

LEGISLATIVE COUNCIL BRIEF

Town Planning Ordinance
(Chapter 131)

APPROVED FANLING/SHEUNG SHUI EXTENSION AREA OUTLINE ZONING PLAN NO. S/FSSE/2

INTRODUCTION

At the meeting of the Executive Council on 6 February 2024, the Council **ADVISED** and the Chief Executive **ORDERED** that the draft Fanling/Sheung Shui Extension Area Outline Zoning Plan (OZP) No. S/FSSE/1A, should be approved under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) (Cap.131). A The plan is now renumbered as S/FSSE/2 at **Annex A**.

THE DRAFT FANLING/SHEUNG SHUI EXTENSION AREA OZP

2. On 18 February 2022, under the power delegated by the Chief Executive, the Secretary for Development under section 3(1)(a) of the Ordinance as in force immediately before 1 September 2023 (the pre-amended Ordinance) directed the Town Planning Board (the Board) to prepare an OZP to cover the 32 hectares (ha) of land then occupied by the eastern part of the Old Course of the Fanling Golf Course (FGC) to the east of Fan Kam Road (the Area)¹. On 30 June 2022, the draft Fanling/Sheung Shui Extension Area OZP No. S/FSSE/1 (the draft OZP) covering the Area was exhibited for public inspection under section 5 of the pre-amended Ordinance.

3. In early 2019, the Government endorsed the recommendations of the Task Force on Land Supply (TFLS), including the partial development of FGC for housing development with emphasis on public housing. To take forward the TFLS's recommendations, the Civil Engineering and Development Department (CEDD) commissioned the "Technical Study on Partial Development of Fanling Golf Course Site – Feasibility Study" (the Technical Study), which covered the Area and included an Environmental Impact Assessment (EIA), to ascertain the highest flat yield attainable in the Area in the short to medium term.

4. Based on the Technical Study's recommendations, the general planning intention for the Area was to develop its northernmost portion for public housing development and to conserve the remaining southern portion with minimal development. Two land use zones were designated for the Area:

Public Housing Development

- (a) the northernmost portion of about 9.54 ha of the Area (the Site), i.e. a

¹ FGC is composed of three 18-hole courses, including the old Course built in 1911. The Area covered 8 out of the 18 holes in the Old Course.

major part of Sub-Area 1 under the Technical Study, was zoned “Residential (Group A)” (“R(A)”) subject to a maximum plot ratio of 7.0 and a maximum building height (BH) of 170 metres above Principal Datum for public housing development of about a maximum of 12,000 flats and a special school; and

Conservation with Recreational Uses

- (b) the remaining southern portion of about 21.65 ha, i.e. Sub-Areas 2 to 4 and a minor part of Sub-Area 1 under the Technical Study, was zoned “Other Specified Uses” annotated “Conservation cum Recreation” (“OU(CR)”) for conservation of the existing natural landscape and ecological features and to provide space for passive recreational uses which are compatible with the conservation intention and which serve the general public.

JUDICIAL REVIEW (JR) OF THE RELEVANT EIA

5. The EIA report of the Technical Study was exhibited for public inspection under the EIA Ordinance (EIAO) on 20 May 2022. On 11 May 2023, the Director of Environmental Protection (DEP) approved the EIA report subject to a list of approval conditions (the Decision). The EIA approval conditions required CEDD as the project proponent to follow up on a range of issues that might necessitate changes to the appropriate layout and development parameters of the proposed public housing development. Upon completion of the Board’s discussion of the draft OZP, CEDD would commence the review, which was estimated to take about 12 months.

6. On 21 July 2023, the Hong Kong Golf Club (HKGC) applied for leave to apply for JR in respect of the Decision in the case numbered HCAL 1258/2023. The Court of First Instance (CFI) granted the leave to apply for JR on 25 July 2023 and the substantive application was fixed to be heard in May 2024. On 24 August 2023, the CFI decided to grant an interim stay of the Decision² as applied for by HKGC pending the determination of the JR application, but made it clear that CEDD could go ahead with the review as required under the Decision (i.e. the “carve out” from the effect of the interim stay as referred to in the CFI’s judgment) on the basis and requirement, among other things, that CEDD’s review would not involve any construction works at the site and would not result in any environmental damage at all.

7. The CFI’s judgment acknowledged that while the matters dealt with by the Board fell under a separate statutory regime, independent of the parties to the JR proceedings, it was important to disabuse the Board (and others) of any assumption that the Decision was sacrosanct and not potentially subject to being quashed. What the Board (and others) might make of that information was a

² The CFI’s decision on interim stay:

https://legalref.judiciary.hk/lrs/common/ju/loadPdf.jsp?url=https://legalref.judiciary.hk/doc/judg/word/vetted/other/en/2023/HCAL001258A_2023.doc&mobile=N

matter for them, but with the grant of the interim stay, the Board should be cautious in anchoring any decision-making on the reliance that the Decision was valid and correct and would continue to be regarded as such. The Government, after taking into account legal advice, took the view that while the Board should be cautious of the aforesaid matter, the Board was not legally prevented from proceeding with the statutory planning procedures.

THE STATUS OF THE AREA

8. Upon the expiry of the short term tenancy agreement with the HKGC on 31 August 2023, the Area reverted to the Government on 1 September 2023 and came under the management of the Leisure and Cultural Services Department (LCSD). Sub-Area 1 was open for public use as a park from 4 to 10 September 2023, and the remaining portion of the Area will be opened in phases at later stages for passive recreational uses compatible with the conservation intention. From 11 September 2023 to 15 November 2023, the Area was lent to HKGC for hosting two international golf tournaments at FGC.

REPRESENTATIONS AND COMMENTS ON REPRESENTATIONS

9. During the exhibition of the draft OZP, **6,787³** valid representations were received. The representations were made available for public inspection on 30 September 2022 and **51** valid comments on the representations (comments) were received. The representations and comments were considered by the Board at its meeting held on 12, 14, 19, 26 and 29 June and 24 July 2023.

Supportive Representations (in full or in part) (249)

10. Amongst the 249 supportive representations (in full or in part), 13 submitted by a concern group (**R10**) and 12 individuals (**R1 to R5, R7, R8, R11 to R14** and **R6551**) supported the draft OZP, the “R(A)” and/or the “OU(CR)” zone(s); three submitted by individuals (**R15 (part) to R17 (part)**) supported the “R(A)” zone only; and 233 submitted by HKGC (**R242 (part)**), The Chariot Club Limited (**R19 (part)**), Friends of Asia Hong Kong (**R6707 (part)**), three companies (**R18 (part), R20 (part) and R21 (part)**) and 227 individuals (**R6 (part), R9 (part), R22 (part) to R241 (part), R243 (part), R244 (part) and R246 (part) to R248 (part)**) supported the “OU(CR)” zone only. The major grounds and suggestions are summarised below -

Proposed Public Housing Development

- (a) the draft OZP balanced various needs and was in line with the TFLS’s recommendation and general consensus on partial development of FGC had been reached since the public

³ The original number of representations received was 6,788. On 29 June 2023, the Board decided that R4470 should be treated as not having been made in accordance with section 6(3) of the pre-amended Ordinance.

consultation by the TFLS;

- (b) partial development of FGC would be a feasible and effective means for housing development within a relatively short timeframe and the proposed public housing was critical to meet the 10-year housing supply target and ease Hong Kong's housing shortage;
- (c) the Area was suitable to be developed as a New Town extension area and the proposed uses were compatible with the surrounding areas;
- (d) the adverse environmental and ecological impacts as well as impact on the operation of FGC were limited;

Conservation and Recreation

- (e) the Area could be developed as a botanical/zoological garden and/or ecological park or for recreational facilities;
- (f) the status quo as a golf course run by HKGC should be maintained at the "OU(CR)" zone; and
- (g) the ecological value in the "OU(CR)" zone was high, which was suitable for conservation and/or passive recreational uses. Consideration could be given to designate the "OU(CR)" zone as country park, "Conservation Area" ("CA") or "Green Belt" ("GB").

Adverse Representations/Views (in full or in part) (6,773)

11. Amongst the 6,773 adverse representations/views (in full or in part), 6,530 submitted by 28 golf/sports-related organisations (**R252, R253, R275, R387, R389, R466, R501, R580, R582, R583, R670, R675 – R677, R679, R681 – R682, R1380, R2276, R3265, R3353, R6517, R6696, R6718, R6726 – R6727, R6730 and R6754**), four green groups (**R388, R476, R499 and R687**), nine district councils/rural committees/local representatives (**R250, R254 – R256, R556, R683 – R686**), one non-profit making organisation (**R678**), 111 golf players (**R245, R249, R286, R314, R320, R327, R328, R400, R403, R408, R418, R419, R421, R423, R425, R429, R431, R437, R446, R447, R451, R459, R463, R477, R480, R481, R484, R507, R514, R516, R523, R526, R532, R538, R542, R544, R551, R565, R592, R595, R596, R606, R614, R621, R624, R626, R633, R640, R642, R644, R659, R661, R1280, R1354, R1379, R1385, R1428, R1946, R1948, R1963, R1999, R2296, R2329, R2437, R2472, R3279, R3303, R3310, R3311, R3314, R3335, R3350, R3393, R3394, R3402, R3429, R3439, R3441, R3455, R3470, R3496, R3527, R3991, R4008, R4280, R4342, R4343, R4350, R6002, R6573, R6580, R6585, R6590, R6614, R6702, R6703, R6708, R6713, R6714, R6734, R6737, R6738, R6746, R6752, R6753, R6755, R6768, R6770, R6771, R6775 and R6785**) and 6,377 individuals (**R251, R257 to R274, R276 to R285, R287 to R313, R315 to R319, R321 to R326, R329 to R332, R334 to R386, R390 to R399, R401, R402, R404 to R407, R409 to R417,**

R420, R422, R424, R426 to R428, R430, R432 to R435, R436, R438 to R445, R448 to R450, R452 to R458, R460 to R462, R464, R465, R467 to R475, R478, R479, R482, R483, R485 to R498, R500, R502 to R506, R508 to R513, R515, R517 to R522, R524, R525, R527 to R531, R533 to R537, R539 to R541, R543, R545 to R550, R552 to R555, R557 to R564, R566 to R579, R581, R584 to R591, R593, R594, R597 to R605, R607 to R613, R615 to R620, R622, R623, R625, R627 to R632, R634 to R639, R641, R643, R645 to R658, R660, R662 to R696, R671 to R674, R680, R688 to R1279, R1281 to R1353, R1355 to R1378, R1381 to R1384, R1386 to R1427, R1429 to R1945, R1947, R1949 to R1962, R1964 to R1998, R2000 to R2275, R2277 to R2295, R2298 to R2318, R2320 to R2328, R2330 to R2436, R2438 to R2471, R2473 to R3264, R3266 to R3278, R3280 to R3302, R3304 to R3309, R3312, R3313, R3315 to R3334, R3336 to R3349, R3351 to R3352, R3354 to R3392, R3395 to R3401, R3403 to R3428, R3430 to R3438, R3440, R3442 to R3454, R3456 to R3469, R3471 to R3495, R3497 to R3526, R3528 to R3390, R3392 to R4007, R4409 to R4279, R4281 to R4341, R4344 to R4349, R4351 to R4469, R4471 to R6001, R6003 to R6516, R6518 to R6550, R6552 to R6572, R6574 to R6579, R6581 to R6584, R6586 to R6589, R6591 to R6613, R6615 to R6695, R6697 to R6701, R6704 to R6706, R6709 to R6712, R6715 to R6717, R6719 to R6725, R6731 to R6733, R6736, R6739 to R6741, R6743 to R6745, R6747 to R6751, R6756 to R6758, R6760 to R6767, R6769, R6772 to R6774, R6776, R6777, R6779 to R6782, R6784, R6786 to R6789 and R6791) opposed the draft OZP, the “R(A)” zone, and/or the “OU(CR)” zone; three submitted by individuals (**R15 (part) to R17 (part)**) opposed the “OU(CR)” zone only; 233 submitted by HKGC (**R242 (part)**), The Chariot Club Limited (**R19 (part)**), Friends of Asia Hong Kong (**R6707 (part)**), three companies (**R18 (part), R20 (part) and R21 (part)**) and 227 individuals (**R6 (part), R9 (part), R22 (part) to R241 (part), R243 (part), R244 (part) and R246 (part) to R248 (part)**) opposed the “R(A)” zone only. There were also seven representations submitted by three green groups (**R6728, R6729 and R6783**), two golf players (**R6735 and R6742**) and two individuals (**R6759 and R6778**) providing views on the draft OZP, the “R(A)” zone and/or “OU(CR)” zone. The major grounds/views/proposals are summarised below -

Need for Housing Supply

- (a) FGC should not be picked as a short to medium-term land supply option as flat completion at the Site by 2029 was not possible;
- (b) priority should be accorded to other land supply options and the need for partial development of FGC should be reviewed in light of the Northern Metropolis Development Strategy;

Golf Sports Development

- (c) FGC was the only venue for hosting world-class international golf tournaments. No possible solution was in sight for HKGC to host any large international golf tournament if the draft OZP was approved;

- (d) FGC had a high international significance and recognition. Reduction of FGC area would alter its position to promote Hong Kong, and affect Hong Kong's international reputation;
- (e) FGC was an important training ground for golf athletes and a venue for a variety of non-golf and charity events. The reduction in golf holes in the Old Course would affect the training of Hong Kong National Team and other golfers, discourage golf/sports development in Hong Kong and affect the hosting of other non-golf or charity events;

Heritage and Cultural Conservation Perspectives

- (f) development of the Site would render the Old Course incomplete permanently, resulting in the loss of a living heritage of more than 110 years;
- (g) the Antiquities Advisory Board (AAB) voted to evaluate the cultural heritage value of the whole of FGC and the decision of the Board to agree to the draft OZP would pre-empt AAB's grading process;
- (h) the existing graves, in particular the Ming Dynasty graves, within the Area and the feng shui of the Area would be affected;

Environmental, Landscape, Ecological, Traffic and Technical Perspectives

- (i) there were many errors in the EIA report, which did not fully comply with the EIAO Technical Memorandum;
- (j) there was no proper assessment on water permeability and groundwater hydrology of the proposed development at the Site. There might be potential flooding;
- (k) the impact of light glare from artificial light on the habitat had not been properly assessed;
- (l) the ecological value of Sub-Area 1 was underestimated; and extensive removal of trees, including potential old and valuable trees, would be required;
- (m) the impact of tree planting in Sub-Areas 2 and 3 on the critically endangered *Chinese Swamp Cypress* was uncertain;
- (n) adverse air, noise and landscape impacts on the surrounding area would be induced;
- (o) the proposed high-rise development was incompatible with the surrounding rural setting and the remaining 140 ha FGC, thereby

resulting in adverse visual impact. It would also create wall effect and adverse air ventilation impact on the surrounding area, and the shadow created would adversely affect the turfgrass in the remaining part of FGC;

- (p) the traffic and transport impact assessment for the proposed public housing development conducted by CEDD underestimated the background traffic based on false assumptions, the findings of which were hence questionable. It was considered that adverse traffic impact would result and the access of emergency vehicles to the North District Hospital would be affected;
- (q) a comprehensive traffic review for the North District was required to resolve the existing congestion problem and the additional traffic flow induced by the planned developments in the District;
- (r) adverse drainage, geotechnical, sewerage, water supply, etc. impacts would be induced;

Others

- (s) there were insufficient government, institution and community (GIC) and supporting facilities to meet the needs of additional population;
- (t) the proposed development would lead to loss of job opportunities at FGC;
- (u) there was inadequate public consultation on the proposed development;

Proposals

- (v) the "OU(CR)" zone should be rezoned to "CA", "Site of Special Scientific Interest" or "GB" in order to impose more stringent restriction on developments within the zone and 'golf course' use should be a use which would require the Board's permission rather than a use which would be always permitted without the Board's permission;
- (w) the planning intention of the "OU(CR)" zone should be amended to accord higher priority to conservation; and
- (x) the status quo of the Area as a golf course should be maintained. The Site should be rezoned from "R(A)" to "OU(CR)" or other zones supporting conservation.

Comments on the Representations (51)

12. Amongst the **51** comments⁴, 35 submitted by 10 concern groups and 25 individuals supported the draft OZP; three submitted by HKGC (**C36**), one sport-related organisation and one individual supported the “OU(CR)” zone but opposed the “R(A)” zone; 10 submitted by three golf/sport-related organisations, one golf player and six individuals opposed the draft OZP, the “R(A)” zone and/or the “OU(CR)” zone; and three submitted by one green group and two individuals provided views on the draft OZP, the “R(A)” zone and/or the “OU(CR)” zone. The major grounds/suggestions raised by the commenters were similar to those raised in the representations, and additional grounds were mainly concerned that (i) there were innovative methods such as light public housing to increase housing supply and hence, the proposed public housing development was not considered critical to meet the housing supply target; (ii) 3D images with the aid of building information model should be provided to facilitate the public to better understand the proposal; and (iii) measures should be taken to vacate the well-off tenants from public housing.

The Board’s Decision

13. After giving consideration to the representations and comments, the Board noted the supportive views of **R1 to R5, R6 (part), R7, R8, R9 (part), R10 to R13, R14 (part) to R244 (part), R246 (part) to R248 (part), R6551 and R6707 (part)** and decided to partially meet **R568, R1478, R1498, R1507, R1574, R1723, R2362, R2366, R2480, R2656, R2680, R2687, R2751, R2842, R3618 to R3620, R4024, R4026, R4034 to R4036, R4057, R4058, R4065, R4078, R4096, R4097, R4105, R4107, R4112, R4124, R4130, R4131, R4135 to R4138, R4148 to R4150, R4152, R4154 to R4156, R4164 to R4169, R4174 to R4177, R4188, R4189, R4200, R4214, R4215, R5191, R5194, R5197, R5208, R5234, R5291, R5406, R5588, R6069, R6074, R6081, R6386, R6393, R6394, R6424, R6557, R6656 and R6657**, and to propose amendments to the draft OZP by rezoning the Site from “R(A)” to “Undetermined” (“U”) and revising the respective paragraphs in the Notes and Explanatory Statement (ES) of the draft OZP.

14. The Board also decided not to uphold **R6 (part), R9 (part), R15 (part) to R244 (part), R245, R246 (part) to R248 (part), R249 to R332, R334 to R567, R569 to R1477, R1479 to R1497, R1499 to R1506, R1508 to R1573, R1575 to R1722, R1724 to R2296, R2298 to R2361, R2363 to R2365, R2367 to R2318, R2320 to R2479, R2481 to R2655, R2657 to R2679, R2681 to R2686, R2688 to R2750, R2752 to R2841, R2843 to R3617, R3621 to R4023, R4025, R4027 to R4033, R4037 to R4056, R4059 to R4064, R4066 to R4077, R4079 to R4095, R4098 to R4104, R4106, R4108 to R4111, R4113 to R4123, R4125 to R4129, R4132 to R4134, R4139 to R4147, R4151, R4153, R4157 to R4163, R4170 to R4173, R4178 to R4187, R4190 to R4199, R4201 to R4213, R4216 to R4469, R4471 to R5190, R5192, R5193, R5195, R5196, R5198 to R5207**,

⁴ C36, C40, C41, C42, C43, C44, C45, C46, C47, C50 and C51 are also representers R242, R529, R102, R383, R327, R406, R6783, R389, R1383, R6759 and R6774 respectively.

R5209 to R5233, R5235 to R5290, R5292 to R5405, R5407 to R5587, R5589 to R6068, R6070 to R6073, R6075 to R6080, R6082 to R6385, R6387 to R6392, R6395 to R6423, R6425 to R6550, R6552 to R6556, R6558 to R6655, R6658 to R6706, R6707 (part), R6708 to R6789 and R6791 and considered that the draft OZP should not be amended to meet the representations for the following reasons –

“R(A)”

- (a) the partial development of FGC as a short to medium-term land supply option was recommended by the TFLS after public consultation and endorsed by the Government in 2019. Taking into account the findings of the Technical Study, Sub-Area 1 was suitable for public housing development to address the acute housing demand. Taking into account the DEP’s recent decision, a review would be conducted by the Government on the appropriate development intensity/parameters, layout and design of the proposed development;
- (b) while 32 ha of FGC to the east of Fan Kam Road would be taken back by the Government on 1.9.2023, only the northernmost portion of 9 ha would be developed for public housing and special school, and the remaining 140 ha of FGC to the west of Fan Kam Road could continue to be used for hosting international golf tournaments, training of golfers and hosting various types of non-golf community recreational and sports events. In case HKGC required temporary additional land in future for supporting the organisation of major events, the relevant departments would provide appropriate assistance;
- (c) the Technical Study covering environmental, visual and landscape, ecological, traffic, air ventilation, drainage, sewerage, water supply, geotechnical and other relevant aspects conducted had confirmed that the use of Sub-Area 1 for public housing development was technically feasible, upon implementation of mitigation measures. Taking into account the need for a review to be conducted by CEDD of the development intensity, layout and BH, Sub-Area 1 was proposed to be rezoned to “U” in the meantime;
- (d) except some social welfare facilities, the planned GIC facilities were generally sufficient to meet the demand of the planned population in Fanling/Sheung Shui (FSS) New Town including the Area in accordance with the Hong Kong Planning Standards and Guidelines and the assessments by relevant government bureaux/departments. Appropriate GIC facilities would be provided in the proposed housing development to serve the residents and locals. The GIC and open space provision would be closely monitored by the relevant government bureau/departments to meet the public needs;

- (e) the proposed public housing development at Sub-Area 1 only accounted for about 5% of FGC. The overall heritage value of the whole FGC should not be affected;
- (f) job opportunities with different varieties including commercial and servicing types of jobs would be provided in the future uses of the Area and are available in nearby FSS New Town Area;

“OU(CR)”

- (g) the “OU(CR)” zone for Sub-Areas 2 to 4 was considered appropriate to conserve existing natural landscape and ecological features, while allowing for passive recreational facilities of the community. Designating Sub-Areas 2 to 4 as country park or “GB” or “CA” zone with more restricted uses might not serve the public recreational needs. The appropriate types of public recreational uses to be provided and the mode of management and operation of the “OU(CR)” zone would be considered by LCSD;
- (h) the Technical Study covering environmental, ecological, landscape, visual, drainage, sewerage, water supply, geotechnical and other relevant aspects conducted had confirmed that the proposed “OU(CR)” zone would not induce insurmountable adverse impacts; and

Draft OZP

- (i) the statutory and administrative procedures in consulting the public on the draft OZP had been duly followed. The exhibition of the representations/comments formed part of the statutory consultation process under the Ordinance.

FURTHER REPRESENTATIONS

15. On 4 August 2023, the proposed amendments, i.e. rezoning of the Site from “R(A)” to “U” with corresponding deletion of the building height restriction (Amendment Item A) and revision of the Notes and ES of the draft OZP as mentioned in paragraph 13 above, were made available for public inspection under section 6C(1) of the pre-amended Ordinance. Within the first three weeks of the exhibition period, **1,903**⁵ FRs were received. The FRs were considered by the Board at its meeting held on 3, 5, 6 and 20 October 2023.

Supportive FRs (in full or in part) (31)

16. Amongst the 31 supportive FRs (in full or in part), 23 submitted by

⁵ The original number of FRs received was 1,907. On 21 September 2023, the Board agreed by circulation that four of the FRs (F152 and F180 to F182) should be treated as not having been made in accordance with section 6D(3) of the pre-amended Ordinance.

individuals (**F1 to F19, F502, F596, F615 and F961**) supported Amendment Item A and/or the revision to the Notes; five submitted by individuals (**F20 (part) to F23 (part) and F501 (part)**) supported Amendment Item A only; three submitted by individuals (**F24 (part), F25 (part) and F1032 (part)**) supported the revision to the Notes only. Their major grounds/views are summarised below -

- (a) the housing supply should be increased to ease Hong Kong's housing shortage and the proposed public housing development at the Site could well utilise the land resources. More land use options should be allowed to facilitate different types of development;
- (b) the development intensity of the proposed public housing development could be reduced;
- (c) in view of high historical and ecological values, the Site should be retained as golf course/used as a park for the public to avoid damage to the environment; and
- (d) there were concerns about the traffic capacity in the North District.

Adverse FRs (in full or in part) (1,880)

17. Amongst the 1,880 adverse FRs (in full or in part), 1,872 submitted by HKGC (**F26**), one other sports-related organisation (**F33**), Heung Yee Kuk New Territories (**F27**), five companies (**F28 to F32**) and 1,864 individuals (**F34 to F151, F153 to F179, F183 to F500, F503 to F595, F597 to F614, F616 to F960, F962 to F1031 and F1033 to F1907**) opposed Amendment Item A and/or the revision to the Notes; five individuals (**F20 (part) to F23 (part), F501 (part)**) opposed revision to the Notes only; and three individuals (**F24 (part), F25 (part) and F1032 (part)**) opposed Amendment Item A only. As the proposed amendments were only concerned about the rezoning of the Site from "R(A)" to "U" and the issue requiring the Board's decision was whether to rezone the Site to "U", the main considerations should be given to the grounds in the FRs that are related to the appropriateness of the "U" zone⁶. Most of the grounds/proposals were related to the proposed public housing development and asked for retaining the Area as a golf course, which were similar to the grounds/proposals raised during the representation stage and have been responded to in the TPB Paper No. 10902. The major grounds/views relevant to the appropriateness of the "U" zone and golf sport development are summarised below -

JR Implication

- (a) the interim stay granted by the CFI represented a green light for

⁶ The rights claimed by the villagers in respect of the Area, including playing golf, grave sweeping and pedestrian access, etc. as well as the flooding issue as raised by some further representers were not related to the proposed "U" zone as those issues were outside the ambit of the Board and should be resolved with the relevant parties through the established mechanism or were related to the sponge city concept to be considered in CEDD's review.

preserving the status quo of the Area;

- (b) the Board should not assume that the Decision was sacrosanct and not potentially subject to being quashed;
- (c) the Board relied on approval conditions in the Decision to rezone the Site to “U”. As the Decision was subject to a JR and an interim stay on the Decision had been granted, the Board should reconsider whether to proceed with the statutory planning procedures. The EIA report should not serve as the basis for rezoning and the proposed public housing development;

Golf Sport Development

- (d) FGC was the only venue for hosting large scale international golf tournaments and an important training venue for golfers, as evident in the recent achievements of Hong Kong Golfers in the 19th Asian Games;
- (e) the Old Course was the only venue suitable for large-scale golf tournaments in summer;
- (f) the status quo of the Site as a golf course should be maintained and the “U” zone should be deleted or replaced by the “OU(CR)” zone or other zones supporting conservation;

Proposed “U” zone

- (g) according to the covering Notes of the draft OZP, public works co-ordinated or implemented by the Government and temporary uses for a period of five years or less were always permitted without the need for planning permission from the Board on land falling within the boundary of the OZP, including the subject “U” zone. Concerns were raised that developments and uses including temporary public housing or pre-construction works of public housing development would not require planning permission from the Board; also, some permitted developments or uses could bring adverse impacts, such as on the characteristics and value of FGC. The covering Notes for the “U” zone was inadequate for the conservation purpose;
- (h) the “U” zone should be rezoned to “OU(CR)” for the purpose of cultural heritage and ecological conservation, and to protect the Site from developments. Should the Board decide not to rezone the Site to “OU(CR)”, it was proposed that the Notes should be revised such that all uses or development in “U” zone except maintenance or repair of watercourse and grave, golf course, public convenience and public vehicle park (except container vehicle) require planning permission from the Board; and

- (i) future public housing development was not ruled out by the “U” zone; and it was also claimed that the ES of the draft OZP still stated that the general planning intention of the “U” zone was to develop the northernmost portion of the Area for public housing development and the “U” zone would imply a permission for public housing development, and pre-empt the Board’s decision to approve the subsequent zoning amendments for public housing.

The Board’s Decision

18. After giving consideration to the valid FRs, the Board noted the supportive views of **F1 to F19, F20 (part) to F25 (part), F501 (part), F502, F596, F615, F961 and F1032 (part)**, and decided not to uphold **F20 (part) to F25 (part), F26 to F151, F153 to F179, F183 to F500, F501 (part), F503 to F595, F597 to F614, F616 to F960, F962 to F1031, F1032 (part) and F1033 to F1907**, and considered that the draft OZP should be amended by the proposed amendments for the following reasons –

- (a) although the findings of the Technical Study suggested that Sub-Area 1 was suitable for public housing development to address the acute housing demand, it was recognised that the Decision was subject to a JR application. While an interim stay on the Decision had been granted, CEDD was explicitly allowed by the court to conduct the review to revise the scheme and to conduct assessments on various aspects including visual, landscape, air ventilation, air quality, noise, traffic, etc., as appropriate to support the revised scheme and subsequent rezoning submission to the Board;
- (b) while it remained the Government’s intention to provide public housing at the Site, it was recognised that the JR application on the Decision might have implication on the appropriate long-term use and zoning for the Site. In this regard, it was appropriate to rezone the Site to “U” as an interim zoning at this juncture to allow CEDD to conduct the review and cater properly for the range of scenarios that might arise upon the determination of the JR, regardless of whether the Decision was upheld or quashed. Taking into account the outcomes of CEDD’s review as well as the JR proceedings, the rezoning proposal for the long-term use of the Site supported by necessary justifications and technical assessments would be submitted to the Board for consideration. Any further rezoning of the Site in future would be subject to the Board’s scrutiny and processed in accordance with the Ordinance with opportunity for public representation. Under the covering Notes of the draft OZP, except a few stated uses, all developments in “U” zone required planning permission. Relevant paragraphs in the ES were amended to reflect the latest planning intention and circumstances; and

- (c) other grounds of further representations including hosting of international golf tournaments, air ventilation, traffic and transportation, drainage, geotechnical, sewerage, water supply, and other technical aspects, provision of GIC facilities, heritage value of the Site, job opportunities and public consultation which were largely related to the public housing development rather than “U” zone had been considered and responded to during the previous consideration of representations and comments by the Board. As set out in (a) and (b) above, the “U” zoning was considered appropriate.

IMPLICATIONS OF THE PROPOSAL

19. The approval of the draft Fanling/Sheung Shui Extension Area OZP No. S/FSSE/1A itself has no economic, financial, gender and civil service implication as the draft Fanling/Sheung Shui Extension Area OZP No. S/FSSE/1A mainly reflect the existing conditions of the Area. The environmental, sustainability and family implications are set out below.

20. Regarding environmental implications, the “OU(CR)” zoning for the southern portion of the Area will facilitate the conservation of the existing natural landscape and ecological features thereat, whereas the “U” zoning for the Site is an interim arrangement without committing the Site to any long-term use or development at this juncture which could provide proper planning control for the Site and allow time for CEDD to conduct the review with flexibility to cater for possible outcomes of the JR against the DEP’s decision on approving an EIA report in relation to the draft Fanling/Sheung Shui Extension Area OZP No. S/FSSE/1A. The current condition of the Site will be maintained until the long-term use of it is determined at a later stage.

21. As far as sustainability implications are concerned, the draft Fanling/Sheung Shui Extension Area OZP No. S/FSSE/1A provides a planning framework with appropriate zonings and planning control for the Area. In particular, the “OU(CR)” zoning could facilitate the conservation of the existing natural landscape and ecological features and the provision of passive recreational uses.

22. Regarding family implications, the possible provision of passive recreational uses in the “U” zone during the interim period and in the “OU(CR)” zone in the long run will provide additional recreational outlets and more opportunities for family activities. Job opportunities might be created from the maintenance and management of the natural landscape, ecological features as well as the passive recreational uses in the “OU(CR)” zone which would help individuals to build up family assets.

PUBLIC CONSULTATION

23. Both the Sheung Shui District Rural Committee and the North District

Council (NDC) objected to the partial development of FGC mainly on the grounds that the proposed development might affect FGC's capabilities in holding local and international golf tournaments with its potential adverse impact on the operation of golf course, which was the only golf course meeting international standards in Hong Kong and had contributed a lot in the development of golf sports in Hong Kong, and there were potential adverse traffic impacts on the local road networks leading to severe traffic congestion and potential adverse drainage impact arising from the proposed development. The NDC passed a motion on 14 June 2022 objecting to the partial development of FGC for the drainage issue, traffic congestion and land rights.

PUBLICITY

24. The approved Fanling/Sheung Shui Extension Area OZP No. S/FSSE/2 will be printed and exhibited in accordance with section 9D(2) of the Ordinance. A press release will be issued on the day of exhibition. A spokesman will be available for answering media enquiries.

A

A-I

A-II

25. The approved Fanling/Sheung Shui Extension Area OZP No. S/FSSE/2 is at **Annex A** for Members' reference. A set of Notes listing out the uses which are always permitted and those which may be permitted on application to the Board is at **Enclosure I to Annex A**. An Explanatory Statement in respect of the approved Fanling/Sheung Shui Extension Area OZP No. S/FSSE/2 is at **Enclosure II to Annex A**.

ENQUIRY

26. Any enquiry on this brief can be addressed to Ms Caroline TANG, Assistant Director of Planning/Board, PlanD (Tel. No. 2231 4606).

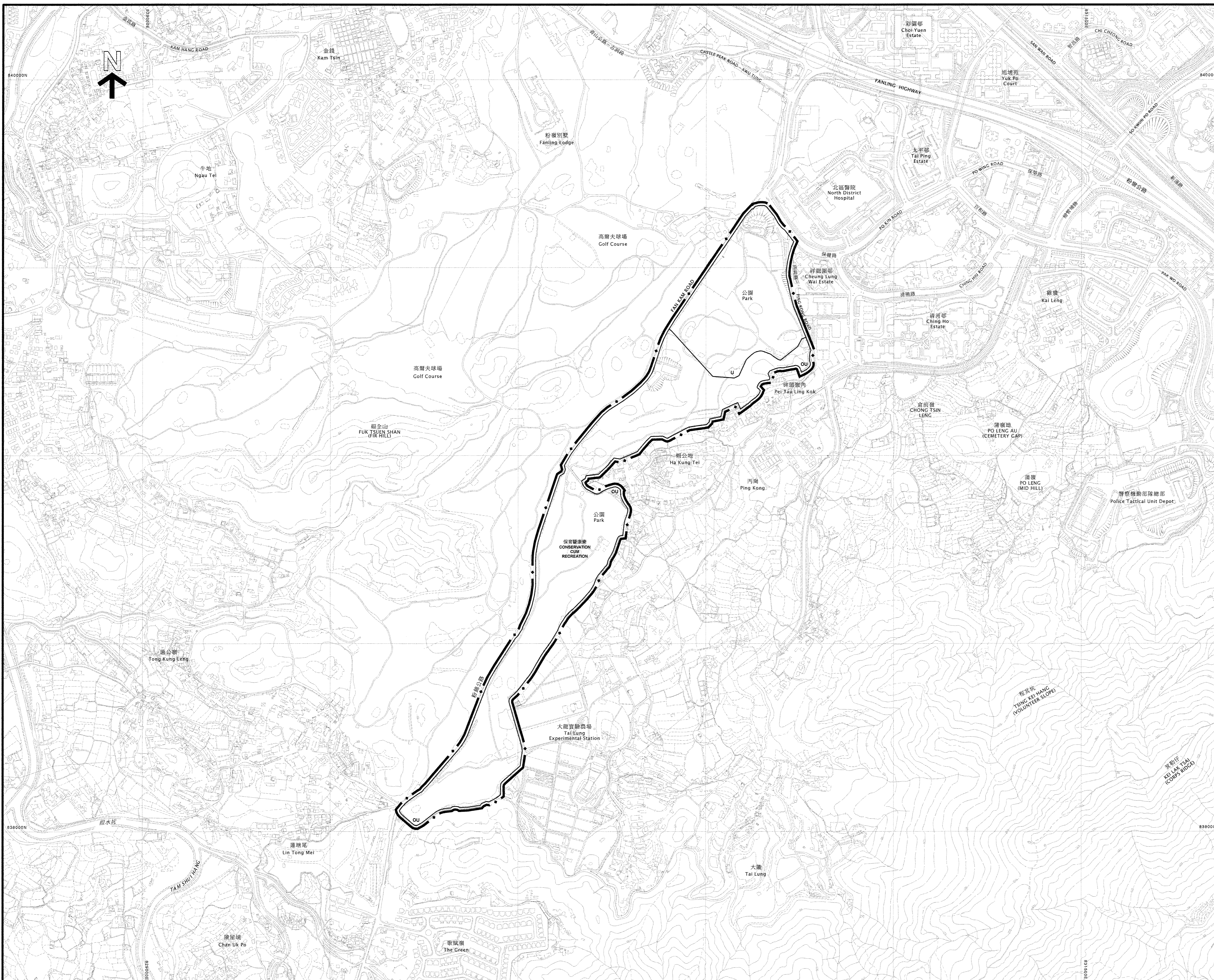
PLANNING DEPARTMENT
FEBRUARY 2024

**APPROVED FANLING/SHEUNG SHUI EXTENSION AREA
OUTLINE ZONING PLAN NO. S/FSSE/2**

Annex A - Approved Fanling/Sheung Shui Extension Area Outline
Zoning Plan (OZP) No. S/FSSE/2

Enclosure I : Notes of the Approved Fanling/Sheung Shui
Extension Area OZP No. S/FSSE/2

Enclosure II : Explanatory Statement of the Approved
Fanling/Sheung Shui Extension Area OZP No.
S/FSSE/2



圖例
NOTATION

- | | | |
|-----------------------------|-------|--------|
| ZONES | | 地帶 |
| OTHER SPECIFIED USES | OU | 其他指定用途 |
| UNDETERMINED | U | 未決定用途 |
| MISCELLANEOUS | | 其他 |
| BOUNDARY OF PLANNING SCHEME | — • — | 規劃範圍界線 |

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分比	
OTHER SPECIFIED USES	21.65	68.41	其他指定用途
UNDETERMINED	9.54	30.59	未決定用途
TOTAL PLANNING SCHEME AREA	31.19	100.00	規劃範圍總面積

夾附的《註釋》屬這份圖則的一部分
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

行政長官會同行政會議於2024年2月6日 根據城市
規劃條例第9(1)(a)條核准的圖則
APPROVED BY THE CHIEF EXECUTIVE IN COUNCIL UNDER
SECTION 9(1)(a) OF THE TOWN PLANNING ORDINANCE ON
6 FEBRUARY 2024

Ms Carmen KONG 江嘉敏女士
CLERK TO THE EXECUTIVE COUNCIL 行政會議秘書

香港城市規劃委員會依據城市規劃條例擬備的粉嶺／上水擴展區分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
FANLING / SHEUNG SHUI EXTENSION AREA - OUTLINE ZONING PLAN



規劃署遵照城市規劃委員會指示擬備
PREPARED BY THE PLANNING DEPARTMENT UNDER
THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號
PLAN No. S/FSSE/2

APPROVED FANLING/SHEUNG SHUI EXTENSION AREA
OUTLINE ZONING PLAN NO. S/FSSE/2

(Being an Approved Plan for the Purposes of the Town Planning Ordinance)

NOTES

(N.B. These form part of the Plan)

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3)
 - (a) No action is required to make the existing use of any land or building conform to this Plan until there is a material change of use or the building is redeveloped.
 - (b) Any material change of use or any other development (except minor alteration and/or modification to the development of the land or building in respect of the existing use which is always permitted) or redevelopment must be always permitted in terms of the Plan or, if permission is required, in accordance with the permission granted by the Town Planning Board.
 - (c) For the purposes of subparagraph (a) above, “existing use of any land or building” means –
 - (i) before the publication in the Gazette of the notice of the first statutory plan covering the land or building (hereafter referred as ‘the first plan’),
 - a use in existence before the publication of the first plan which has continued since it came into existence; or
 - a use or a change of use approved under the Buildings Ordinance which relates to an existing building; and
 - (ii) after the publication of the first plan,
 - a use permitted under a plan which was effected during the effective period of that plan and has continued since it was effected; or

- a use or a change of use approved under the Buildings Ordinance which relates to an existing building and permitted under a plan prevailing at the time when the use or change of use was approved.
- (4) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.
 - (5) Road junctions, alignments of roads, and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
 - (6) Temporary uses (expected to be 5 years or less) of any land or building are always permitted as long as they comply with any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, and there is no need for these to conform to the zoned use or these Notes. For temporary uses expected to be over 5 years, the uses must conform to the zoned use or these Notes.
 - (7) The following uses or developments are always permitted on land falling within the boundaries of the Plan except where the uses or developments are specified in Column 2 of the Notes of individual zones:
 - (a) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, road, bus/public light bus stop or lay-by, cycle track, taxi rank, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (b) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
 - (c) maintenance or repair of watercourse and grave.
 - (8) In any area shown as 'Road', all uses or developments except those specified in paragraph (7) above and on-street vehicle park require permission from the Town Planning Board.
 - (9) In the "Undetermined" zone, all uses or developments except those specified in paragraph (7) above, golf course, place of recreation, sports or culture, public convenience and public vehicle park (excluding container vehicle) require planning permission from the Town Planning Board.
 - (10) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate planning permission is required.

- (11) In these Notes, “existing building” means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

APPROVED FANLING/SHEUNG SHUI EXTENSION AREA
OUTLINE ZONING PLAN NO. S/FSSE/2

Schedule of Uses

	<u>Page</u>
OTHER SPECIFIED USES	1

OTHER SPECIFIED USES

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For “Conservation cum Recreation” only

Field Study / Education / Visitor Centre	Eating Place
Golf Course	Government Refuse Collection Point
Nature Reserve	Government Use
Nature Trail	Place of Entertainment
Park and Garden	Place of Recreation, Sports or Culture
Picnic Area	Playground / Playing Field
Public Convenience	Public Utility Installation
Wild Animals Protection Area	Public Vehicle Park
	(excluding container vehicle)
	Shop and Services
	Utility Installation for Private Project

Planning Intention

This zone is intended primarily to conserve existing natural landscape and ecological features. It is also intended for the provision of space for passive recreational uses which are compatible with the conservation intention and which serve the general public.

Remarks

Any diversion of stream, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance or repair works) shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the first Outline Zoning Plan No. S/FSSE/1 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

APPROVED FANLING/SHEUNG SHUI EXTENSION AREA
OUTLINE ZONING PLAN NO. S/FSSE/2

EXPLANATORY STATEMENT

APPROVED FANLING/SHEUNG SHUI EXTENSION AREA
OUTLINE ZONING PLAN NO. S/FSSE/2

EXPLANATORY STATEMENT

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APPROVED FANLING/SHEUNG SHUI EXTENSION AREA
OUTLINE ZONING PLAN NO. S/FSSE/2

(Being an Approved Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

Note: For the purposes of the Town Planning Ordinance, this Statement shall not be deemed to constitute a part of the Plan.

1. INTRODUCTION

This Explanatory Statement is intended to assist an understanding of the approved Fanling/Sheung Shui Extension Area Outline Zoning Plan (OZP) No. S/FSSE/2. It reflects the planning intention and objectives of the Town Planning Board (the Board) for various land use zonings on the Plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURE

2.1 On 18 February 2022, under the power delegated by the Chief Executive, the Secretary for Development, directed the Board, under section 3(1)(a) of the Town Planning Ordinance (the Ordinance), to prepare an OZP for the Fanling/Sheung Shui Extension area.

2.2 On 30 June 2022, the draft Fanling/Sheung Shui Extension Area OZP No. S/FSSE/1 (the draft OZP) was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 6,787 representations were received. On 30 September 2022, the representations were exhibited for three weeks for public comments and 51 comments were received. After giving consideration to the representations and comments on 24 July 2023, the Board decided to propose amendments to the draft OZP to partially meet 78 representations by rezoning the majority of Sub-Area 1 from “Residential (Group A)” to “Undetermined” (“U”) and revising the corresponding parts in the Notes of the draft OZP. On 4 August 2023, the proposed amendments were made available for public inspection under section 6C(1) of the Ordinance. Within the first 3 weeks of the period during which the proposed amendments were available for public inspection, a total of 1,903 further representations (FRs) were received. Upon consideration of the FRs, the Board decided to amend the draft OZP by the proposed amendments on 20 October 2023. In accordance with section 6H(1) of the Ordinance as in force immediately before 1 September 2023¹, the draft OZP shall hereafter be read as including the above amendments.

2.3 On 6 February 2024, the Chief Executive in Council, under section 9(1)(a) of

¹ While the Ordinance was amended by the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2023 with effect from 1 September 2023, section 6H(1) of the Ordinance as in force immediately before 1 September 2023 applied to the draft OZP pursuant to the transitional and saving provisions in sections 29(1) and 29(3) of the Ordinance.

the Ordinance, approved the draft Fanling/Sheung Shui Extension Area OZP, which was subsequently renumbered as S/FSSE/2. On 23 February 2024, the approved Fanling/Sheung Shui Extension Area OZP No. S/FSSE/2 (the Plan) was exhibited for public inspection under section 9D(2) of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land use zonings for the Fanling/Sheung Shui Extension area so that development and redevelopment within the Planning Scheme Area (the Area) can be put under statutory planning control.
- 3.2 The Plan is to illustrate the broad principles of development and planning control within the Area. As it is a small-scale plan, the alignments of the roads and boundaries between the land use zones may be subject to minor adjustments as detailed planning and development proceeds.
- 3.3 Since the Plan is to show broad land use zonings, there would be situations in which small strips of land not intended for building development purposes and carry no development right under the lease, such as the areas restricted for garden, slope maintenance and access road purposes, are included in the residential zone. The general principle is that such areas should not be taken into account in plot ratio and site coverage calculations.

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and in particular zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land use planning and control of development to meet changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department (PlanD) and can be downloaded from the Board's website at <https://www.tpb.gov.hk/en/>.

5. THE PLANNING SCHEME AREA

- 5.1 The Area covers about 32 hectares (ha) and is located to the south and southwest of the Fanling/Sheung Shui (FSS) New Town in the New Territories and around 800m from the Mass Transit Railway (MTR) Sheung Shui Station. It has an elongated shape with a length of about 1.89 kilometre and width varying from a minimum of about 54 metres (m) to a maximum of 358 m. It stretches from Ping Kong Road and Po Kin Road to its north, to the Tai Lung Experimental Station to its southeastern end, with Fan Kam Road to its west and Ping Kong to its east. The boundary of the Area is shown in a heavy broken

line on the Plan.

- 5.2 The Area is situated to the east of Fan Kam Road and used to be the eastern part of the Old Course of the Fanling Golf Course (FGC), which was reverted to the Government on 1 September 2023. The FGC with an area of 140 ha is located to the west of the Area across Fan Kam Road.
- 5.3 The Area mainly comprises former golf fairways intermixed with natural landscape area grown with clusters of tree groups. Some existing trees on-site (some are trees of particular interest) are mature in nature and some tree groups together with wetland and stream course elements are considered to have natural ecological significance. The existing Water Supplies Department's Fanling Pumping Station which is situated near the northern part of the Area to the east of Fan Kam Road is proposed to be retained in-situ to serve the need of water supply of the locality.
- 5.4 To the north and northeast of the Area are the urbanised areas of FSS New Town which consists of clusters of high-rise, high-density residential developments (including Cheung Lung Wai Estate and Ching Ho Estate), as well as government, institution and community (GIC) and public transport facilities in the vicinity, namely the Ching Ho Estate Public Transport Interchange, the North District Hospital and its expansion, the Buddhist Wisdom Primary School and Elegantia College. To the east of the Area is the Ping Kong area, which is characterised by its rural settings. It comprises at least four villages, currently mainly engaging in livestock and vegetable farming, as well as storage of construction materials, equipment, motor vehicles and containers. The Tai Lung Experimental Station is located to the southeast. To the south and southwest of the Area are the Lin Tong Mei Tsoi Yuen (currently occupied by two major low-rise, low-density residential developments, namely The Green and Miami Crescent), Cheung Lek and Tsiu Keng areas (occupied by a piece of low-laying flat land containing various huge parcels of active farmland intermixed with multiple recognised villages). To the west of the Area across Fan Kam Road is FGC (about 140 ha), along with three graded historic buildings (Fanling Club House, Fanling Half-way House, and Fanling Lodge).

6. STRATEGIC PLANNING CONTEXT

- 6.1 After public consultation on various land supply options in mid-2018, the Task Force on Land Supply (TFLS) recommended, among others, the Government to accord priority to studying and resuming the 32 ha of land of the FGC to the east of Fan Kam Road to alleviate the acute shortage of land in the short to medium term. The Government announced in early 2019 the acceptance of the land supply options recommended by the TFLS and as one of the recommended options, decided to study the partial development of the FGC for the purpose of housing development, with emphasis on public housing.
- 6.2 The Government subsequently commissioned a detailed technical study (namely "Technical Study on Partial Development of Fanling Golf Course Site – Feasibility Study" (the Technical Study)) to ascertain the highest flat yield

attainable in the short to medium term (with emphasis on public housing) on the 32 ha land east of Fan Kam Road of the FGC. The Technical Study was completed in May 2022. According to the Technical Study, the northern-most portion of the Area with an area of 9.54 ha (the Site) is recommended for public housing development and school use while the remaining portions to the south are recommended to be preserved with minimal development mainly on ecological considerations.

7. POPULATION

There is currently no population in the Area. For the proposed public housing development at the northern-most portion of the Area, it is subject to the further review to be conducted by the Civil Engineering and Development Department (CEDD) and the outcome of a judicial review (JR) on the decision of Director of Environmental Protection (DEP) for the Environmental Impact Assessment (EIA) report (the Decision) (please see paragraphs 8.2.7 and 8.2.8 below as well).

8. OPPORTUNITIES AND CONSTRAINTS

8.1 Opportunities

8.1.1 Vast majority of the Area is Government Land (GL). The Area is generally flat land and is served by existing vehicular access. No additional land resumption/clearance, major site formation and provisions of major infrastructures will be required and thus the proposed public housing development, which is subject to the outcomes of CEDD's review and the JR proceedings, at suitable part of the Area can be undertaken in an expeditious manner.

8.1.2 The Area is located to the south and southwest of the existing built up areas of the FSS New Town. Kwu Tung North/Fanling North New Development Area is located to the further north. The existing and planned major GIC and community facilities, public open space, public transport facilities in these areas would support the proposed development in the Area.

8.2 Development Constraints

8.2.1 The Technical Study has revealed that ecology, traffic and transport infrastructure capacity are the major constraints affecting the development feasibility and scale of the Area. Given the long history of being used as a golf course in the past, the Area comprises a large number of trees mainly encircling the ex-fairways of the golf course. Efforts should be made to preserve those trees which are of particular conservation and landscape values, or are mature with large diameters at breast height (DBH) as far as possible.

Ecological Considerations

- 8.2.2 In the Ecological Impact Assessment (EcoIA) under the Technical Study, the Area is demarcated into four sub-areas i.e. Sub-Areas 1 to 4 (**Figure 1**).
- 8.2.3 Sub-Area 1, which is the northern-most portion of the Area, is located in close proximity to the existing public housing estates of Cheung Lun Wai Estate and Ching Ho Estate to its east. At present, there are an existing open-air car park and ex-staff accommodation structures of the FGC. According to the EcoIA, less fauna species were recorded within this sub-area. Flora and fauna species of conservation importance such as Japanese Pipistrelle *Pipistrellus abramus*, *Aquilaria sinensis* and some trees of particular interest such as trees with DBH larger than 1 meter were recorded in this sub-area. Based on the EcoIA findings, development within the Area would need to be confined within this sub-area.
- 8.2.4 To the south of Sub-Area 1 are Sub-Areas 2 and 3, where the woodland habitats form the ecological corridors connecting Sub-Area 4. The woodland in these two sub-areas is mixed with exotic and native plant species while other habitats including plantation, turfgrass and pond are man-made. Flora and fauna species of conservation importance such as East Asian Porcupine *Hystrix brachyura*, Red Muntjac *Muntiacus muntjac*, Leopard Cat *Prionailurus bengalensis*, Small Indian Civet *Viverricula indica*, Pallas's Squirrel *Callosciurus erythraeus*, Masked Palm Civet *Paguma larvata* and *Aquilaria sinensis* were recorded.
- 8.2.5 Sub-Area 4 which is located in the southern-most portion of the Area comprises swampy woodland, woodland and marsh, which are relatively natural. Man-made turfgrass is also found in this sub-area. Sub-Area 4 is functionally linked with Sub-Areas 2 and 3 in ecological terms. According to the EcoIA, the swampy woodland is of particular ecological importance. Flora and fauna species of conservation importance including Red Muntjac *Muntiacus muntjac*, Masked Palm Civet *Paguma larvata* and *Somaniathelphusa zanklon* were recorded in this sub-area. Moreover, *Aquilaria sinensis*, 18 trees with DBH of 1m or more, and a group of Chinese Swamp Cypress *Glyptostrobus pensilis*, which is a Class I protected species in China and also a globally Critically Endangered Species were identified in the swampy woodland. Protection of the Chinese Swamp Cypress would require preserving the swampy woodland as well as the hydrology in the Sub-Areas 2 to 4. In addition, though no significant nursery/breeding ground was recorded, the marsh in the area provides potential breeding habitat. The EcoIA emphasises the importance of preserving the swampy woodland because it is difficult to recreate the woodland due to its old age.
- 8.2.6 The EcoIA concludes that Sub-Areas 2 to 4 should be preserved as a whole with minimal development. Besides, consideration should be

given to ensure that no adverse ecological impact would be resulted in the ecologically sensitive Sub-Areas 2 to 4. The Habitat Map formulated under the EcoIA is attached in **Figure 2**. According to the EcoIA, important habitats within the Sub-Areas 2 to 4 including the woodland (covering those forming the ecological corridors), watercourse and most importantly, the swampy woodland where the Chinese Swamp Cypress grown should be preserved.

- 8.2.7 The EIA covering the EcoIA was approved by DEP on 11 May 2023, subject to a list of approval condition. The EIA approval conditions state that CEDD as the project proponent should review the layout design, building height and development density of the public housing development, with a view to preserving the woodland within the housing site as far as possible and minimising the impact on tree preservation, landscape and visual aspects arising from the housing development. CEDD is required to submit reports on layout design, landscape and visual aspects, etc. to DEP for approval before commencement of the public housing development. As the development parameters are subject to changes pending the project proponent's review, an interim zoning for Sub-Area 1 as a stop-gap arrangement allowing the flexibility to take on board the outcomes of the review and DEP's corresponding decision as well as the JR proceedings is necessary.
- 8.2.8 On 21 July 2023, a JR application was filed against the Decision. The hearing of the JR application by the Court of First Instance (CFI) is scheduled for May 2024. On 24 August 2023, the CFI decided to grant an interim stay on the Decision pending the determination of the JR application.

Traffic and Transport Infrastructure Capacity

- 8.2.9 Po Shek Wu Road Interchange, Castle Peak Road – Kwu Tung / Fan Kam Road and Po Kin Road / Fan Kam Road are the critical junctions supporting the new traffic generated from the proposed development in the Area. At present, Po Shek Wu Road Interchange is operating close to capacity. To resolve the traffic capacity problems of this critical junction to support various planned housing developments in the area, a technical feasibility study for the proposed Po Shek Wu Road Flyover is currently being undertaken, which aims to allow south-bound traffic to bypass the roundabout and to connect with Fanling Highway directly without the need to enter into the roundabout. According to the technical feasibility study, upon completion of the Po Shek Wu Road Flyover, there would be spare road capacity to support additional housing developments in the area including the proposed public housing development in the Site.
- 8.2.10 Fan Kam Road, located along the western periphery of the Area, is subject to severe road capacity problems, which limit the development potential of the Area; and thus, vehicular ingress/egress to/from the Area is proposed to be made via Ping Kong Road, instead of Fan Kam

Road. In order to support the proposed development in the Area, road improvement works along Ping Kong Road may be required.

- 8.2.11 Traffic impact assessment has been conducted to assess the potential traffic and transport impact generated from the proposed public housing development in the Area, and to propose mitigation measures to ascertain that the public transport facilities, road networks and junctions in the surrounding area have sufficient capacity to meet the traffic and transport demand.

Other Infrastructural and Geotechnical Constraints

- 8.2.12 The Area is overlooked by steep natural terrain and may be affected by potential natural terrain landslide hazards. A natural terrain hazard study may be required prior to site formation/construction to assess the scale of hazards and propose suitable hazard mitigation measures, if found necessary.

9. GENERAL PLANNING INTENTION

- 9.1 Taking into account the findings of the Technical Study, it is Government's intention to develop the northern-most portion of the Area for public housing development. However, in view of the fact that the actual long-term uses and development parameters are subject to further review by CEDD and the JR proceedings, the northern-most portion is zoned "U" in the interim period pending the review to be conducted by CEDD and the outcome of JR proceedings. Subject to the completion of the relevant review and JR proceedings, amendments to the zoning of the Site will be initiated for appropriate long-term use of the Site.
- 9.2 The remaining southern portion of the Area is intended primarily to conserve existing natural landscape and ecological features for appreciation by the community. It is also intended for the provision of space for passive recreational uses which are compatible with the conservation intention and which serve the general public. Certain facilities in support of the conservation and/or recreational uses may be permitted subject to planning permission from the Board.

10. LAND USE ZONINGS

- 10.1 "Other Specified Uses" annotated "Conservation cum Recreation" ("OU (Conservation cum Recreation)") : Total Area 21.65 ha
- 10.1.1 Land zoned "OU (Conservation cum Recreation)" covers the southern portion of the Area which is of higher ecological significance according to the EcoIA under the Technical Study. The zone covers Sub-Areas 2 to 4 (about 20.59 ha, 95%), as well as a minor portion of Sub-Area 1 between Ming Tak Court and the "U" zone (about 1.06 ha, 5%) for protecting the existing green knoll which forms part of the ecological

corridor. The planning intention of this zone is primarily to conserve existing natural landscape and ecological features. It is also intended for the provision of space for passive recreational uses which are compatible with the conservation intention and which serve the general public. As a vast majority of the area zoned “OU (Conservation cum Recreation)” is GL, the Government would strive to achieve conservation of habitats and ensure that no adverse ecological/environmental impact would be created.

10.1.2 Taking into account the ecological values of the area zoned “OU (Conservation cum Recreation)”, due regard is given to the preservation of the ecological corridor and hydrology, flora and fauna species of conservation importance, trees of particular interest, as well as minimising human disturbance to the existing ecology. The swampy woodland in Sub-Area 4 (**Figure 1**), which is of particular high ecological value, should be preserved. Mitigation measures including control over the number of visitors and activities, operation hours, access control to features of conservation importance would need to be considered to ensure proper conservation and management of the area and preservation of the above features of ecological importance. As diversion of stream, filling of land/pond or excavation of land may cause adverse impact on the existing environment and ecology in the area, permission from the Board is required for such activity except public works co-ordinated or implemented by Government, and maintenance or repair works.

10.2 “Undetermined” (“U”): Total Area 9.54 ha

10.2.1 In view of the fact that the actual long-term uses and development parameters of the Site are subject to further review by CEDD and the JR proceedings, the northern-most portion of the Area is zoned “U” at this juncture to provide interim planning control pending the review to be conducted by CEDD and the outcome of the JR proceedings. To ensure appropriate control, the covering Notes of this zone stipulate that all uses and developments require planning permission from the Board, except for some public works implemented or coordinated by the Government, and some compatible recreational/supporting uses. Subject to completion of the relevant review and the JR proceedings, amendments to the zoning of the Site will be initiated for appropriate long-term use of the Site.

11. TRANSPORT AND COMMUNICATION

11.1 Road Network

11.1.1 The Area is bounded by Ping Kong Road to the east, Po Kin Road to the north, Fan Kam Road to the west and an access road to Tai Lung to the south. The north end of Fan Kam Road is directly connected with Po Shek Wu Road Interchange, which is an interchange with Fanling Highway for inter-district traffic. Based on the existing road network,

traffic to/from the proposed development will mainly rely on Ping Kong Road, Po King Road and Fan Kam Road to connect with Fanling Highway.

11.1.2 Fanling Highway is a dual-three-lane/dual-four-lane expressway connecting with Tolo Highway to the east and San Tin Highway to the west. Fanling Highway is connected with Po Shek Wu Road Interchange and So Kwun Po Interchange, both of which provide the inter-district connection and intra-district connection for traffic in the North District for both sides of Fanling Highway. The section of Fanling Highway between Po Shek Wu Road Interchange and San Tin Highway is planned to be widened to a dual four-lane expressway, and additional interchange to the widened Fanling Highway will be added at Pak Shek Au and Kwu Tung. A direct link connecting Po Shek Wu Road (south bound) with Fanling Highway (west bound) via a flyover overpassing Po Shek Wu Road Interchange will also be provided in conjunction with Fanling Highway widening (the Po Shek Wu Road Flyover).

11.1.3 Fan Kam Road is a single two-lane rural road running in the north-south direction linking up the Po Shek Wu Road Interchange, Fanling Highway and Po Shek Wu Road at its northern end. It currently still is a rural road with carriageway of width narrower than 7.3m in general (i.e. with limited road lane capacity compared with a standard carriageway) and discontinuous and narrow footpaths. In order to support the future development in the Area, road improvement works along Fan Kam Road including a section along the western frontage of Sub-Area 1 may be required.

11.1.4 Po Kin Road is a single two-lane carriageway running in the east-west direction. It joins Fan Kam Road to the west and Pak Wo Road to the east. Ping Kong Road is a single two-lane carriageway serving as an access for Ping Kong Village and Cheung Lung Wai Estate via Po Kin Road to Fan Kam Road and Pak Wo Road.

11.2 Public Transport Provision

11.2.1 The Area is served by public transport, which includes franchised bus and green minibus services operating within the surrounding road network. The commuters could get access to the MTR Sheung Shui Station via the above services and existing pedestrian routes to/from this station.

11.3 Pedestrian and Bicycle Provisions

11.3.1 Existing roadside footpaths in the vicinity of the Area, particularly along Po Kin Road and Pak Wo Road, provide the major pedestrian connection with existing public transport facilities e.g. the MTR Sheung Shui Station. There are also direct pedestrian connections between Po Ping Road and the MTR Sheung Shui Station, Landmark North and Sheung Shui Town Centre with existing elevated pedestrian corridors

via Choi Yuen Estate.

11.3.2 There are existing bicycle tracks near the Area, particularly along Po Kin Road and Pak Wo Road, providing the major cycle track connection between the Area and the major public transport facilities (e.g. MTR Sheung Shui Station). The Area enjoys good cyclist connectivity to/from the Sheung Shui New Town via the existing cycle track networks. Cycle tracks will be provided along Ping Kong Road to connect with the existing cycle track network along Ping Kong Road/Pak Wo Road, which further connects with the existing comprehensive cycle track network within the Sheung Shui Town.

12. UTILITY SERVICES

12.1 Water Supply

12.1.1 Fresh water for the Area will be supplied by the Table Hill Fresh Water Service Reservoir. At present, there is an existing freshwater distribution main running along Man Kam To Road, Jockey Club Road, Tin Ping Road and Fung Nam Road. A new water main will be needed to connect with this existing freshwater distribution water main at the junction of Jockey Club Road and Po Shek Wu Road to the Area.

12.1.2 In terms of flush water, the Area will need to be serviced by the proposed Fanling North Reclaimed Water Service Reservoir. There is currently a flushing water main running along Fan Kam Road which is connected to another running along Po King Road. As such, a new water main would need to be connected with these water mains at the junction of Fan Kam Road and Po King Road.

12.2 Sewerage

12.2.1 There is an existing sewer running along Fan Kam Road, connecting to the sewers at Choi Po Court and Choi Yuen Estate before running along San Wan Road and connecting to the Shek Wu Hui Sewage Treatment Works.

12.2.2 As the existing sewers along Fan Kam Road and San Wan Road may not have sufficient capacity to cater for the additional sewage from the proposed development, new sewers or upgrading of the existing sewers where applicable may be needed before connecting to the Shek Wu Hui Sewage Treatment Works.

12.3 Drainage

12.3.1 In general, existing surface runoff from the Area is collected via the open channel near Ping Kong Estate and Ching Ho Estate. Specifically, the runoff from the northern part of the Area is conveyed to the storm drains running along Po Kin Road, and that on the western side of the Area falls into those along Fan Kam Road. The remaining stormwater

from the rest of the Area is conveyed to the open channel running at the southeastern side of the Area that leads to Shek Sheung River.

12.3.2 According to the Drainage Services Department, there is no flooding blackspot at or near the Area, and according to the Drainage Masterplan Review in Yuen Long and North District, flooding risk to the area is low.

12.3.3 A new drainage system would be needed for the future use of the Site. New terminal manholes may also be needed to collect runoff from the future development at the Site as appropriate. New storm drains are also needed along Ping Kong Road and Po Kin Road, where collected runoff will be conveyed and discharged.

12.4 Electricity and Gas

12.4.1 There are several primary substations around the Area. Adequate provision has been made for utility networks and for installations.

12.4.2 Town gas is supplied to the Area by the Fanling West Offtake station located at the junction of Castle Peak Road – Kwu Tung and Fan Kam Road.

13. CULTURAL HERITAGE

13.1 FGC was first constructed over 100 years ago. There are no declared monuments, graded buildings or record of site of archaeological interest within the Area. There are some cultural heritage entities located within the Area, mainly including the former Ladies Pavillion (Ladies Clubhouse) at the northern-most tip of the Area, which was first constructed in 1917, but was subsequently replaced by Senior Staff Houses in the mid-1980s. In addition, historical graves were recorded within the Area.

13.2 The construction of the proposed public housing and associated infrastructure (subject to the outcomes of CEDD's review and the JR proceedings) may result in direct and indirect adverse impacts on the cultural heritage of the site. The cultural heritage impact assessment was conducted under the Technical Study for the proposed development, which indicates that there is unlikely a presence of widespread archaeology within the Area. Further impacts may be resulted from excavation, ground works associated foundation works, utilities and road construction. Prior consultation with the Antiquities and Monuments Office (AMO) should be made if any development requiring site formation works which may likely affect the FGC and area with archeological potentials within the Area adversely.

13.3 A detailed Archaeological Impact Assessment (AIA) conducted by a qualified archaeologist would be carried out prior to site formation/construction. The AIA shall evaluate the archaeological impact imposed by the proposed works. Subject to the findings of AIA, appropriate mitigation measures shall be fully implemented by the project proponent in consultation with AMO.

14. IMPLEMENTATION

- 14.1 Although existing uses non-conforming to the statutory zonings are tolerated, any material change of use and any other development/redevelopment must be always permitted in terms of the Plan or, if permission is required, in accordance with the permission granted by the Board. The Board has published a set of guidelines for the interpretation of existing use in the urban and new town areas. Any person who intends to claim an “existing use right” should refer to the guidelines and will need to provide sufficient evidence to support his claim. The enforcement of the zonings mainly rests with the Buildings Department, the Lands Department and the various licensing authorities.

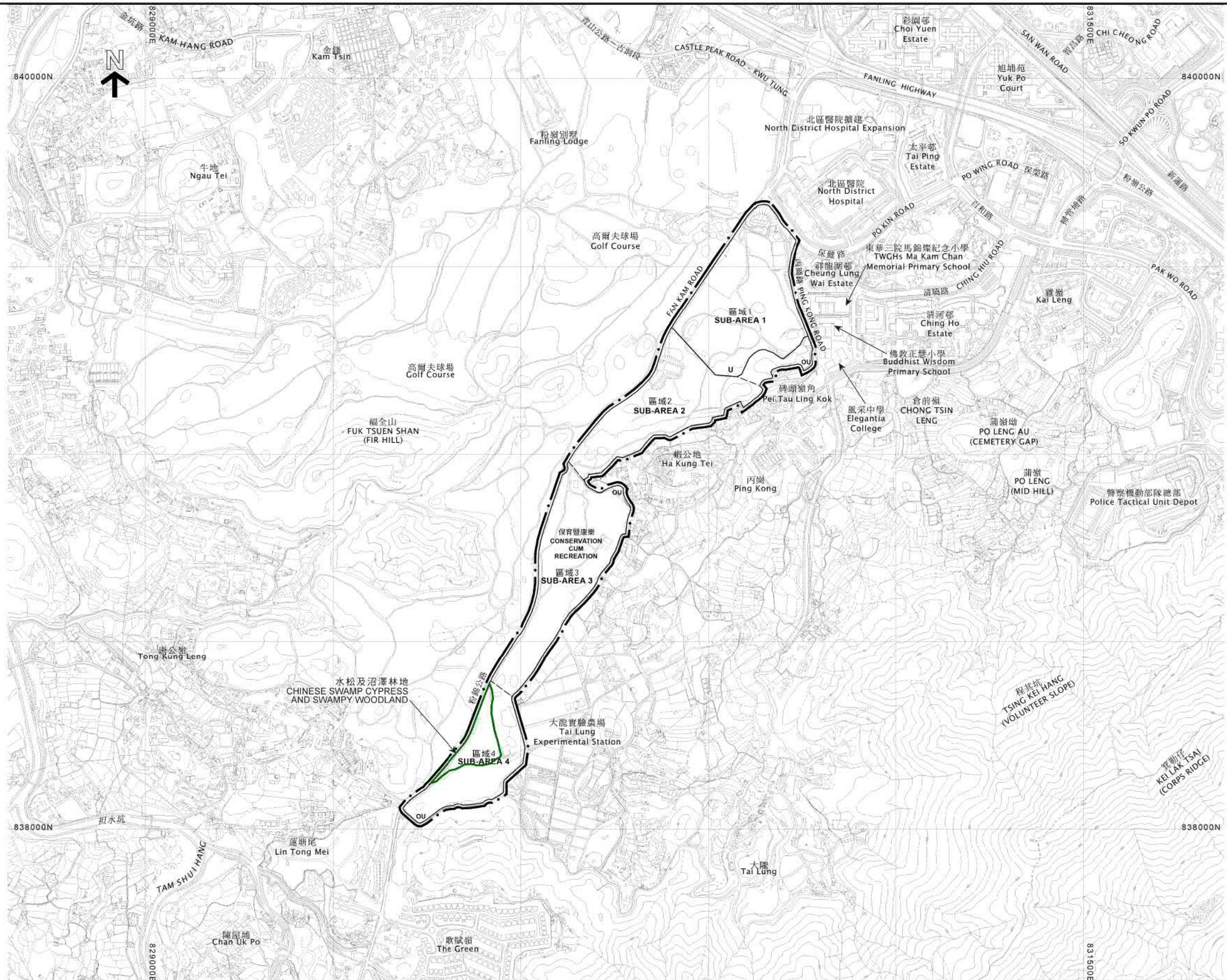
- 14.2 Subject to the outcomes of CEDD’s review and the JR proceedings, the implementation programme and arrangements will be worked out by government departments.

- 14.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering planning applications, will take into account all relevant planning considerations which may include the guidelines published by the Board, which are available from the Board’s website, the Secretariat of the Board and the Technical Services Division of PlanD. Application forms and guidance notes for planning applications can be downloaded from the Board’s website and are available from the Secretariat of the Board and the Technical Services Division of PlanD. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.

Attachment

- Figure 1 Key Plan of the Area showing the sub-areas and the surrounding existing land use
- Figure 2 Habitat Map

**TOWN PLANNING BOARD
FEBRUARY 2024**



粉嶺／上水擴展區 FANLING / SHEUNG SHUI EXTENSION AREA

顯示發展區內不同支區及附近現有用途的位置圖
Key Plan of the Area showing the sub-areas and the surrounding existing land uses

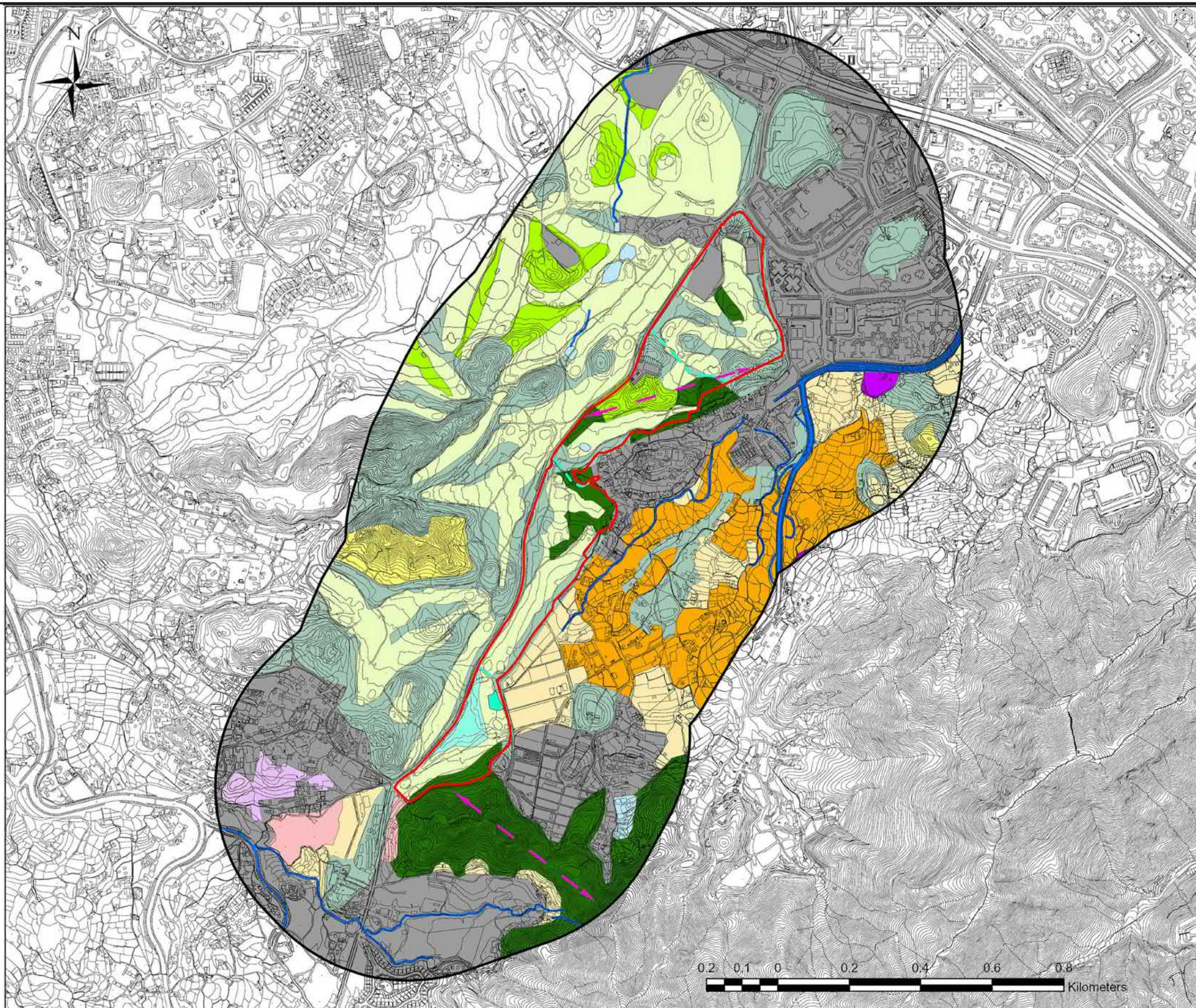
規劃署
PLANNING DEPARTMENT



參考編號
REFERENCE No.
M/F/S/23/134

圖解 FIGURE
1

本摘要圖於2023年10月13日擬備
EXTRACT PLAN PREPARED ON 13.10.2023



- Project Site 工程地盤
- Assessment Area 評估範圍
- Zone Boundary 分區界線
- Abandoned Agricultural Land 荒廢農地
- Active Agricultural Land 常耕農地
- Developed Area 已發展地方
- Fung Shui Wood 風水林
- Marsh 沼澤地
- Mixed Woodland 混合樹林
- Orchard 果樹林
- Plantation 植林
- Pond 池塘
- Ruderal Vegetation 雜草叢
- Shrubland/Grassland 灌木林/草地
- Swampy Woodland 沼澤樹林
- Turfgrass 球道草地
- Watercourse 水道
- Woodland 樹林
- Potential Ecological Corridor 潛在生態走廊

(資料來源：粉嶺哥爾夫球場用地局部發展技術研究-可行性研究
所作環境影響評估中的生態影響評估)
(Source: Ecological Impact Assessment of Environmental Impact Assessment under
the Technical Study on Partial Development of Fanling Golf Course Site -
Feasibility Study)



粉嶺／上水擴展區 FANLING / SHEUNG SHUI EXTENSION AREA

生境地圖
Habitat Map

規劃署
PLANNING DEPARTMENT



本摘要圖於2023年10月13日擬備
EXTRACT PLAN PREPARED ON 13.10.2023

參考編號
REFERENCE No.
M/FS/23/134

圖解 FIGURE
2