

**Similar Planning Applications
on the Approved Tseng Lan Shue Outline Zoning Plan (OZP) No. S/SK-TLS/8**

Application No.	Location	Zoning	Date of Consideration	Decision of the RNTPC / TPB	Rejection Reasons	Decision of the TPAB	Dismissal Reasons
A/SK-TLS/2 Minor relaxation of the height restriction	DD 253 LOT 1119, Clear Water Bay Road, Tseng Lan Shue, Sai Kung	"R(C)1"	15.12.1995	Rejected	(a), (b) & (c)	-	-
A/SK-TLS/4 Minor relaxation of the height restriction	SD2 LOT 1981, 7 Fei Ngo Shan Road, Sai Kung	"R(C)4"	12.1.1996	Rejected	(a), (b) & (c)	-	-
A/SK-TLS/18 Minor relaxation of Plot Ratio and Site Coverage restrictions	Lot 1929 and adjoining Government Land in SD 2, Fei Ngo Shan, Sai Kung	"R(C)3"	26.2.1999 (RNTPC)	Rejected	(a), (c), (e), (f) & (g)	Dismissed	(a), (b) & (c)
			23.7.1999 (TPB)	Rejected			
A/SK-TLS/33 Minor relaxation of Building Height Restriction	Lot No. 1973 RP in S.D. 2, Sai Kung	"R(C)5"	9.1.2009	Rejected	(a), (b), (c) & (d)	-	-
					Approval Conditions		
A/SK-TLS/40 Minor relaxation of building storey and building height for permitted residential development	Lot 1982, in S.D. 2, 5 Fei Ngo Shan Road, Sai Kung	"R(C)4"	6.7.2012	Approved with conditions	(a), (b) & (c)	-	-

Rejection Reasons:

- (a) The relaxation is not considered as minor;
- (b) No strong design merits/information to justify the proposed extent of relaxation of the BH;
- (c) Set an undesirable precedent for similar applications in the vicinity;
- (d) No information to demonstrate that the proposed relaxation of BH would not cause adverse visual and landscaping impacts;
- (e) Not in-line with the planning intention of the zoning of the Site to reflect the existing and committed low-density residential developments;
- (f) Proposed development is excessive in scale and incompatible with the surrounding environment; and
- (g) Insufficient information to demonstrate there would be no adverse traffic impacts.

TPAB Dismissal Reasons:

- (a) The proposed relaxation of PR and SC restrictions is not minor;
- (b) The proposed relaxation did not have merits, and proposed planning gains could not justify the proposed minor relaxation; and
- (c) Approval of the proposed relaxation would render the present development much less attractive by reducing the existing open space on the site.

Approval Conditions:

- (a) Submission and implementation of a landscape proposal with tree preservation proposal;
- (b) Submission of a Natural Terrain Hazards Study and a Geotechnical Planning Review Report; and
- (c) Provision of water supplies for fire fighting and fire service installations.

Advisory Clauses

- (a) to note the comments of District Lands Officer/ Sai Kung, Lands Department that an application for lease modification at the Lot is being processed. If the subject planning application is approved by the Board, the applicant will need to apply for revision of development parameters, and vehicular access arrangement etc. of the lease modification proposal. However, there is no guarantee that the proposed lease modification will be eventually approved by government and proceeded to documentation. Such lease modification application, if eventually approved, will be subject to terms and conditions including the payment of a premium and administrative fee as the Government considers appropriate;
- (b) to note the comments of the Director of Environmental Protection that the applicant is reminded to follow the requirements in Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by EPD" and note the standard advisory clause on design of septic tank and soakaway system that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Practice Note for Professional Person (ProPECC) PN5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person. The applicant is also advised to connect to the public sewerage system when available in the future;
- (c) to note the comments of the Chief Engineer/ Mainland South, Drainage Services Department that the proposed pumping facilities, including pumps and rising mains, shall be maintained by the lot owners no matter they are placed within the lot or any government land; and adequate stormwater drainage collection and disposal facilities should be provided in connection with the proposed development to deal with the surface run-off 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;
- (d) to note the comments of the Director of Fire Services that emergency vehicular access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department, and detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Chief Engineer/ Construction, Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant 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;
- (f) to note the comments of the Commissioner for Transport that Ka Shue Road is not public road managed by Transport Department. Comments from relevant

management/maintenance parties should be sought;

(g) to note the comments of the Chief Building Surveyor/NTE2 & Rail, Buildings Department as follows:

- i. unless the proposed site abuts on a specified street complying with the requirements under Building (Planning) Regulations (B(P)R) 18A(3) and not less than 4.5m wide, the development intensity of the site should be determined by the Building Authority under B(P)R 19(3);
- ii. 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)R5;
- iii. every domestic building within the site shall be provided with an open space complying with the Second Schedule under B(P)R 25;
- iv. Emergency Vehicular Access complying with B(P)R 41D shall be provided for all buildings in the site;
- v. PNAP APP-2, Hong Kong Planning Standards and Guidelines (HKPSG) and the advice of C for T will be referred to when determining exemption of GFA calculation for aboveground or underground car parking spaces;
- vi. car parking spaces for persons with a disability should be provided in accordance with the Design Manual: Barrier Free Access 2008, Division 3, Para. 8 and 9;
- vii. the applicant's attention is also 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;
- viii. according to paragraph 9 of PNAP APP-152, buildings may be exempted from whole or parts of the building setback requirement with reference to a street where its height is less than 2 times the mean width of the street; and
- ix. detailed comments will be given during the general building plans submission stage; and

(h) to note the comments of the Chief Town Planner / Urban Design & Landscape that:

- i. regarding the new tree planting proposal, it is noted that some large tree species are proposed to be planted at locations with very limited planting spaces and close to building structures, such as *Bischofia jacinica* at the northeast and northwest of the Site, and *Cinnamomum camphora* at the entrance area. The applicant is advised to review the planting locations of the

proposed new trees for adequate growing space, or to consider planting other appropriate tree species with smaller mature size;

- ii. it is noted that the tree survey/assessment was conducted in March 2017 and is already outdated. Tree survey/assessment shall be updated as appropriate; and
- iii. the applicant should be reminded that any tree preservation or pruning proposal should be submitted to Lands Department for approval.