

RNTPC Paper No. A/SK-HC/364A
For Consideration by the
Rural and New Town
Planning Committee
on 6.6.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/364

- Applicant** : Mr. HUANG Jincan represented by Arup Hong Kong Limited
- Site** : Lot 214 in D.D. 219 and the Extension Thereto and adjoining Government Land (GL), Tin Shek Road, Sai Kung, New Territories
- Site Area** : About 681.4m² (including about 123.4m² (about 18.1%) of GL)
- Lease** : Lot 214 in D.D. 219:
(a) held under New Grant No. 5992 restricted for non-industrial purposes;
(b) one building only;
(c) maximum building height (BH) of 3 storeys/25ft;
(d) maximum built-over area of 700ft²; and
(e) not more than two balconies and one canopy.
- Extension to Lot 214 in D.D. 219:
(a) restricted for garden and car-parking purposes;
(b) not take into account for plot ratio (PR) and site coverage (SC) calculation;
(c) no structure other than boundary walls and fences; and
(d) swimming pool and dog kennel erected or constructed before the date of extension letter shall be permitted and maintained.
- Plan** : Draft Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/12
- Zoning** : “Residential (Group C) 2” (“R(C)2”)
[restricted to a maximum PR of 0.4, a maximum SC of 20% and a maximum BH of 9m with 2 storeys over one storey of carport]
- Application** : Proposed Minor Relaxation of Building Height Restriction for Permitted House Development

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed minor relaxation of BH restriction from 9m to 11.3m (i.e. +2.3m or 25.6%)¹ for permitted house development at the application site (the Site), which falls within an area zoned “R(C)2” on the OZP subject to a maximum PR of 0.4, a maximum SC of 20% and a maximum BH of 9m with 2 storeys over one storey of carport (**Plan A-1**). According to the Notes of the OZP, while ‘House’ is always permitted within the “R(C)2” zone, based on the individual merits of a development or redevelopment proposal, minor relaxation of the BH restriction may be considered by the Town Planning Board (the Board).
- 1.2 The Site is situated on a sloping ground sandwiched by Tin Shek Road and Mau Tin Lane descending from south to north and west to east, which is in a predominantly rural residential neighbourhood comprising low-rise, low-density residential and village type development (**Plan A-2**). It is currently occupied by a 3-storey house with a BH of about 7.5m with an outdoor swimming pool. The applicant proposes to redevelop the Site into a 2-storey house with a BH of about 8m in the middle of the Site over one storey of basement for carpark where the outdoor swimming pool will be relocated in the northwest part of the Site at ground level (**Drawings A-1 to A-4**). While the PR and SC of the proposed development are within the restrictions of the OZP, the overall BH including basement floor is 11.3m which exceeds the maximum BH stipulated in the OZP. The major development parameters of the proposed development are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 681.4m ² (including GL of about 123.4m ²)
PR	Not more than 0.4
Gross Floor Area	Not more than 272.5m ²
SC	Not more than 20%
No. of Block	1
No. of Storeys	2 storeys over one storey of basement carpark
BH	11.3m (Floor-to-floor height (FTFH): B/F: 3.3m G/F: 4.5m 1/F: 3.5m)
No. of Units	2
No. of Ancillary Car Parking Spaces	4
Loading/ Unloading (L/UL) Bay	1 for Light Goods Vehicle

¹ The permitted number of storeys of the “R(C)2” zone under the OZP is 2 storeys over one storey of carport. While the total number of storeys remains as 3, the number of storeys permitted for the proposed development under the application will change to 2 storeys over one storey of basement where the basement level is for carpark.

- 1.3 According to the proposed scheme, the ingress/egress will be located at Tin Shek Road in the northern end of the Site. The basement floor with a total land excavation area of about 270m² (**Drawing A-5**) is for 4 ancillary parking spaces and one L/UL bay following the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG). Car ramp and driveway with a gradient of about 1:6 would be provided to allow safe vehicular access to the basement carpark from the ingress/egress (**Drawing A-6**). The existing slope and retaining wall along the western boundary at Tin Shek Road would be retained and a Geotechnical Planning Review Report (GPRR) has been submitted to demonstrate the geotechnical feasibility of the proposed scheme. There are 25 trees within the Site where 23 trees on the slope will be retained in-situ and the remaining two will be transplanted to the southern part of the Site (**Drawing A-7**).
- 1.4 A land exchange application has been submitted to incorporate the GL at the northern and the southern parts into the private lot, which is currently being processed by Lands Department (LandsD). The proposed redevelopment is expected to be completed by 2027.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 18.12.2024 (**Appendix I**)
 - (b) Supporting Planning Statement (SPS) (**Appendix Ia**)
 - (c) Further Information (FI) received on 11.4.2025* (**Appendix Ib**)
** accepted and exempted from publication and recounting requirements*
- 1.6 On 14.2.2025, the Committee of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

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

- (a) The proposed 'House' use is always permitted on the OZP and is generally in line with the planning intention of "R(C)" zone for low-rise and low density development. The proposed development parameters respect the PR and SC restrictions on the OZP. The proposed BH with 8m visible above ground level is considered similar to the existing house (i.e. 7.5m) and current OZP restriction, and is fully compatible with surrounding neighbourhood which mainly comprises 3 storeys village type development;
- (b) The proposed FTFH (i.e. 4.5m at G/F and 3.5m at 1/F) fully complies with the maximum allowable FTFH for house of 4.5m under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-5 and is comparable to the other similar house developments. The higher FTFH could improve the health and wellbeing of inhabitants by allowing better indoor ventilation and living environment in the post-pandemic era. A lift is proposed to fulfil accessibility and mobility needs for elderly residents;
- (c) The proposed basement carpark echoes with Government's policy in encouraging

underground car parking and the excavation extent of the basement is kept to be minimum to fulfil the needs for 4 car parking spaces and one L/UL bay so as to avoid congestion or blockage on the narrow Tin Shek Road. The FTFH of the basement is at reasonable level of 3.3m, which includes 2.4m clear headroom for car parking and 0.9m for cable ducts, E&M and floor slab;

- (d) To overcome the site level difference between the Site and Tin Shek Road, the vehicular access proposed to be relocated to the northern part of the Site with a wider entrance, which could allow a more efficient and safer vehicular access to/from the Site. Moreover, the gradient of car ramp and driveway of 1:6 complies with the requirements under PNAP APP-111 which would ensure safe and smooth vehicular movement to/from the proposed basement carpark and optimises land use by freeing up ground level space for recreational and landscaping;
- (e) To maintain slope stability along Tin Shek Road, the existing slope and retaining wall along the western boundary at Tin Shek Road would be retained. The submitted GPRR has demonstrated the technical feasibility of the proposed scheme; and
- (f) To enhance the landscape amenity for pedestrians along Tin Shek Road and screen off visual impact brought by the proposed increase of BH (+0.5m), the 23 existing trees on the slope will be retained and the two trees at the south of the Site will be transplanted.

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

The applicant is the sole “current land owner” of the respective lot and the extension to the lot of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the above requirements are not applicable.

4. Previous Application

There is no previous application covering the Site.

5. Similar Application

There is no similar application on minor relaxation of BH restriction within the same “R(C)” zone of the OZP in the past five years.

6. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on Plans A-4a and A-4b)

6.1 The Site is:

- (a) a sloping site located at the west of Hing Keng Shek in the uphill area of Ho Chung accessible through Hing Keng Shek Road and Tin Shek Road;

- (b) currently partly paved for the 3-storey house and outdoor swimming pool as well as formed for roadside car parking space at the north and backyard garden at the south;
 - (c) partly vegetated with trees along western boundary and two trees are located at the south of the house; and
 - (d) fenced off by an existing retaining wall at the western boundary.
- 6.2 The surrounding of the Site is predominantly rural residential neighbourhood comprising village houses and low-rise residential developments of 1 to 3 storeys with BHs ranging from about 4m to 9m with densely vegetated slope scattered in between. The Site is also surrounded by dense woodland in area to the further west and in the “Conservation Area” zone to the further east and south.

7. Planning Intention

- 7.1 The planning intention of “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 7.2 According to the Explanatory Statement (ES) of the OZP, the “R(C)2” sub-area mainly reflects the existing character and development intensity. The development restrictions are mainly to conserve the existing character and intensity of the developments so as to blend in well with the surrounding natural environment and rural character as well as not to overload the limited infrastructural facilities, particularly the transport network in Ho Chung. Based on the individual merits of a development or redevelopment proposal, minor relaxation of the development restrictions may be considered by the Board on application under section 16 of the Town Planning Ordinance.

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, LandsD:

- (a) the Site comprises Lot 214 in D.D. 219 (Lot 214) and the Extension Thereto (the Extension) (collectively “the Lot”) and the adjoining GL, which does not fall within any village environs;
- (b) Lot 214 was granted for non-industrial purposes on 14.10.1976 under New Grant No. 5992 subject to:
 - (i) one building only;
 - (ii) maximum BH of 3 storeys/25ft;

- (iii) maximum built-over area of 700ft²; and
 - (iv) not more than two balconies and one canopy.
- (c) the Extension was granted for garden and car-parking purposes on 28.3.1985 subject to:
- (i) not take into account for PR and SC calculation;
 - (ii) no structure other than boundary walls and fences; and
 - (iii) swimming pool and dog kennel erected or constructed before the date of the extension letter shall be permitted and maintained.
- (d) the owner of the Lot has already submitted a land exchange application for the Lot and the adjoining GL, which is currently under processing. The applicant should clarify whether a fresh land exchange application will be submitted;
- (e) the Site is also subject to a short term tenancy application for allowing several small plots of GL at eastern, southern and western sides of the Lot for private garden excluding vehicle parking purposes; and
- (f) it is noted there are unauthorized building works on the existing Lot. The Building Authority (BA) has already issued a Building Order on 26.4.2023 in this regard, but it has yet to be complied with to the satisfaction of the BA.

Traffic

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

- (a) no objection to the application; and
- (b) Tin Shek Road leading to the Site is not under management of Transport Department.

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

- (a) no objection to the application from highway maintenance point of view; and
- (b) Tin Shek Road leading to the Site falls outside the maintenance jurisdiction of HyD.

Drainage

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

- (a) no adverse comment from drainage point of view; and
- (b) other comments are included in the advisory clauses at **Appendix II**.

Building Matters

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

- (a) no objection to the application;
- (b) no in-principle objection to the proposed FTFH subject to the compliance with the requirements as stipulated in PNAP APP-5 and PNAP APP-111;
- (c) detailed comments will be given during General Building Plan submission stage; and
- (d) other comments are included in the advisory clauses at **Appendix II**.

Urban Design, Visual and Landscape

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

Urban Design and Visual

- (a) no comment from urban design and visual perspectives; and
- (b) noting the proposed total BH of 11.3m and the BH above ground would be about 8m, which is considered not incompatible with the surrounding environment.

Landscape

- (c) as observed from aerial photo in 2023, the Site is situated in an area of settled valleys landscape predominated by village houses and woodland. The proposed minor relaxation of BH for the 2 storeys house redevelopment with a basement carpark is considered not incompatible with the surrounding landscape character;
- (d) it is noted that among the 25 existing trees, 23 trees are proposed to be retained in-situ and two trees will be transplanted within the

Site. The applicant should ensure adequate growing space are allowed for the proposed transplanted trees; and

- (e) other comments are included in the advisory clauses at **Appendix II.**

Geotechnical

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

- (a) no adverse geotechnical comment on the application and the GPRR;
- (b) it is noted that the proposed development would be located and adjacent to the existing registered Feature Nos. 7SE-D/CR150 and 7SE-D/R46; and
- (c) other comments are included in the advisory clauses at **Appendix II.**

8.2 The following departments have no objection to/comment on the application. Their advisory comments, if any, are at **Appendix II:**

- (a) Director of Fire Services (D of FS);
- (b) Director of Environmental Protection (DEP);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Project Manager (East), CEDD;
- (e) Director of Agriculture, Fisheries and Conservation;
- (f) Director of Electrical and Mechanical Services;
- (g) District Officer (Sai Kung), Home Affairs Department (HAD); and
- (h) Chief Engineer (Works), HAD.

9. Public Comment Received During Statutory Publication Period

On 27.12.2024, the application was published for public inspection. No public comment was received during the statutory public inspection period.

10. Planning Considerations and Assessments

10.1 The application is for proposed minor relaxation of BH restriction from 9m to 11.3m (i.e. +2.3m or 25.6%) for permitted house development at the Site which falls within the “R(C)2” zone subject to a maximum PR of 0.4, a maximum SC of 20% and a maximum BH of 9m with 2 storeys over one storey of carport (**Plan A-1**). According to the applicant, the proposed minor relaxation of BH restriction is to allow the redevelopment of the existing house at the Site into a 2-storey of 8m high with a FTFH of 4.5m at G/F and 3.5m at 1/F over one level of basement of 3.3m for ancillary carpark. The PR and SC of the proposed development follow the OZP restrictions (**Drawings A-1 to A-4**). While the overall BH of the

redevelopment will be 11.3m, the BH of the 2-storey house visible above the ground level is about 8m measuring from the formed platform.

- 10.2 The Site falls within an area zoned “R(C)2” intended primarily for low-rise, low-density residential developments. According to the ES of the OZP, the “R(C)2” sub-area mainly reflects the existing character and development intensity. The development restrictions are mainly to conserve the existing character and intensity of the developments so as to blend in well with the surrounding natural environment and rural character. The proposed low-rise and low-density house development with a PR of 0.4, a SC of 20% and a relaxed BH of 11.3m is still in line with the planning intention of “R(C)2” zone and not incompatible with surrounding environment which is in a predominantly rural residential neighbourhood of mainly village house and low-rise residential developments with BHs ranging from about 4m to 9m and 1 to 3 storeys.
- 10.3 Minor relaxation of the BH restriction may be considered by the Board based on the individual merits of a development or redevelopment proposal. According to the applicant, to overcome the site level difference and avoid congestion or blockage of Tin Shek Road, carpark housing ancillary parking and L/UL spaces following the standards of HKPSG would be located in the basement and vehicular access is proposed to be relocated to the northern end with car ramp and driveway complying with relevant requirements under PNAP to allow a more efficient and safer vehicular access to/from the Site. C for T has no objection to the application. The applicant also states that the proposed FTFH (i.e. 4.5m at G/F and 3.5m at 1/F) could allow better indoor ventilation and is complied with the relevant requirements under PNAP. CBS/NTE2&Rail, BD has no adverse comment on the application and no in-principle objection to the proposed FTFH subject to compliance with relevant requirements under PNAPs.
- 10.4 From urban design and visual points of view, CTP/UD&L, PlanD has no comment on the application, and considers that the proposed development with visible BH above ground of about 8m is not incompatible with the surrounding environment. In view of the scale of increase, the proposed minor relaxation of maximum BH is considered not unacceptable and is generally in line with the intention to allow flexibility for minor relaxation of BH restriction.
- 10.5 On technical sides, the applicant submitted a GPRR to demonstrate the geotechnical feasibility of the proposed development including retention of existing retaining wall along Tin Shek Road where H(GEO), CEDD has no adverse comment on the application. According to the Landscape Master Plan (**Drawing A-7**), there are 25 trees within the Site where 23 on the existing slope will be retained and the remaining two trees will be transplanted. CTP/UD&L, PlanD has no adverse comment from landscape point of view and considers the proposed development not incompatible with the surrounding landscape character. Other relevant government departments consulted including DEP, CE/MS, DSD, CE/C, WSD and D of FS have no objection to or no adverse comment on the application from environmental, infrastructural provision and fire safety aspects.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10, 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 6.6.2029 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 recommended advisory clauses are attached at **Appendix II**.
- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:
- there is no strong planning justification in the submission for the proposed minor relaxation of building height restriction.

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 condition(s) and advisory clause(s), 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 reason(s) for rejection should be given to the applicant.

13. Attachments

Appendix I	Application Form received on 18.12.2024
Appendix Ia	SPS
Appendix Ib	FI received on 11.4.2025
Appendix II	Recommended Advisory Clauses
Drawings A-1 to A-3	Floor Plans
Drawing A-4	Section Plan
Drawing A-5	Excavation Plan
Drawing A-6	Site Constraints Plan
Drawing A-7	Landscape Master Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos