

**SECTION 16 PLANNING APPLICATION TOWN PLANNING ORDINANCE (CAP. 131)**

**MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION  
FOR PROPOSED RESIDENTIAL REDEVELOPMENT  
AT NO. 8 FUNG SAU ROAD, SAI KUNG**

**- Supplementary Planning Statement -**

**TOWNLAND CONSULTANTS LIMITED**

## SECTION 16 PLANNING APPLICATION

### PROPOSED MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE (CHAPTER 131) IN RESPECT OF THE APPROVED TAI MONG TSAI AND TSAM CHUK WAN OUTLINE ZONING PLAN NO. S/SK/TMT/4

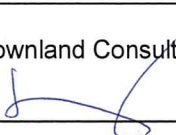
#### SUPPLEMENTARY PLANNING STATEMENT

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<b>Applicant</b>	Fung Sau Property Company Limited
<b>Planning Consultant, Visual Impact and Submitting Agent</b>	Townland Consultants Limited
<b>Architect</b>	Design Corporation Limited
<b>Landscape Consultant</b>	Adrian L. Norman Limited
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File Reference: FSRSK

For and on behalf of Townland Consultants Ltd.

Approved by :  \_\_\_\_\_

Position : Associate \_\_\_\_\_

Date : 11 September 2025 \_\_\_\_\_

11 September 2025

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## EXECUTIVE SUMMARY

This Section 16 Planning Application (the “**S16 Application**”) is submitted on behalf of Fung Sau Property Company Limited (the “**Applicant**”) to seek permission for a Minor Relaxation of the Building Height Restriction on Lot 285 S.A. RP (“**Plot A**”) and Lots 285 S.A. ss.1 and Lots 285 RP in D.D. 252 (“**Plot B**”) at No. 8 Fung Sau Road, Sai Kung (the “**Application Site**”/ the “**Site**”) to allow for the redevelopment of the existing residential buildings (“**Proposed Residential Redevelopment**”).

According to the Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan No. S/SK-TMT/4 (“**Approved OZP**”) gazetted on 20 March 2008, the Application Site falls within a “Residential (Group C)3” (“**R(C)3**”) zone. The R(C) zone is intended primarily for low-rise, low-density residential developments and is subject to a maximum Building Height Restriction (“**BHR**”) of 9m and Three (3) storeys including One (1) storey of carport. In addition, the Site is also restricted to a maximum Plot Ratio (“**PR**”) of 0.3 and Site Coverage (“**SC**”) of 40%.

The Applicant intends to amalgamate the two lots, Plot A and Plot B into One (1) plot of land with the Proposed Residential Redevelopment comprising a more organic and integrated design of two (2) houses adjoining each other to the southeast. As part of the redevelopment plan, Minor Relaxation of BHR is sought from 9m to 12.5m (at mean roof level) (+38.89%) at House A only to create three (3)-storey block of domestic units including one (1)-storey of carport, which connects with House B of two(2)-storey of domestic units that complies to the statutory BHR of 9m (at mean roof level) on the Approved OZP. There is also **no relaxation of the SC and PR restrictions** sought from the Approved OZP.

The architectural design intent is to create a bespoke resort in-house design that evokes relaxation, luxury and connection with nature. Opportunity is thereby taken to set the residential blocks further back from Fung Sau Road for improved visual impact as well as improving the space for recreational and landscaped features. The Minor Relaxation of BHR will (1) provide architectural flexibility for redevelopment of the existing houses with more innovative building design to fit in with the prestigious setting and local character; (2) provide for better integration of architectural, recreational and landscape components; and (3) enable an architectural layout that better suits the specific user requirements and enhance the quality of life of the residents / the Applicant. The BH of Proposed Residential Redevelopment will be compatible with the surrounding residential developments with a higher site levels.

This Supplementary Planning Statement (“**SPS**”) demonstrates that the Minor Relaxation of Building Height Restriction is acceptable on the following grounds:

- The Proposed Minor Relaxation will **NOT** result in any increase in PR and SC as permitted under the OZP. The Proposed Minor Relaxation of BHR will allow a more innovative and integrated design to accommodate the site constraint of the hilly topography and to better fit in the prestigious setting and local character as compared with the OZP Compliant Scheme and the Approved GBPs;
- **There is NO increase in BH in House B as compared to the OZP Restriction and the Approved GBPs;**
- The Proposed Floor-to-Floor Height will fulfil modern habitable living standard and operational requirements;
- The Proposed Minor Relaxation is in accordance with the Statutory Planning Intention of the “R(C)3” zone;
- The Proposed Minor Relaxation is compatible with the surrounding developments;
- The Proposed Minor Relaxation of BHR is not unprecedented and there are several Planning Approvals for Minor Relaxation of BH Restrictions for other R(C)3 zones in the Sai Kung area;
- Indeed, the Proposed Residential Redevelopment will **NOT** result in any adverse visual impact and will not be incompatible with the low-rise, low density character of the Tai Mong Tsai area. Compared to the Approved GBPs and the OZP Compliant Scheme, the Proposed Scheme allows for a much more innovative design that can better integrate the existing environment;
- There will be no adverse impact on the natural environment and landscape features. In fact, the Proposed Residential Redevelopment will enhance the landscape and green amenity value of the neighbourhood; and
- The Proposed Minor Relaxation of BHR will have **NO** adverse impact on the road network or other infrastructural provision.

Based on the above justifications and as detailed in this Supplementary Planning Statement (“**SPS**”), Members of the BOARD are therefore sincerely requested to give their favourable consideration to the Application.



## 行政撮要

(內文如有差異，應以英文版本為準)

根據《城市規劃條例》第16條，我司代表Fung Sau Property Company Limited (下稱「申請人」) 呈交是次規劃申請，就重建坐落於香港西貢鳳秀路 8 號(下稱「申請地點」/「地盤」)的丈量約份第252約地段第 285 號 A 分段餘段(下稱「甲地段」)及第 285 號 A 分段第1小分段及第 285 號餘段(下稱「乙地段」)略為放寬建築物高度限制，以重建現有住宅(下稱「擬議住宅重建」)。

根據 2008 年 3 月 20 日刊憲的大網仔及斬竹灣分區計劃大綱圖編號 S/SK-TMT/4 (以下簡稱「核准圖」)，申請地點屬「住宅(丙類)3」地帶。住宅(丙類)地帶的規劃意向主要作低層、低密度的住宅發展，當中該申請地點的建築物高度規限為 9 米及 3 層(包括一層開敞式停車間)。此外，該地盤最高地積比率為 0.3 倍和最大上蓋面積為 40%。

申請人有意把甲地段及乙地段合併為一個地段，以在擬議住宅重建中引入更有機及整合的建築設計，讓兩幢房屋在東南面互相毗鄰。作為重建計劃的一部份，是次擬議略為建築物高度限制只限於甲房屋，由 9 米放寬至 12.5 米(平均屋頂水平)(+38.89%)，以興建三層高的住宅單位(包括一層停車間)，並與符合核准圖上 9 米建築物高度限制的乙房屋的兩層高住宅單位連接。是次規劃申請亦沒有要求放寬該地盤在核准圖上的上蓋面積及地積比率限制。

擬議住宅重建的設計理念以締造一間度身訂造的度假屋為核心，以靜謐及奢華的設計營造輕鬆的氛圍和增強與大自然的聯繫。申請人同時藉此機會將樓宇向鳳秀路後移，以改善視覺效果和美化康樂及園景設施空間。是次擬議略為放寬建築物高度限制將 (1)增加樓宇設計靈活性，以更具創意的建築設計結合當地特色及配合周邊尊尚社區；(2)有助與周邊的建築、康樂和自然景觀融合；及 (3)使建築佈局更切合特定用戶的需要，並提高居民或申請人的生活素質。再者，擬議住宅重建仍然與周邊處於較高地盤水平的住宅發展相容。

此補充規劃文件詳述略為放寬建築物高度限制具備以下充分理據的支持：

- 擬議略為放寬放寬建築物高度限制不會增加核准圖所容許的上蓋面積及地積比率限制，並採用具創意及整合的建築設計，與符合分區計劃大綱圖規定及已核准的建築圖則方案相比下更能切合地盤的山坡地形限制，並結合地方特色及配合周邊尊尚社區；
- 是次規劃申請不會增加乙房屋在符合分區計劃大綱圖規定及已核准的建築圖則方案的建築物高度；
- 是次規劃申請的樓底高度將符合現代可居住的生活標準和運作要求；
- 是次規劃申請符合法定規劃意向；
- 擬議發展項目與周邊發展相容；
- 擬議略為放寬建築物高度限制並非沒有規劃許可先例，西貢區內其他「住宅(丙類)」地帶亦有多個略為放寬建築物高度限制的規劃許可先例；
- 事實上，擬議住宅重建發展不但不會產生任何不良的視覺影響，亦不會與大網仔地區的低矮、低密度特色不兼容。相比於分區計劃大綱圖規定及已核准的建築圖則的方案，此申請方案能容納更多具創意及完全融入於現有環境的設計；
- 擬議住宅重建將不會對自然環境和景觀特色帶來負面影響。事實上，該擬議住宅重建發展將提升當區園景及綠化景觀價值；及
- 擬議住宅重建將不會造成負面交通和其他基礎設施影響。

基於在這份補充規劃文件中內詳述的理由，我司懇請城規會對是次規劃申請予以支持。

Reference FSRSK/JANICE/01  
Date 11 September 2025

**TO THE TOWN PLANNING BOARD:**

**SECTION 16 PLANNING APPLICATION  
TOWN PLANNING ORDINANCE (CHAPTER 131)**

**MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION  
FOR PROPOSED RESIDENTIAL REDEVELOPMENT  
AT NO. 8 FUNG SAU ROAD, SAI KUNG**

**- SUPPLEMENTARY PLANNING STATEMENT -**

**1 INTRODUCTION**

- 1.1 We are instructed by Fung Sau Property Company Limited (the “**Applicant**”), to submit this Section 16 Planning Application (the “**S16 Application**”) for a Minor Relaxation of the Building Height (“**BH**”) Restriction on Lot No. 285 S.A. RP (“**Plot A**”) and Lot Nos. 285 S.A. ss.1 and 285 RP in D.D. 252 (“**Plot B**”) at No. 8 Fung Sau Road, Sai Kung (the “**Application Site**”/ the “**Site**”) to allow for the redevelopment of the existing residential buildings (“**Proposed Residential Redevelopment**”).
- 1.2 The Application Site falls within a “Residential (Group C)3” (“**R(C)3**”) zone on the Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan No. S/SK-TMT/4 (“**Approved OZP**”) gazetted on 20 March 2008 (**Figures 1.1 and 1.2** refer). The “R(C)3” zone is subject to a maximum Building Height Restriction (“**BHR**”) of 9m and Three (3) storeys including One (1) storey of carport, or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater. The Site is also subject to a maximum Plot Ratio (“**PR**”) of 0.3 and Site Coverage (“**SC**”) of 40%, or the PR and SC of the existing building, whichever is the greater.
- 1.3 The Applicant intends to amalgamate the two lots, Plot A and Plot B into One (1) plot of land with the Proposed Residential Redevelopment comprising a more organic and integrated design of two houses adjoining each other to the southeast. As part of the redevelopment plan, Minor Relaxation of BHR is sought at House A only from 9m to 12.5m (at mean roof level) (i.e. approx. +38.89%). Opportunity is also taken to set the residential blocks further back from Fung Sau Road for improved visual impact as well as creating usable spaces for recreational use and landscaped features. The Minor Relaxation of BHR will (1) provide architectural flexibility for redevelopment of the existing houses with more innovative building design to fit in with the prestigious setting and local character; (2) provide for better integration of architectural, recreational and landscape components; and (3) enable an architectural layout that better suits the specific user requirements and enhance the quality of life of the residents / the Applicant. Please refer to Architectural Plans of the Proposed Residential Redevelopment attached at **Appendix 1**.
- 1.4 The Applicant is NOT seeking any increase in PR and SC beyond that permitted in the Approved OZP and the proposed BH of House B is consistent with the building height of the existing residential development in the Approved GBPs. The Proposed Residential Redevelopment remains for residential use only and is in compliance with the statutory planning intention.
- 1.5 The purpose of this Supplementary Planning Statement (“**SPS**”) is to furnish Town Planning Board (“**TPB**”/ “**BOARD**”) Members and relevant Government Departments with the information necessary to facilitate consideration of this S16 Application. For ease of reference, extracts of the OZP, relevant Statutory Notes, Site Location Plans and Site Photos are attached to this SPS.



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FIGURE 1.1 APPROVED TAI MONG TSAI AND TSAM CHUK WAN  
OUTLINE ZONING PLAN NO. S/SK-TMT/4 (EXTRACT)  
SCALE 1 : 7,500

RESIDENTIAL (GROUP C)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Flat	Eating Place
Government Use (Police Reporting Centre, Post Office only)	Educational Institution
House	Government Refuse Collection Point
Utility Installation for Private Project	Government Use (not elsewhere specified)
	Institutional Use (not elsewhere specified)
	Library
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic
	Public Convenience
	Public Transport Terminus or Station
	Public Utility Installation
	Recyclable Collection Centre
	Religious Institution
	Residential Institution
	School
	Shop and Services
	Social Welfare Facility
	Training Centre

Planning Intention

This zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

Remarks

(Please see next page)

RESIDENTIAL (GROUP C) (Cont'd)Remarks

- (a) On land designated “Residential (Group C)1”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 0.5, a maximum site coverage of 40%, and a maximum building height of 9m and 3 storeys including 1 storey of carport, or the plot ratio, site coverage and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- (b) On land designated “Residential (Group C)2”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 0.4, a maximum site coverage of 40%, and a maximum building height of 9m and 3 storeys including 1 storey of carport, or the plot ratio, site coverage and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- (c) On land designated “Residential (Group C)3”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 0.3, a maximum site coverage of 40%, and a maximum building height of 9m and 3 storeys including 1 storey of carport, or the plot ratio, site coverage and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- (d) In determining the relevant maximum plot ratio/site coverage for the purposes of paragraphs (a) to (c) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room, caretaker’s office and caretaker’s quarters, or recreational facilities for use and benefit of all the owners and occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (e) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/site coverage/building height restrictions stated in paragraphs (a) to (c) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

## 2 SITE CONTEXT

### 2.1 Site Location

- 2.1.1 The Application Site is located at No. 8 Fung Sau Road, Sai Kung. It is part of a low-rise, low density residential community situated on the southeastern side of Fung Sau Road. Fung Sau Road is a local road which branches off from Tai Mong Tsai Road, a winding road set along the long coastline adjacent to the Sai Kung West Country Park areas overlooking the Inner Port Shelter, with high landscape and scenic value. Sai Kung is well known for its recreational facilities and is an important visitor and tourist destination in Hong Kong (**Figures 2.1 and 2.2 refer**).

### 2.2 Land Status

- 2.2.1 Lot 285 S.A. RP (**"Plot A"**) is registered ownership of Ace Match Limited. The Ace Match limited has been notified of this Application. Lots 285 S.A. ss.1 and 285 RP in D.D. 252 (**"Plot B"**) are owned by the Applicant. Both Plot A and Plot B are governed by the same land lease i.e. New Grant No. 6035 (**"NG 6035"**) which is of 99 years from 4 December 1976 and is renewable for 99 years. Plot A and Plot B together have a total registered area of approx. 2,588.30m<sup>2</sup> (or approx. 27,860 sq. ft).
- 2.2.2 Under Special Condition No. 9 of the NG 6035, the built over area shall not exceed 15% of the area of the Lot for Plot A, and in addition, Plot B under Special Condition Nos. 8 and 9 it shall not exceed 2 storeys and the height shall not exceed 25 feet above mean formation level.
- 2.2.3 A 2-storey house over one storey carport of a height approx. 3.96m at Plot A was built in 1975 with a total BH of approx. 12.8m (at top roof level). It is noted that in 2006 and 2008, the Lot was subdivided into Plot A and Plot B with a site area of approx. 1,123.4m<sup>2</sup> and 1,464.9m<sup>2</sup>, respectively.
- 2.2.4 An application for Lease Modification will be submitted to the District Lands Office for consideration upon approval of this Planning Application.

### 2.3 Existing Use and Surrounding Land Uses

- 2.3.1 The Application Site is currently occupied by Two x three (3) storey detached houses including one (1) storey of carport in Plot A at the northeastern portion of the Site (**"Existing House A"**) and Plot B at the southeastern portion of the Site (**"Existing House B"**). The two existing houses are segregated by the outdoor swimming pool and some natural vegetation in between nonetheless, they are connected via a narrow footpath. Another outdoor swimming pool is also located on the terrace of Existing House B. There is a significant level difference of approx. 13.8m between the lowest end at the northwestern side (approx. 33.65mPD) and the highest level at the southeastern side (+47.45mPD) of the Site. Photos of the Application Site viewed from Fung Sau Road are shown in **Photos 1.1, 1.2, 1.3 and 1.4**.
- 2.3.2 The land use pattern around the Site is generally characterised by a mix of low-rise residential developments, green belt and country park areas (**Figures 2.1 and 2.2 refer**).
- The immediate area to the north, west and south of the Site along Fung Sau Road is predominantly of low-rise, low density residential developments of one to three storeys which fall within the sub-groups of the "Residential (Group C)" (**"R(C)"**) zone (i.e. "R(C)1" and "R(C)3" zones). These residential developments include Fung Shu Villa, MORAIS, Fung Sau Terrace, Asiatic Gardens and Bayview Pavilion. Floral Villas, the large-scale low-rise residential development zoned "R(C)3" are located to the further north of the Site across the Tit Chi Shan. Clusters of low-rise residential developments including Forest Hill Villa, Green Villas and The Capri zoned "R(C)2" are located to the further northeast of the Site.

- To the immediate east and further north of the Site are extensive vegetated hillslopes zoned “Green Belt” (“**GB**”) which is part of the Tit Chi Shan and Sai Kung West Country Park area. The Victoria Recreation Club and Outward Bound Hong Kong – Ah Kung Wan Training Centre which falls within the “Recreation” (“**REC**”) zone are situated across the Emerald Bay which is to the further east of the Site.
- To the further south of the Site on the seaward side across Tai Mong Tsai Road is an area zoned Country Park (“**CP**”) which is characterised by a long natural coastline comprising of mangroves and ecological habitats overlooking the Inner Port Shelter (Sai Kung Hoi).
- To the further northwest of the Site are clusters of villages zoned “Village Type Development” (“**V**”), including Tso Wo Villa, Tso Wo Hang and Country Villa.

## **2.4 Accessibility**

- 2.4.1 The Application Site is accessible by vehicles via Fung Sau Road. It is conveniently served by public transport with franchised buses and green minibuses along Tai Mong Tsai Road, where Fung Sau Road is connected to. The closest bus and minibus stops are located along Tai Mong Tsai Road (approx. 75m from the Site). There are also existing footpaths along the two sides of Fung Sau Road.

## **2.5 Utilities**

- 2.5.1 The Tai Mong Tsai area is provided with an adequate supply of utility facilities, including water supply, sewerage, electricity and telephone services.

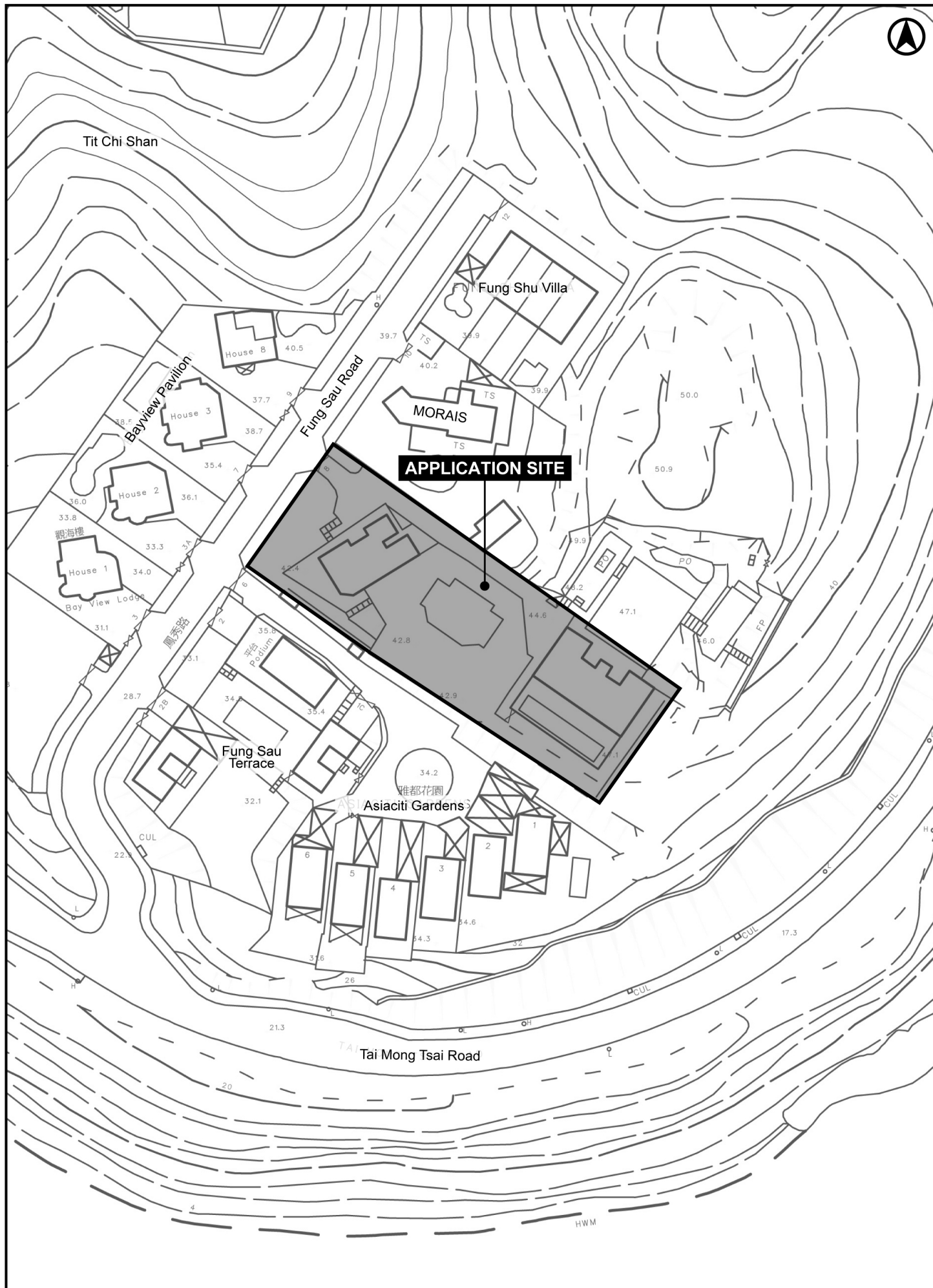
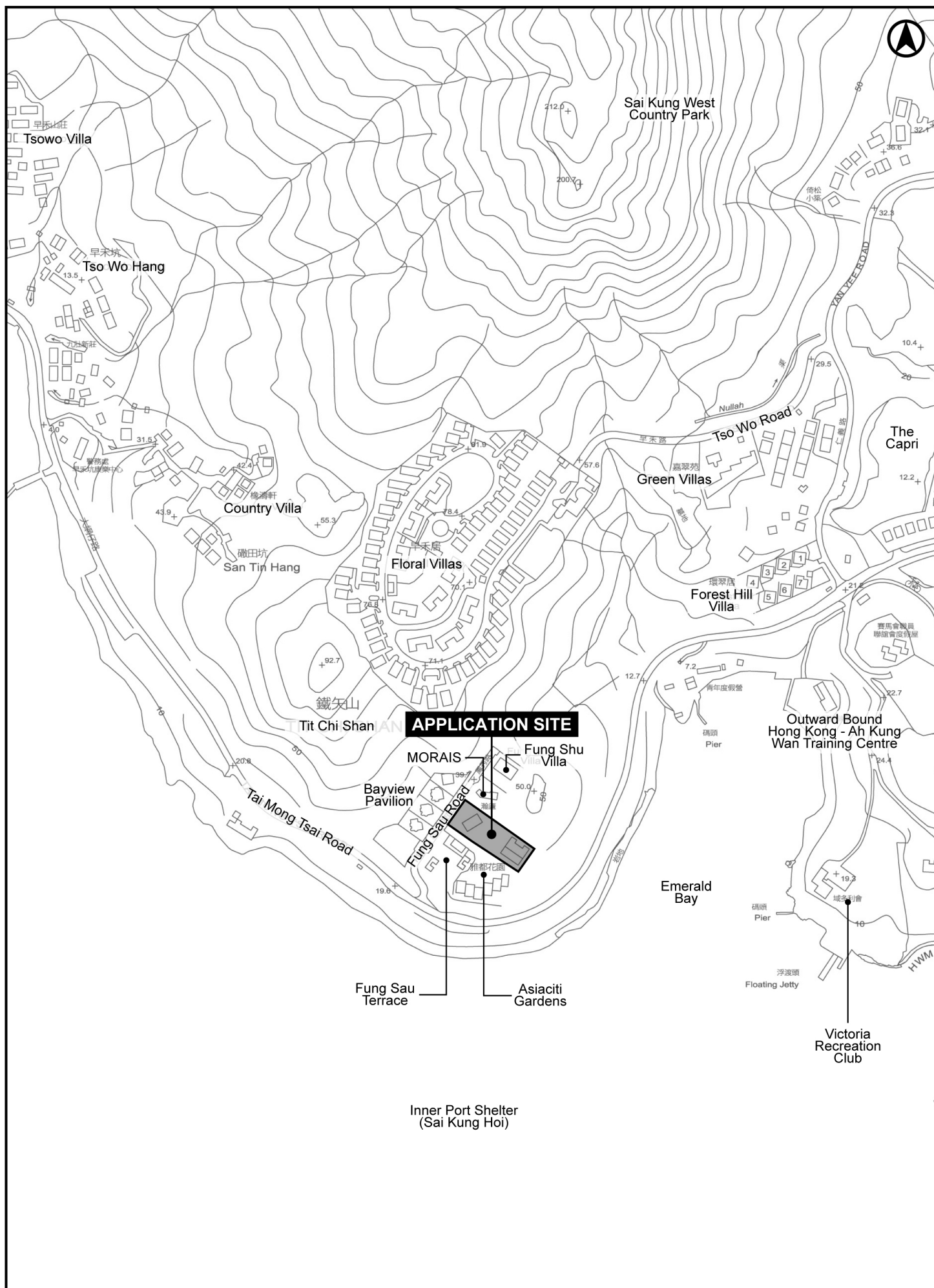


FIGURE 2.1 SITE LOCATION PLAN  
SCALE 1 : 1,000





**FIGURE 2.2 SITE LOCATION PLAN**  
SCALE 1 : 5,000



**Photos 1.1 (above) and 1.2 (below) Views of Existing Development from Fung Sau Road**





**Photo 1.3 View of Existing House A Development**



**Photo 1.4 View of Existing House B Development**

### 3. PLANNING CONTEXT

#### 3.1 Statutory Planning Intention

*Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan No. S/SK-TMT/4*

- 3.1.1 The Application Site is zoned “R(C)3” on the Approved OZP gazetted on 20 March 2008 (**Figures 1.1 and 1.2** refer).

*Statutory Planning Intention in Respect of the “R(C)” zone*

- 3.1.2 In accordance with the Statutory Notes attached to the Approved OZP, the “Residential (Group C)” (“**R(C)**”) zone is “*intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board*”. “Flat” and “House” are “Column 1” uses which are always permitted (**Figure 1.2** refers).
- 3.1.3 Development within the “R(C)3” zone is subject to a maximum BHR of 9m and Three (3) storeys including One (1) storey of carport, or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater. The “R(C)3” zone also stipulates maximum PR of 0.3 and SC of 40%, or the PR and SC of the existing building, whichever is greater. Nonetheless, the OZP also allows for minor relaxation of the said restriction application to the TPB under section 16 of the Town Planning Ordinance (“**TPO**”) (**Figure 1.2** refers).
- 3.1.4 As stated in the non-statutory Explanatory Statement (“**ES**”) which accompanies the OZP, the imposition of PR, SC and BHR in the “R(C)” zone are “*to reflect the parameters of the existing and committed developments, to preserve the existing intensity and character of the developments so as to blend in with the surrounding natural environment and to avoid overtaxing the limited infrastructure*”. The ES also outlines that in order to provide innovative architectural designs and planning merits that would enhance the amenity of the locality with considerations to the site constraints, minor relaxation of BHR, PR or SC may be considered by the BOARD based on individual merits based on the planning permission system.

#### 3.2 Non-Statutory Planning Context

*Residential Layout at Tai Mong Tsai – Sai Kung (Adopted Departmental Plan No. L/SK-TMT1/1A)*

- 3.2.1 The Application Site falls with an Adopted Departmental Plan in Sai Kung titled “Residential Layout at Tai Mong Tsai – Sai Kung Plan No. L/SK-TMT1/1A” (“**Adopted Departmental Plan**”) adopted on 28 March 1980. The Adopted Departmental Plan is an administrative plan without statutory authority. The Site is shown as “Residential Zone 4” (“**R4**”) with a maximum PR restriction of 0.3 and maximum SC of 15%. The Plan shows that the requirements of non-building area (“**NBA**”) of 3.05m in width along its northwestern and southeastern boundaries and 4.57m in width along its northeastern and southwestern boundaries of the Site. The Approved General Building Plans (“**GBPs**”) currently comply with the said NBA requirements.

#### 3.3 Planning History

- 3.3.1 The Application Site is subject to one (1) previous Section 16 Planning Approval (TPB Ref. A/SK-TMT/21) for the minor relaxation of BHR from 9m to 10m in Plot B (“**Approved S16 Scheme**”). The minor relaxation was mainly to meet the minimum height requirement of 2.4m clear headroom for basement carparking stipulated by the Transport Department (“**TD**”) and to provide a reasonably comfortable headroom with a marginally higher ceiling. The proposed relaxation of BH restriction was considered minor and acceptable to the Rural and New Territories Planning Committee (“**RNTPC**”) and the Application was approved with conditions by the Committee on 10 October 2008.

## 4. THE REDEVELOPMENT PROPOSAL

### 4.1 Proposed Minor Relaxation of BH Restriction for Permitted Residential Redevelopment

- 4.1.1 The Applicant has recently acquired Plot A of the Application Site and intends to amalgamate with Plot B to carry out a comprehensive redevelopment proposal to integrate the two (2) existing houses, which appear to have vastly different architectural styles and are segregated from one another.
- 4.1.2 Based on the statutory restrictions under the “R(C)3” zoning of the Application Site (i.e. maximum BH of 9m and 3 storeys including 1 storey of carport, 0.3 PR and 40% SC) (“**OZP Compliant Scheme**”), development could easily result in a lower floor-to-floor height (“**FTFH**”) (i.e. maximum FTFH of 3m per floor). It will restrict meeting the minimum FTFH of habitation room under Buildings Department (“**BD**”)’s Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (“**PNAP**”) APP-5<sup>1</sup> with limited opportunities to introduce a bespoke building design that could accommodate the level differences within the Site. Furthermore, this could only marginally comply with the operational requirement for the at-grade private car park with a clear headroom of 2.4m (excluding ventilation duct and other associated installations). Please refer to **Appendix 2** for the OZP Compliant Scheme.
- 4.1.3 In this regard, a minor relaxation of the statutory BHR is sought from 9m to 12.5m (at mean roof level) (i.e. approx. +38.89%) at House A only to enable sufficient design flexibility for an innovative design with incorporation of more well-designed recreational amenities and landscape features. Minor relaxation of BHR is also sought with a view to better suit the requirements and future needs of the Applicants / residents for a healthier and quality living environment with more reasonable FTFH that meets the modern living standards, as well as to fit in with the prestigious setting and local character of the Tai Mong Tsai area.
- 4.1.4 Meanwhile, please note that there will be **no** relaxation of maximum BHR sought in House B, and **no** relaxation of the maximum PR Restriction of 0.3 or maximum SC Restriction of 40% as stipulated in the Approved OZP in the Application Site. All building structures are confined within the Application Site.

### 4.2 The Approved General Building Plans

#### House A

- 4.2.1 In 1975, a set of GBPs were approved by Building Authority (“**BA**”) for Existing House A comprising three (3) domestic storeys including one (1) storey of carport with a roof-top plant room (“**Approved GBPs A**”). The overall BH of Existing House A is approx. 10.25m at mean roof level (approx. +48.96mPD) and approx. 12.80m at top roof level (approx. +51.51mPD) including the roof top tank room structure. As the Existing House A is oriented to the northwest and southeast towards the front of the Site, it is setback of approx. 11.5m to 17.2m from the lot boundary of Fung Sau Road (**Figure 4.1** refers). A pitched roof design is also adopted with a distinctive building form. House A was completed in the same year.

#### House B

- 4.2.2 In 2008, a S16 for minor relaxation of BHR (TPB Ref: A/SK-TMT/21) from 9m to 10m for Existing House B was approved by TPB (“**Approved S16 Scheme**”). In accordance with the Approved S16 Scheme, a set of GBPs were approved on 11 February 2010 for three (3) domestic storeys including one (1) storey of carport, which forms the Existing House B (“**Approved GBPs B**”). Existing House B is designed with a flat roof and of a more regularly shaped / box-like development (**Photo 1.4** refers). The overall BH is approx. 10m at main roof level (approx.

<sup>1</sup> According to PNAP APP-5 by the Buildings Department revised in May 2019, the minimum height of rooms for habitation or office for health reason is 2.5m measured from floor to ceiling, which applies generally to both flats and houses. A maximum storey height for house of 4.5m may be accepted by BD for the purposes of regulation 23(3)(a) of the B(P)R.

+54.6mPD) and approx. 12.8m at top roof level (+57.4mPD) including roof top structure.

- 4.2.3 The two houses are situated on either end of the Site and segregated by a stand-a-lone outdoor swimming pool of Existing House A in the centre. Due to the NBA restriction, both Existing House A and Existing House B are setback of approx. 3.05m at northwestern and southeastern boundary and approx. 4.57m at northeastern and southwestern boundary (**Figure 4.1** and **Appendix 1** refers).
- 4.2.4 It is important to note that the BHs of both Existing Houses A and B exceeded the BHR stipulated on the Approved OZP of 9m. Overlay Plans of (i) Approved GBPs and Current Master Layout Plans (MLPs), (ii) House A Section Plan of Approved GBPs and Proposed Residential Redevelopment; and (iii) House B Section Plan of Approved GBPs and Proposed Residential Redevelopment in **Figures 4.1 to 4.3**.



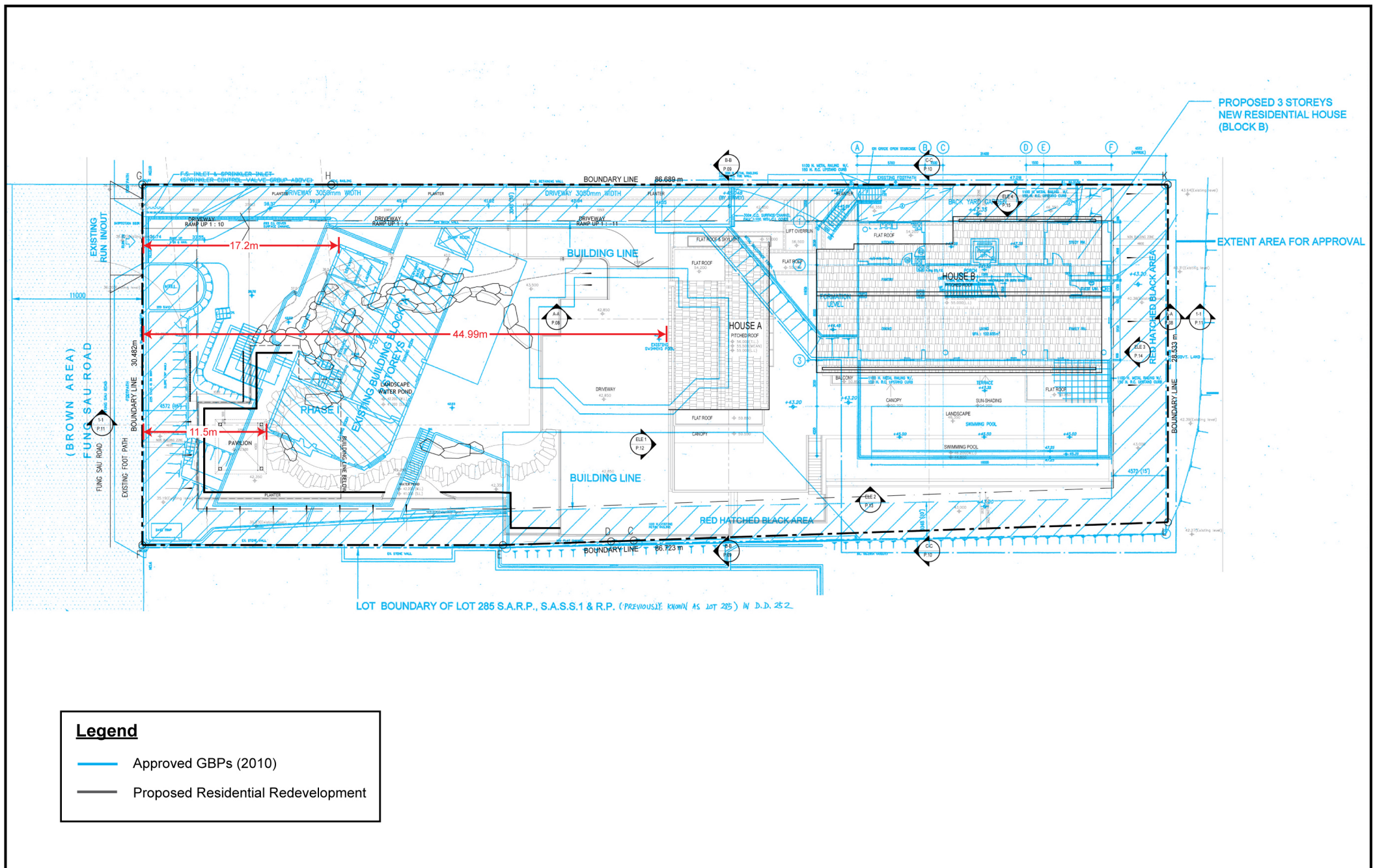
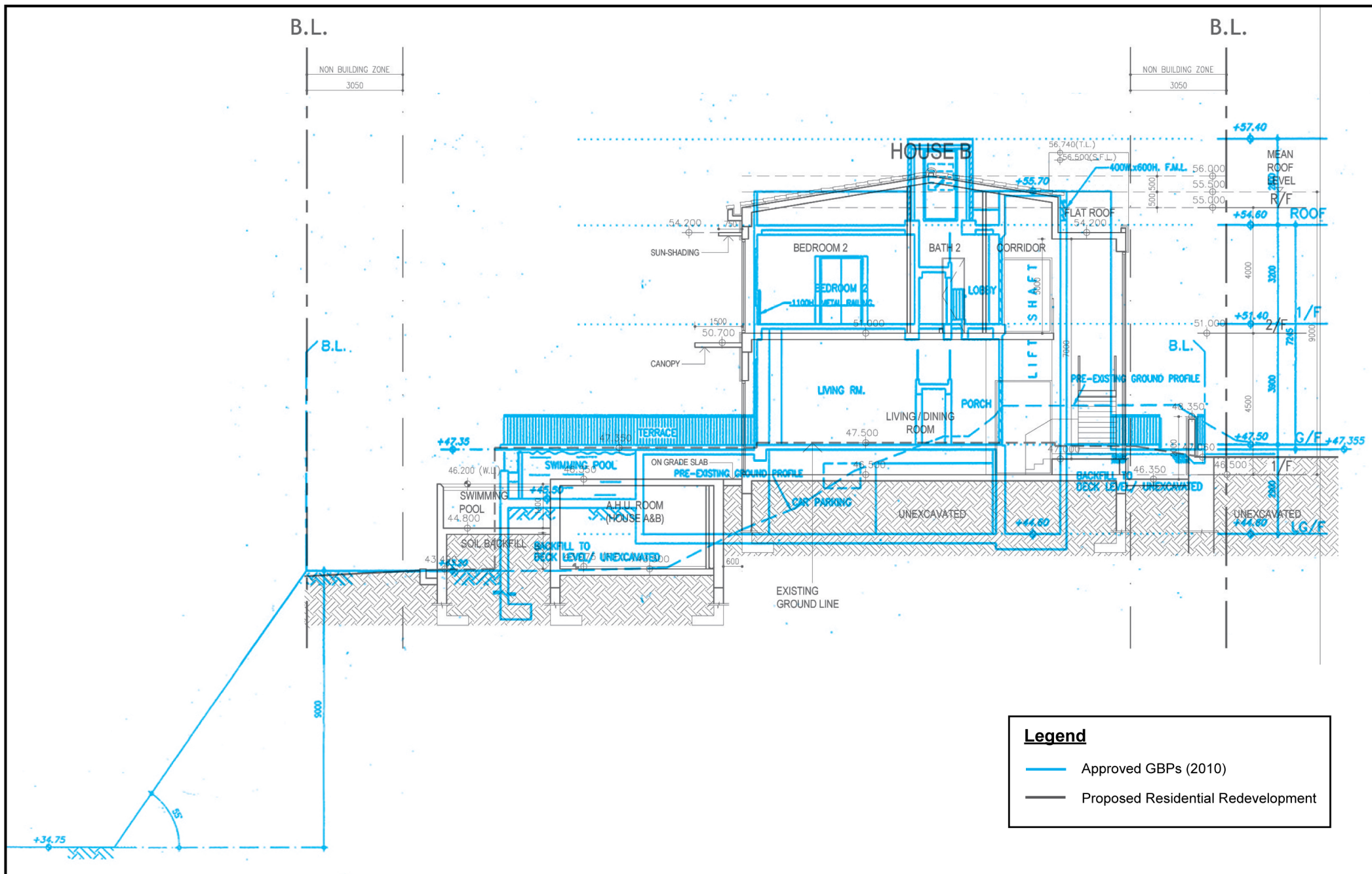


FIGURE 4.1 OVERLAY OF APPROVED GBPs AND CURRENT MASTER LAYOUT PLAN







FSRSK

FIGURE 4.3 OVERLAY OF HOUSE B SECTION PLAN OF APPROVED GBPs AND PROPOSED RESIDENTIAL REDEVELOPMENT

### 4.3 Proposed Residential Redevelopment

- 4.3.1 The Proposed Residential Redevelopment comprises two (2) houses, namely House A and House B at the southeastern portion of the Site. The domestic portion of the Site is setback further from the lot boundary of Fung Sau Road by approx. 45m (at House A) to accommodate extensive landscaping, a water pond and a landscaped pavilion in the front garden.
- 4.3.2 House A is a three (3) storey residential development including one (1) storey of carport with a BH of approx. 12.5m (at mean roof level). House B is a two (2)-storey residential development with a BH of approx. 9m (at mean roof level) that complies with the statutory BHR on the Approved OZP. The two houses connect at 1/F platform sharing a common landscaped terrace with an outdoor infinity swimming pool. A common / disabled lift is accessible at all levels serving both Houses A and B. The lift shaft on R/F is approx. 56.74mPD at top level, which is in accordance with the BHR requirements in the Joint Practice Notes No. 5 (“JPN 5”).
- 4.3.3 Similar to the existing developments, the G/F of House A is occupied by carport, Electrical and Mechanical (“E&M”) / plant rooms, flushing water tank and pump room (NB: area below House B is unexcavated at G/F). The 1/F, where the main entrances for residents are located, contains living / dining rooms and kitchen for both houses as well as family room for House B. A recreation facility (clubhouse) with disabled lavatory is also located on the same floor which is shared between the two houses. The 2/F accommodates the bedroom areas for both houses with balcony / flat roof and canopies above to provide shelter and sun-shading effect on the residential entrances.
- 4.3.4 The proposed vehicular ingress/egress is maintained at Fung Sau Road on the northern end of the Site. The G/F will accommodate a total of Four (4) ancillary car parking spaces including One (1) disabled parking space.
- 4.3.5 Architectural drawings for the Proposed Residential Redevelopment are furnished in **Appendix 1**. A comparison table of Development Parameters between the OZP Compliant Scheme, the Approved GBPs and the Proposed Scheme is provided in **Table 4.1**. An overlay of the Master Layout Plan (“MLP”) and Sections of the Approved GBPs and the Proposed Residential Redevelopment are also attached in **Figures 4.1 to 4.3** to demonstrate the minor differences of BH and FTFH among the two schemes.

**Table 4.1: Comparison of the Development Parameters**

Development Parameters	OZP Compliant Scheme [a]	Approved GBPs (approved on 11.2.2010 and 27.9.1974) [b]	Proposed Scheme [c]
<b>Application Site Area (m<sup>2</sup>)</b>	Approx. 2,588.30		
<b>Plot Ratio (PR)</b>	Max. 0.3	Approx. 0.299855 (rounded up to 0.3)	Approx. 0.3
<b>Gross Floor Area (GFA) (m<sup>2</sup>)</b>	N/A	Approx. 776.115	Approx. 776.49
<b>Site Coverage</b>	Max. 40%	Approx. 14.95%	Approx. 40%
<b>No. of Residential Blocks</b>	N/A	2	2
<b>No. of Storeys</b>	3 including 1 storey of carport	3 including 1 storey of carport	<u>House A</u> : 3 including 1 storey of carport <u>House B</u> : 2
<b>Building Height (BH) in metres</b> <u>Mean Roof Level (excluding roof structure)</u> House A House B <u>Highest Roof Level (including roof structure)</u> House A House B	Approx. 9m	Approx. 10.248m <sup>*1</sup> Approx. 10m <sup>*2</sup>  Approx. 12.801m <sup>*1</sup> Approx. 12.8m <sup>*2</sup>	Approx. 12.5m Approx. 9m  Approx. 13m <sup>*3</sup> Approx. 9.5m <sup>*3</sup>
<b>BH in mPD</b> <u>Mean Roof Level (excluding roof structure)</u> House A House B <u>Highest Roof Level (including roof structure)</u> House A House B	N/A	Approx. 48.958mPD <sup>*1</sup> Approx. 54.6mPD (flat roof)  Approx. 51.511mPD <sup>*1</sup> Approx. 57.4mPD (flat roof)	Approx. 55.5mPD  Approx. 56mPD <sup>*3</sup>
<b>No. of Ancillary Car Parking Spaces</b>	N/A	House A: Unknown House B: 4	4 (including 1 disabled)

**Remarks**

<sup>\*1</sup> Based on the conversion from Approved GBP A (approved on 27.9.1974). According to Plan A-6 of RNTPC Paper No. A/SK-TMT/21 dated 23.9.2008, the absolute BH of House A is 11.58m without roof structure.

<sup>\*2</sup> House B is subject to an Approved S16 Planning Application (TPB Ref. A/SK-TMT/21) for the minor relaxation of BHR from 9m to 10m in Plot B in 2008, as detailed in Section 3.3 of the SPS.

<sup>\*3</sup> The highest roof level of the Proposed Scheme refers to the top ridge level of Houses A and B. The flat roof level of the lift shaft between House A and B is approx. 56.74mPD.

#### 4.4 Architectural Design Intent

- 4.4.1 The design concept of the Proposed Residential Redevelopment is to create a bespoke resort in house design with a comfortable living space that evokes relaxation, luxury and connection with nature but confining of a private residence. The design also takes inspiration from the intentions of Joint Practice Note No. 1 for “Green and Innovative Buildings” to provide “green” architecture that integrates fully with the low-rise building profile of the surrounding development and the surrounding natural topography. The building’s mass and orientation are strategically designed to maximise façade exposure toward the view, while thoughtfully integrating the adjacent garden area into the overall spatial composition.
- 4.4.2 With the vision in mind, the domestic blocks of the Proposed Residential Redevelopment have significantly setback from Fung Sau Road (approx. 45m from lot boundary) to incorporate an extensive landscaped garden with a water pond at the northwestern-end entrance of the Site. The landscaped water pond is to create a tranquil, resort-like welcoming atmosphere and a sense of comfort for the residents. Notwithstanding, a design improvement to minimise the visual impact of the building bulk of the domestic blocks when viewed from Fung Sau Road.
- 4.4.3 Compared to the existing developments where two detached houses are segregated from one another afar, the Proposed Residential Redevelopment seeks to incorporate a more integrated and organic design with two houses adjoining one another over a shared communal podium on 1/F where the main entrances, living / dining and recreational areas for the residents are located. An outdoor infinity swimming pool of approx. 23.9m (w) x 3.4m (l) x 1.4m (h) is featured at the southeastern end of the communal podium to cater for residents’ recreation and leisure needs. The strategic positioning and design of the infinity pool to align the pool edge with the boundless sea horizon overlooking the Inner Port Shelter (Sai Kung Hoi), creating a seamless transition with the natural landscape. The infinity pool offers a sense of relaxation for residents that further strengthens the vacation-like setting and getaway ambience of the Proposed Residential Redevelopment seeks to resemble. The featuring of water elements in the form of an extensive landscaped pond together with a landscaped pavilion, adds to the aesthetic appeal of the overall development and echoes the theme of tranquillity and connection with nature.
- 4.4.4 Apart from the natural integration, the Applicant takes the opportunity in this minor relaxation of BHR to achieve a more quality living environment with a higher FTFH of approx. 4.5m at 1/F and 2/F living / dining and bedroom areas to meet the current modern standard for habitable living for houses which complies with the maximum allowable height under BD’s PNAP APP-5 and echoes with the theme of resort-living. Tall windows will be adopted to maximize natural lighting and air ventilation entering the interior living environment. Overhead skylights are also provided, allowing daylighting for the enclosed stair hall, offering energy-efficient illumination and visual interest to the vertical circulation space.
- 4.4.5 The external finishes of the Proposed Residential Redevelopment will be of natural stone which aligns with the aesthetic and prestigious characteristics of the neighbourhood, with the adoption of pitched roof design complementary to the existing urban character that dominates Fung Sau Road, such as Fung Sau Terrace and Asiatic Gardens. The pitched roof form reflects coastal vernacular style, creating a warm, residential character that harmonises with the seaside and mountain context. The choice and colour of the external finishes together will be confirmed at the detailed design stage to allow the Proposed Residential Redevelopment to integrate with the surrounding low-rise development and natural setting.
- 4.4.6 Moreover, the Proposed Residential Redevelopment has incorporated NBA zones of 3.05m in width on the northwestern and southeastern boundary and 4.69m in width on the northeastern and southwestern boundaries of the Site as referenced on the Adopted Departmental Plan to maintain building separation with the adjacent developments.

#### 4.5 Proposed Landscape Design

- 4.5.1 A Landscape Proposal and Tree Preservation and Removal Proposal is prepared for the Proposed Residential Redevelopment as furnished in **Appendix 4** of the SPS. The Landscape Master Plan (“LMP”) demonstrates that the redevelopment will help improve and enhance the existing landscape value and amenities of the Application Site.
- 4.5.2 The landscape design aims to integrate the Proposed Residential Redevelopment with the existing and planned landscape context, while maximizing greening opportunities on the Site and respecting the natural environment currently occupied by a large vegetation cluster with parts previously used as a garden. The landscaping is divided into two (2) main areas; 1) the Front Water Garden; and 2) the Outdoor Communal Landscape and Swimming Pool Area. Beautiful garden settings are created for the bespoke resort house, responding to both the design character of the architecture, together with the surrounding environment, taking inspiration from natural landscape character and topography.

##### Front Water Garden

- 4.5.3 A row of trees is lined along the entrance driveway and a feature tree is proposed at the entrance to enhance the arrival experience and create a lush and tropical character for the residence. A large front garden with water pond at the entrance located to the southwestern side to the Site. This provides a secluded natural setting and act as a buffer for the villa with a series of rock garden terraces creating a screen from the entrance. Views of the landscape are gradually revealed along the sloped driveway extending from Fung Sau Road at approx. 37mPD to approx. 42.85mPD to expose a tranquil water garden at the general level of around 42.35mPD. The water garden serves a strong frontage to the villa while embracing the connection with the surrounding natural landscape. A mix of native and ornamental plants are proposed to develop a strong biophilic design mimicking the existing street character of Fung Sau Road. An informal stone pathway meanders along the southern edge of the water garden connecting the entrance driveway to the arrival courtyard allowing for views of the garden and the extensive ocean views to the south. A Landscape Pavilion is located near the front boundary to allow users to be engaged in the tranquil lush water garden setting. Users can enjoy tea sessions at various time of the day while appreciating the water garden and views of the houses in the background.

##### Outdoor Communal Landscape and Swimming Pool Area

- 4.5.4 A linear pool deck embraces the immediate external landscape of the villa with an infinity edge swimming pool visually connecting to the ocean views while reinforcing the geometric character of the villa. The extensive deck allows room for external seating area. To the south of the infinity pool existing palm trees are retained to reinforce the resort character of the villa and create some privacy while allowing ocean views from the deck through the canopies. Steps from the pool deck are provided connecting the arrival courtyard and beyond to the Front Water Garden. The landscape treatment will help bring the nature into the development as well as helping to soften the appearance of the building and provide a tranquil environment for the future residents.

##### Treatment to Peripheral Area

- 4.5.5 Lush planting is featured along the periphery of the Site to provide a smooth transition with the surrounding environment. A row of canopy trees along the driveway from the vehicular entrance at Fung Sau Road to the arrival courtyard of the Proposed Residential Redevelopment and overflowing of climbers from the natural stone wall at the northwestern periphery of the Site creates a strong sense of arrival at a luxury / resort-like destination. Existing trees, shrubs and palms are retained at the southeastern and southwestern peripheries acting as a green buffer to soften the development edges and enhance visual integration with the swimming pool. Various ornamental and native trees and shrubs are featured at the western periphery adjacent to Fung Sau Road for screening purposes to preserve the privacy of the Proposed Residential Redevelopment and reinforce the resort-like, nature-integrated design to connect to the front water garden and improving the visual amenity of the Site.

### Tree Survey

- 4.5.6 Maximum care has been taken in the landscape design to minimise disturbance to the existing vegetation within the Application Site. A total of 47 trees were surveyed at the Site as demonstrated in the Tree Survey Plan (**Appendix 4** refers), in which 17 trees will be retained, 2 trees proposed to be transplanted and 28 trees proposed for felling due to poor health condition, low amenity value or on inaccessible slope etc. The 28 compensatory trees (i.e. with a minimum 1:1 ratio in terms of quantity) are native trees which predominately located within the northwestern periphery of the Site to reinforce the privacy of the Proposed Residential Redevelopment.

### **4.6 Proposed Fire Fighting Installation Works**

- 4.6.1 All necessary fire serves provisions have been accommodated on Site to comply with Fire Service requirements, including a 78,000-Litre rainwater harvesting tank and a -18,000-Litre F.S. water tank and their associated pump rooms and water meter room are located at LG/F underneath the front garden separated from the two houses. A separate flushing and portable water tank and pump room (House A and B) is located at G/F adjacent to the water pond (**Appendix 1** refers).
- 4.6.2 According to the Practice Noise for Authorised persons (“**PNAP**”) APP-151 and ADM-2, the provision of flushing and potable waters and pump rooms located on LG/F are considered as “disregarded GFA” under Building (Planning) Regulations (“**B(P)R**”) 23(3)(b). The only GFA accountable on LG/F is the storeroom and lavatory. A GFA diagram indicating the areas that are accountable and non-accountable is provided in **Appendix 1** for easy reference. Details of the GFA to be exempted from the calculation will be provided at the GBP’s Submission Stage for the approval of the Building Authority.
- 4.6.3 Please note in accordance with Regulation 30 of the B(P)R, natural lighting and ventilation will be provided to the kitchens of all flats. Details will be provided at the GBPs submission stage.
- 4.6.4 As the Applicant is proposing redevelopment at the Site, the electricity provision has been reassessed accordingly. Thus, new installations will be provided to meet the current standards and requirements of the CLP Power Hong Kong Limited (“**CLP**”).

### **4.7 Proposed Site Formation Works**

- 4.7.1 There is no slope features identified within the Site. Nonetheless, the partially sunken design of the Proposed Residential Redevelopment would require excavation and filling works within the Application Site to help level the site formation levels of Houses A and B. It will alter the existing landform and the landscape character within the Site due to conflict with the development. All site formation works are confirmed within the building lots within the R(C)3 zone. An Excavation and Lateral Support (“**ELS**”) plan will be submitted to Buildings Department (“**BD**”) separately for any approval for excavation works deeper than 2.5m, and greater than 5m in length. Detailed design of the ELS works will be provided under separate submission, if required, at the detailed design stage.
- 4.7.2 Precautionary measures will be taken into account against heavy rainfall and typhoons during the proposed excavation works. Any necessary supporting measures will be addressed in the detailed design stage.

## 5. PLANNING JUSTIFICATIONS FOR PROPOSED MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION

### 5.1 Innovative and Integrated Design to Accommodate Site Constraints

- 5.1.1 As opposed to existing developments, which are two stand-alone detached houses with different architectural styles appearing visually and physically segregated from each other, the Proposed Residential Redevelopment reflects the Applicant's intention to amalgamate the individual lots within the Site in order to promulgate a more desirable spatial environment with better urban design.
- 5.1.2 The minor relaxation of BHR in House A from 9m to approx. 12.5m (at mean roof level) to allow for a 3-storey development is consistent with the Existing House A, merely to retain the degree of design flexibility allowed. Additionally, the relaxation will facilitate a thoughtful organic yet integrated design to better respond to the hilly topographical features of the Site and seamlessly fit in with the prestigious setting and local character of the low-rise residential neighbourhood in Tai Mong Tsai area. No relaxation of BHR is sought for Proposed House B but rather reducing from 3-storeys to 2-storeys.
- 5.1.3 The Proposed Residential Redevelopment is carefully designed to be significantly setback from the street by approx. 45m towards the rear of the site, placing an extensive landscaped water garden near the vehicular entrance fronting Fung Sau Road, with a view to marry in with the existing topography. The setback of the domestic portion also provides more on-site landscaping opportunities and maintains sufficient open areas within the Site for healthy living. However, as a result of the setback, there is a slight increase in the BH of House A due to the level difference within the Site. Existing House A (at Carport Level) and Proposed House A (at G/F Carport) is situated at a site formation level of approx. +38.7mPD and approx. +43mPD, respectively (i.e. site level difference of approx. 4.3m). While the site formation level of Existing House B and Proposed House B at G/F are similar at approx. +47.5mPD and approx. +46.5mPD, respectively (i.e. site level difference of approx. 1m). Please refer to **Figures 4.2** and **4.3** for the Overlay Plans of Section Plans of Existing House A and Proposed House A and Existing House B and Proposed House B.
- 5.1.4 The Applicant has cleverly adopted a stepped building design to overcome the level difference within the domestic portion, through proposing three (3) storeys in House A and two (2) storeys in House B. With reference to Section 1-1 of the Architectural Drawings furnished in **Appendix 1**, the difference in the existing G/F levels between the two houses is approx. 4.94m (i.e. Existing House A at approx. +42.56mPD and Existing House B at approx. +47.5mPD). Additionally, raising the site formation levels of Proposed House A to approx. 43mPD and lowering the site level of Proposed House B to approx. +46.5mPD provide for better alignment (i.e. level difference of 3.5m). It is only through the minor relaxation of BHR for House A that greater design flexibility could be allowed to align the levels of the two houses together, through a common lift provision, staircases and communal terrace on the same level at 1/F (+46.5mPD) which houses the major amenities (i.e. infinity pool and recreational activities area) for resident's recreational and leisure uses. The common lift also allows for barrier-free access to cater for mobility needs of future residents.
- 5.1.5 Furthermore, it is otherwise difficult to overcome the significant ground level difference without further raising, excavation works, or reduction of storeys may lead to underutilising the development potential of the Site or potential disturbance to the natural environment. As illustrated in the OZP Compliant Scheme in **Appendix 2**, additional ramp and staircase are required at 1/F to connect the two houses, creating accessibility constraints for residents with mobility limitations and would be less efficient.
- 5.1.6 In this regard, the innovative design approach not only minimises the visual impact of the building bulk from street level but also reinstates its architectural design intent to provide a bespoke resort house and blend in with the green environment.

## 5.2 Higher Floor-to-Floor Height to Fulfil Modern Habitable Need

- 5.2.1 The minor relaxation of BHR at House A enables a higher FTFH as outlined in **Section 4.4**, with an approx. 4.5m and 4m FTFH on 1/F and 2/F for domestic use and approx. 3.5m FTFH on G/F carport. The proposed maximum 4.5m FTFH at 1/F fully complies with the maximum allowable for habitation for health reasons under PNAP APP-5 and is comparable to the modern living standard for resort-like, luxury living environment that the Applicant envisions in the Proposed Residential Redevelopment. The higher FTFH could improve the health and well-being of inhabitants by allowing better indoor air ventilation and natural lighting, which will promote the quality of life of the residents and the sustainability of the living environment.
- 5.2.2 The proposed FTFH of 3.5m at G/F carport is also considered reasonable to fulfil the operational requirements for car parking and associated ancillary facilities. The FTFH includes a minimum clear headroom for car park of 2.4m which is in accordance with PNAP APP 111 with additional heights for a 150mm false ceiling, 200mm ductwork, 625mm beam, 75mm floor finish and a 50mm allowance for duct support which could not be accommodated under the OZP Compliant Scheme of a FTFH of 2.8m (with a bare minimum of 2.4m clear headroom). Compared to the OZP Compliant Scheme, the increase in FTFH allows for the additional height to better meet the operational requirements and ancillary facilities while ensuring proper ventilation and smoke control etc to enhance the safety of the development.

## 5.3 In Line With Statutory Planning Intention

- 5.3.1 The Proposed Residential Redevelopment is in line with the statutory planning intention in respect of the "R(C)3" zone of the Approved OZP, which is intended primarily for low-rise, low-density residential developments. The Proposed Residential Redevelopment has a maximum PR of 0.3, SC of not more than 40%, and maximum BH of 9m and 3-storeys including 1 carport as permitted under "R(C)3" zone.
- 5.3.2 The proposed minor relaxation of BHR from 9m to 12.5m (at mean roof level) does not jeopardise the rationales for imposition of the development restrictions, which is to reflect the existing and committed developments and to preserve the existing intensity and character of the developments blending in with the surrounding natural environment while avoiding overtaxing the limited infrastructure in the neighbourhood.
- 5.3.3 To maintain the established character and amenity of the Tai Mong Tsai area, the Applicant has carefully considered the natural topography, surrounding building profile and respectful landscape design in the Proposed Residential Redevelopment. The proposed architecture, disposition, building setback and incorporation of better building design and landscape provisions collectively enable the Proposed Residential Redevelopment to blend in with the existing character and surrounding natural environment. The proposed minimum setback of approx. 45m (at House A) from the lot boundary of Fung Sau Road represents an increase setback of over approx. 27.8m to 33.5m from the existing House A, creating a sense of openness that enhances the visual appeal of the streetscape and visually makes the Proposed Residential Redevelopment appear insignificant from the streetscape. The incorporation of an extensive landscaped area with water pond and landscaped pavilion in the front setback area and the infinity pool as outlined in **Section 4.4** also resembles the Applicant's endeavour to integrate the Proposed Residential Redevelopment with nature, let alone the respect of topography from the stepped building design. The proposed pitched roof design is also in line with the adjoining developments on the southeastern side of Fung Sau Road, as shown in **Photos 5.1 and 5.2**.
- 5.3.4 The external façade materials, dominated by timber and stone cladding, are also chosen to offer natural textures that will be harmonious with the surrounding hilly landscape and vegetation clusters of the Site, subject to detailed design. The Proposed Residential Redevelopment will be highly compatible with both the prestigious residential area and the natural setting.
- 5.3.5 With no increase in the development intensity compared to the existing developments except BHR, no additional development impact on road capacities or utility services is anticipated.



## 5.4 Reduction in Building Height of House B

- 5.4.1 The Subject Application for minor relaxation of BHR is for House A only, i.e. from 9m to approx. 12.5m (at mean roof level), to allow for sufficient design flexibility in the Proposed Residential Redevelopment. The proposed BH in House B fully complies with the statutory BHR of 9m (at mean roof level). In fact, BH of the Proposed House B is slightly lower than the existing House B due to: (1) reduction in site formation levels (i.e. lowering G/F by approx. 1m from existing +47.5mPD to +46.5mPD); (2) reduction in the overall BH of Existing House B by 1m (under Approved S16 Scheme BH of House B is 10m) (**Figure 4.3** refers); and (3) reduction in the overall BH in terms of no. of storeys from 3 storeys to 2 storeys. Thus, the overall BH in Proposed House B is reduced compared to the Approved GBPs and OZP (in terms of no. of storeys) (**Figure 4.3** refers).
- 5.4.2 Additionally, in order to better align and integrate the two houses for accessibility and efficiency purposes, the Applicant has lowered the site formation level of House A to approx. 43mPD (i.e. a reduction of approx. 200mm) so that the floor levels of both houses are at the same level without the need for additional staircase / ramp at 1/F.

## 5.5 Compatible with Surrounding Developments

- 5.5.1 Despite the subject S16 Application is for the proposed minor relaxation of BHR of House A from approx. 9m to approx. 12.5m (at mean roof level), there is a reduction in the BH in House B as per the Approved GBPs as outlined in **Section 5.4**. The top roof level (including lift shaft) of the Proposed Residential Redevelopment (approx. +56.74mPD) is slightly lower than that of the Existing House B (at approx. +57.4mPD) by approx. 660mm. In addition, as no minor relaxation of PR and SC will be sought in this S16, the Proposed Residential Redevelopment is considered not incompatible with the surrounding developments in terms of scale, massing and development intensity.
- 5.5.2 The Proposed Residential Redevelopment has been carefully designed to integrate with the surrounding low-rise building height profile, landscape and rural character. The Architect has taken special consideration to ensure that the design and orientation of the Proposed Residential Redevelopment will minimise the impacts on the surrounding natural environment and is also in line with the adjacent residential developments. As outlined in **Section 4.4**, the pitched roof design is adopted in the Proposed Residential Redevelopment to offer a classic and timeless look which blends in with the surrounding low-rise developments with pitched roof design on Fung Sau Road (**Photos 5.1 and 5.2** refer)
- 5.5.3 In this regard, the proposed BH relaxation is compatible with the adjacent residential developments, which are predominantly 3-storey residential developments with BH of mostly above 9m excluding rooftop structure.



**Photo 5.1** Fung Sau Terrace, No. 2 Fung Sau Road, Sai Kung



**Photo 5.2** MORAIS, No. 10 Fung Sau Road, Sai Kung

**Photos 5.1 and 5.2** Surrounding Developments with Pitched Roof design on Fung Sau Road

## 5.6 Established Planning Precedent

- 5.6.1 Apart from the approved S16 Planning Application by TPB on 10 October 2008 for minor relaxation of BHR 9m to 10m (TPB Ref. A/SK-TMT/21) in Plot B within the Application Site, there are several TPB Approvals for similar Applications for Minor Relaxation of BHR for house developments in the "R(C)" zones and its sub-areas within the Sai Kung District and in other Districts (**Tables 5.1** and **5.2** refer).
- 5.6.2 A total of three (3) S16 Planning Applications approved by TPB for Minor Relaxation of BHR since 2010 are summarised below within the Sai Kung District. A total of seven (7) S16 Planning Applications approved by TPB for Minor Relaxation of BHR since 2010 in other Districts is also summarised below for reference. Thus, this Application for Minor Relaxation of the BHR Restriction is not unprecedented.

**Table 5.1. Approved S16 Planning Applications for Minor Relaxation of BHR in Sai Kung District Planning Area in R(C) zones since 2010**

TPB Ref No.	Application for	Address	Approval Date
<b>A/SK-HC/364</b>	Minor Relaxation of BHR for Permitted House Development from 9m to 11.3m	Lot 214 in D.D. 219 and the Extension thereto and Adjoining Government Land, Tin Shek Road, Sai Kung, New Territories	Approved/Agreed on 6 June 2025
<b>A/SK-CWBN/41</b>	Minor Relaxation of BHR for Permitted House Development from 9 to 11.2m	Lot 540 in D.D. 238, 30 Hang Hau Wing Lung Road, Sai Kung, New Territories	Approved with condition(s) on 14 September 2016
<b>A/SK-HH/50</b>	Minor Relaxation of BHR from 2 storeys over 1 storey of carport to 3 storeys and PR from 0.4 to 0.55 for Permitted House Development	Chuk Kok, Sai Kung	Approved with condition(s) on 15 October 2010

**Table 5.2. Approved S16 Planning Applications for Minor Relaxation of BHR in other Districts in R(C) zones since 2010**

TPB Ref No.	Application for	Address	Approval Date
<b>A/K18/342</b>	Minor Relaxation of Building Height Restriction to Allow for One Storey of Basement for Permitted House Use	14 Kent Road, Kowloon Tong, Kowloon	Approved with condition(s) on 4 March 2022
<b>A/K18/326</b>	Minor Relaxation of PR Restriction from 0.6 to 0.6862 and BHR from 3 to 4 storeys for Permitted House Development	147 Waterloo Road, Kowloon Tong, Kowloon	Approved with condition(s) on 3 August 2018
<b>A/K7/113</b>	Minor Relaxation of BHR from 2 to 3 storeys for Permitted House Development	No. 36A Braga Circuit, Ho Man Tin, Kowloon (Kowloon Inland Lot 2657 S.A ss.11 S.A ss.1)	Approved with condition(s) on 9 June 2017
<b>A/K18/306</b>	Minor Relaxation of BHR to Allow for One Storey of Basement for Proposed House Development	1 Somerset Road, Kowloon Tong	Approved with condition(s) on 8 November 2013
<b>A/H17/129</b>	Minor Relaxation of BHR to Allow for One Additional Storey for Permitted House Development	35 South Bay Road, Hong Kong	Approved with condition(s) on 11 October 2013
<b>A/K18/296</b>	Minor Relaxation of BHR to	1 Somerset Road, Kowloon	Approved with

	Allow for One Storey of Basement for Proposed House Development	Tong	condition(s) on 8 February 2013
<b>A/NE-LYT/450</b>	Minor Relaxation of BHR from 2 storeys (6m) over 1 storey carport to 2 storeys (6.5m) over 1 storey carport for Permitted House Development	Lots 897 RP and 916 S.B RP in D.D. 83 and Adjoining Government Land, Kwan Tei South, Fanling, N.T.	Approved with condition(s) on 20 January 2012

## 5.7 No Adverse Visual Impact

5.7.1 The Application Site is located within Tai Mong Tsai, which is a well-established low-rise residential area and can only be accessed via Fung Sau Road. Given the proposed BH of 12.5m (at mean roof level) is similar to other residential developments within the Tai Mong Tsai area that are also situated at a higher site level. The Proposed Residential Redevelopment is therefore not visually prominent from public viewpoints and will not result in any adverse visual impact on the surrounding area given that the Site is surrounded by developments of similar scale in the vicinity and proposed landscaping.

5.7.2 This section evaluates the visual impact of the Proposed Residential Redevelopment by comparing it with the existing condition and the OZP Compliant Scheme. Five (5) local Viewpoints (“VPs”) which are commonly patronised by the public have been selected to best represent the key visual receivers looking towards the Proposed Residential Redevelopment (**Figure 1 of Appendix 3** refers). These include the following:

- Viewpoint 1 (VP1): View from Sha Ha Beach
- Viewpoint 2 (VP2): View from Tai Mong Tsai Road Bus Stop
- Viewpoint 3 (VP3): View from Hiking Trail in Sai Kung West Country Park
- Viewpoint 4 (VP4): View from Emerald Bay outside Victoria Recreation Club
- Viewpoint 5 (VP5): View from Fung Sau Road

5.7.3 Photomontages at **Figures 2 to 6 of Appendix 3** illustrate the existing condition and OZP Compliant Scheme against the Proposed Residential Redevelopment (“**Proposed Scheme**”).

### **Viewpoint 1 (VP1): View from Sha Ha Beach (Figure 2 of Appendix 3 refers)**

5.7.4 This is a long-range static VP with a distance of approx. 1.77km and is further west of the Application Site. Sha Ha Beach is located next to the Sha Ha Village in Sai Kung, facing Sai Kung West Country Park. This VP is a popular recreational spot for water sports activities such as kayaking and canoeing, and is frequented by local residents and visitors / tourists for walking, resting, leisure or sightseeing purposes.

5.7.5 As shown in the Photomontage in **Figure 2 of Appendix 3**, this VP is dominated by the kayaks and paddles on the beach and the sea horizon against a hilly backdrop and an open sky. As the VP is far away from the Site and is partially screened by the natural landscape features on the mountain, the Application Site is barely visible to public viewers.

5.7.6 Similar to the Existing Condition and the OZP Compliant Scheme, the Proposed Scheme will integrate with the surrounding low-rise residential developments and the mountain backdrop with no obstruction to the ridgeline or open sky backdrop. In this regard, the visual effect from this VP is considered **negligible**.

**Viewpoint 2 (VP2): View from Tai Mong Tsai Road Bus Stop (Figure 3 of Appendix 3 refers)**

- 5.7.7 This short-range static VP is located approx. 90m southwest of the Application Site, which is adjacent to the bus stop along Tai Mong Tsai Road. The VP represents nearby local residents and pedestrian passers-by in the Fung Sau Road residential area.
- 5.7.8 The level at which the Tai Mong Tsai Road Bus Stop is located is approx. +19.6mPD while Fung Shau Road is situated uphill between approx. +22.9mPD to +39.7mPD (**Figures 2.1 and 2.2** refer). According to **Figure 3 of Appendix 3**, the Application Site in all scenarios are fully screened due to the steep slope and dense vegetation cluster / mature trees in the foreground. In light of the above, **no visual impacts** due to the Proposed Residential Redevelopment are anticipated from this VP.

**Viewpoint 3 (VP3): View from Hiking Trail in Sai Kung West Country Park (Figure 4 of Appendix 3 refers)**

- 5.7.9 This is a long-range kinetic VP with a distance of approx. 800m southwest of the Application Site from the hiking trail in Sai Kung West Country Park. The VP is a bird-eye view from the hiking trail, which overlooks the natural coastline and Inner Port Shelter (Sai Kung Hoi), where several yachts are moored and the outlying islands against the open sky. This VP represents the users of the trail for exercising, leisure and recreational purposes and for users who wish to enjoy the view of the Sai Kung Peninsula and Inner Port Shelter (Sai Kung Hoi). Blocks of white low-rise residential developments of Floral Villas and the dense vegetation growth along the mountainside dominates the foreground of this VP.
- 5.7.10 As illustrated by **Figure 4 of Appendix 3**, the Site is located at the top of the mountain to the southeast of Floral Villas, among the cluster of low-rise, low-density residential developments along Fung Sau Road. It is apparent that in the Existing Condition that Existing House A and Existing House B appear visually segregated by a dense vegetation cluster in the middle of the Site and are seen as two separate standalone houses due to their variation in architectural styles. Existing House B also appears distinctive and different from the design of its immediate residential developments, with a darker and modernist outlook.
- 5.7.11 The roof level of House B is consistent between the OZP Compliant Scheme and the Proposed Scheme, and there are no noticeable differences among the two schemes demonstrated in the photomontage with the slight increase of BH in Proposed House A from this VP compared to the Existing Condition. Despite the minor increase of BH at House A, the OZP Compliant Scheme and the Proposed Scheme demonstrate that the Proposed Residential Redevelopment will facilitate integration of the Site with the surroundings through adoption of pitched roof design and distinctive façade treatment of natural elements (i.e. stone / timber cladding).
- 5.7.12 Nevertheless, the Proposed Scheme will not result in any significant obstruction of views towards the mountain backdrop, the natural coastline and open sky backdrop. As such, the Proposed Scheme is considered not incompatible with the surrounding development context and the resultant visual impact is regarded as **negligible**.

**Viewpoint 4 (VP4): View from Emerald Bay outside Victoria Recreation Club (Figure 5 of Appendix 3 refers)**

- 5.7.13 This is a medium-range static VP with a distance of approx. 280m to the east of the Application Site at the pier outside Victoria Recreation Club overlooking Emerald Bay where several yachts are moored and the mountain where some low-rise residential developments are situated in, including the Application Site. The VP represents local residents, visitors / tourists and members of the Victoria Recreation Club for sitting-out, leisure, recreational or sightseeing purposes.

- 5.7.14 The VP is dominated by the dense vegetation cluster over the hilly terrain. As illustrated in **Figure 5 of Appendix 3**, only the Existing House B is visible from this angle, and it has been largely screened by the dense vegetation in middle ground with only the upper part of the development is visible.
- 5.7.15 Given there is no minor relaxation of BHR in House B, there is no difference in BH among the OZP Compliant Scheme and Proposed Scheme shown in this VP. Nonetheless, the top roof level of Existing House B is approx. 57.4mPD (including roof top structure) which is slightly higher than that of House B in the OZP Compliant Scheme and Proposed Scheme with the top roof level at 56.74mPD (including roof top structure). The difference between the Existing House B and the Proposed House B approx. 660mm. This minor reduction, together with the pitched roof design, is not significant in the photomontage. As demonstrated in **Figure 5 of Appendix 3**, the Proposed Residential Redevelopment is also largely screened by the dense vegetation in all scenarios and therefore, the visual effect from this VP is regarded as **negligible**.

**Viewpoint 5 (VP5): View from Fung Sau Road (Figure 6 of Appendix 3 refers)**

- 5.7.16 This is a short-range kinetic VP with approx. 15m to the southwest of the Application Site at the footpath along Fung Sau Road in front of Bayview Pavilion. This VP represents the nearby residents, visitors and pedestrian passers-by of the surrounding developments in the Fung Sau Road residential area.
- 5.7.17 The existing view of this VP is dominated by the white boundary fence wall, Existing House A, street planting including trees and shrubs along Fung Sau Road footpath and an open sky backdrop. Given the proximity of this VP, both the OZP Compliant Scheme and Proposed Scheme will bring about positive visual change through the introduction of a significant setback of the main buildings (i.e. Houses A and B) towards the rear of the Site, away from Fung Sau Road and improving the visual openness of the Site. The view after redevelopment is dominated by an elevated traditional-style stone-made pavilion in the front garden above the LG/F Plantroom which enriches the visual layers of the Site and facilitates integration between the surrounding natural landscapes and the houses. The strategic positioning of the pavilion also helps enhance the tranquil, relaxing atmosphere that the Proposed Residential Redevelopment seeks to create. Nevertheless, extensive street greenery and varied landscape treatments of diverse species, including shrubs and climbers on the wall introduced at the Site, significantly help soften the building bulk of the LG/F Plantroom at the front garden and enhance the streetscape and visual amenity of the area. In particular, a row of canopy trees is incorporated within the Application Site's driveway area to complement the landscape character of the residential area. Glass balustrades are also introduced atop LG/F to allow more visibility of the landscaping from street level to create visual interest.
- 5.7.18 Nevertheless, due to the introduction of the setback area, **Figure 6 of Appendix 3** demonstrates that there is no noticeable difference among the OZP Compliant Scheme and the Proposed Scheme as their building blocks are both largely screened by the boundary fence wall of the adjacent residential building. The resultant visual impact of the Proposed Residential Redevelopment is therefore considered **enhanced** from the existing condition and **negligible** from the OZP Compliant Scheme.
- 5.7.19 In conclusion, the photomontages demonstrate that there will not be any adverse visual impact due to the Proposed Residential Redevelopment.
- 5.8 Enhancement of Landscape Value and Amenities of the Application Site and the Surrounding Area**
- 5.8.1 The Proposed Residential Redevelopment will not have any adverse impact on the landscape value and amenities of the Application Site and the surrounding environment. According to the Landscape Proposal (**Appendix 4** refers).

- 5.8.2 The importance of the existing landscape context to the existing character of the neighbourhood has also been taken into account in the design of the Proposed Residential Redevelopment. The Landscape Proposal in **Appendix 4** seeks to fully utilise the available space for greening opportunities, including the periphery of the Application Site and the driveways, entrances, planters along the western periphery of the building block, 1/F landscaped terraced and balconies etc, to enhance the existing landscape framework, while responding to the design intent and future ambience of the Redevelopment.
- 5.8.3 There will be no adverse impacts on the surrounding area. The building bulk of the Proposed Residential Redevelopment will be further softened by the landscape treatments and 1:1 tree compensatory ratio of the Proposed Residential Redevelopment. The existing natural character will be maintained, and the visual quality will be improved. No disturbance from the Proposed Residential Redevelopment to the natural landscape is anticipated.
- 5.8.4 Furthermore, the Proposed Residential Redevelopment will incorporate balconies and skylight within the domestic blocks to allow better sunlight penetration and facilitate the integration of internal/external environments. Amenities such as the communal landscaped terrace, the infinity pool, recreational activities area and landscaped water pond are also featured to enhance residents' living experience and comfort. A Landscape Master Plan attached to the Landscape Proposal in **Appendix 4** demonstrates that the Proposed Residential Redevelopment will help improve and enhance the existing landscape value and amenities of the Application Site.

## 5.9 No Adverse Impact on Infrastructural Provision

- 5.9.1 It is reiterated that this Application is for the same development intensity in the Existing Development, and therefore there will be no adverse implications vis-à-vis the statutory Planning Intention and infrastructural provision in the Area. The Proposed Minor Relaxation of the BHR will have no adverse impact on the road network or other infrastructural provision. It is also explained in **Sections 2.4 and 2.5** above that the Tai Mong Tsai area which the Site is located, is reasonably accessible and is provided with an adequate supply of utility facilities and services.
- 5.9.2 The sewage from the Proposed Residential Redevelopment, including the backwash from swimming pool filter will be discharged to the septic tank at the Application Site, which is designed in accordance with the requirements as laid down under ProPECCPN 1/23. Annual emptying of swimming pool will only be discharged to the public storm drain during dry weather, which will not affect the drainage capacity in use during wet weather.



## 6. CONCLUSION

6.1 This S16 Application seeks planning permission from the BOARD for the Minor Relaxation of the Building Height Restriction for a Proposed Residential Redevelopment at No. 8 Fung Sau Road, Sai Kung. This SPS has demonstrated that the Proposal is justified for the following reasons:

- The Proposed Minor Relaxation will **NOT** result in any increase in PR and SC as permitted under the OZP. The Proposed Minor Relaxation of BHR will allow a more innovative and integrated design to accommodate the site constraint of the hilly topography and to better fit in the prestigious setting and local character as compared with the OZP Compliant Scheme and the Approved GBPs;
- **There is NO increase in BH in House B as compared to the OZP Restriction and the Approved GBPs;**
- The Proposed Floor-to-Floor Height will fulfil modern habitable living standard and operational requirements;
- The Proposed Minor Relaxation is in accordance with the Statutory Planning Intention of the "R(C)3" zone;
- The Proposed Minor Relaxation is compatible with the surrounding developments;
- The Proposed Minor Relaxation of BHR is not unprecedented and there are several Planning Approvals for Minor Relaxation of BH Restrictions for other R(C)3 zones in the Sai Kung area;
- Indeed, the Proposed Residential Redevelopment will **NOT** result in any adverse visual impact and will not be incompatible with the low-rise, low-density character of the Tai Mong Tsai area. Compared to the Approved GBPs and the OZP Compliant Scheme, the Proposed Scheme allows for a much more innovative design that can better integrate the existing environment;
- There will be no adverse impact on the natural environment and landscape features. In fact, the Proposed Residential Redevelopment will enhance the landscape and green amenity value of the neighbourhood; and
- The Proposed Residential Redevelopment will have **NO** adverse impact on the road network or other infrastructural provision.

6.2 In light of the planning and design merits and justifications put forward in this SPS, we trust that the BOARD will give favourable consideration to the Application.

Approved and

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