

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

**APPLICATION NO. Y/YL-MP/6**

<b><u>Applicant</u></b>	:	Capital Chance Limited represented by KTA Planning Limited
<b><u>Plan</u></b>	:	Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
<b><u>Application Site</u></b>	:	Lots 4805, 3152, 3153 RP and 3156 S.B in D.D. 104 and adjoining Government Land (GL) on Kam Pok Road, Yuen Long
<b><u>Site Area</u></b>	:	About 65,690 m <sup>2</sup> (including GL of about 92.3 m <sup>2</sup> (about 0.14%))
<b><u>Lease</u></b>	:	Lot 4850 [New Grant (demised private residential purpose)]  Lots 3152, 3153 RP and 3156 S.B in D.D. 104 [Block Government Lease (demised for agricultural purposes)]
<b><u>Zoning</u></b>	:	“Residential (Group D)” (“R(D)”) [restricted to maximum plot ratio (PR) of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
<b><u>Proposed Amendment</u></b>	:	To rezone the application site from “R(D)” to “Residential (Group C) 1” (“R(C)1”) restricted to a maximum total PR of 1.88 (of which domestic PR should not exceed 1.8 and non-domestic PR should not exceed 0.08) and a maximum BH of 67.3mPD (19 storeys)

**1. The Proposal**

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1a**) from “R(D)” to “R(C)1” (**Drawing Z-1**) on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6 (the OZP). The Site comprises two portions of land which is separated by Ha Chuk Yuen Road and an existing nullah. The main site (about 64,704 m<sup>2</sup>) is sandwiched between Ha Chuk Yuen Road and Kam Pok Road and the minor site (about 986 m<sup>2</sup>) is locating to the east of Ha Chuk Yuen Road (**Plan Z-1b**). The Site is currently vacant, vegetated and fenced off. The applicant proposes a maximum PR of 1.88 (with domestic PR not exceeding 1.8 and non-domestic PR not exceeding 0.08) with a maximum BH of 67.3mPD (maximum 19 storeys above-ground) (**Drawings Z-2a, Z-2b and Z-4**) for the proposed “R(C)1” zone to facilitate a comprehensive residential development with a neighbourhood activity node providing local commercial use, transportation services and GIC facilities. A set of the proposed Notes for the “R(C)1” zone is attached at **Appendix II**.

- 1.2 According to the indicative development scheme (**Drawings Z-2a to Z-2c and Z-4a to Z-4c**) submitted by the applicant, the proposed development will provide about 2,771 residential units in 14 residential blocks at the main site. The BH of low-rise blocks is 3 to 5 storeys (about 15.3mPD to 21.9mPD) and that of medium-rise blocks ranges from 17 to 19 storeys (about 61mPD to 67.3mPD) over one level of basement, with a domestic PR and GFA of not more than 1.8 and 118,242m<sup>2</sup> respectively. The applicant also proposes a neighbourhood activity node at the north-eastern corner to accommodate local commercial use, transportation services and GIC facilities to serve the future residents and the neighbourhood with a non-domestic PR and GFA of not more than 0.08 and 5,150m<sup>2</sup> respectively. The node will comprise local commercial uses, a covered transport layby and some GIC facilities (including a 6-classroom kindergarten, Neighbourhood Elderly Centre (“NEC”) and a 100-place Residential Care Home for the Elderly (“RCHE”))<sup>1</sup>. All these uses will be accommodated within three 2 to 3-storey standalone blocks abutting Kam Pok Road. The indicative Master Layout Plan (MLP), Landscape Master Plan (LMP), section plans of the proposed development are shown at **Drawings Z-2a to Z-4e**. The strip of land at the southeastern part of the main site facing T6 and T7 and the minor site separated across Ha Chuk Yuen Road (with an area of about 2,100m<sup>2</sup>) will be provided as the open space to be open for public use (**Drawings Z-3 and Z-12**). The target completion year of the proposed development is 2028. The major development parameters of the proposed indicative scheme are summarised as follows:

Major Development Parameters	Total
<b>Site Area (m<sup>2</sup>)</b>	65,690
<b>Total PR</b>	Not more than 1.88
- Domestic PR	<i>not more than 1.8</i>
- Non-Domestic PR	<i>not more than 0.08</i>
<b>Total GFA (m<sup>2</sup>)</b>	123,392
- Domestic GFA	118,242
- Non-Domestic GFA <sup>(a)</sup> Commercial <sup>(b)</sup> Covered transport lay-by	5,150 (excluding ancillary clubhouse) 3,292 1,858
- Ancillary Clubhouse (3 single-storey blocks) <sup>(c)</sup>	3,941
<b>Maximum BH</b>	
- mPD	67.3mPD
- No. of Storeys	19 over 1 basement level
<b>No. of Residential Towers</b>	14
<b>No. of Units</b>	2,771
<b>Average Flat Size (m<sup>2</sup>)</b>	42.7
<b>Anticipated Population <sup>(d)</sup></b>	7,482
<b>Private Open Space for Residents (m<sup>2</sup>)</b>	7,482
- Private Open Space for Public (m <sup>2</sup> )	2,100
<b>Site Coverage (SC)</b>	About 25%
<b>Target Completion Year</b>	2028

<sup>1</sup> These uses will be implemented by the applicant with details to be finalised in the subsequent land lease.

<b>Car Parking Provision</b>	
<b>Private Car Parking</b>	
- Residents	547 602
- Visitors	70
- Retail	16
- Kindergarten (6 classrooms) <sup>(e)</sup>	1
<b>Motor Cycle Parking</b>	
- Residents	28
- Retail	2
<b>Light Bus/Coach Parking</b>	
- RCHE (100 beds)	2
<b>Loading/Unloading (L/UL) Bay</b>	
- Residential	14
- Retail	3
- RCHE (100 beds)	1
<b>Lay-bys for Kindergarten (6 classrooms)</b>	
- Taxi/Private Car Lay-by	10
- Small Coach	5
<b>Bicycle Parking</b>	
- Residents	92

- (a) The non-domestic GFA excludes the NEC (with a NOFA of about 303m<sup>2</sup>, equivalent to a GFA of about 666m<sup>2</sup>) and the 100-place RCHE (with a NOFA of about 1,354m<sup>2</sup>, equivalent to a GFA of about 2,708m<sup>2</sup>) which are proposed to be exempted from GFA calculation. Details to be confirmed at detailed design stage.
- (b) The commercial facilities include uses of ‘Shop & Services’, ‘Eating Place’, ‘School (nursery / kindergarten / language, computer, commercial or tutorial schools / technical institutes / other types of schools providing interests and hobby related courses for subjects such as arts, ballet and etc.)’, ‘Place of Entertainment’ and ‘Place of Recreation, Sports or Culture’.
- (c) One block of the ancillary clubhouse located at the western boundary of the indicative development is incorporated with the underground sewage pumping station (**Drawing Z-9**). The clubhouse GFA is not included in the GFA calculation in the rezoning proposal and the exemption of which is subject to the approval by the Building Authority.
- (d) Assuming a Person-Per-Flat ratio of 2.7.
- (e) The kindergarten would accommodate up to 180 pupils.

- 1.3 In support of the rezoning application, the applicant has submitted Traffic Impact Assessment (TIA), Environmental Assessment (EA), Ecological Impact Assessment (EcoIA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), Water Supply Impact Assessment (WSIA), Visual Impact Assessment (VIA), Landscape Master Plan, Tree Survey and Preservation Proposal and Air Ventilation Assessment – Expert Evaluation (AVA-EE).

#### Traffic Aspect

- 1.4 According to the applicant, the vehicular run-in/out points will be provided at Kam Pok Road, which is a single two-lane carriageway linking Castle Peak Road to its northeast (**Drawing Z-5**). As there is no public transport services available at the concerned sections of Yau Pok Road and Kam Pok Road, the applicant proposes to use franchised bus service to serve the Site by circular route to Yuen Long Station.

A transport layby with separate vehicular access that is feasible to serve as franchised bus stop is proposed within the site as part of the neighbourhood activity node (**Drawing Z-6**). Junction improvement works at Fairview Park Interchange and the junction of Castle Peak Road/Kam Pok Road are also proposed and to be implemented by the applicant in view of the increased traffic generated by the proposed development (**Drawings Z-7a and Z-7b**).

Environmental and Ecological Aspects

- 1.5 According to the applicant, the proposed development is subject to traffic noise from the local road network near the Site (e.g. Kam Pok Road, Yau Pok Road, Ha Chuk Yuen Road, Castle Peak Road – Tam Mi and San Tin Highway). Precautionary measures (e.g. setback of the proposed buildings from the site boundaries, provision of a buffer area, conventional acoustic balcony, fixed glazing, and a 3m high fence wall at the northeastern corner of the Site) (**Drawings Z-2a, Z-2b, Z-3, Z-4a to Z-4c**) are proposed to alleviate potential noise impacts due to road traffic noise as well as fixed noise sources (**Drawings Z-8a and 8b**). Regarding air quality issues, adequate peripheral setback is proposed along the site boundary with tree planting (**Drawing Z-3**) to address the potential vehicular emission impact and careful design will be adopted for the proposed private sewerage pumping station (SPS) within the Site.
- 1.6 According to the applicant, existing habitats (mainly grassland/shrubland) within the site are of very low to low ecological value. With the implementation of appropriate mitigation measures in regard to preserving the integrity of Ngau Tam Mei Drainage Channel (NTMDC) as a foraging habitat for water birds and flight line corridor through the area, the predicted impacts from the proposed development would be reduced to low significance and no unacceptable residual ecological impacts are anticipated. The building layout of the current indicative development scheme has considered a proactive approach to avoid disturbance to the flight lines over the Site for the birds. The proposed development has adopted a gradual decrease in building height from east to west towards NTMDC with a view to minimising the potential impacts on the bird flight lines in both the breeding and non-breeding seasons. The landscape pond (about 0.5 ha) at the western corner within the proposed development will increase the visual amenity and landscape values of the Site. The pond together with its surrounding landscape area and buffer tree planting will reduce the potential disturbance to the birds utilising NTMDC and its surrounding areas (**Drawings Z-4a to Z-4c**).

Sewerage, Drainage and Water Supply Aspects

- 1.7 There is currently limited existing public sewerage system in the vicinity of the Site. The applicant proposes to provide a private underground SPS located at the western edge of the Site near Kam Pok Road. The sewage generated from the proposed development will be conveyed to the SPS and then to the proposed twin rising mains at Kam Pok Road connecting to a proposed common conversion chamber at Pok Wai South Road which will then be connected to the proposed gravity sewer downstream via an existing sewage manhole. The sewage will then be discharged to the existing Nam Sang Wai Sewage Pumping Station (NSWSPS) and ultimately to Yuen Long Effluent Polishing Plant (YLEPP) (**Drawings Z-9a and Z-9b**). The proposed conversion chamber, downstream gravity sewers and manholes are proposed public sewerage system serving other planned developments in the area. The proposed development will not have population intake before the above proposed sewerage infrastructure is functionally connected to the existing public

sewerage system. All the sewers and sewerage facilities within the proposed development will be constructed, operated and maintained by the applicant. The proposed external twin rising mains and gravity sewer will be constructed by the applicant. The twin rising mains will be maintained by the applicant, while the proposed conversion chamber, downstream gravity sewers and manholes which are proposed to become public sewage system will be handed over to DSD for future maintenance. The construction for the proposed sewerage facilities will be completed before the first population intake of the proposed development with details to be finalised in the subsequent land lease.

- 1.8 The Site is mainly unpaved and does not contain underground drainage system presently. According to the applicant, an underground stormwater retention facility will be provided to retain additional surface runoff due to the proposed development (**Drawing Z-10**). Fresh water for the proposed development shall be supplied by the Ngau Tam Mei Fresh Water Primary Service Reservoir (FWPSR). New fresh water pipes and diversion of existing water pipes are proposed to serve the proposed development (**Drawing Z-11**).

Landscape, Visual and Air Ventilation Aspects

- 1.9 According to the LMP and tree survey and preservation proposal, there are about 267 existing trees within the Site, which might be in poor health condition and are difficult to transplant. As such, the indicative development scheme will compensate and replant 267 nos. of heavy-standard trees. Not less than 7,482m<sup>2</sup> private open space will be provided within the Site, among which not less than 2,100 m<sup>2</sup> at the southeastern part of the main site and the minor site across Ha Chuk Yuen Road will be open for public (**Drawing Z-12**). The private open space to be open for public use will be managed and maintained by the commercial portion of the proposed development with details to be finalized in the subsequent land lease.
- 1.10 According to the applicant, different visual sensitive receivers would experience none to moderate visual impact due to the proposed development. Stepped building height profile and the compensatory planting are adopted to help integrate the development with the surrounding environment. While the overall visual impact of the project may be considered as slightly adverse in comparison to the existing site condition, the applicant considers that the proposed development will bring positive contribution to the evolving visual character of the area which is close to the future development node of the Northern Link (NOL) at Ngau Tam Mei with the employment of green infrastructure and well-landscaping (**Drawings Z-13a to Z-13g**).
- 1.11 According to the applicant, design measures including optimal building disposition, building setback of at least 5 m up to over 40 m from site boundary, proposed landscape area & landscape pond, building separation between paired towers with not less than 15m and stepped building design are proposed to enhance the wind penetration (**Drawings Z-14a and Z-14b**).
- 1.12 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 15.9.2021

(**Appendix I**)

- (b) Supporting Planning Statement (SPS) received on 15.9.2021<sup>2</sup>
- (c) 12 submissions of Further Information (FI) received on 12.11.2021, 31.12.2021, 7.3.2022, 18.5.2022, 25.7.2022, 1.8.2022, 13.9.2022, 21.10.2022, 25.11.2022, 2.2.2023, 17.2.2023 and 11.4.2023 in response to departmental comments with revised assessments and/or replacement pages
- (d) FI received on 19.4.2023 providing a consolidated SPS with technical assessments \* **(Appendix Ia)**
- (e) FI received on 28.4.2023 providing response to departmental comments, implementation of the proposed facilities and supplementary drawings/plans for the proposed development \* **(Appendix Ib)**

\* *accepted and exempted from publication*

1.13 On 18.3.2022, the Rural and New Town Planning Committee (the Committee) agreed to defer a decision on the application as requested by the applicant to allow time to prepare FI to address departmental comments on the application.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the SPS at **Appendices Ia and Ib**. They can be summarised as follows:

### **More Efficient Use of Scarce Land Resources along Proposed NOL with Appropriate Plot Ratio**

- (a) The rezoning application concurs with the Government's policy to boost housing and land supply through optimisation of scarce land resources. The Site is located about 2km away from the centre of the San Tin/Lok Ma Chau Development Node (ST/LMC DN) with the proposed NOL Ngau Tam Mei Station locating about 860 m from the Site. The locality is expected to change from a sprawling housing cluster 6km from Yuen Long New Town to a sub-urban neighbourhood at the outskirts of the planned NOL San Tin Station, and possibly the extended development area near the planned NOL Ngau Tam Mei Station.
- (b) The planning intention of the "R(D)" zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing structures into permanent buildings. There was only a small amount of temporary structures within the Site during 1990s with majority of the Site under active/abandoned farmland which was later completely vacated upon completion of government's drainage works relating to the NTMDC in 2000s. The "R(D)" zoning for the Site which is sizable in area is considered inappropriate and a waste of valuable land resources. The Site, which is a roadside housing site with approved housing proposal for 71 units (under Application No. A/YL-MP/205) is capable to increase housing provision at the Site.

---

<sup>2</sup> The consolidated SPS received on 19.4.2023 at **Appendix Ia** has incorporated all previous FIs. The applicant has confirmed in his letter dated 19.4.2023 that the original SPS and previous FIs could be superseded by the consolidated SPS. Hence, the original SPS and the superseded FIs are not attached.

- (c) The applicant has adjusted the indicative scheme by seeking a domestic PR of 1.8, maximum BH of 67.3mPD (19 storeys) and flat production of 2,771 which has addressed departmental comments in providing a low- to medium-rise and low-density development with a stepped building height profile respecting the surrounding environment (**Drawings Z-2a to Z-2c**).
- (d) Rezoning the Site to “R(C)1” at a domestic PR of 1.8 with a neighbourhood activity node at a commercial PR of 0.08 with GIC facilities is able to capture the benefit brought by the proposed NOL and the foreseeable transformation of the area (**Drawings Z-4d and Z-13g**). By making reference to the generally permissible PR of 1 to 2 for “R(C)” zones throughout the territory, the rezoning proposal for the Site is considered suitable.

*Rezoning Proposal is Acceptable within Wetland Buffer Area*

- (e) Majority of the Site falls within the landward periphery of Wetland Buffer Area (WBA) in Deep Bay Area with a portion in its south falling outside WBA. The Site comprises mainly grassland/shrubland in the southernly most limit of Deep Bay Area in which the neighbourhood is largely urbanised with various residential developments, open storage and road network uses and separated from the wetland system of Deep Bay Area. There are examples of existing/permitted medium-rise developments (6-19 storeys) in the landward periphery of the WBA in other districts (e.g. the “OU (Industrial Estate)” zone and “The Parcville” within the “CDA” zone in Yuen Long and applications No. A/TSW/63 and 70 in Tin Shui Wai, No. A/YL-LFS/224 in Lau Fau Shan and Ping Shan and Ping Shan, No. A/YL-NSW/274 in Nam Sang Wai).
- (f) The proposed low-to-medium-rise development at the Site with a stepped height profile with height bands of 3-5 storeys, 17 storeys to 19 storeys (plus one basement car park) descending westward towards Kam Pok Road and NTMDC and the existing low-rise residential developments (**Drawings Z-4a to Z-4c**) can accommodate more housing units while releasing space for descent landscaping (including a landscape pond of about 0.5ha and landscape open space of about 2,100m<sup>2</sup> for public use) (**Drawing Z-12**) and building gaps to enhance the overall amenity of the area. The indicative development scheme is supported by the EcoIA and VIA (**Drawings Z-13a to Z-13f**) which conclude that there will be no adverse ecological impact and the building height profile is acceptable.

*Planning Gains by Provision of Neighbourhood Activity Node with GIC Facilities and Landscape Open Space for Public Use*

- (g) The rezoning proposal provides a neighbourhood activity node offering shop and service/eating place, a covered transport lay-by and GIC facilities serving both the future residents at the Site and residents in the neighbourhood. While the RCHE and kindergarten will help address the demand for such services, the proposed landscaped open space in the southeastern part of the Site can provide enjoyment to the residents in adjacent villages.

*Technically Feasible and No Insurmountable Impacts*

- (h) Technical assessments, including TIA, EA, SIA, DIA, VIA, WSIA, AVA-EE and landscape and tree preservation proposals, have been conducted and confirmed the technical acceptability of the indicative development scheme under the proposed low to medium-rise residential development in the rezoning proposal. It is concluded that

there would be no insurmountable problem to rezone the Site with incorporation of mitigation and improvement measures proposed.

Public Comments

- (i) As regards the public comments on the open space and provision of access to nearby villages, the open space to be open for public enjoyment is located along Ha Chuk Yuen Road and is easily accessible by nearby villagers; there will be direct access from Ha Chuk Yuen Road and hence no need to construct another new road in the locality; and the suggested access road would encroach upon other private lots and is too close to the existing village houses which would envisage the problem with implementation.

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

The applicant is one of the “current land owners” of the Site and 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 posting notices in local newspapers and site notice. Detailed information would be deposited at the meeting for Members’ inspection. The remaining part of the Site is GL, and the “owner’s consent/notification” requirements are not applicable.

**4. Town Planning Board Guidelines**

***Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)***

According to TPB PG-No. 12C, the Site largely falls within the Wetland Buffer Area (WBA) (about 58,448 m<sup>2</sup> / 89%). The relevant assessment criteria are summarised as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds;
- (b) within the WBA, for development or redevelopment which requires planning permission, an EcoIA would need to be submitted. Development/redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the Board, unless the EcoIA can demonstrate that the negative impacts could be mitigated through positive measures. The assessment study should also demonstrate that the development will not cause net increase in pollution load to Deep Bay; and
- (c) proposals for residential/recreational developments on degraded sites to remove/replace existing open storage or container back-up uses and/or to restore lost wetlands may be given sympathetic consideration by the Board subject to satisfactory ecological and other impact assessments. Residential developments should be compatible with the surrounding land uses and the rural setting of the area. In addition to ecological consideration, other planning considerations including

development intensity, compatibility with the surrounding land uses, environmental impact (e.g. noise, air and water qualities), traffic and drainage impacts, provision of infrastructure and visual impact are also important in the assessment of an application within the Deep Bay Area.

## 5. **Background**

### *Zoning History*

- 5.1 The Site was within an “Unspecified Use” (“UNSP”) area on the draft Mai Po and Fairview Park Interim Development Permission Area (IDPA) Plan No. IDPA/YL-MP/1 gazetted on 17.8.1990. In June 1994, the Site together with the adjoining area to its south/ southwest were rezoned from “UNSP” to “R(D)” on the draft Mai Po and Fairview Park OZP No. S/YL-MP/1 in order to improve and upgrade the existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise and low-density residential developments subject to planning permission from the Board. In May 2002, the draft Mai Po and Fairview Park OZP No. S/YL-MP/4 was approved by the Chief Executive in Council under s.9(1)(a) of the Town Planning Ordinance (the Ordinance). The zoning and boundary of the subject “R(D)” zone have remained unchanged since then.

### *Approved Residential Developments Nearby*

- 5.2 A few low-density low-rise residential developments have been approved by the Board in this part of Mai Po (**Plan Z-6**). The site to the immediate south of the Site within the same “R(D)” zone was approved for the development of 65 houses with a PR of 0.2 and BH of 6.6mPD (Application No. A/YL-MP/287) in 2022. The site to the immediate north of the Site across NTMDC at Yau Mei San Tsuen, zoned as “Other Specified Use” annotated “Comprehensive Development and Wetland Protection Area” (“OU(CDWPA)”), was approved for the development of 105 houses with a PR of 0.2 and BH of 3 storeys (Application No. A/YL-MP/247) in 2016. To the further north of the Site at Wo Sang Wai, another site at Wo Shang Wai being zoned as “OU(Comprehensive Development to Include Wetland Restoration Area)” (“OU(CDWRA)”) was approved for the development of 268 houses with a PR of 0.4 and BH of 2-3 storeys (Application No. A/YL-MP/291) in 2020.

### *Planning Enforcement*

- 5.3 The Site is not a subject of any active enforcement case. Should a material change of use be identified on Site, which constitutes an unauthorised development (UD) under the Ordinance, enforcement action would be instigated subject to sufficient evidence collected.

## 6. **Previous Applications**

### *Section 16 Applications*

- 6.1 The Site is involved in six previous s.16 applications including low density residential development with relaxation of plot ratio (No. A/YL-MP/104), proposed residential development (No. A/YL-MP/110 and 132), proposed residential development (amendment to an approved scheme and minor relaxation of building height restriction) (No. A/YL-MP/146) and proposed house development, minor

relaxation of building height restriction and filling and excavation of land for site formation only (No. A/YL-MP/193 and 205). All except application No. A/YL-MP/104 were approved by the Committee between 2003 and 2013. The planning permissions for applications No. A/YL-MP/110, 132 and 142 were lapsed upon expiry of the respective planning permissions.

- 6.2 Application No. A/YL-MP/193 submitted by the same applicant was for proposed house development, minor relaxation of building height restriction and filling and excavation of land for site formation only. The application was approved with conditions by the Committee in 2012 on the considerations that the proposed development was not incompatible with the surrounding land uses, being in line with the criteria under TPB Guidelines 12B for development within the WBA, with adoption of the design measures in the MLP, the proposed development including the proposed noise barrier would not result in adverse visual impact on the surrounding area, there was no adverse comment from relevant government departments and approval of the application was in line with the previous decision of the Committee. The approved development consists of 71 houses with maximum BH of 3 storeys and 10.8m.
- 6.3 Application No. A/YL-MP/205 submitted by the same applicant for proposed amendments to an approved scheme under Application No. A/YL-MP/193<sup>3</sup>. The application was approved with conditions by the Committee in 2013 on similar considerations as application No. A/YL-MP/193. An application for extension of time for commencement (No. A/YL-MP/205-1) was agreed by the Director of Planning in 2017 to extend the validity of the planning permission until 2021. The approved development under application no. A/YL-MP/205 (**Drawing Z-15**) was commenced with the building plans approved in 2021 and lease executed in 2022.
- 6.4 Locations and details of the previous s.16 planning applications are summarised at **Plan Z-1b** and **Appendix III**.

#### Section 12A Application

- 6.5 The current applicant submitted a s.12A application (No. Y/YL-MP/4) in 2015 to rezone a site (about 65,915 m<sup>2</sup>) which is largely similar to the Site under the current application (**Plan Z-2**) from “R(D)” to “Residential (Group B)” (“R(B)”) for a proposed residential development with a PR of 1.2 and BH of 5 to 14 storeys (21.5mPD to 49.85mPD). This application was subsequently withdrawn by the applicant in 2016.

## **7. Similar Applications**

- 7.1 There is no similar rezoning application within the same “R(D)” zone on the OZP.

#### Application No. Y/YL-MP/3

- 7.2 There was a rezoning application (No. Y/YL-MP/3) covering a piece of land to the northwestern and southwestern of the Site across NTMDC and Yau Pok Road

---

<sup>3</sup> Except for the increase in site area, domestic GFA, average unit size and the change in noise barrier and landscape design, the major development parameters including PR, BH and number of units, as well as the building orientation, disposition and overall layout remains the same as the approved scheme under application No. A/YL-MP/193.

submitted by the current applicant to rezone this site from “Recreation” (“REC”) (permissible for a maximum PR of 0.2 for residential development and a maximum BH of 2 storeys/6m) and “Residential (Group C)” (“R(C)”) (permissible for a maximum PR of 0.4 and a maximum BH of 3 storeys/9m) zones to alternative zoning(s) for a proposed residential cum commercial development with a total GFA of about 17,832 m<sup>2</sup> (including a non-domestic GFA of about 607 m<sup>2</sup>) (equivalent to 0.2 PR) and a BH of 3 storeys (i.e. 2 storeys above one storey basement car park/6.6m above ground).

- 7.3 The rezoning proposal was agreed by the Committee on 13.5.2016 mainly on the considerations that the proposed development was not incompatible with the surrounding uses which is a residential neighbourhood with existing and approved low-rise and low-density residential development; the proposed development intensity with 0.2 PR and BH of 2 storeys (6.6m) above 1 storey of basement car park was comparable to the residential neighbourhood in the area; the northern portion of the Site, which was located within the WBA, was proposed for landscaping area and the existing pond would be retained and enhanced; the EcoIA concluded that the proposed development would adhere to the “no-net-loss in wetland” principle of and was in compliance with TPB-PG No. 12C; DAFC has no adverse comment on the submitted EcoIA; an EIA Report for the proposed development was approved with EP issued in July 2014 and DEP had no objection to the application; and relevant departments had no objection to or no adverse comments on the submitted technical assessments. As for the proposed alternative zoning(s) for the proposed development, the Committee considered that a suitable land use zoning with appropriate requirement could be submitted for the Committee’s consideration to ensure the acceptability of the future development at the site. Subsequently, the applicant indicated that a revised proposal with a higher development intensity would be submitted for the site. As a corollary, the OZP amendment for the rezoning application has not yet been pursued.

New s.12A Applications Submitted by the Applicant (i.e. No. Y/YL-MP/7 and 8)

- 7.4 The applicant of the current application has also submitted two other s.12A applications (No. Y/YL-MP/7 and 8) (**Plan Z-2**) to rezone the site under No. Y/YL-MP/3 mentioned above for proposed comprehensive residential developments with proposed maximum PR of 1.23 to 1.28, BH of 3-16 storeys (maximum 57.85mPD) and a total flat production of 2,477 (each with 1,228 and 1,249 units respectively). The applications are being processed.

**8. The Site and Its Surrounding Areas (Plans Z-1a to Z-5b)**

8.1 The Site is:

- (a) located to the south of NTMDC and Kam Pok Road and currently left vacant;
- (b) comprising two portions of land which is separated by Ha Chuk Yuen Road and an existing nullah with the main site (about 64,704 m<sup>2</sup>) largely under grass cover with tree/vegetation cover along its southern periphery and the minor site (about 986 m<sup>2</sup>) largely under tree/vegetation cover;
- (c) the Site is accessible in the north via Kam Pok Road while the minor site is accessible via Ha Chuk Yuen Road; and

- (d) majority of the Site (about 58,448 m<sup>2</sup> / 89%) falls within WBA of Deep Bay Area whereas the southern part of the Site (about 7,295 m<sup>2</sup> comprising the southern part of the main site and the entire minor site) is outside WBA.

8.2 The surrounding areas are predominated by low-density residential developments, village settlement, fallow agricultural land and vacant land:

- (a) the area immediately abutting its northern and northwestern site boundary is Kam Pok Road, NTMDC and Yau Pok Road. The area sandwiched between the western bank of the aforesaid infrastructures and the existing low-rise residential development of Fairview Park in the “R(C)” zone comprise fallow agricultural land and vacant land which is the subject of two on-going Applications No. Y/YL-MP/7 and 8, whereas the combined site is the subject of the previous Application No. Y/YL-MP/3 as detailed in paragraph 5 above. The area further north and northeast on the western bank of the aforesaid infrastructures is pond and fallow agricultural land within the “OU” annotated “Comprehensive Development and Wetland Protection Area” (“OU(CDWPA)”) zone;
- (b) the area to its immediate east and southeast is the “Village Type Development” (“V”) zone of Chuk Yuen Tsuen with existing village settlement and an open storage of converted container in the further southeast; and
- (c) the area to its immediate south and southwest are a flood pond and Chuk Yuen Stormwater Plumbing Station. The area further south across Fung Chuk Road is the site for the approved residential development under application No. A/YL-MP/287 as detailed in paragraph 6 above.

8.3 There are strategic planning and infrastructure developments under study in the wider San Tin/Mai Po sub-region in the area further north and east of the Site. The Site is about 1 km away from the ST/LMC DN (**Plans Z-5a and Z-5b**) and it is about 860m away from the proposed NOL Ngau Tam Mei Station (**Drawing Z-13g**). The Government is currently reviewing the ST/LMC DN in order to confirm the technical feasibility and finalise the land use proposal in tandem with detailed planning and design of the NOL being conducted by MTRCL for further intensified development in the San Tin/Mai Po sub-region.

## **9. Planning Intention**

The planning intention of the “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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

- 10.1 Apart from the government departments as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general and advisory comments on the application are provided in **Appendix IV**.
- 10.2 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

#### **10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):**

- (a) From desktop checking, the Site comprises various lots which, by the terms of the lease under which they are held, are demised for agricultural use and adjoining/intervening Government land in D.D. 104. The area and permitted use of the lots concerned have to be verified upon receipt of application from the applicant.
- (b) The application site involves various private lots and adjoining GL. Amongst the private lots affected, the Conditions of Exchange (“C/E”) for Lot 4805 in D.D. 104 for residential development (based on planning application No. A/YL-MP/205 approved with conditions by the Board on 21.6.2013 was executed on 18.3.2022. The site area of about 65,690 m<sup>2</sup> (including about 92.3 m<sup>2</sup> of GL) quoted by the applicant should be subject to further verification and survey during the land application stage. In case of any discrepancy in site area found, the proposed development parameters will have to be revised accordingly.
- (c) The tree felling and compensation proposal and landscape proposal as stated in the SPS (**Appendix Ia**) should be submitted separately for formal approval upon implementation of the development proposal.
- (d) The application contains development parameters which are fundamentally different from the previously approved scheme based on planning application No. A/YL-MP/205 and the development parameters permitted under the C/E. Should the Board decide to approve the current application, the applicant has to apply for a land exchange to implement the planning scheme. However, there is no guarantee at this stage that the application would be approved. Such application, if submitted, will be dealt with by the LandsD acting in the capacity of the landlord at his discretion, and if it is approved, the approval would be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by LandsD.

## **Traffic**

### 10.2.2 Comments of the C for T (C for T):

Transport Department (TD) has no objection in principle on the application subject to the following:

- (a) There is no objection in principle to the application including the TIA submitted in support of the subject application. All the parking provisions and traffic arrangement measures proposed under the TIA would be self-sustained and implemented under this application.
- (b) The transport interchange in the subject application will be implemented by the applicant and designed as a public transport interchange (“PTIs”) and in accordance with the relevant guidelines and requirements for new PITs subject to the satisfaction of C for T. The details of the PTI should be finalised in the subsequent land lease.
- (c) The proposed road junction and roundabout improvement works identified in the TIA (viz. the junction improvement works at Fairview Park Interchange and the junction of Castle Peak Road/Kam Pok Road) shall be completed before occupation of the proposed development.
- (d) The Site is connected to Kam Pok Road via section of Fairview Park Boulevard which is not managed by TD. The applicant should clarify the management and maintenance responsibilities of Fairview Park Boulevard and obtain prior consent from the relevant parties on the use of Fairview Park Boulevard.
- (e) No vehicle is allowed to queue back to or reverse onto/from public road during the construction and operation stage of the proposed development.

### 10.2.3 Comments of the Chief Highways Engineer/ New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement of the Site from Kam Pok Road should be approved by TD.
- (b) If the proposed run-in/out is agreed by TD, the applicant should provide the run in/out at Kam Pok Road to the satisfaction of TD and HyD and in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) If the proposed access point at Kam Pok Road is approved by TD, the applicant should submit the details of road modification works,

including modification of street furniture and public lighting, at Kam Pok Road for review by TD and HyD. No modification works should be implemented unless approval on the modification proposal was obtained from TD and HyD.

- (d) It is noted that transport facilities such as internal transport laybys are proposed within the Site. HyD will not take up the maintenance responsibilities of those proposed internal transport laybys.
- (e) The proposed junction improvement schemes shall be approved by TD. If any road improvements on public roads maintained by HyD are considered necessary by TD due to the proposed development, they shall be implemented by the project proponent to the satisfaction of TD and HyD at the project proponent's own cost.
- (f) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

### **Environment**

#### 10.2.4 Comments of the Director of Environmental Protection (DEP):

- (a) The EA and SIA (**Appendix 6 and Appendix 9 of Appendix Ia**) have demonstrated that with implementation of mitigation measures, the proposed development will unlikely cause/subject to adverse environmental impacts exceeding Hong Kong Planning Standards and Guidelines (HKPSG) criteria. The key mitigation measures proposed in the EA/SIA are highlighted below:
  - (i) noise mitigation measures including fence wall, fixed glazing and acoustic balcony recommended in paragraph 3.5.3 and Figures 3.2a and 3.2b of the EA (Drawings **Drawing Z-8a and Z-8b**) will be provided to ensure that all flat units will comply with the noise criteria under HKPSG; and
  - (ii) provision of new twin 200mm diameter rising mains and on-site sewage pumping station to connect the proposed development to the existing NSWSPS via the twin 675mm diameter communal gravity sewers (to be constructed under other applications, No. Y/YL-MP/7 or 8) or provision of new twin 200mm diameter rising mains and twin 675mm diameter communal gravity sewers and on-site sewage pumping station to connect the proposed development to the existing NSWSPS (if the twin 675mm diameter communal gravity sewers have not been constructed under other applications, No. Y/YL-MP/7 or 8) (**Drawings Z-9a and 9-b**).
- (b) Based on the above considerations, he has no objection to the application.

- (c) The Site falls within Deep Bay Buffer Zone 2 and therefore the proposed residential development will constitute a designated project (DP) under Item P.1, Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO) (i.e. a residential development or recreational development, other than New Territories exempted houses within Deep Bay Buffer Zone 1 or 2) and an environmental permit (EP) under EIAO is required before the construction and operation of the proposed residential development. The implementation of mitigation measures proposed by the applicant can be enforced under the EP to be issued under EIAO.

### **Urban Design and Landscape**

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

##### **Visual Aspect**

- (a) Judging from the VIA, the proposed development with a maximum BH of 19 storeys aboveground (67.3mPD) would clearly stand out and become visually prominent in the existing and planned low-rise neighbourhood, resulting in moderately adverse visual impacts and loss of skyview and visual openness when viewed from VP1 (from Yau Pok Road), VP2 (from Fairview Park Boulevard), VP3 (at the junction of Kam Pok Road and Castle Peak Road) and VP5 (from Yau Tam Mei Hill) as rated by the applicant out of the six identified public viewing points (**Appendix 5 of Appendix Ia**).
- (b) The applicant claims that the proposed low to medium-rise residential neighbourhood is to echo with the foreseeable transformation along the planned high density high-rise railway station-related development. The current scheme is seeking a development intensity of a maximum PR of 1.88 and a maximum BH of 19 storeys. It is noted that some design and mitigation measures are proposed to promote visual permeability and interest, including stepped BH profile descending from the southeast to the northwest, building separations between residential blocks, a landscape pond at the western corner and tree and shrub planting, etc.

##### **Air Ventilation Aspect**

- (c) An Air Ventilation Assessment – Expert Evaluation (AVA-EE) for the Proposed Scheme (**Appendix 7 of Appendix Ia**) is conducted to compare against the Approved Scheme (i.e. the previously approved Application No. A/YL-MP/205). Several design measures are proposed including building separation of not less than 15m between towers, stepped BH and building setback of at least 5m to 43m from the site boundary. It concludes that the air ventilation performance of the Proposed Scheme is comparable with the Approved Scheme.
- (d) She has no adverse comment on the AVA-EE.

Landscape Aspect

- (e) She has no adverse comment on the landscape drawings and tree schedule (**Appendix 2 of Appendix Ia**).
- (f) The applicant is advised that approval of the S.12A application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works where appropriate.

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

- (a) It is noted that the proposed residential development under the current application mainly consists of 14 residential blocks with maximum 19 storeys. Having considered the applicant's submissions, he has no further comment on the application.
- (b) For the proposed open space for public use at southern edge of the Site, the applicant is encouraged to create a pedestrian-friendly environment by providing barrier-free access/facilities, adequate shading devices, more seating areas and greening/planters, etc. to enhance enjoyment by the users of the open space.

**Nature Conservation**

10.2.7 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) As compared with the low-rise and low-density development under the approved s.16 Application No. A/YL-MP/205, the significant increase in development intensity in the application would bring much greater disturbances to the birds and wetland habitats in the vicinity during the operation phase. However, according to the EcoIA, due to the several designs of the proposed development (including but not limited to stepped building height away from NTMDC, landscape pond, buffer planting, absence of extensive reflective surfaces), a number of impacts were assessed as of low significance and no mitigation measures were proposed. These design measures should be fully implemented by the applicant during the operation phase.
- (b) It is noted in the EcoIA (**Appendix 4 of Appendix Ia**) that a number of design measures (**Drawings Z-2a, Z-3 and Z-4a to Z-4c**) and mitigation measures are ~~is~~ adopted/proposed to address the ecological concerns:
  - (i) a decreasing building height gradient from southeast to northwest (from 17 to 19 and 5-3 storeys (domestic blocks) and 2 storeys (non-domestic blocks)) across the Site, with the westernmost row/tip of building blocks with 2 to 3 storeys (about +15.3 to +15.4mPD);

- (ii) a minimum distance of 30 m from the houses to the nearest part of the NTMDC, in which the space already includes embankment of channel, Kam Pok Road and a public footpath, while vegetation screening is proposed between these and the houses;
  - (iii) taller residential blocks are set back from the northern and southwestern boundaries of the Site, allowing the creation of a landscaped buffer area and a landscape pond. The landscape buffer area and the landscaped pond would serve as a further buffer between the residential buildings and NTMDC. Tree planting between the residential buildings and the landscape pond will act as a visual barrier and the distance between the houses and the channel;
  - (iv) the orientation of the buildings has been carefully designed, as a precautionary measure, to minimise the obstruction to a few minor flight lines over the site;
  - (v) the proposed development within the Site would not have extensive reflective surfaces, to minimise the risk for bird collision;
  - (vi) the proposed landscape pond would be provided for the no net loss in wetland principle and to enhance the effect of the spatial buffer between the proposed development and NTMDC; and
  - (vii) quieter piling methods and measures/good site practices including opaque and non-reflective noise barriers during construction phase, to reduce disturbance impacts on bird species of conservation importance/wetland-dependent species using NTMDC and temporary ponds at YMST.
- (c) Based on the above and noting DEP's comments that the implementation of mitigation measures proposed by the applicant can be enforced under the EP to be issued under EIAO, he has no further comment on the current application.

### **Drainage**

#### **10.2.8 Comment of Chief Engineer/Mainland North, Drainage Service Department (CE/MN, DSD):**

- (a) It is noted in the applicant's submissions that no adverse drainage / sewerage impact is anticipated from the proposed development, and he has no adverse comment on the DIA and SIA.
- (b) Nevertheless, the applicant should be reminded to note the following:

- (i) Should there be any changes of design parameters in the course of the development which would materially affect the validity of the DIA/SIA report, the applicant should review/revise the DIA/SIA report and submit the revised DIA/SIA report to the relevant authority (EPD and DSD) for comment at the detailed design and building plans submission stage.
- (ii) The applicant should implement the drainage provisions on-site in accordance with the agreed DIA/SIA.
- (iii) The applicant is required to rectify the drainage/sewerage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage/sewerage system.
- (iv) The proposed development should neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas.
- (v) The applicant should consult DLO/YL and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

### **Water Supply**

#### **10.2.9 Comment of Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):**

- (a) Having considered the application including the FI, he has no objection to the application.
- (b) Existing water mains will be affected as shown on the plan. The cost of any necessary diversion shall be borne by the proposed development.
- (c) In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5 metres from the center line of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for Staff of the Director of Water Supplies and their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main shown on the plan.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising, from burst or leakage of the public water mains within and in close vicinity of the site.

### **Social Welfare Provision**

#### 10.2.10 Comments of the Director of Social Welfare (D of SW):

- (a) He has no adverse comment on the application.
- (b) He notes that it is the applicant's intention that the proposed 100-person RCHE would be run as a "contract home" on subsidised basis with details to be confirmed at the land exchange stage in future. From the service perspective he has no objection in principle on the setting up of the proposed RCHE to be operated as a contract home at the Site. However, in connection with the applicant's planning intention, he may take note that should the proposed 100-person RCHE be operated as a contract home, its construction and land allocation would be proceeded with the government practice and procedures, among others, that the construction cost of the RCHE would be borne by the government whereas the RCHE premises would be handed-over to his department or government as a Government Accommodation. Besides, the service operator of the proposed RCHE would be selected through competitive bidding open to both Non-governmental Organisations and private sector in accordance with the standing practice.
- (c) The provision of the proposed RCHE and NEC as proposed by the applicant should be stipulated into the lease requirement to the satisfaction of D of SW if the application is approved by the Board.

#### 10.2.11 Comments of the Secretary for Education (SED):

- (a) She has no view on the provision of kindergarten for private residential development as no public housing development is involved.
- (b) The applicant is advised to follow the prevailing Hong Kong Planning Standards and Guidelines on the requirement of kindergarten provision.
- (c) Her advisory comments are at **Appendix IV**.

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

- (a) He has no particular comment on the application.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing, supervising and conducting any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines

(Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

### **District Officer’s Comments**

10.2.13 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has received a letter from Fairview Park Management Advisory Committee and a reply slip from the rural representative of San Wai (II), both objecting to the application (**Appendix IV-d**). Their comments were also received by the Board during the statutory public inspection periods.

## **11. Public Comments Received During the Statutory Publication Periods**

11.1 The application was published for public comments on 24.9.2021; subsequently relevant FIs submitted by the applicant were published 8 times for public comments. During the statutory publication periods, a total of 608 public comments were received, including 404 supporting comments, 204 objecting comments. Full set of public comments is deposited at the Board’s Secretariat for Members’ inspection and reference. Extracts of the comments are at **Appendices IV-a to IV-e**. Their major views are summarised as follows:

### **Supporting comments**

11.2 404 supporting comments were received from individuals and some local residents (sample extracts at **Appendix IV-a**). The main supporting reasons are summarised as follows:

- (a) the proposed development is in line with the government policy to increase housing provision. It will better utilize abandoned land and efficiently use the land resource and is a better option for land supply than reclamation;
- (b) the proposed medium-rise development with a building height not more than 19 storeys would provide more housing provision of 2,771 units, retail and community facilities of elderly home, kindergarten and open space for the public, which will improve the visual amenity, environmental hygiene and overall environmental quality;
- (c) the proposed development is in line with government’s transport policy. The proposed development is near the proposed Northern Link which will be highly accessible in the future; and
- (d) the proposed development will not cause adverse impacts on environment, infrastructure, ecology, air ventilation and visual aspects.

### **Objecting comments**

11.3 204 objecting comments were received, including the San Tin Rural Committee (STRC), a member of YLDC, the Chairman of Tin Shui Wai South Area Committee and the Rural Representative of San Wai (II) (**Appendix IV-d**), 4 green groups (viz. World Wild Fund Hong Kong, Kadoorie Farm & Botanic Garden Corporation,

Conservancy Association and Hong Kong Bird Watching Society) and an interest group (extracts at **Appendix IV-e**), management office, owners' corporation, owners' association, owners' committee (OC) and management advisory committee of nearby residential developments including Fairview Park, Royal Palms (Phase A and Phase B), Palm Spring Village OC of Paloma and Westwood (**Appendix IV-c**), and owners and tenants of Fairview Park and individuals (sample extracts at **Appendix IV-b**). Their major views are summarised as follows:

- (a) the proposed development with significant increase of PR and BH is excessive and incompatible with the surrounding area which is a low-rise, low-density neighbourhood. The existing "R(D)" zoning should be retained and the BH for the proposed development should be reduced to 3 storeys in keeping with the low-rise character and open view of the neighbourhood;
- (b) the site is outside the ST/LM DN and the Technopole under study and it is not near the proposed NOL Ngau Tam Mei station, there is no justifications for the proposed development;
- (c) the proposed development is in conflict with the conservation policy. The proposed development would increase human disturbance and adversely affect the habitats of wild animals and birds in the wetland area of Deep Bay;
- (d) the nearby infrastructure is insufficient and road network is already saturated. The proposed development would worsen the traffic at Castle Peak Road and the roundabout at Fairview Park. The proposed development is not close to the future NOL and will exert pressure to the transport services nearby;
- (e) the proposed development would have significant adverse environmental, visual, air quality, ecological, traffic, drainage impacts on the surrounding area and would cause pollution, ventilation, congestion, flooding, security and hygiene problems. Even with the slight reduction of the development parameters and flat production from 3,090 to 2,771 units, it cannot relieve the concern on the potential disturbance impacts caused by the proposed development on NTMDC which is a wetland habitat for highly sensitive water bird species;
- (f) there is a lack of community facilities in the proposed development. The induced population would use the existing provisions in Fairview Park which will overstrain the existing infrastructure and facilities in the area and cause disturbance and conflicts with the local residents;
- (g) the open garden should be relocated to the southwestern part of the Site for share use with the local residents and villagers, the access road in the northern site boundary along Kam Pok Road should be widened with provision of cycling track and an access road should be provided from the development to the nearby villages;
- (h) the proposed development is within the WBA and close to the WCA, there are concerns about the impacts on the flight line, noise, glare, human disturbance, etc., to the wetland species and the ecological impacts on the NTMDC, nearby fish ponds and other wetland habitat. There are also concerns about the cumulative impacts on the environment arising from all the new applications and developments in the area;

- (i) there is no overall assessments of the traffic impacts arising from the application and other on-going applications; and the other submitted technical assessments are not sufficient to demonstrate that the proposed development will not adversely affect the surrounding areas and the overall neighbourhood; and
- (j) approval of this application would set an undesirable precedent to concurrent and future similar applications in the same neighbourhood.

## 12. **Planning Considerations and Assessments**

12.1 The application is for rezoning the Site from “R(D)” to “R(C)1” to facilitate a comprehensive medium-density residential development with a neighbourhood activity node providing local commercial use, transportation services and GIC facilities. The applicant has proposed the indicative scheme with a domestic PR of 1.8 and maximum BH of 67.3mPD / 19 storeys, which comprises 14 residential towers providing a total of 2,771 residential units. The BH of low-rise blocks is 3 to 5 storeys (about 15.3mPD to 21.9mPD) and that of medium- to high-rise blocks ranges from 17 to 19 storeys (about 61mPD to 67.3mPD) over one level of basement with a neighbourhood activity node accommodating local commercial uses, a covered transport layby and GIC facilities (including a 6-classroom kindergarten, a NEC and a 100-place RCHE) to serve the future residents and the neighbour. According to the applicant, the target completion year of the proposed development is 2028.

### Land Use Compatibility, Development Intensity and BH

12.2 The Site is located in the south-eastern part of Mai Po and Fariview Park area and is about 260m away from San Tin Highway. Its immediate surroundings are characterised by low-rise residential developments and village type development. The Site currently falls within the existing “R(D)” zone restricted to a maximum PR of 0.2 and BH of 2 storeys (6m) and is surrounded by low-rise residential development of Fairview Park in the “R(C)” zone, the “V” zone of Chuk Yuen Tsuen with existing village settlement, the “OU(CDWPA)” zone subject to a maximum PR of 0.2 and BH of 3 storeys as well as the approved residential development under application No. A/YL-MP/287 within the same “R(D)” zone. Two previous applications (No A/YL-MP/193 and 205) for low-rise low-density residential development submitted by the same applicant were approved by TPB in 2012 and 2013. The development scheme under the latest application (No. A/YL-MP/205) approved in 2013 for proposed 71-houses with a PR of 0.2 and BH of 3 storeys has been commenced with building plans approved in April 2021 and the land grant executed in March 2022.

12.3 There are strategic planning and infrastructure developments under study in the wider San Tin/Mai Po sub-region in the area further north and east of the Site. The Site is located between the existing sub-urban neighbourhood in the Mai Po/Deep Bay Area and the planned ST/LMC DN (**Drawings Z-4d and Plans Z-5a and Z-5b**). Separated by the San Tin Highway and with about 800m-1km from the planned NOL Stations, the Site is not generally falling within the catchment areas of these railway stations. Nevertheless, the accessibility of the areas will be enhanced. The land use proposal currently being refined by the Government for the ST/LMC DN in tandem with the planning and design of the NOL will lend support

to the transformation of this part of Mai Po area into a medium-rise residential neighbourhood. The proposed low- to medium-rise and medium-density development at the Site is in line with the land use character of the area which will also provide a gradual transition from the low-rise, low-density neighbourhood in Mai Po area to the future development nodes under ST/LMC DN and NOL. The proposed development intensity (PR 1.88) and BH (up to 19 storeys) of the current application is therefore considered not entirely out of keeping with the land use and character of the existing sub-urban neighbourhood and it is not out of context with the change in planning circumstances envisaged in the land use proposal for the ST/LMC DN and NOL in the San Tin/Mai Po sub-region.

- 12.4 The current indicative scheme adopts a 2-tier BH profile with stepping down of BH from southeast to northwest. Of the 14 residential towers, low-rise buildings of 3-5 storeys (V1-V3 and V5) are located along the northern and northwestern part of the main site along Kam Pok Road towards NTMDC and medium-rise buildings with BH of 17 (T3 and T5), 18 (T1, T2, T6 and T7) and 19 (T8-T11) storeys are located in the southeastern and southwestern parts of the main site near Ha Chuk Yuen Road amidst the low-rise residential developments further west and north and the village houses to the east and south of the Site. The applicant has submitted corresponding VIA to illustrate the visual compatibility of the proposed development with the surrounding developments and land uses. Whilst CTP/UD&L of PlanD points out that the proposed development with a maximum BH of 19 storeys aboveground (67.3mPD) would clearly stand out and become visually prominent in the existing and planned low-rise neighbourhood, resulting in moderately adverse visual impacts and loss of skyview and visual openness, the applicant has proposed a number of design and mitigation measures to promote visual permeability and interest of the development, including the stepped BH profile descending from southeast to northwest towards NTMDC, building setback from the site boundaries, provision of a buffer area, building separations between residential blocks, a landscape pond at the western corner and tree and shrub plantings, which would not compromise the visual openness and spatial relief of the low-rise residential cluster. CA/CMD2 of ArchSD has no further comment on the application.
- 12.5 In view of the generally low-rise, low-density sub-urban neighbourhood of the Mai Po and Fairview Park area and to ensure implementation of the design of the indicative development scheme and to maintain a varying BH profile to preserve visual permeability of the area, consideration should be given to stipulate the maximum building height(s) in metres above the Principal Datum (mPD) as opposed to the stipulation of maximum building height(s) in number of storeys as proposed by the applicant on plan for the proposed “R(C)1” zone, should the application be agreed by the Committee. Other design and mitigation measures proposed therein would be reflected in the EP or incorporated as lease conditions as requested by concerned government departments.

Ecological Implication and TPB PG-No. 12C

- 12.6 According to TPB PG-No. 12C, majority of the Site falls within the WBA which is intended to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have off-site disturbance impact on the ecological value of fish ponds. The Site is situated in the landward part of WBA amidst existing residential developments and village housing intermingled with fishponds.

- 12.7 The applicant has conducted an EcoIA in support of the application. It concluded that the existing habitats (mainly grassland/shrubland) within the Site are of very low to low ecological value. With the implementation of mitigation measures including stepped BH to preserve the NTMDC as a foraging habitat for water birds and flight line corridor (**Drawing Z-14c**), the predicted impacts are reduced to at least low significance. DAFC considers that the significant increase in development intensity would bring much greater disturbance to the birds and wetland habitats. Nevertheless, with a number of mitigation measures, DAFC opines that a number of impacts are assessed as low significance. These mitigation measures include stepped and descending BH towards the NTMDC, a minimum distance of 30 m from houses to the nearest part of NTMDC, creation of a landscape buffer area and landscape pond (**Drawing Z-3**), orientation of buildings to minimise obstruction to a few minor flight lines over the Site, abandonment of extensive reflective surfaces and use of quieter piling methods and opaque and non-reflective noise barriers during construction phase, and provision of the landscape pond for no net loss in wetland principle. DAFC has no objection to the conclusion of the EcoIA and considers that the above design measures can be enforced under the EP and implemented by the applicant.

#### Landscape and Tree Preservation

- 12.8 According to the LMP and tree survey and preservation proposal, there are about 267 existing trees within the Site. The existing trees contain some limitations themselves which might be in poor health condition and are difficult to transplant. As such, the indicative development scheme will compensate and replant 267 nos. of heavy-standard of trees. Not less than 7,482m<sup>2</sup> private open space will be provided within the Site, among which not less than 2,100m<sup>2</sup> will be open for public. CTP/UD&L, PlanD has no objection to the application from landscape planning perspective.

#### Provision of GIC and Commercial Facilities

- 12.9 Mai Po and Fairview Park area is primarily a rural area with majority of the areas preserved as Mai Po Nature Reserve or fish ponds protected under various conservation related zonings. There is no major retail facility or public open space within the planning area. The applicant's proposal to provide about 3,300m<sup>2</sup> GFA for retail uses, 2,100m<sup>2</sup> private open space for public use as well as the proposed GIC facilities including kindergarten, a neighbourhood elderly centre and a RCHE would be able to serve the development as well as the existing population. D of SW has no adverse comment on the proposed RCHE as long as it follows government's standard if it is operated as a contract RCHE and SED has no view on the provision of kindergarten within the proposed development.

#### Environmental, Traffic and Other Technical Considerations

- 12.10 The applicant has submitted corresponding technical assessments (**Appendix Ia**) to demonstrate that the proposed scale of development is technically feasible and would not result in adverse technical and environmental impacts as detailed in the departmental comments in paragraph 10 above.
- 12.11 On environmental aspect, DEP has no objection to the application subject to implementation of the proposed mitigation measures identified in the EA and SIA, viz. the noise mitigation measures including fence wall, fixed glazing and acoustic balcony (**Drawings Z-8a and Z-8b**) to ensure compliance with the noise criteria under HKPSG and provision of the sewerage arrangement including the new twin

200mm diameter raising mains, on-site sewage pumping station, new twin 675mm communal gravity sewers for connection of the sewage generated from the Site to the NSWSPS. Furthermore, DEP considers that proposed residential development is DP under EIAO. The applicant has committed to comply with the requirements of DP under EIAO in taking forward the proposed residential development and related infrastructure.

- 12.12 On traffic aspect, C for T has accepted the TIA as well as the traffic improvement measures proposed therein and that such measures are to be implemented by the applicant. C for T has no objection to the application.
- 12.13 On the drainage and sewerage aspects, CE/MN of DSD has no adverse comment on the DIA and SIA and he notes in the applicant's submissions that no adverse drainage/sewerage impact is anticipated from the proposed development.
- 12.14 Other concerned departments including PM(W), WDO of CEDD, CE/C of WSD, D of FS, CBS/NTW of BD, H(GEO) of CEDD and C of P have no objection or adverse comments on the rezoning application.

#### Public Comments

- 12.15 A total of 608 public comments were received during the publication periods of the application, including 204 objections and 404 supporting comments. The grounds of the public comments are stated in paragraph 11 above. Comments from relevant Government bureaux and departments in paragraph 10 and the planning considerations and assessments as mentioned in the above paragraphs are relevant.

### **13 Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no in-principle objection to the application.
- 13.2 Should the Committee decide to agree or partially agree to the application, PlanD would work out the proposed amendments to the Mai Po and Fairview Park OZP, including the zoning boundaries, as well as the development parameters and restrictions to be set out in the Notes and/or Explanatory Statement for the Committees' agreement prior to gazetting under Section 5 of the Ordinance.
- 13.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members' reference:

There is no strong justification in the submission to justify the proposed rezoning to "R(C)1" and the proposed increase in development intensity and BH.

### **14 Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 14.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

## 15 **Attachments**

<b>Appendix I</b>	Application Form received on 15.9.2021
<b>Appendix Ia</b>	FI received on 19.4.2023 with consolidated SPS
<b>Appendix Ib</b>	FI received on 28.4.2023
<b>Appendix II</b>	A set of Notes and Explanatory Statement for the “R(C)1” zone proposed by the Applicant
<b>Appendix III</b>	Previous Section 16 applications involving the Site
<b>Appendix IV</b>	Detailed Departmental Comments
<b>Appendix V-a</b>	Public comments received (Supporting)
<b>Appendix V-b to V-e</b>	Public comments received (Objecting)
<b>Drawing Z-1</b>	Proposed amendment to the Approved Mai Po and Fairview Park OZP
<b>Drawings Z-2a to Z-2c</b>	Indicative Master Layout Plan, G/F part plans and Basement
<b>Drawing Z-3</b>	Landscape Master Plan
<b>Drawings Z-4a to Z-4e</b>	Indicative Sections
<b>Drawings Z-5</b>	Proposed access location and traffic routes
<b>Drawing Z-6</b>	Indicative layout of transport lay-by
<b>Drawing Z-7a</b>	Proposed junction improvement for Fairview Park Interchange (J1)
<b>Drawing Z-7b</b>	Proposed junction improvement for Castle Peak Road – Tam Mi/ Kam Pok Road (J2)
<b>Drawings Z-8a and Z-8b</b>	Proposed noise mitigation measures
<b>Drawings Z-9a and Z-9b</b>	Proposed sewerage system
<b>Drawing Z-10</b>	Proposed drainage system and catchment
<b>Drawing Z-11</b>	Proposed fresh water supply system
<b>Drawing Z-12</b>	Proposed open space provision
<b>Drawings Z-13a to Z-13g</b>	Photomontages
<b>Drawing Z-14a</b>	Annual wind flow for the Indicative Development Scheme
<b>Drawing Z-14b</b>	Summer wind flow for the Indicative Development Scheme
<b>Drawing Z-14c</b>	Identified Bird Flight Lines with MLP overlaid
<b>Drawing Z-15</b>	Approved Scheme under Application No. A/YL-MP/205
<b>Plan Z-1a</b>	Location Plan
<b>Plan Z-1b</b>	Relevant rezoning applications in the locality No. Y/YL-MP/3, 7 and 8)
<b>Plan Z-2</b>	Site Plan
<b>Plan Z-3</b>	Aerial Photo
<b>Plans Z-4a and Z-4c</b>	Site Photos
<b>Plan Z-5a</b>	Application Site and the Initial Land Use Plan of San Tin/Lok Ma Chau Development Node
<b>Plan Z-5b</b>	Application Site and Proposed San Tin Technopole under the Northern Metropolis Development Strategy
<b>Plan Z-6</b>	Approved Residential Developments Nearby

**PLANNING DEPARTMENT  
MAY 2023**