and non-domestic PR of 0.09 (based on the proposed non-domestic GFA of 2,708m²), a maximum SC of 27% and a maximum BH of 130mPD, to facilitate a comprehensive private residential development with a residential care home for the elderly (RCHE). No change to the planning intention and User Schedule for the “CDA” zone is proposed. The proposed amendments to the OZP, Notes and Explanatory Statement for “CDA(1)” zone are at **Drawing Z-1 and Appendix II**. The Site at the fringe of the Fanling/Sheung Shui New Town is sandwiched between Fanling Highway and Castle Peak Road- Kwu Tung. It is currently fenced off, occupied by Oi Yuen Villa,

a Grade 1 historical building, an existing grave and a few structures with the remaining area grown with grass and some trees.

- 1.2 The Site involves six previous s.16 applications and three previous s.12A applications. The last s.16 application (No. A/FSS/156) for a residential development with a PR of 0.8838, SC of 24.5% and a BH of 3-4 storeys over 1-storey carport was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 5.12.2003. For the three s.12A applications, Application No. Y/FSS/12 for rezoning from “CDA” to “CDA(1)” with a PR of 3.6, a SC of 27% and a BH of 25 storeys (excluding basements) was rejected by the Committee on 27.10.2017. Application No. Y/FSS/14 for rezoning from “CDA” to “CDA(1)” with a PR of 3, a SC of 27% and a BH of 19 storeys above ground in the west and 23 storeys above ground in the east ceased to exist upon the death of the applicant. The Committee on 21.6.2019 agreed that the application ceased to exist upon the death of the applicant, and therefore did not give further consideration to the application. Application No. Y/FSS/15 with the same rezoning proposal as Application No. Y/FSS/14 was withdrawn by the applicant at the meeting on 20.11.2020.
- 1.3 Compared with the previous rejected scheme (Application No. Y/FSS/12), the current application involves increase in GFA, PR, BH and number of flats. Comparisons of the Master Layout Plan, sections and major development parameters of the proposed development scheme between the previous application and the current application are at **Drawings Z-2 to Z-9** and summarised in the following table:

	Previous Rejected Scheme (Y/FSS/12) (a)	Current Scheme (Y/FSS/19) (b)	Difference (b) - (a)
Site area	about 31,623m ² (including Government Land of about 1,762.1m ²)	about 31,623m ² (including Government Land of about 1,762.1m ² [a])	No change
Development site area	29,860.9 m ² (area of private lot)	29,860.9 m ² (area of private lot)	No change
Total GFA	about 107,499 m ²	about 131,109.87m ²	+23,610.87m ² (+22%)
- Domestic GFA	- about 107,499 m ²	- about 128,401.87m ² [b]	+20,902.87m ² (+19%)
- Non-domestic GFA	- nil	- about 2,708m ² [c]	+2,708m ²
Total PR [d]	3.6	4.39	+0.79 (+22%)
- Domestic PR	- 3.6	- 4.3 [b]	+0.7 (+19%)
- Non-domestic PR	- nil	- 0.09 [c]	+0.09
Site coverage (SC)	Not more than 27%	Not more than 27%	No change
Number of residential blocks	7	7	No change

	Previous Rejected Scheme (Y/FSS/12) (a)	Current Scheme (Y/FSS/19) (b)	Difference (b) - (a)
Maximum BH/No. of Storeys (excluding basement)	106.65 to 111.15mPD/25	111.15 to 130mPD/25 to 32 storeys	+18.85m (+17%)/+7 storeys (+28%) with stepped BH
Number of flats	816	969	+153 (+19%)
Average flat size	About 131.7 m ²	About 132.5 m ²	+0.8 (+0.6%)
Estimated number of residents	About 2,285	About 2,714	+429 (+19%)
Private open space	Not less than 2,285 m ²	Not less than 2,714 m ²	+429m ² (+19%)

Notes

- [a] As shown on **Plan Z-2**, the Government land, although within the “CDA” zone, are currently the footpath and road-side amenity along Castle Peak Road – Kwu Tung and Fanling Highway respectively
- [b] Excluding the GFA of clubhouse from PR calculation.
- [c] For the proposed RCHE only
- [d] Based on the development site area, subject to the setting out of the concerned Lot.

Parking Arrangement

Car parking spaces	
<i>Private car</i>	1,117(including 6 accessible car parking spaces)
<i>Motorcycle</i>	10
Loading/unloading (L/UL) bays	
<i>Heavy goods vehicle</i>	7

Major floor use

<i>B4/F to B2/F</i>	Carpark, E/M
<i>B1/F</i>	Carpark, function room, E/M, sewage treatment plant room
<i>G/F</i>	Entrance lobby, clubhouse, GIC, swimming pool, landscape garden, covered garden, landscape area, access road, EVA, L/UL spaces
<i>1/F to 31F</i>	Flats

- 1.4 According to the applicant’s submission, the proposed development scheme adopts a concentric building design layout with a landscape core at the centre of the Site comprising the preserved historic Grade 1 Oi Yuen Villa (about 772m² in GFA) with a new one-storey annex building extending from its east as clubhouse and a new swimming pool at its south (**Drawing Z-2**). The proposed residential development comprises seven residential blocks of 25 to 32 storeys (above four basement levels), stepping down from the east to the west of the Site and surrounding Oi Yuen Villa in the middle. The proposed GFA is calculated based on a domestic PR of 4.3 and the development site area which is

the private land owned by the applicant (only 5.6% of land area within the Site is Government land (**Plan Z-2**)). As compared with the previous rejected s.12A application, under the current proposal, the size of internal roundabout (**Drawing Z-2**) in front of the Grade 1 historic building Oi Yuen Villa is reduced for better shaped environ and enhances the layout design. The grave of applicant's family located to the southeast of Oi Yuen Villa would be preserved in-situ, fenced off and screened by trees to better integrate with the residential development to minimise disturbance from each other (**Drawings Z-7 and 10**). The proposed Master Layout Plan (MLP), floor plans and section plans of the proposed development are at **Drawings Z-2 to Z-9**. The tentative completion year of the proposed development is 2028.

- 1.5 As in the previous application (No. Y/FSS/15), a 100-place privately-operated RCHE is incorporated in the proposed development scheme in view of the aging population. As compared with the previously withdrawn s.12A application No. Y/FSS/15 in which the RCHE had been proposed on the G/F and lower floors of residential developments, the current proposed development scheme puts forward a two-storey building for the RCHE that allows separation of the RCHE and residential components of the proposed development. Besides, the RCHE is placed closer to the main entrance of the Site at Pak Wai Lane to minimise access distance of any emergency vehicle between the main entrance and the RCHE. The proposed RCHE at the western part of the Site with a building height of 24mPD (**Drawing Z-2**) would also facilitate a stepped building height profile, offering a gradual decrease of BH for better visual compatibility with the surroundings. The greenery on its roof garden will function as visual amenities and maximise the visible greenery in the proposed development when viewing from elevated levels from the surrounding neighbourhood.
- 1.6 As reflected in the indicative Landscape Master Plan (LMP) (**Drawing Z-10**), different landscape components, such as landscape buffer, conserved historical building, various gardens etc. are proposed. Open space with not less than 2,714m² (i.e. not less than 1m² per person) will be provided in accordance with HKPSG. A total of 383 nos. of tree are recorded within the Site, including 14 important trees. 113 trees (about 30%) are proposed to be preserved in-situ (including 10 mature trees with DBH > 1m). 256 trees (67%) will be felled whereas 14 trees (about 3%) are proposed to be transplanted (including one *Aquilaria sinensis* (土沉香) and three *Dalbergia assamica* (南嶺黃檀) which are rare and/or protected native species with conservation value) as these trees are inevitably in conflict with proposed works and cannot be retained in-situ. A total of 256 new trees would be planted within the boundary of the current development scheme which forms the compensatory planting proposal with a replanting ratio of 1:1. Not less than 30% green coverage will be provided in the proposed development.
- 1.7 With the aim to address the potential adverse air ventilation impact induced by the proposal on the surrounding areas, five 15m-28m wide building separations (at Block 1/Block 7, Block 1/Block 2, Block 2/Block3, Block 3/Block 4 and Block 5/Block6) serving as wind corridors and about 7m and 13m building setbacks from the southwestern and northern site boundary are proposed.
- 1.8 As reflected from the MLP (**Drawing No. Z-2**), the proposed vehicular access will be located at Pak Wai Lane at the southwestern portion of the Site, with the proposed roundabout by Pak Wai Lane connecting to the internal roads/ EVA of the proposed development. Individual vehicular access is proposed for the RCHE via internal road within the Site. Ancillary car parking spaces and L/UL bays are proposed in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). The ancillary car

parking spaces would be accommodated at basement levels (**Drawings Nos. Z-3 to Z-6**), while the L/UL bays would be at ground level) (**Drawing No. Z-7**).

1.9 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 10.5.2022 (Appendix I)
- (b) Supplementary Planning Statement (SPS)
- (c) Further Information (FI) received on 15.7.2022, 2.11.2022, 29.12.2022, 6.3.2023 and 7.3.2023
- (d) FI received on 13.3.2023 enclosing consolidated SPS¹ which (Appendix Ia) has incorporated the revised technical assessments and includes all previous responses to comments

1.10 On 14.10.2022, 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.

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:

Responding to the Changing Planning Circumstances

- (a) it has been one of the top objectives of the Government to increase housing supply as stated in the Policy Address, and the Fanling/Sheung Shui (FSS) New Town has been undergoing rapid transformation since 2013 to build up land reserve with a view to meeting housing and other development needs. The latest proposed amendments to the FSS OZP involve a total of four public housing sites and two private housing sites, with domestic PR of 6.5 (for public housing sites) or 6 (for private housing sites). The proposed rezoning of the Site with a domestic PR of 4.3 could support such housing supply policy by providing an addition of 874 flats (a total of 969 flats) to diversify housing supply in the area and further optimize scarce land resources;

Being Compatible with the Surrounding Neighbourhood

- (b) to the immediate east of the Site is the planned public housing development at Tai Tau Leng with a maximum domestic PR of 6.8 and a maximum BH of 130mPD, to the further southeast of the Site are the planned high-density private residential development at Lot 4076 in D.D. 91 with a maximum PR of 6 and a maximum BH of 130mPD, and the existing medium density residential development, i.e. Eden Manor (with a PR of 3.6 and a BH of 25 storeys). To the west and north of the Site are low-density residential developments, i.e. Golf Parkview (with a PR of 0.89 and a BH of 4 storeys over one-

¹ The consolidated SPS received on 13.3.2023 (**Appendix Ia**) has incorporated all previous FIs. The applicant has confirmed that the original SPS and technical assessments submitted in the previous FIs could be superseded by those in the consolidated SPS. Hence the superseded original SPS and technical assessments submitted in the previous FIs are not attached.

storey carpark) and Tsung Pak Long (with a BH of 3 storeys);

- (c) the proposed development intensity at the Site, i.e. a maximum domestic PR of 4.3 and a maximum BH of 130mPD, has taken into account the mixed intensity and BH profile of the surrounding neighbourhood. Besides, a stepped BH profile of 111.15mPD (Block 7) in the west and 130mPD (Block 3) in the east is adopted in the proposed development, offering a gradient decrease of BH for better visual compatibility. In addition, a planting strip of new trees is set along the western boundary of the site, whereby trees species and size will be carefully selected at detailed design stage to minimize possible visual impact on the neighbourhood and to soften the development edge along the western boundary of the proposed development. The proposed development is compatible with the surrounding neighbourhood, transiting the proposed/planned high- to medium-density developments to the southeast to low-density developments to the northwest;

Realising and Enhancing the Planning Intention of “CDA” zone

- (d) the proposed rezoning conforms and realises the original planning intention of the “CDA” zone to enable “comprehensive development/redevelopment of the area for residential use with the provision of open space and other supporting facilities” by providing well-designed landscape area, open space and recreational facilities for the residents. High greenery coverage as well as the conservation of Oi Yuen Villa would be other gains, demonstrating the applicant’s efforts to pursue a quality comprehensive development. The proposed comprehensive development could provide quality living environment for future residents while bring planning merits to the area with the provision of RCHE;

Conservation of the Grade 1 Historic Building

- (e) Oi Yuen Villa is conserved in the proposed development and integrated with the landscape area serving as a key characteristics of the development. The current proposal reduces the size of internal roundabout (**Drawing Z-2**) in front of the Grade 1 historic building Oi Yuen Villa for better shaped environ. It will also be re-used as residents’ clubhouse and opened to the future residents for enjoyment and recreational use;

No Insurmountable Impacts to the Surroundings from Various Technical Aspects

- (f) the technical assessments have concluded that with appropriate mitigation measures and improvement works, the proposed development would not cause adverse visual, landscape, traffic, air ventilation, environmental, drainage, sewerage, water supply and town gas safety impacts to the Site and the surrounding areas.

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

About 94.4% of the Site falls within private land. The applicant is the sole “current land owner” of the private lot within the Site. The remaining portion of the Site (about 5.6% of the Site) is Government Land, and the “owner’s consent/notification” 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) is not applicable.

4. **Background**

The Site fell within “Green Belt” (“GB”) zone on the draft Fanling/Sheung Shui OZP No. S/FSS/1 which was gazetted on 23.10.1987. In response to the review of a s.16 application (No. A/FSS/8) on 23.2.1990, the Site was subsequently rezoned from “GB” to “CDA” with a maximum PR of 0.8 on the draft Fanling/Sheung Shui OZP No. S/FSS/3 which was gazetted on 2.11.1990. The zoning, development restrictions and boundary of the “CDA” zone have remained unchanged since then.

5. **Previous Applications**

- 5.1 The Site was the subject of six previous s.16 applications (No. A/FSS/8, 37, 72, 110, 152 and 156) for residential development with minor relaxation of the development restrictions for the “CDA” zone and three previous s.12A applications (No. Y/FSS/12, 14 and 15).

Previous S.16 Applications

- 5.2 Application No. A/FSS/8 was rejected by the Board upon review on 23.2.1990 on the grounds that the development intensity under the revised scheme was excessive under the previous “GB” zoning.
- 5.3 Applications Nos. A/FSS/37 and A/FSS/72 were rejected by the Board on 16.7.1993 upon review and by the Committee on 13.12.1996 respectively on the grounds that the proposed PR, SC and BH exceeded the restrictions in the “CDA” zone on the OZP, the proposed increase of PR and BH could not be considered minor, no strong justification to warrant the proposed deviations from the development restriction of the “CDA” zone and that the vehicular access to the Site as well as the TIA were unsatisfactory.
- 5.4 Application No. A/FSS/110 and A/FSS/152 were approved with conditions by the Board on 9.4.1999 upon review and by the Committee on 25.4.2003 respectively on the grounds that the proposed low-density and low-rise residential development was considered in line with the planning intention of “CDA” zone, the proposed development only result in a minor relaxation on PR and BH under OZP restrictions and the proposed development would not cause any adverse environmental, traffic and visual impacts on the surrounding areas.
- 5.5 Application No. A/FSS/156 was approved with conditions by the Committee on 5.12.2003 mainly on the grounds that the proposed low-density and low-rise residential development was considered in line with the planning intention of “CDA” zone, the concerned proposal involved only minor amendments to a scheme (Application No. A/FSS/152) previously approved by the Committee, the approved MLP and the proposed amendments to the approved residential development would not cause any adverse environmental, traffic and visual impacts on the surrounding areas.

Previous S.12A Applications

- 5.6 Application No. Y/FSS/12 for rezoning the Site from “CDA” to “CDA(1)” with a proposed maximum PR of 3.6, a maximum SC of 27% and a maximum BH of 25 storeys (excluding basements) was rejected by the Committee on 27.10.2017 mainly on the grounds that the development intensity of the proposed “CDA(1)” zone was considered excessive and not compatible with the surrounding areas; there was no strong justification to substantiate the proposed PR and BH; and approval of the rezoning would set an undesirable precedent for similar rezoning applications.
- 5.7 For Application No. Y/FSS/14 to rezone the Site from “CDA” to “CDA(1)” with a proposed maximum PR of 3, a maximum SC of 27% and a maximum BH of 19 storeys in the west and 23 storeys in the east (excluding basements), the Committee on 21.6.2019 agreed that the application ceased to exist upon the death of the applicant, and therefore did not give further consideration on the application.
- 5.8 The applicant submitted a new application (No. Y/FSS/15) with the same development parameters of Y/FSS/14, and the application was withdrawn by the applicant at the meeting on 20.11.2020 for preparation of a quality scheme for the proposed RCHE cum day care unit (DCU).
- 5.9 Details of these previous applications are summarised at **Appendix III** and the locations are shown on **Plans Z-1** and **Z-2**.

6. **Similar Application**

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

7. **The Site and Its Surrounding Areas (Plans Z-1 to Z-4c)**

7.1 The Site:

- (a) is currently fenced off, occupied by Oi Yuen Villa, a Grade 1 historical building, an existing grave and a few structures with the remaining area grown with grass, and some trees; and
- (c) is accessible from Castle Peak Road – Kwu Tung.

7.2 The surrounding area has the following characteristics:

- (a) to its north is the Fanling Highway, and to its further north is Tsung Pak Long Village. The historic structures of Hak Ka Wai within Tsung Pak Long Village have been designated as Grade 1 historic buildings;
- (b) to its west is a low-rise residential development known as Golf Parkview (with a maximum GFA of 5,504m² (equivalent to PR of about 0.89), a maximum SC of 24% and a maximum BH of 4 storeys over one-storey carpark), and to its further west are some village houses and domestic structures in Kam Tsin Village, Tin Kwong Po and Yin Kong Village in Kwu Tung area;

- (c) to its south is the Castle Peak Road – Kwu Tung and further beyond are the Fanling Golf Course (FGC) (a planned public housing development (with a maximum PR of 7 and a maximum BH of 170mPD) at the northern part of the FGC to the east of Fan Kam Road), a planned high-rise private housing development at Lot 4076 in D.D.91 with a maximum PR of 6 and a maximum BH of 130mPD and the medium-rise residential development known as Eden Manor (with a maximum PR of 3.6 and a maximum BH of 25 storeys); and
- (d) to its east is a planned public housing development (i.e. Tai Tau Leng Housing Site) (with a maximum PR of 6.8 and a maximum BH of 130mPD). To the further east and north-east are the Town Gas Fanling West Offtake Station and Tai Tau Leng Village respectively.

8. Planning Intention

The planning intention of the “CDA” zone is for comprehensive development/ redevelopment of the area for residential use with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) the Site comprises largely Sheung Shui Lot No. 2 RP (the Lot), which is held under a lease dated 27.4.1922. The lease governing the Lot is virtually unrestricted apart from a “rate and range” clause and an “offensive trades” clause;
- (b) it is noted from paragraph 4.2.2 of the SPS (**Appendix Ia**) that the proposed development will be confined to the Lot only despite that adjoining Government land has been included in the application site boundary; and
- (c) as the proposed development does not conflict with the lease conditions and so if the proposal is approved by the Board, the applicant is not required to seek a lease modification from LandsD to implement the proposed development within the Lot. Therefore, any planning conditions, if imposed by the Board, cannot be written into the lease through lease modification.

Traffic

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

He has no adverse comment on the application from traffic engineering and transport operation perspective.

Urban Design and Visual

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

- (a) the Site is located in an urban fringe setting of Fanling/Sheung Shui New Town. It is sandwiched between the existing/planned high-rise high-density public and private housing developments (with BH up to 130mPD) to its east and existing 3-storey village settlements and low-rise low-density residential developments (with BH up to 30.5mPD) to its immediate west, north and northeast. To the further southeast, a planned public housing development at the northern part of the FGC to the east of Fan Kam Road is proposed with a total PR of 7 and a maximum BH of 170mPD;
- (b) the proposed development scheme comprising 6 residential blocks with the proposed BH of about 111mPD to 130mPD is considered generally comparable to the existing and planned public and private housing developments to the east, but higher than the existing low-rise residential development to its immediate west. The proposed development will form a new residential cluster together with the surrounding planned high-rise developments. Given the surrounding planned context, it would inevitably bring forth further visual changes to the surrounding neighbourhood. Judging from the photomontages submitted, the proposed development with a maximum BH of 130mPD would lead to further loss of visual openness and sky view, resulting in slight visual impact at VP4 and VP6 (**Drawings Z-14 and 16**) and moderate visual impact at VP5 (**Drawing Z-15**); and
- (c) as demonstrated by the applicant in the proposed development scheme, a stepped BH profile from about 111mPD in the west up to 130mPD in the east to allow a cascading skyline in harmony with the adjacent low to high-rise developments and building gaps ranging from 15m to 28m are introduced. To minimize its possible visual impact on the neighbourhood, the applicant is advised to explore further design measures for enhancing the visual permeability and promoting visual interest at the subsequent s.16 planning application stage should this application be approved.

Air Ventilation

9.1.4 Comments of CTP/UD&L, PlanD:

- (a) an AVA - Initial Study (IS) using computational fluid dynamic modelling was carried out to support the application. Two scenarios, the baseline scheme (i.e. the approved scheme under s.16 Application No. A/FSS/156 with low-rise house developments) and the proposed scheme have been

studied; and

- (b) according to the simulation results, the overall performances of the baseline and proposed schemes on the overall pedestrian wind environment are in general comparable under both annual and summer conditions.

Landscape

9.1.5 Comments of CTP/UD&L, PlanD:

- (a) she has no objection to the application from landscape perspective;
- (b) with reference to the aerial photo of 2021, the Site, comprised of a Grade 1 historic building, Oi Yuen Villa, is situated in an area of rural fringe landscape character dominated by low-rise residential developments, village houses, vegetated areas and scattered tree groups etc. Low-rise residential development (Golf Parkview) is located to the west of the site, and Hong Kong Golf Club is located to the south. To the East of the Site is the planned high-rise public housing development. The proposed rezoning to high-rise comprehensive development is considered not incompatible with the existing and planned landscape setting in the proximity, although it would bring forth noticeable changes to the landscape character of the surrounding area;
- (c) according to the Landscape Master Plan (**Appendix Ia**), about 383 existing trees generally of common / invasive tree species in fair to poor condition are identified within the site. Significant landscape resources are observed within the site. 11 mature trees with DBH>1m are identified, of which 10 nos. are considered as “very important trees” and would be retained in-situ, while the remaining one is topped and in non-recoverable poor condition and proposed to be felled. 4 nos. of protected tree species, i.e. one *Aquilaria sinensis* (土沉香) and 3 nos. of *Dalbergia assamica* (南嶺黃檀) are proposed to be transplanted. Total about 113 trees would be retained, 14 trees are proposed to be transplanted, 256 trees are proposed to be felled due to conflict with the proposed development, and not less than 256 new trees are proposed within the site. Besides, not less than 2,714m² of private Local Open Space (LOS) would be provided for the estimated 2,714 residents. The historic building would be conserved and the surrounding existing landscape setting are generally maintained for the Central Landscape Core. Other landscape provisions with hard and soft landscape treatments are proposed, e.g. 5-10m wide landscape buffer along Fanling Highway and Castle Peak Road, Nature Garden, Formal Gardens, Atrium Garden, swimming pool and roof garden on the “GIC RCHE” building etc.; and
- (d) since significant adverse landscape impacts arising from the development is not anticipated and landscape provisions are proposed to improve the landscape quality of the development, he has no objection to the application from landscape planning perspective.

Social Welfare

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

Heritage Conservation

9.1.7 Comments of the Antiquities and Monuments Office, Commissioner for Heritage's Office, Development Bureau (AMO, CHO, DEVB):

- (a) he has no in-principle objection to the application from heritage conservation perspective;
- (b) according to the SPS (**Appendix Ia**), Oi Yuen Villa will be preserved in-situ and converted into a clubhouse for future residents. The approach is commensurate with the heritage value of Oi Yuen Villa. He therefore has no in-principle objection the proposed rezoning of the Site from "CDA" to "CDA(1)" from the heritage conservation perspective;
- (c) to properly manage the physical and visual impact on Oi Yuen Villa during the conversion works, the applicant should submit a Conservation Management Plan (CMP) including detailed conservation proposal for Oi Yuen Villa prior to the commencement of any works and implementation of the works in accordance with the CMP accepted by AMO to the satisfaction of AMO or of the Board. It is suggested that the above be included in the approval condition if the subsequent s.16 planning application to be submitted by the applicant is approved;
- (d) there are one grade 1 historic building, i.e. Hakka Wai ,and seven Grade 3 historic buildings within Tsung Pak Long Village, namely Dun Hau Tong, Suen Shing Tong, Lau Ancestral Hall, Chan Ancestral Hall, Chan Study Hall, Bok Man School (School Building) and Bok Man School (Main Block) in the vicinity of the Site. As the Site is more than 100m away from the abovementioned graded historic buildings, and is separated by Fanling Highway, it is considered that the development may not have significant structural impact on these historic buildings. Nevertheless, for the purpose of protecting these graded historic buildings, the applicant is requested to conduct condition survey on these graded buildings before commencement of any works and to proposed mitigation /monitoring measures during construction period; and
- (e) it is noted from the applicant's responses (**Appendix Ia**) that liaison with AMO will be made when the architectural scheme is ready at the

subsequent s.16 application if the current s.12A application is approved by the Board. AMO would provide comments on the future submissions related to the proposed development upon receipt from the departmental referral.

Drainage

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

- (a) he has no further comment to the DIA and SIA reports (**Appendix Ia**) from public drainage point of view; and
- (b) please include an approval condition about the submission of detailed SIA and DIA report in the future s.16 application and/or detailed design stage.

Water Supply

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

- (a) it is noted that the applicant would construct the reclaimed water main to WSD's reclaimed water system for flushing. Therefore, he has no objection to the application; and
- (b) his detailed comments are at **Appendix IV**.

Fire Safety

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

Project Interface

9.1.11 Comments of the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD):

based on the confirmation from the applicant that the proposed development site has no overlapping with the Kwu Tung North Fanling North New Development Area (NDA) – Remaining Phase, he has no comment on the proposal. Nevertheless, since the proposed development site is close to his project, please remind the applicant to contact his office if any interface issue is encountered. Please note that he aims to commence the construction works for the remaining phase of Kwu Tung North NDA in 2024, according to the latest implementation programme.

District Officer's Comments

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

- (a) he consulted the locals on the original submission and the relevant subsequent FIs;
- (b) the incumbent North District Councilor of N11 Constituency, two Indigenous Inhabitant Representatives (IIRs) of Tsung Pak Long, one Resident Representative (RR) of Tsung Pak Long, the management office of Golf Parkview and seven residents of Golf Parkview objected with the following grounds:
 - (i) the proposed development is incompatible with the surrounding low-rise developments and will bring adverse visual impact to the surrounding;
 - (ii) the existing road network (e.g. Castle Peak Road – Kwu Tung, Pak Wai Lane, Po Shek Wu Road roundabout) has already reached maximum capacity and would be overloaded by additional traffic generated by the proposed development. The planned provision of about 1,000 parking spaces in the proposed development would worsen the existing traffic congestion problem. Should the application be approved, TD and HyD should review and plan the traffic network;
 - (iii) the proposed access at Pak Wai Lane (a narrow road) will lead to traffic congestion, and easily result in traffic accident. It is suggested that the proposed development should be accessed from Castle Peak Road – Kwu Tung;
 - (iv) the proposed development would lead to an increase of population and worsen the existing problem of inadequate public transport services;
 - (v) since there will be about 1,750 RCHE places in Kwu Tung North, the proposed RCHE is not necessary and should be provided in low density area;
 - (vi) piling works during construction period would induce adverse impacts on the structure of the surrounding developments;
- (c) the Chairman of Sheung Shui District Rural Committee (SSDRC) had no comment on the application, but since Tsung Pak Long and Hakka Wai will be affected, SSDRC should be liaised; and
- (d) the Chairman of Fung Shui Area Committee, one IIR of Tsung Pak Long and the Chairman of Eden Manor 業主委員會 had no comment.

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

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Chief Highway Engineer/ New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department ((H)GEO, CEDD);
- (d) Director of Environmental Protection (DEP);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Agriculture, Fisheries and Conservation (DAFC);
- (g) Director of Food and Environmental Hygiene (DFEH); and
- (h) Commissioner of Police.

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

10.1 On 20.5.2022, 22.7.2022, 11.11.2022 and 13.1.2023, the application and FIs were published for public comments. During the respective 3-week statutory publication periods, a total of 297 comments were received. All the public comments received are deposited at the Board's Secretariat for Members' reference.

10.2 Among the 297 public comments, 294 comments made by the Chairman of the Sheung Shui District Rural Committee, one North District Council member and individuals object to the application (221 in the form of 11 types of standard letters) (samples of standard letters at **Appendix Va**), while 3 comments provided views on the application (including one from the Hong Kong and China Gas Co. Ltd. (comments providing views on the application are at **Appendix Vb**).

10.3 The major views of the objection/ adverse comments are summarized as follows:

- (a) the existing road network, in particular the Pak Wai Lane, would be overloaded by the additional traffic generated by the proposed development. The planned provision of about 1,100 parking spaces and the proposed RCHE would exacerbate the existing traffic congestion problem in the area considering the cumulative traffic impacts brought by nearby existing and planned developments. The traffic impact brought by the proposed development may not be adequately assessed in the TIA due to the abnormal traffic pattern resulted from COVID-19;
- (b) the proposed RCHE should be placed in locations closer to the town centre and transport hub instead of the Site;
- (c) there is no acute demand for RCHE in the North District taking into account the planned provision in Fanling/Sheung Shui new town and Kwu Tung North/Fanling North New Development Area (NDA);
- (d) the proposed development intensity is incompatible with the surrounding areas and would result in adverse visual, landscape and air ventilation impacts
- (e) the proposed development, which leads to an increase in population and road traffic, would worsen the existing problem of noise and air pollution in the area;

- (f) there is a lack of assessment over the historical value of Hak Ka Wai (**Plan Z-2**) which is against the prevailing monument preservation policy. The high-rise buildings of the proposed development would affect the *feng shui* of nearby villages and residential development; and
- (g) geotechnical impact assessment is missing. The piling works during construction period would affect the structural integrity of Golf Parkview and several nearby Grade 1 historic buildings.

10.4 The 3 comments providing views are summarized as follows:

- (a) as the proposed development is located nearby existing high pressure gas pipelines along Castle Peak Road-Kwu Tung, the applicant should consult and coordinate with the Hong Kong & China Gas Co. Ltd. at design and construction stages to assess and mitigate any risks to the nearby existing and future population;
- (b) the proposed development will worsen traffic conditions on Castle Peak Road – Kwu Tung, and will endanger pedestrian safety without adequate pedestrian crossing facilities; and
- (c) the building height of the proposed development should be minimized to preserve existing views.

11. **Planning Considerations and Assessments**

The Proposal

- 11.1 The Site falls within the “CDA” zone on the OZP, which is intended for residential use with the provision of open space and other supporting facilities, with a maximum PR of 0.8, a maximum SC of 27% and a maximum BH of 3 storeys over one-storey carport. The application is for rezoning the Site from “CDA” to “CDA(1)”. The proposed development is considered not in conflict with the planning intention of the subject “CDA” zone for comprehensive development/ redevelopment of the area for residential use with the provision of open space and other supporting facilities. No change to the planning intention and User Schedule for the “CDA” zone is proposed. The development intensity is proposed to increase to a maximum domestic PR of 4.3 and non-domestic PR of 0.09 (based on the proposed non-domestic GFA of 2,708m²), a maximum SC of 27% and a maximum BH of 130mPD are proposed for the “CDA(1)” zone. A set of the Notes and Explanatory Statement for the “CDA(1)” zone proposed by the applicant are at **Appendix II**.
- 11.2 According to the proposed development scheme submitted by the applicant (**Drawings Z-2 to Z-9**), the proposed development includes seven residential blocks of 25-32 storeys (969 flats in total), surrounding a Grade 1 historic building (**Plans Z-2 and Z-4b**) (i.e. Oi Yuen Villa at the central location to be preserved in-situ with a proposed new one-storey annex extension to be used as the residents’ clubhouse). The existing grave area in the Site would be fenced off and buffered visually by landscape features (**Drawings Z-1 and Z-9**). The majority of the Site (94.4%) is private land owned by the applicant, and according to the applicant, the development site falls within the private lot owned by the applicant only.

- 11.3 As in the previous application (No. Y/FSS/15) and to address the acute demand for social welfare facilities and aging population, a 100-place privately-operated RCHE with non-domestic GFA of 2,708m² is proposed in the current application. SWD has no objection to the proposed RHCE in view of the ageing population and hence, to meet the ongoing demand for residential care services for the elderly. It could provide an alternative choice for the elderly who could afford the market price.

Land Use Compatibility and Development Intensity

- 11.4 The Site is located in the fringe area of Sheung Shui New Town surrounded by residential developments. In the recent years, medium to high-rise residential developments have been either planned or developed to the east and south of the Site (**Plans Z-1 and Z-3**). To the immediate east of the Site is the planned public housing development at Tai Tau Leng under “R(A)10” with a maximum PR of 6.8 and a maximum BH of 130mPD, which was rezoned in December 2021. Eden Manor comprising 8 residential towers with a PR of 3.6 and BH of 25 storeys is located to the southeast across the road. To the further southeast are the planned private housing development at Lot 4076 in D.D. 91 with a maximum PR of 6 and a maximum BH of 130mPD, and the planned public housing development at the northern part of FGC to the east of Fan Kam Road with a maximum PR of 7 and a maximum BH of 170mPD, which was zoned “R(A)” on the draft Fanling/Sheung Shui Extension Area OZP No. S/FSSE/1 gazetted in June 2022. In view of the above local context, the proposed development is considered not entirely incompatible with the surrounding environment in the urban fringe of Fanling/Sheung Shui New Town.
- 11.5 In rejecting the previous s.12A application (No. Y/FSS/12) in 2017 with a maximum PR of 3.6 and maximum BH of 25 storeys, the Committee considered that the proposed development intensity was excessive and the development was not compatible with the surrounding areas. However, while the development intensity increases in the current application as compared with the previously rejected application (No Y/FSS/12), there are changes in planning circumstances in that high-rise residential developments, including the public housing developments at Tai Tau Leng and northern part of FGC to the east of Fan Kam Road, and the private housing development at Lot 4076 in D.D.91, are planned in the surrounding in the recent years, the proposed development under the current application is considered not entirely incompatible with the surrounding areas.
- 11.6 The latest previous application No. Y/FSS/15 was withdrawn by the applicant at the meeting on 20.11.2020 in order to prepare a quality scheme for the proposed RCHE. In the current application, a 100-place RCHE is proposed at the north-western portion of the Site (next to Block 7). As compared with application No. Y/FSS/15, the RCHE building in the current scheme allows a separation between the RCHE and residential towers. Its building height is in line with the BH profile gradually descending from east to west and its greenery could maximize the visible greenery in the proposed development when viewed from the surrounding neighbourhood for better visual compatibility with the surroundings.

Technical Aspects

- 11.7 The applicant has submitted relevant technical assessments including LMP and tree survey report, TIA, EA, DIA, SIA, WSIA, QRA, AVA and VIA, which demonstrate that the proposed development scheme is technically feasible and would not cause any

insurmountable problems.

- 11.8 In visual terms, the applicant has conducted VIA which demonstrates that the proposed development would not result in significant visual impact (**Drawings Z-11 to Z-17**). CTP/UD&L, PlanD considers that the proposed development will form a new residential cluster together with the surrounding planned high-rise developments. Given the surrounding planned context, it would inevitably bring forth further visual changes to the surrounding neighbourhood. In order to mitigate the visual impact, the proposed development scheme have introduced building gaps ranging from 15m to 28m and a stepped BH profile from about 111mPD in the west up to 130mPD in the east to allow a cascading skyline in harmony with the adjacent low to high-rise developments. To minimise its possible visual impact on the neighbourhood, the applicant is advised to explore further design measures for enhancing the visual permeability at the s.16 application stage should this application be approved.
- 11.9 On the air ventilation aspect, building gaps mentioned in paragraph 11.8 above and building setbacks from the south-western and northern site boundaries could serve as wind corridors, and insurmountable adverse air ventilation impact is not anticipated. CTP/UD&L of PlanD has no adverse comment on the proposed development scheme as reflected from the quantitative assessment.
- 11.10 With the proposed traffic improvement measures to be carried out under various Government projects, including Kwu Tung North and Fanling North NDA and the public housing development at Tai Tau Leng, the traffic generated by the proposed development would not bring insurmountable traffic impact to the surrounding, and C for T has no objection to the application. Other relevant Government departments, including CHE/NTE of HyD, DEP, CE/MN of DSD, CE/C of WSD and DEMS have no objection to/adverse comment on the proposed development scheme.
- 11.11 Should the current s.12A application be approved, the applicant still has to further demonstrate in more details that the proposed development is compatible with developments in the surrounding areas with no adverse impacts in various technical aspects at the s.16 application stage.

Preservation of Grade 1 Building

- 11.12 According to the proposal, Oi Yuen Villa, a Grade 1 building, will be preserved in situ and together with a new one-storey extension will be used as a residents' clubhouse. AMO, DEVB has no comment on the application on the condition that the liaison with AMO will be made when the architectural scheme is ready at the subsequent s.16 application, and the applicant will be required to submit CMP for adaptive reuse of Oi Yuen Villa and to propose/implement appropriate mitigation measures for the protection of it at s.16 application stage.

Local Views and Public Comments

- 11.13 Regarding the local objections as conveyed by DO(N) in paragraph 9.1.12 and public comments against the application, mainly on traffic, air, noise, public health and safety, visual, historical preservation and landscape grounds, as well as concerns on land use compatibility and setting of undesirable precedent as mentioned in paragraphs 10.3 and comments providing views in paragraph 10.4 above, the planning considerations and assessments as stated above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments and public comments mentioned in paragraphs 9.1.12 and 10, the Planning Department has no in-principle objection to the application.
- 12.2 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.
- 12.3 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 "CDA(1)" zoning is considered excessive and not compatible with the surrounding areas. The applicant fails to provide strong justification for rezoning the site from "CDA" to "CDA(1)" with the proposed development restrictions.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 13.2 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.

14. Attachments

Appendix I	Application Form received on 10.5.2022
Appendix Ia	FI received on 13.3.2023 enclosing consolidated SPS
Appendix II	Proposed Amendments to Notes and Explanatory Statement of the "CDA(1)" zone
Appendix III	Previous Applications
Appendix IV	Detailed Departmental Comments
Appendices Va and Vb	Public Comments
Drawing Z-1	Proposed Amendments to the OZP
Drawings Z-2 to Z-8	Proposed Master Layout Plan and Floor Plans
Drawing Z-9	Proposed Sections
Drawing Z-10	Proposed Landscape Master Plan
Drawings Z-11 to Z-17	Photomontages
Plan Z-1	Location Plan
Plan Z-2	Site Plan

Plan Z-3

Aerial Photo

Plans Z-4a to Z-4c

Site Photos

**PLANNING DEPARTMENT
MARCH 2023**