

RNTPC Paper No. A/SK-HC/271B  
For Consideration  
by the Rural and New Town  
Planning Committee  
on 9.2.2018

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**APPLICATION FOR PERMISSION  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/SK-HC/271**

- Applicants** : Webster Investments Company Limited and Diamond Faith Company Limited represented by Kenneth To and Associates Limited
- Site** : Various Lots in D.D. 210 and adjoining Government Land, Ho Chung, Sai Kung
- Site Area** : About 6,107m<sup>2</sup>
- Lease** : (a) Private Land (about 5670.8m<sup>2</sup> or 93%)  
- Old Schedule Agricultural Lot held under Block Government  
(b) Government Land (about 436.2m<sup>2</sup> or 7%)
- Plan** : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zoning** : “Residential (Group E)” (“R(E)”)  
- restricted to a maximum plot ratio (PR) of 0.4, a maximum building height (BH) of 9m and 2 storeys over one storey of carport
- Application** : Proposed Residential Development for 13 Houses

**1. The Proposal**

- 1.1 The applicants seek planning permission for proposed 13 houses at the application site (the Site) which falls within an area zoned “R(E)” on the approved Ho Chung OZP No. S/SK-HC/11 (**Plan A-1**). According to the Notes of the OZP, ‘House’ development in “R(E)” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is the subject of a previous application (No. A/SK-HC/170) for similar use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 12.2.2010 (**Plans A-1** and **A-2**). Extension of time for commencement of approved development from 12.2.2014 to 12.2.2018 was subsequently approved by the Director of Planning under delegated authority of the Board on 10.2.2014.
- 1.3 The current scheme is largely the same as the approved scheme under planning application No. A/SK-HC/170, with minor reduction in site area due to setting out of boundary and corresponding decrease in GFA of about 0.45% (**Plan A-2**). The

Master Layout Plan, floor plan, section plans, Landscape Master Plan, Tree Recommendation Plan, a comparison of Master Layout Plans and Traffic Arrangement Plan submitted by the applicants are attached at **Drawings A-1 to A-8**. A comparison table showing the major parameters of the approved scheme under planning application No. A/SK-HC/170 and the current scheme is at below.

	(a) Previous Approved Scheme No. A/SK-HC/170	(b) Current Scheme	Difference (b) – (a)
Site Area	6,134.91m <sup>2</sup> (about 436.23m <sup>2</sup> of government land)	6,107m <sup>2</sup> (about 436.2m <sup>2</sup> of government land)	-27.91m <sup>2</sup> (-0.45%)
Plot Ratio	0.4	0.4	-
Gross Floor Area (GFA)	2,453.964m <sup>2</sup>	2,442.8m <sup>2</sup>	-11.164m <sup>2</sup> (-0.45%)
Site Coverage	Not more than 25%	Not more than 25%	-
No. of Houses	13	13	-
No. of Storeys	2 storeys over one level of carport	2 storeys over one level of carport	-
Building Height	9m	9m	-
Internal Transport Facilities	26 private car parking spaces	26 private car parking spaces	-
	2 visitor car parking spaces	2 visitor car parking spaces	-
	3 motor cycle parking spaces	3 motor cycle parking spaces	-
	1 loading/unloading bays	1 loading/unloading bays	-

1.4 In the previously approved scheme, a section of Luk Cheung Road is proposed to be widened for a 7.3m wide carriageway with 1.6m wide footpath on both sides through setting back along the northern boundary. The same traffic improvement measures have been proposed in the current application (**Drawing A-8**). Based on the updated tree survey, the applicants propose to fell 36 existing trees and 46 new trees will be planted for compensation. According to the applicants, the proposed development will be completed in 2023.

1.5 In support of the application, the applicants have submitted the following documents:

- (a) Application form dated 16.8.2017 **(Appendix I)**
- (b) Planning Statement and letters from applicants dated 9.8.2017 and 10.8.2017 submitting replacement pages of the Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) dated 27.9.2017 providing responses to departmental comments (*exempted from publication*) **(Appendix Ib)**
- (d) FI dated 1.11.2017 providing responses to departmental comments, a revised Environmental Assessment (EA), a revised Sewerage and Drainage Impact Assessment and revised Master Layout Plan and floor plans (*not exempted from publication*) **(Appendix Ic)**
- (e) FI dated 21.12.2017 providing responses to departmental comments, revised plans, a revised EA and replacement pages of Sewerage and Drainage Impact **(Appendix Id)**

Assessment (*not exempted from publication*)

- (f) FI dated 25.1.2018 providing responses to departmental comments with replacement pages and plans of the EA (**Appendix Ie**) (*exempted from publication*)
- (g) FI dated 29.1.2018 providing responses to departmental comments (**Appendix If**) (*exempted from publication*)

1.6 On 3.10.2017 and 22.12.2017, the Committee agreed to defer making a decision on the application for two months each, as requested by the applicants, to allow time for preparation of FIs to address the comments of relevant government departments. The applicants submitted FIs as detailed in paragraph 1.5 above. The application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Section 4 of Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) The applicants have paid much effort in past years to resolve the issues encountered during the land exchange application in order to implement the approved residential development. Should there be no valid planning approval by the Board for the Site after 12.2.2018, the on-going land exchange application has to be suspended.
- (b) Early implementation of the residential development project could deliver timely housing supply to address the acute demand.
- (c) There is no major change to the approved scheme under planning application No. A/SK-HC/170. All of the merits of the approved scheme will be retained in the proposed scheme.
- (d) The proposed development is totally in line with the planning intention of “R(E)” zone, which is to encourage the phasing out of industrial activities for residential development.
- (e) The local landscape quality will be enhanced and no adverse landscape and tree impact is anticipated upon implementation of the proposed development.
- (f) The Traffic Impact Assessment (TIA) confirms that the traffic generation/attraction of the proposed scheme will be the same as the approved scheme. With implementation of the Hiram’s Highway Improvement Stage 1, the junction capacity assessment reveals that all assessed junction will be operated with adequate reserved capacity in the design year of 2026. The proposed scheme will not cause any significant traffic impact to the nearby road network.
- (g) An EA has been conducted to identify potential environmental impacts associated with the proposed development. The predicted noise level at all noise sensitive receivers in the proposed scheme will comply with the relevant standards stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). The

operation generated from the fixed noise sources identified is insignificant to and inaudible at the Site due to the fact that they are enclosed structures.

- (h) The EA has qualitatively appraised potential air quality impacts associated with the proposed development. It concludes that the proposed development would unlikely be subject to adverse vehicular emission impact. There would also be no air quality impact relating to industrial chimney emissions.
- (i) The potential sewerage and drainage impacts due to the proposed scheme have been addressed in the Sewerage and Drainage Impact Assessment. Interim sewage treatment facility is proposed to cater for sewerage generated before completion of public sewer in 2022. The proposed development adopts the drainage design and discharge strategy recommended in the Drainage Impact Assessment for the approved scheme under the land exchange application in 2016 and the proposed development will not generate adverse drainage impact.

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

#### For the portion of Private Land

- 3.1 The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

#### For the portion of Government Land

- 3.2 The “owner’s consent/notification” requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB GB-No.31) is not applicable to the portion of Government land within the Site.

### **4. Previous Applications**

- 4.1 There are three previous planning applications (No. A/SK-HC/119, 136 and 170) that partly/wholly cover the Site. Application No. A/SK-HC/119 for 13 houses within the southern portion of the Site and the adjacent “R(D)” zone was approved with conditions by the Committee on 24.6.2005. Extension of time for commencement of the approved development from 24.6.2009 to 24.6.2013 was subsequently approved by the Director of Planning under delegated authority of the Board on 19.6.2009. Another application No. A/SK-HC/136 for proposed seven houses within the northern portion of the Site was approved with conditions by the Committee on 2.11.2007. Planning permissions given under Applications No. A/SK-HC/119 and 136 are no longer valid as the proposed developments had not commenced within the specified period.
- 4.2 Planning application No. A/SK-HC/170 for 13 houses was approved with conditions by the Committee on 12.2.2010, mainly on grounds that the proposed development is generally in line with the planning intention of “R(E)” zone; the proposed development is compatible with the surrounding; and there is no adverse impacts on environmental, drainage, sewerage and traffic aspects. Extension of

time for commencement of approved development from 12.2.2014 to 12.2.2018 was subsequently approved by the Director of Planning under delegated authority of the Board on 10.2.2014.

- 4.3 Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

## 5. Similar Applications

- 5.1 There are two similar applications (No. A/SK-HC/90 and 131) for residential development within “R(E)” zone on the OZP. Application No. A/SK-HC/90 for a block of four residential flats was rejected by the Committee on 2.3.2001 on the grounds of adverse impacts on the environment, no suitable mitigation measures to address and potential industrial/residential interface problem, no information to address sewerage impacts and flooding risk, posing constraint on drainage improvement works of Ho Chung Road and setting an undesirable precedent for similar applications.
- 5.2 Another Application No. A/SK-HC/131 for 19 houses was approved with conditions by the Committee on 7.7.2006. The application was approved mainly on grounds that the proposed development is generally in line with the planning intention of “R(E)” zone, the proposed development is compatible with the surrounding and technical assessments have been carried out to demonstrate that no insurmountable problems will be resulted on traffic, environment, sewerage and drainage aspects. Extension of time for commencement of approved development from 7.7.2010 to 7.7.2014 was subsequently approved by the Director of Planning under delegated authority of the Board on 23.6.2010. The planning permission has lapsed as the proposed development had not commenced within the specified period.
- 5.3 Details of the applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

## 6. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

- 6.1 The Site is:
- (a) vacant, partly paved and fenced off; and
  - (b) accessible via Hiram’s Highway, Luk Cheung Road and Ping On Road.
- 6.2 The surrounding areas have the following characteristics:
- (a) to the north is temporary structures for workshops and residential dwellings;
  - (b) to the immediate east is the Hiram’s Highway. Hiram’s Highway Improvement Stage 1 is being undertaken by Highways Department (HyD). To the further east is Marina Cove;

- (c) to the south and southwest is a mixed of residential developments, car repairing and vehicle sale uses, and food factories within the “R(E)” zone; and
- (d) to the west are clusters of residential structures/village houses within area zoned “Residential (Group D)” (“R(D)”).

## **7. Planning Intention**

The planning intention of “R(E)” zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

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

8.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

8.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) the Site comprises various private lots in D.D. 210 and some parcels of adjoining government land, and is outside recognised village environs;
- (b) the lots are old scheduled agricultural lots held under Block Government lease. There are existing short term waivers (namely SW32 and SW33) granted for Lot No. 301 in D.D. 210 for the purposes of open area either in addition to or in substitution for agricultural uses. According to the waiver conditions, both waivers could be terminated by either party giving to the other three calendar months’ notice;
- (c) regarding paragraph 4.1.2 of the Planning Statement, the revised Site boundary of the applicants’ land exchange proposal is yet to be agreed subject to the necessary planning permission and the approval by District Lands Conference;
- (d) she has no in-principle objection to the proposed development subject to the following comments from the land administrative point of view:
  - (i) it is noted that portion of the carriageway and footpath of the proposed widened Luk Cheung Road will fall within the Site.

She defers to Transport Department (TD) for comment on such proposal and any requirement to open such portion within the lot for public use;

- (ii) she shall defer to TD for comment on the proposed parking spaces provision;
- (iii) the boundary and area of the regrant lot will only be finalised nearer to the completion of the land exchange;
- (e) an application for land exchange at the Site is being processed by his office. If the planning application is approved by the Board, the applicants will need to apply for revision of development parameters, site boundary and vehicular access arrangement, etc. of the land exchange proposal. However, there is no guarantee that the proposed land exchange will be eventually approved by Government and proceed to documentation. Such land exchange application, if eventually approved, will be subject to such terms and conditions including the payment of premium as the Government considers appropriate at its discretion; and
- (f) the applicants' responses to comments (**Appendix Ib**) are noted and the access arrangement for the adjoining lots will be further discussed upon the processing of the land exchange application.

### **Traffic**

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

- (a) on the understanding that the proposed development will commence after completion of the Hiram's Highway Improvement Stage 1 project (**Plan A-2**), he has no adverse comment on the application; and
- (b) the existing access road connecting Hiram's Highway and the development is outside the maintenance ambit of HyD and HyD will not fund, construct or maintain the modified access road if necessary. Moreover, the developer shall be responsible for constructing any road works contingent upon the development.

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

the TIA submitted by the applicants demonstrates that proposed development will not cause insurmountable traffic impact to the nearby road network with completion of "Dualling of Hiram's Highway between Clear Water Bay Road and Marina Cove and Improvement to Local Access to Ho Chung" (i.e. Hiram's Highway Improvement Stage 1) and implementation of improvement proposal at Luk Cheung Road. Therefore, he has no comment on the application from traffic point of

view subject to the following conditions to be incorporated in the planning application:

- (i) no population intake should be allowed before the completion of the road project “Dualling of Hiram’s Highway between Clear Water Bay Road and Marina Cove and Improvement to Local Access to Ho Chung”;
- (ii) the design and provision of access arrangement, car parking spaces, loading/unloading spaces and lay-bys for the proposed development;
- (iii) the submission and implementation of the road improvement proposal of Luk Cheung Road adjacent to the application site and junction improvement between Luk Cheung Road and Hiram’s Highway; and
- (iv) the provision of traffic signs, as proposed by the applicants.

### **Environment**

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

- (a) the Noise Impact Assessment (NIA) has demonstrated that practicable noise mitigation measures are available to achieve compliance with the noise criteria. From noise planning point of view, he has no in-principle objection to the application provided that planning condition will be incorporated in the approval requiring the applicants to submit a revised NIA and implement noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) advisory comments provided below are for the applicants to follow up at the NIA report submission stage:
  - (i) the potential multiple reflection effect caused by more than one facades locating in close vicinity of window opening (e.g. 1D) shall be addressed;
  - (ii) while a conservative noise reduction of 8 dB(A) is claimed for the enhanced acoustic balconies for Houses 1 and 13, a comparison of window configurations, room sizes, balcony depth, etc. shall be evaluated to substantiate the said noise reduction;
  - (iii) it is also noted that a laboratory test is proposed for verifying the noise reduction for the 4 dB(A) Special Designed Acoustic Balcony. As there were previous cases also adopting similar use of Special Designed Acoustic Balcony, the applicants may like to review if further laboratory testing is considered necessary. Notwithstanding this, a comparison as per comment (ii) above



shall be provided;

- (iv) while the traffic noise results are given in the noise model and a summary is included in the main text, the predicted noise results for House 13 is found missing in Appendix I of **Appendix Ie**; and

(c) there is no comment on the air quality impact.

### **Urban Design and Visual**

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

the Site is the subject of previous application No. A/SK-HC/170 approved with conditions by the Committee on 12.2.2010. The application mainly involves revision to site boundary to reflect the redesigned right-of-way and land resumption. There is no significant change to the layout of the proposed development and the development parameters comply with those permitted under the OZP. A total of 13 houses with a building height of 9m and 2 storeys above 1 storey carport are proposed in the Site. Since significant adverse visual impact due to the proposed development is not envisaged, there is no objection to the proposed development from urban design perspective.

### **Landscape**

8.1.6 Comments of the CTP/UD&L, PlanD:

- (a) the Site located to the southwest of junction between Luk Cheung Road and Hiram's Highway and to the west of Marina Cove, falls within an area zoned "R(E)". It is the subject of previous planning application No. A/SK-HC/170 approved with conditions on submission and implementation of tree preservation and landscape proposals. The application is seeking planning approval for the same development with an updated site boundary to reflect the redesigned Right-of-Way and land resumption;
- (b) with reference to the aerial photo, the Site is a piece of vacant land with existing trees along the application boundary and within the Site. The Site is situated in an area of rural landscape character dominated by wooded green belt, temporary structures, low-rise development and planned residential uses. The proposed development is not incompatible with the landscape character of the planned use. Significant changes or disturbances to the existing landscape character arising from the proposed use are not anticipated. Thus, she has no objection to the application from the landscape point of view;

- (c) should the application be approved, the following landscape conditions are recommended:

the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

- (d) the applicants are advised to take into account the following comments in the subsequent stage of landscape submission:

(i) when comparing the latest approved scheme, an existing tree T36 (with diameter at breast height (DBH) of approximately 1,080mm) was not recorded previously in the tree assessment schedule and tree preservation proposal. With reference to the latest Tree Assessment Schedule, it is observed that a number of large mature trees within the Site, in particular trees along the site boundary, e.g. tree Nos. T2, T4, T7, T36 will be affected. In considering that the mature tree, T36 bears the character of old and valuable tree (OVT) (**Drawing A-6**), this potential OVT should be preserved in-situ as far as practicable. The applicants shall review whether the layout, boundary fence, site formation levels could be adjusted so as to retain these mature trees and integrated with the proposed development; and

(ii) the tree planting is proposed in a narrow strip of land, approximately 1m in width. According to Chapter 4 (paragraph 2.7.1 c) of the HKPSG, a 3m wide and 1.2m soil depth planting strip along periphery of development site for tree planting is recommended. The applicants should consider setting back the boundary wall to provide adequate space for the proposed tree planting.

## **Sewerage**

### 8.1.7 Comments of the DEP:

he has no comment on the Sewerage Impact Assessment. It is noted that an interim on-site sewerage treatment plant has been proposed for treatment of sewage arising from the Site before the public sewerage system is available for connection, and the effluent will be subsequently discharged to communal storm drain after treatment. The following advisory clause should be incorporated in the approval:

“on sewerage provision, the applicants should provide an interim on-site sewage treatment plant in accordance with the requirements set out in the ProPECC PN 5/93 and the relevant discharge standards of the Technical Memorandum on Standards for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters. Provision of sewerage connection to the public sewers should be made when it is available in the future”.

**Drainage**

8.1.8 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) he has no adverse comment on the Drainage Impact Assessment and other assessment reports from drainage maintenance viewpoint; and
- (b) the applicants are reminded that adequate stormwater drainage facilities shall be provided in connection with the proposed development to deal with the surface runoff of the Site or the same flowing onto the Site from the adjacent areas without causing any adverse drainage impacts or nuisance to the adjoining areas, both during and after construction.

**Building Matters**

8.1.9 Comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (CBS/NTE2 & Rail, BD):

- (a) there is no in-principle objection to the application under the Buildings Ordinance (BO);
- (b) unless the Site abuts on a specified street under Building (Planning) Regulation (B(P)R) 18A(3) of not less than 4.5m wide, its development intensity should be determined by the Building Authority;
- (c) the means of obtaining access to the proposed building from a street including the land status of the existing access road should be clarified to demonstrate compliance of B(P)R 5;
- (d) emergency vehicular access complying with B(P)R 41D shall be provided for all the buildings;
- (e) every private street, cul-de-sac and access road shall be provided in accordance with Building (Private Streets and Access Roads) Regulations;
- (f) in determining for the purposes of regulations 20, 21 or 22 the area of site on which a building is erected, no account shall be taken of any part of any street or service lane under B(P)R 23(2)(a);
- (g) carparking spaces for persons with a disability should be provided in accordance within the Design Manual: Barrier Free Access 2008, Division 3, paragraphs 8 and 9;
- (h) PNAP APP-2, HKPSG and the advice of Commissioner for Transport will be referred to when determining exemption of GFA calculation for aboveground or underground carparking spaces;

- (i) all plant rooms should be justified for GFA exemption under B(P)R 23(3)(a) and 23(3)(b). Otherwise, they should be GFA accountable;
- (j) attention should be drawn to the policy on GFA concessions under PNAP APP-151 in particular the 10% overall cap on GFA concessions and, where appropriate, the Sustainable Building Design requirements under PNAP APP-152; and
- (k) detailed comments will be given during general building plans submission stage.

### **Nature Conservation**

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

the application is an amendment to a previously approved application No. A/SK-HC/170 with an updated site boundary and additional information. He has no comment on the application.

### **Fire Safety**

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

- (a) there is no in-principle objection to the application subject to fire service installations and water supplies for fire fighting being provided to the satisfaction of Fire Services Department;
- (b) EVA arrangement shall comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department; and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

### **Water Supply**

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

- (a) there is no objection to the application; and
- (b) for provision of water supply to the development, the applicants may need to extend their inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

**Risk Aspect**

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

- (a) there is a high pressure town gas transmission pipeline (running along Hiram's Highway) in the vicinity of the Site (**Plan A-2**). It is anticipated that the Site will result in a significant increase in population in the vicinity of the above gas installation. Should the application be approved, a condition requiring the submission of a Quantitative Risk Assessment and implementation of mitigation measure identified therein to the satisfaction of his department should be imposed;
- (b) the applicants/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of the existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum setback distance away from them during the design and construction stages of the development; and
- (c) the applicants/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" for reference.

**Geotechnical**

8.1.14 Comments of the Head of the Geotechnical Engineering Office, the Civil Engineering and Development Department (H(GEO), CEDD):

- (a) he has no geotechnical objection to the application; and
- (b) the applicants are reminded that necessary statutory plans should be submitted to BD in accordance with the provisions of the BO.

**Archaeological**

8.1.15 Comments of the Director of Leisure and Cultural Services (DLCS) (Antiquities and Monuments Office)(AMO):

- (a) he has no comment on the application; and
- (b) after his previous comments on planning application No. A/SK-HC/170, archaeological investigations were conducted at or near the Ho Chung Site of Archaeological Interest. Base on the latest findings, AMO is of the view that the approval condition on application No. A/SK-HC/170, which requires the applicants to conduct an archaeological survey, is no more applicable to this application.

**District Officer's Comments**

8.1.16 Comments of District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD):

- (a) local views should be fully considered; and
- (b) Sai Kung Rural Committee and some residents have submitted their objections to Secretary of the Board.

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

- (a) Chief Engineer (Works), Home Affairs Department;
- (b) Chief Engineer/Consultants Management, Drainage Services Department; and
- (c) Project Manager (New Territories East), Civil Engineering and Development Department.

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

9.1 The application, 2<sup>nd</sup> FI and 3<sup>rd</sup> FI were published for public inspection on 15.9.2017, 11.11.2017 and 29.12.2017. During the first three weeks of the statutory public inspection periods, which ended on 13.10.2017, 1.12.2017 and 19.1.2018 respectively, a total of 52 public comments were received (**Appendix IV**).

Application:	17
2 <sup>nd</sup> FI:	20
3 <sup>rd</sup> FI:	15
<hr/>	
Total:	52

9.2 The comments were from the Sai Kung Rural Committee, Sai Kung Planning Concern Front, Luk Mei Tsuen villagers, residents from Marina Cove and individuals of public. They object/do not support the application mainly on grounds that the proposed development will cause noise nuisance, air pollution, drainage, fung shui, mental and safety problems to the nearby village/residents; the Hiram's Highway widening project has not yet been completed, the proposed development and population intake would worsen the congestion and parking problems in the area; and the government land within the site should be allocated for public use, such as carpark to alleviate the parking needs in the area.

**10. Planning Considerations and Assessments**

10.1 The application is for proposed 13 houses within the "R(E)" zone on the OZP. The planning intention of the "R(E)" zone is for phasing out existing industrial uses through redevelopment for residential use on application to the Board. The proposed residential development with PR of 0.4 and BH of 2 storeys over 1 storey of carport and 9m is in line with the planning intention of the "R(E)" zone

and accords with the stated restrictions for the “R(E)” zone. It is also compatible with the surrounding predominantly low-rise village developments.

- 10.2 The Site is the subject of a previous application No. A/SK-HC/170 for the same residential use approved by the Committee on 12.2.2010. The current proposal is largely the same as the previously approved scheme with minor adjustment in site boundary mainly to avoid encroaching onto the gazetted road works boundary of Hiram’s Highway Improvement Stage 1 (**Plan A-2**). TIA has been conducted by the applicants to demonstrate that taken into account the completion of Hiram’s Highway Improvement Stage 1 in 2020, the proposed development will not cause any significant traffic impact to the nearby road network. A section of Luk Cheung Road is also proposed to be widened for better access arrangement and to meet the operational need of fire engine (**Drawing A-7**). C for T and CHE/NTE, HyD have no adverse comment on the application and the TIA, subject to updated approval conditions on traffic aspect recommended in paragraph 11.2 below.
- 10.3 The proposed residential development is located along Hiram’s Highway and is opposite to Marina Cove. The revised EA indicates that the vehicular emissions will unlikely cause adverse air quality impact to the air sensitive receivers of the proposed development with incorporation of proper buffer distance incorporated from the Hiram’s Highway. Adjacent land uses are mostly village houses with a few scattered temporary structures (**Plan A-2**). While there are some existing car repairing and food factories uses, there is no chimney in use identified within 200m from the Site. Furthermore, with noise mitigation measures including solid boundary wall, fixed windows, structural fins and acoustic balcony, the noise level of the proposed development would comply with the 70dB(A) noise criterion. DEP has no objection to the application subject to approval condition on submission of a revised NIA and implementation of noise mitigation measures identified therein as recommended in paragraph 11.2 below.
- 10.4 The proposed development is not envisaged to result in adverse impacts on sewerage, drainage, landscape and fire safety aspects. Relevant government departments concerned including DEP, CE/MS, DSD, CTP/UD&L, PlanD and D of FS have no objection to/adverse comment on the application subject to same approval conditions incorporated in the previous application on submission and implementation of tree preservation and landscaping proposals and the provision of water supplies for fire fighting and fire service installations. As for DEMS’s concern on the gas transmission pipeline nearby (**Plan A-2**), an approval condition requiring the submission of a Quantitative Risk Assessment and implementation of mitigation measure identified therein is also recommended.
- 10.5 The public comments received are mainly from the Rural Committee, concern groups and local residents, expressing concerns on traffic condition, noise and air pollution. In this regard, the assessments in paragraphs 10.2 and 10.3 above are relevant.

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

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 9.2.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no population intake should be allowed before the completion of the road project "Dualling of Hiram's Highway between Clear Water Bay Road and Marina Cove and Improvement to Local Access to Ho Chung";
- (b) the design and provision of access arrangement, car parking spaces, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission and implementation of the road improvement proposal of Luk Cheung Road adjacent to the application site and junction improvement between Luk Cheung Road and Hiram's Highway, at the applicants' own cost as proposed by the applicants, to the satisfaction of Commissioner of Transport or of the Town Planning Board;
- (d) the provision of traffic signs, as proposed by the applicants, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the submission and implementation tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (f) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (g) the submission of a revised Noise Impact Assessment and implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (h) the submission of a Quantitative Risk Assessment and implementation of mitigation measure identified therein to the satisfaction of Director of Electrical and Mechanical Services or of the Town Planning Board.



Advisory Clauses

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

11.3 There is no strong reason to recommend rejection of the application.

**12. Decision Sought**

12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

12.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicants.

**13. Attachments**

<b>Appendix I</b>	Application form dated 16.8.2017
<b>Appendix Ia</b>	Supporting Planning Statement
<b>Appendix Ib</b>	FI dated 27.9.2017
<b>Appendix Ic</b>	FI dated 1.11.2017
<b>Appendix Id</b>	FI dated 21.12.2017
<b>Appendix Ie</b>	FI dated 25.1.2018
<b>Appendix If</b>	FI dated 29.1.2018
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Public comments received during the statutory publication periods
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawing A-2</b>	Floor Plan
<b>Drawings A-3 and A-4</b>	Section Plans
<b>Drawing A-5</b>	Landscape Master Plan
<b>Drawing A-6</b>	Tree Recommendation Plan
<b>Drawing A-7</b>	Comparison of Master Layout Plans
<b>Drawing A-8</b>	Traffic Arrangement Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos