

RECONSIDERATION OF APPLICATION NO. Y/SK-SKT/4
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE

1. Background

- 1.1 On 6.7.2023, the Town Planning Board (the Board) received a section 12A (s.12A) application submitted by Wisdom Glory Limited and Salechoice Properties Limited represented by Arup Hong Kong Limited, to amend the approved Sai Kung Town Outline Zoning Plan (OZP) No. S/SK-SKT/6 to rezone a site at various lots in D.D. 221 and adjoining Government Land (GL), Sha Ha, Sai Kung (the Site) (**Plan FZ-1a**) from “Village Type Development” (“V”) to “Residential (Group B) 6” (“R(B)6”) to facilitate a proposed residential development with a public vehicle park (PVP). According to the indicative scheme submitted by the applicants (the Original Indicative Scheme), the proposed development will have three 3 to 10-storey residential blocks and 14 three-storey detached houses for 168 units, a clubhouse and a PVP with 120 parking spaces in the basement (**Drawing Z-1 of Appendix FA-I**).
- 1.2 On 26.1.2024, the Rural and New Town Planning Committee (the Committee) of the Board considered the application (copy of the RNTPC paper is at **Appendix FA-I**) and decided not to agree to the application for the following reason:

the application site fell within an area zoned “V” and the village ‘environs’ of Sha Ha. The subject “V” zone was the only sizeable “V” zone for Sha Ha. There was no strong planning justification for rezoning the application site from “V” to “R(B)6” to make provision for non-Small House developments. The current “V” zone for the application site was considered appropriate and should be retained to reserve land for meeting the demand for Small House development and village expansion.
- 1.3 At the meeting, the Committee considered that while the proposed residential development at the Site might not be unacceptable, there was still a need to reserve suitable land as “V” zone to address the potential demand for Small House development in Sha Ha and hence, it was appropriate to retain the existing zoning of the “V” for the Site unless it could be demonstrated that the potential Small House demand could be met even if part of the “V” zone was rezoned for other uses. An extract of the relevant minutes of the above meeting of the Committee is at **Appendix FA-II**.
- 1.4 On 23.4.2024, the applicants lodged a judicial review (JR) application against the decision of the Committee not to agree the application. On 21.5.2025, the Court of

First Instance (CFI) ordered to quash the Board’s decision and directed the Board to re-consider the decision mainly on the grounds below:

- (a) the Board misinterpreted the Small House Policy that the applicants of 12 Small House applications rejected in 2021 remained eligible to re-apply. As the Small House grant was tied to the land and alienation of such land would naturally invalidate the grant and bar the applicant from re-applying, i.e. an applicant had been granted permission to erect a Small House on a piece of land he owned, he should ‘use it or lose it’¹; and
- (b) even if the interpretation in (a) was incorrect, the Board proceeded the application on an implied assumption that the 12 Small House applicants who have sold their land not only remained eligible but there was also a serious chance of them seeking re-grant was in essence without foundation.

- 1.5 On 11.9.2025, 15.9.2025 and 17.9.2025, for the re-consideration of the application, the applicants submitted Further Information (FI) (**Appendix FA-III**) mainly to revise the site boundary supplemented by a revised scheme (Revised Indicative Scheme) with corresponding changes in Master Layout Plan (MLP) (**Drawing FZ-1**), gross floor area (GFA) and other development parameters. The application is scheduled for re-consideration by the Committee at this meeting.

2. The Proposal

- 2.1 The applicants maintain their proposal to rezone the Site from “V” to “R(B)6” with a maximum plot ratio (PR) of 1.5, a maximum building height (BH) of 10 storeys (excluding basement), a requirement for provision of a PVP and putting ‘PVP (excluding container vehicle)’ as Column 1 use (**Appendix IVa of Appendix FA-I**). Compared with the original proposal, the boundary of the proposed “R(B)6” zone excludes an area of 1,200m² in the northern part of the Site such that the site area has been decreased from 12,689m² to 11,489m² (-9.5%) (**Plans FZ-2a and FZ-2e**). According to the applicants, revision to the site boundary is to reserve more land in the “V” zone for meeting the demand for Small House development and village expansion. There is no change in the proposed amendments to the Explanatory Statement (ES) for the proposed “R(B)6” zone with various requirements including stepped BH, non-building zone and PVP’s parking spaces incorporated (**Appendix IVb of Appendix FA-I**).

¹ The Judge of CFI referred to a pamphlet entitled ‘How to Apply for a Small House Grant’ (the Pamphlet) issued by the Lands Department (LandsD) which outlines the Small House Policy and provides the relevant criteria for a Small House grant. According to the Explanatory Notes of the Pamphlet, the policy was “formulated to allow an indigenous villager to apply for permission to erect, for once in his lifetime, a small house on a suitable site within his own village”. While the Judge recognised that the Small House Policy was on its face silent on the possibility of re-application in such situation, he concluded that the policy referred to the permission to erect and not the fact of erection of a Small House as making up the grant. In other words, the grant was the grant of permission, and this was enough to constitute a ‘previous grant’ under the Small House Policy. The Pamphlet also specified that if an application was approved, an offer letter would be issued by the District Lands Officer to the applicant with a demand note for payment of the administrative fee and/or premium as the case might be. The administrative fee was levied for Small House grants. If it was payable upon the grant, then it could be said, looking back, there was a previous grant.

- 2.2 According to the Revised Indicative Scheme, there will be one 3-storey residential block in the northern side, two 8-storey and 10-storey blocks in the southwestern side, 14 3-storey detached houses at the eastern side facing the waterfront providing 147 units in total and a 2-storey clubhouse in the middle. The PVP of 120 parking spaces together with 93 ancillary parking spaces are located in the basement. The MLP of the Revised Indicative Scheme is shown in **Drawing FZ-1**, while the MLP, Floor Plans, Section Plans, Landscape Master Plan and Landscape Section, Small House Development Plan and photomontages of the Original Indicative Scheme are shown in **Drawings Z-1 to Z-13 of Appendix FA-I**. There is no major change in the layout of the Revised Indicative Scheme except the footprint of the 3-storey block in the northern side has been reduced by half to follow the revised site boundary (**Plan FZ-2e**). A comparison of major development parameters of the Original and Revised Indicative Schemes are as follows:

| Development Parameters | Original Indicative Scheme (a) | Revised Indicative Scheme (b) | Difference (b) – (a) |
|--------------------------------|---|---|------------------------------|
| Gross Site Area (about) | 12,689m ² | 11,489m ² | -1,200m ² (-9.5%) |
| Development Site Area (about) | 12,613m ² Note 1 | 11,413m ² Note 1 | -1,200m ² (-9.5%) |
| GFA (about) | 18,920m ² Note 2 | 17,120m ² Note 2 | -1,800m ² (-9.5%) |
| PR | Not more than 1.5 | Not more than 1.5 | No change |
| Site Coverage (SC) | Not more than 44% | Not more than 44% | No change |
| No. of Blocks | 18 | 18 | No change |
| - Houses | 14 | 14 | |
| - Residential Blocks | 3 | 3 | |
| - Clubhouse | 1 | 1 | |
| BH (excluding basement levels) | | | |
| - Houses | 3 storeys (21.6mPD) | 3 storeys (21.6mPD) | No change |
| - Residential Blocks | | | |
| - Tower 1 | 3 storeys (20.6mPD) | 3 storeys (21.6mPD) | +1mPD |
| - Tower 2 | 10 storeys (45.1mPD) | 10 storeys (45.1mPD) | No change |
| - Tower 3 | 9 storeys (41.6mPD) | 8 storeys (37.6mPD) | -4mPD |
| - Clubhouse | 2 storeys (18.1mPD) | 2 storeys (18.1mPD) | No change |
| No. of Units | 168 (14 in detached houses and 154 in residential blocks) | 147 (14 in detached houses and 133 in residential blocks) | -21 (-12.5%) |
| Private Open Space | Not less than 488m ² | Not less than 427m ² | -61m ² (-12.5%) |
| No. of Parking Spaces in PVP | 120 | 120 | No change |
| - Private Car | 100 | 100 | No change |
| - Light Goods Vehicle | 10 | 10 | No change |
| - Coach | 10 | 10 | No change |

| Development Parameters | Original Indicative Scheme (a) | Revised Indicative Scheme (b) | Difference (b) – (a) |
|--|---------------------------------------|--------------------------------------|-----------------------------|
| No. of Ancillary Parking Spaces | 134 | 93 | -41 (-30.6%) |
| - Residential | 117 | 76 | -41 (-35%) |
| - Visitor | 15 | 15 | No change |
| - Motorcycle | 2 | 2 | No change |
| No. of Loading/Unloading (L/UL) Spaces | 3 | 3 | No change |

Note 1: According to the applicants, an area of about 76m² at the southern edge of the Site is carved out from development to avoid the high pressure underground town gas pipeline.

Note 2: The floor area of clubhouse and underground PVP are proposed to be exempted from GFA/PR/SC calculations under the Buildings Ordinance.

2.3 According to the Revised Indicative Scheme, the proposed residential development is still accessible from Sha Ha Road. The building setback of at least 7.5m from the site boundary along Wai Man Road, greenery along the site boundary and building separations of not less than 15m and 18m between the three residential blocks are maintained. The applicants also confirm that the technical assessments of the Original Indicative Scheme, including Preliminary Archaeological Impact Assessment (PAIA), Tree Preservation and Landscape Proposals, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA), Noise Impact Assessment (NIA), Air Quality Impact Assessment (AQIA), Water Supply Impact Assessment (WSIA), Visual Impact Assessment (VIA) and Quantitative Risk Assessment (QRA) (**Appendix Ia of Appendix FA-I**), are still valid and applicable to the Revised Indicative Scheme.

2.4 For Members' reference, the following documents are attached:

- (a) RNTPC Paper No. Y/SK-SKT/4 considered by the (**Appendix FA-I**) Committee on 26.1.2024
- (b) Extract of Minutes of the RNTPC Meeting held on (**Appendix FA-II**) 26.1.2024
- (c) FI received on 11.9.2025, 15.9.2025 and 17.9.2025[#] (**Appendix FA-III**)
[#]*accepted but not exempted from publication and recounting requirements*

3. Justifications from the Applicants

3.1 The justifications put forth by the applicants in support of the application are detailed in the Supplementary Planning Statement for the original submission (**Appendix Ia of Appendix FA-I**) and summarised in paragraph 2 of the RNTPC Paper No. Y/SK-SKT/4 (**Appendix FA-I**) as well as the FI received in September 2025 (**Appendix FA-III**). They are recapitulated and updated as follows:

- (a) the proposal unleashes the development potential of the Site to meet the current housing need, which proactively responds to the government's policies and initiatives;

- (b) the demand for Small House development at the Site remains insignificant throughout the years. There is no Small House application being executed or processed as of today. Nonetheless, the development site area has been reduced by 1,200m². Together with the remaining area in the “V” zones, there is sufficient land for meeting the 10-year Small House demand forecast (i.e. 11 houses) and outstanding Small House application (i.e. 1 house). Some indigenous villagers showed their support for the applicants’ proposal as reflected in the minutes of the meeting attended by the Chairman of Sai Kung Rural Committee and Indigenous Inhabitant Representative (IIR) and Resident Representative of Sha Ha;
- (c) specific development constraints, i.e. the Sha Ha Site of Archaeological Interest (SAI) and the high-pressure gas pipeline have been considered carefully in formulating the proposal. A staged mitigation approach regarding the Sha Ha SAI is proposed, and a minimum 20m buffer distance from the gas pipeline is proposed to comply with the relevant authority’s requirement;
- (d) the proposed development intensity, building and landscape design are compatible with the surrounding environment. The stepped BH profile descending towards the waterfront, the permeable building disposition and landscape design are proposed to form a harmonious relationship with the surrounding context;
- (e) in addition to the provision of ancillary parking spaces, a 120-space PVP is proposed and could serve as a ‘park-and-ride’ facility allowing visitors in Sai Kung to transfer to public transport to the outlying islands and rural areas; and
- (f) various technical assessments have been conducted to ascertain that the proposal is technically feasible and will not generate any adverse impacts on the surroundings. The proposed development would not result in insurmountable impact on the surroundings.

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

The applicants are the sole “current land owners” of the private lots of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the above requirements are not applicable.

5. Small House Demand

- 5.1 As stated in the ES of the OZP, the boundaries of the “V” zones are drawn up having regard to the existing village ‘environs’ (‘VE’), outstanding Small House demand and various site constraints. During the consideration of the application on 26.1.2024, the Committee noted that LandsD had rejected 12 Small House grant applications within the Site in 2021 due to change in land ownership and considered these applicants might re-submit their Small House applications. Taking into

account all relevant considerations, the application was rejected based on the reason detailed in paragraph 1.2 above. However, the CFI ruled that the Board misinterpreted the Small House Policy that the 12 Small House applicants remained eligible to re-apply and even if these applicants remained eligible, the Board proceeded the application on the assumption that there was a serious chance of the 12 Small House applicants seeking re-grant was in essence without foundation. As such, the CFI allowed the JR and ordered to quash the decision and directed the Board to re-consider the decision.

Right of Re-applying Small House Grant

- 5.2 The CFI's first ground as stated in paragraph 1.4 (a) is that the 12 Small House applicants of rejected Small House grant applications had foregone their rights to re-apply and thus would not constitute as future potential demand in the area. According to the District Lands Officer/Sai Kung, LandsD (DLO/SK, LandsD), the prevailing practice is that the right to apply for Small House development is exercised if legal document(s) for grant/licence/exchange was executed and registered in the Land Registry (LR). For the subject 12 cases, offer letters inviting the applicants' acceptance of the Small House grant offers were never issued, and the legal documents were not executed or registered in LR. Therefore, the 12 Small House applicants, even after alienating their land, had not used their rights for Small House grants and remain eligible under the Small House Policy to re-apply for Small House grants. Theoretically, the 12 Small House applicants can re-apply again through purchasing private land elsewhere or pursuing government land through private treaty grant.

Chance of Re-application of Small House Grant

- 5.3 The CFI's second ground as stated in paragraph 1.4 (b) is that there was no foundation to proceed the application on an implied assumption that there was a serious chance of the 12 Small House applicants seeking re-grant of Small House. While there are practical difficulties for the Government to have an accurate estimation of the chance of the 12 applicants to re-apply Small House grant, the following information may be relevant for the Committee to assess the likelihood of re-application by the 12 applicants:
- (a) there is one outstanding Small House application in Sha Ha being processed by DLO/SK, LandsD (**Plan FZ-2c**) but it is not submitted by one of the 12 applicants;
 - (b) according to LandsD, an applicant applying for Small House grant through Free Building Licence should possess a piece of land and the application is tied to that land. While the 12 applications for Small House grants were approved between 2003 to 2007, the 12 Small House applicants sold their Small House sites to the applicants of the current s.12A application. The 12 Small House applications were rejected in 2021 due to change in land ownership; and
 - (c) no re-application from the 12 applicants had been received since rejection of the applications for Small House grants in 2021.

Estimation of Small House Demand

- 5.4 All relevant information should be taken into account in estimating Small House demand. According to the CFI's Judgment, the potential demand for Small House must incorporate some element of real likelihood, beyond just a theoretical possibility. The Board's current practice in considering new or amendments to statutory plans and planning applications related to Small House development is that, outstanding Small House applications and 10-year Small House demand forecast of the respective village will be obtained from LandsD. The actual number of Small House applications received/approved/rejected by LandsD in past 10 years will also be obtained if necessary. Since August 2015, the Board has been formally adopting a more cautious approach in that more weighting is put on the number of outstanding Small House applications. Following the CFI's judgment, and taking into consideration paragraph 5.3 above, it is recommended to adopt the same approach in assessing the Small House demand in Sha Ha.
- 5.5 According to the DLO/SK, LandsD, no Small House application has been received in Sha Ha since 2014 and the number of outstanding Small House application in Sha Ha is one, which falls within the "V" zone but outside the Site (**Plan FZ-2c**). Since 2014, the total number of Small House applications in Sha Ha received, approved and rejected by LandsD is 30 (including the 12 Small House applications mentioned in the JR application) where all application sites are within the Site. Detailed breakdown of the Small House applications is in the following table:

| Year | Received | Approved | Rejected |
|------|----------|----------|----------|
| 2014 | 0 | 0 | 1 |
| 2015 | 0 | 0 | 17 |
| 2016 | 0 | 0 | 0 |
| 2017 | 0 | 0 | 0 |
| 2018 | 0 | 0 | 0 |
| 2019 | 0 | 0 | 0 |
| 2020 | 0 | 0 | 0 |
| 2021 | 0 | 0 | 12 |
| 2022 | 0 | 0 | 0 |
| 2023 | 0 | 0 | 0 |
| 2024 | 0 | 0 | 0 |
| 2025 | 0 | 0 | 0 |

- 5.6 According to DLO/SK, LandsD, the 10-year Small House demand forecast of Sha Ha provided by the IIR as at 6.1.2014 is 11. There has been no further update on the figure since 2014. This figure is provided by the IIR, and DLO/SK, LandsD is not in a position to verify the figure. There is no practical means available for determining the need for Small House development at the planning stage, and LandsD would verify the status of an applicant for Small House development at the stage of Small House grant application.

6. Previous Application

The Site is the subject of a previous s.12A application (No. Y/SK-SKT/3) for rezoning from “V” to “R(B)6” submitted by the same applicants covering a larger site area with lower development intensity, which was rejected by the Committee on 6.5.2022 mainly on the grounds that there was no strong planning justification for rezoning the site from “V” to “R(B)6” and the current “V” zone was considered appropriate and should be retained to reserve land for meeting the demand for Small House development; and the applicants failed to demonstrate that the proposed rezoning would not have adverse archaeological impacts on the Sha Ha SAI.

7. Similar Application

There is no similar s.12A application for rezoning from “V” to “R(B)” on the OZP.

8. The Site and its Surrounding Areas (Plans FZ-1, FZ-2a to FZ-2c, aerial photo on Plan FZ-3 and site photos on FZ-4a and FZ-4b)

8.1 The Site is:

- (a) located at about 550m to the north of Sai Kung Town Centre;
- (b) accessible from Sha Ha Road to its south and Sha Ha Path and a local track from the north;
- (c) mainly occupied by temporary car park and temporary structures; and
- (d) mostly within Sha Ha SAI and the ‘VE’ of Sha Ha.

8.2 The Site is situated at the fringe of Sai Kung Town Centre with existing and planned residential developments in the vicinity including an approved comprehensive residential development (No. A/SK-SKT/28) with a domestic PR of 1.5 and BH not exceeding 10 storeys (excluding basement) at the adjacent “Comprehensive Development Area (1)” (“CDA(1)”) zone, approved residential development (No. A/SK-SKT/34) with a domestic PR of 1.5 and BH not exceeding 10 storeys (excluding basement) at an area shown as ‘Road’, existing residential development The Mediterranean with a PR of 1.5 and BH not exceeding 8 storeys in the “CDA(2)” zone, and some low-rise, low-density residential developments and village houses in Sha Ha and Sha Kok Mei and across Tai Mong Tsai Road. To the further east and south are WM Hotel of three storeys (excluding basement), Sha Ha Beach which is a non-gazetted beach, some permanent and temporary structures for eating place and water sports equipment rental uses and the Hong Kong Academy.

9. Planning Intention

The “V” zone is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected

by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

10. Comments from Relevant Government Bureau/Departments

- 10.1 Comments on the application made by relevant government bureau/departments (B/Ds) on the original submission in 2024 are summarised in paragraph 9 of **Appendix FA-IV**. For the FI received in September 2025 and re-consideration of the application, the following B/Ds have been further consulted and their views on the application are summarised as follows:

Land Administration

10.1.1 Comments of the DLO/SK, LandsD:

- (a) according to the updated information provided, the Site comprises a total of 211 private lots and adjoining GL with a total site area of about 11,489m². Her office cannot verify the respective site area of the Site and the GL involved at this stage. The applicants should make sure that the site area quoted in the submission is correct;
- (b) majority of the Site is situated within the ‘VE’ of Sha Ha;
- (c) if the subject application is approved by the Board, the lot owners shall apply to her office for a land exchange to effect the proposal. Every application submitted to her office will be considered on its own merits by her office at its absolute discretion acting in its capacity as a landlord and there is no guarantee that the land exchange application will eventually be approved or disapproved by her office. If the application for land exchange is approved by her office, it will be subject to such terms and conditions as may be imposed by her office at its absolute discretion, including payment of premium and administrative fee;

Small House Demand

- (d) the number of outstanding Small House application in Sha Ha is one, which falls within the “V” zone but outside the Site (**Plan FZ-2c**);
- (e) there were 12 Small House applications approved within the Site but are now no longer valid;
- (f) since the first gazettal of the Sai Kung Town OZP in 2005, Certificates of Compliance have been issued to 5 completed New Territories Exempted Houses in the “V” zones of Sha Ha. The number of valid approved Small House developments in Sha Ha but not yet completed is 4 (**Plan FZ-2c**);

- (g) there is no outstanding cross-village application for Small House development in other village in Sai Kung Heung submitted by indigenous villagers of Sha Ha;
- (h) the 10-year Small House demand forecast of Sha Ha provided by IIR as at 6.1.2014 is 11. Her office is not in a position to verify the figure. There has been no further updated figure available since 2014; and
- (i) other detailed comments are at **Appendix FA-IV**.

Traffic

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

- (a) no objection in principle to the application subject to timely implementation of the Hiram's Highway Improvement Stage 2 (HH2) Project prior to population intake of the proposed development;
- (b) with the timely implementation of the HH2 Project, the adverse traffic conditions at Hiram's Highway as well as the relevant junctions would be relieved to an acceptable level;
- (c) no adverse comment on the proposed PVP at the Site; and
- (d) the applicants are required to demonstrate the calculations of the parking spaces of L/UL facilities are in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) in subsequent stage of the proposed development.

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

- (a) the proposed driveway within the Site is connected to Sha Ha Road. The design and details of the driveway shall be submitted to the Transport Department and HyD for comment and approval; and
- (b) other detailed comments are at **Appendix FA-IV**.

10.1.4 Comments of the Chief Engineer 5/Major Works, Major Works Project Management Office, HyD (CE5/MW, MWPMO, HyD):

- (a) no objection to the application; and
- (b) the Site does not fall within the boundary of the HH2 Project. Nevertheless, given its proximity to the project boundary of HH2, the applicants should seek advice from his office and coordinate with the HH2 contractor regarding any works related to the subject application that may interface with the HH2 Project.

Environment

10.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) according to the AQIA, no industrial chimney is identified within 200m from the Site and sufficient buffer distance of at least 10m to the nearby roads (i.e. Wai Man Road, Tai Mong Tsai Road and Sha Ha Road) are to be provided. Besides, the applicants have confirmed that the design of the proposed underground PVP would follow Professional Persons Environmental Consultative Committee Practice Notes 2/96 such that the exhaust outlet of the proposed PVP would be suitably located and designed with proper mitigation measure. No adverse air quality impact is anticipated;
- (b) according to the NIA conducted, with the provision of suitable noise mitigation measure including provision of baffle-type acoustic window and enhanced acoustic balcony, all the residential flats would comply with HKPSG noise planning standard of 70dB(A). Besides, the assessment has also confirmed that no fixed noise source is identified in the vicinity of the Site. No adverse noise impact is anticipated;
- (c) the sewage from the proposed development will be collected by the terminal manhole and discharged into the public sewer. The SIA conducted has demonstrated that the existing public sewer has sufficient capacity to collect the sewage generated from the proposed development. No adverse water quality and sewerage impact is anticipated;
- (d) the Site is currently serving as a hard-paved temporary carpark with no vehicle maintenance activities and no sign of chemical spills/ oil stains was observed. Besides, no historic site use with industrial activities were identified. No land contamination issue is anticipated; and
- (e) on the above basis and since no approval condition could be imposed to the subject application, his office has no objection to the application from environmental planning point of view provided that there is feasible mechanism under land title document to request for the submission of NIA and provision of noise mitigation measures identified therein to meet with HKPSG requirements to the satisfaction of DEP prior to the commencement of the development.

Archaeological and Heritage Aspects

10.1.6 Comments of the Chief Heritage Executive (Antiquities and Monuments), AMO, Development Bureau (CHE(AM), AMO, DEVB):

- (a) no comment on the applicants' submission (including PAIA which recommends a 2-staged approach to mitigate the expected direct impact on the SAI) from the heritage preservation perspective;
- (b) the First Stage comprises initial excavation to determine follow-up archaeological works and ground penetrating radar survey to identify kiln locations for preservation. The Second Stage consists of, based on the findings of the First Stage, rescue excavation/further archaeological survey prior to construction phase, or archaeological watching brief during construction stage, or no further action. The archaeological works will be detailed in an Archaeological Action Plan submitted by the archaeologist applying a licence to excavate and search for antiquities under Cap. 53. The detailed archaeological works and option for kiln preservation should be agreed with AMO prior to implementation; and
- (c) in carrying out archaeological survey prior to and during construction stage for any future development at the Site, the project proponent should liaise with and seek agreement from AMO.

Urban Design and Landscape

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

Urban Design

- (a) the changes involved in the Revised Indicative Scheme (i.e. increase in BH by 1m and reduction in building bulk for the tower in the northern side) are considered very minor;
- (b) according to the submission, design/mitigation measures, including a minimum 7.5m building setback from the site boundary along Wai Man Road, provision of greenery for retaining walls/site formation in areas fronting Wai Man Road and Sha Ha Road, and façade treatment, are proposed. The Revised Indicative Scheme of the proposed development adopts a stepped height profile descending towards the waterfront and village cluster to the north. The proposed development is considered not incompatible with the existing/planned character of the area. In this regard, there is no comment on the application;
- (c) while the applicants have proposed amendments to the ES of the OZP, it is uncertain whether there would be sufficient statutory control over the implementation of the proposed design/mitigation measures under

the proposed “R(B)6” sub-zone, especially the stepped height profile with the low-rise houses along the seaside;

- (d) significant air ventilation impact is not anticipated;

Landscape

- (e) no comment on the application from landscape planning perspective;
- (f) the Site is situated in an area of miscellaneous urban fringe landscape character predominated by scattered tree groups, open car park/storage, village houses and a hotel development in the south as observed. The coastline of Sha Ha Beach is located to the east of the Site and an approved comprehensive residential development is located to the west. The proposed development is considered not incompatible with the surrounding landscape character due to the developed or planned context; and
- (g) other detailed comments are at **Appendix FA-IV**.

Drainage and Sewerage

- 10.1.8 Comment of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

The DIA and SIA are required to be reviewed regarding the hydraulic calculation of the proposed development and submitted to DSD for agreement in later land exchange and implementation stages.

Water Supplies

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

- (a) no objection to the application;
- (b) the applicants are reminded to ensure that the total water demand arising from the proposed development should not deviate from/exceed the current water supply arrangement (i.e. 213.15m³/day) as shown in the WSIA;
- (c) WSIA is required to be reviewed regarding the water demand of the new development and submitted to WSD for agreement when applying for water supply for the proposed development; and
- (d) other detailed comments are at **Appendix FA-IV**.

Building Matters

10.1.10 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) the proposed SC of 44% will exceed the permitted domestic SC of 39% under the First Schedule of Building (Planning) Regulations (B(P)R) for a Class A site with BH between 36m and 43m;
- (c) Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-2, HKPSG and C for T's advice will be referred to when determining exemption of GFA calculation for aboveground and underground car parking spaces at public and private carpark; and
- (d) other detailed comments are at **Appendix FA-IV**.

Fire Safety

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

- (a) no comment on the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) the provision of emergency vehicular access shall comply with the requirements as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011.

District Officer's Comments

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

- (a) no comment on the application; and
- (b) relevant safety standards should be met and the regulations and guidelines stipulated by the relevant government departments should be conformed to.

10.2 The following government departments have no objection to/no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Director of Electrical and Mechanical Services (DEMS); and

- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department.

11. Public Comments Received During Statutory Publication Periods

- 11.1 The application and relevant FIs were published for public inspection on 14.7.2023, 15.9.2023, 17.11.2023 and 26.9.2025. During the publication periods, a total of 433 valid public comments were received. Amongst the public comments received, there are 323 supporting comments, 52 opposing comments and 58 providing comments/expressing views (**Appendix FA-V**). The breakdown of the public comments received in 2023 and 2025 is summarised as follows:

| Year | Support | Oppose | Express Views | Total |
|--------------|----------------|---------------|----------------------|---------------|
| 2023 | 323 | 36 | 58 | 417 |
| 2025 | 0 | 16 | 0 | 16 |
| Total | 323 (75%) | 52 (12%) | 58 (13%) | 433 (100%) |

- 11.2 The major grounds of the public comments received in 2023 are set out in paragraphs 10.1 to 10.3 of **Appendix FA-I**. The major views of all public comments received are recapitulated/summarised in the following paragraphs.

- 11.3 The supporting comments submitted by individuals are mainly on the following grounds:

- (a) the proposed residential development is compatible with the surrounding low-density developments and can fully utilise land resources to boost housing supply and control property prices;
- (b) good landscape treatment beautifies the area and improves the environment, hygiene and air ventilation;
- (c) the proposed PVP would enhance connectivity and help curb illegal parking;
- (d) development in Sai Kung could foster economic growth; and
- (e) more community and retail facilities can be provided near the Site.

- 11.4 The opposing comments are mainly submitted by Sai Kung Planning Concern Front and individuals, which are mainly on the following grounds:

- (a) there is no strong planning justification for rezoning “V” to “R(B)6”;
- (b) disrespectful to the original settlers of Sai Kung if the “V” zone is being rezoned;
- (c) the scale of the proposed development is excessive and deviates from the planning framework for Sai Kung Town;

- (d) lack of community facilities and transportation system to serve the increasing population in Sai Kung;
 - (e) noise and air pollution would create nuisance to the local community during construction;
 - (f) leading to the loss of the existing open-air car parking spaces; and
 - (g) adverse visual, landscape, ecological and archaeological impacts inflicted upon the nearby shoreline and sea.
- 11.5 The comment from Towngas suggests that the applicants should consult their company in design stage and closely coordinate with them during construction stage and provide protective measures. Other comments from individuals express concerns over the sufficiency of welfare facilities in the area or views towards the holistic development of Sai Kung and the general housing needs.

12. Planning Considerations and Assessments

- 12.1 The application is to rezone the Site from “V” to “R(B)6” to facilitate a proposed residential development and PVP at the Site. In addition to stipulating a maximum PR of 1.5 and a maximum BH of 10 storeys (excluding basement) on the Notes of the OZP, the requirement for provision of a PVP in “R(B)6” zone is proposed to be added in the remarks of the “R(B)” zone while ‘PVP (excluding container vehicle)’ under Column 1 as an always-permitted use for the “R(B)6” zone. Besides, the applicants also propose to incorporate various planning and design requirements including stepped BH in the Explanatory Statement (ES) of the OZP. The proposed amendments to the Notes and ES are at **Appendices IVa and IVb of Appendix FA-I** respectively.
- 12.2 For the re-consideration of the application, the applicants submitted FI in September 2025 including the Revised Indicative Scheme (**Drawing FZ-1**) with a revised site boundary and corresponding changes in MLP, GFA and other development parameters. According to the applicants, the site boundary has been revised to retain an additional area of 1,200m² to the north of the Site as “V” zone, which could accommodate about 5 more Small Houses so that the remaining “V” zones in Sha Ha could accommodate 12 Small Houses which could meet the total demand of outstanding Small House application and the 10-year Small House demand forecast as provided by the IIR of Sha Ha in 2014. As shown on the Revised Indicative Scheme, the proposed residential development will have one 3-storey residential block (21.6mPD) in the northern side, two 8-storey and 10-storey blocks in the southwestern side (37.6mPD and 45.1mPD), and 14 3-storey detached houses (21.6mPD) at the eastern side facing the waterfront providing 147 flats in total and a 2-storey clubhouse in the middle atop the basement floors with a PVP of 120 parking spaces and 93 ancillary parking spaces in the basement.
- 12.3 In view of the CFI’s Judgement as summarised in paragraph 1.4 above, and taking into account the latest planning circumstances which largely remain unchanged

since the Committee's consideration on 26.1.2024, the application is assessed in the ensuing paragraphs.

Planning Intention and Small House Demand

- 12.4 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. However, since the designation of the Sha Ha “V” zones on the first Sai Kung Town OZP gazetted in 2005, only five Small Houses have been completed and four approved Small Houses have not yet been completed in the past 20 years, in spite of a fairly large area of land (about 1.8ha) of the “V” zones. The planning intention of the “V” zone has not been fully materialised and the Site has been left vacant for over 30 years and used for temporary uses such as car park and occupied by temporary structures in recent years.
- 12.5 According to PlanD's estimate, discounting the Site of about 1.15 ha, the available land in the remaining “V” zones in Sha Ha is about 0.3 ha which is equivalent to about 12 Small House sites on the assumption of 40 houses in 1 ha of land (**Plan FZ-2d**). According to DLO/SK, LandsD, no Small House application has been received since 2014 in Sha Ha. There is currently only one outstanding Small House application being processed but the concerned site is outside the Site and no valid approved Small House application at the Site. The 10-year Small House demand forecast of Sha Ha provided by IIR as at 6.1.2014 is 11. There has been no further updated figure available since 2014. While the Board has been formally adopting a more cautious approach in the assessment of Small House demand that more weighting is put on the number of outstanding Small House applications since August 2015, the remaining land in the “V” zone is sufficient to cater for both outstanding Small House application and 10-year Small House demand forecast provided by the IIR of Sha Ha. To this end, although the subject “V” zone is the only sizeable “V” zone for Sha Ha, the Site could be considered for rezoning to facilitate better use of the Site and help address acute housing shortfall in the territory with the provision of public parking facilities in the district. DLO/SK, LandsD advises that if the application for rezoning is approved, the lot owners shall apply to her office for a land exchange to effect the proposal. Every application for non-Small House development in ‘VE’ and/or “V” zone overlapping with ‘VE’ will be considered on its own merits by LandsD at its absolute discretion acting in its capacity as a landlord and there is no guarantee that the land exchange application will eventually be approved or disapproved by LandsD.

Land Use Compatibility, Urban Design and Landscape Aspects

- 12.6 According to the ES of the OZP, the vacant land in Sai Kung Town North has good potential to be further developed for a variety of mixed but compatible uses. The proposed residential and PVP uses at the Site are considered compatible with the surrounding existing and planned medium-rise private residential developments, village type development, leisure and hotel development. The proposed “R(B)6” zone is intended primarily for medium-density residential developments. The Site is situated at a transition from the vegetated mountain backdrop in the far north

towards the low-rise development along the waterfront, and the medium-rise development in Sai Kung Town. In this transition setting, there are existing and planned private residential developments to the immediate south of the Site in areas zoned “CDA(1)”, “CDA(2)” and shown as ‘Road’, and one existing hotel development (**Plan FZ-1b**). The proposed maximum PR of 1.5 and the stepped BH profile descending from 10 storeys to 3 storeys from west to east (from maximum BH of about 45mPD to 21.6mPD) under the current application is considered not unacceptable taken into account the development scale in the vicinity, and are consistent to the PR and BH of the “CDA(1)” and “CDA(2)” zones, and other “R(B)” zones in Sai Kung Town of the same OZP.

- 12.7 CTP/UD&L, PlanD considers that the proposed development, if developed according to the Revised Indicative Scheme adopting a stepped BH profile (**Drawing FZ-1**), is not incompatible with the existing/planned character of the area. Should the Committee decide to agree to the application, it is recommended that the BH of residential towers (maximum 10 storeys) and houses (maximum 3 storeys) should be stipulated on the OZP to ensure that the stepped BH profile will be implemented in future development.
- 12.8 From landscape planning perspective, CTP/UD&L, PlanD advises that the proposed development is considered not entirely incompatible with the surrounding landscape character and adequate landscape treatments have been proposed in the Revised Indicative Scheme to improve the overall landscape quality.

Parking Provision

- 12.9 Besides the ancillary parking facilities, the applicants propose to provide a 120-space PVP in the basement. C for T has no objection in principle to the application and no adverse comment on the proposed PVP. In view of the reduced number of units under the Revised Indicative Scheme, C for T advises that the exact number of the parking and L/UL facilities should be determined and agreed by the relevant authority at the land exchange stage.

Archaeological and Heritage Aspects

- 12.10 The major part of the Site falls within Sha Ha SAI where important archaeological remains were yielded, and previous archaeological investigation confirmed that the Site has very high archaeological potentials. In support of the application, a PAIA was conducted which recommends a staged mitigation approach including archaeological survey followed by possible rescue excavation prior to construction phase and/or archaeological watching brief during construction. CHE(AM), AMO, DEVB has no comment on the PAIA from archaeological conservation perspective. To ensure implementation, the requirements for liaison with and seeking agreement of AMO in carrying out archaeological survey prior to and during construction stage for any future development at the Site could be stipulated in the ES.

Other Technical Aspects

- 12.11 The applicants have submitted various technical assessments including TIA, Tree Preservation and Landscape Proposals, SIA, DIA, NIA, AQIA, WSIA and QRA in

support of the application with various mitigation measures proposed. Relevant technical concerns raised by concerned B/Ds can be dealt with at land exchange and implementation stages. Relevant departments including C for T, DEP, CE/MS, DSD, CE/C, WSD and DEMS have no in-principle objection to or adverse comment on the application.

Previous Application

- 12.12 In response to the rejection ground of the Committee on the previous application (No. Y/SK-SKT/3) that land should be reserved for meeting the demand of Small House, a land area of 514m² had been reserved in the “V” zone as proposed in the original submission. The applicants, in this time of re-consideration, have proposed to further retain an additional area of 1,200m² of land in the “V” zone, resulting in a total area of over 1,700m² for meeting the Small House demand of Sha Ha Village. In relation to the adverse archaeological impact on the Sha Ha SAI mentioned in the previous application, the applicants have showed efforts by submitting a PAIA and proposing staged mitigation measures on which CHE(AM), AMO, DEVB has no comment.

Development Restrictions to be Stipulated on the OZP

- 12.13 As shown in the set of Notes proposed by the applicants for the “R(B)” zone (**Appendix IVa of Appendix FZ-I**), the maximum PR of 1.5, the maximum BH of 10 storeys (excluding basements) and the requirements for provision of a PVP are proposed to be added in the remarks of the “R(B)” zone. In view of maintaining the stepped BH profile in the area, it is considered more appropriate to stipulate a two-tier maximum BHs control of 3 storeys and 10 storeys both excluding basements in the remarks of the “R(B)6” zone. The number of parking spaces to be provided in the PVP and the requirement of non-building area and buffer area for the high-pressure underground town gas pipeline will also be added to the ES of the OZP. Should the application be agreed by the Committee, PlanD will work out the amendments to the OZP, details of development restrictions to be set out in the Notes and/or the ES for the Committee’s consideration prior to gazetting of the proposed amendments to the OZP under section 5 of the Town Planning Ordinance (the Ordinance).
- 12.14 Regarding the public comments in paragraph 11 above, the departmental comments in paragraph 10 above and the assessments in paragraphs 12.1 to 12.12 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, PlanD has no in-principle objection to the application and recommends the Committee to partially agree to the application to rezone the Site to “R(B)6” with inter alia, stipulation of stepped BH restrictions and the provision of PVP in the Notes.

13.2 Should the Committee decide to agree/partially agree to the application, PlanD would work on appropriate amendments to the OZP including development restrictions and requirements to be set out in the Notes and ES for the consideration of the Committee prior to gazetting under the Ordinance upon reference back of the OZP.

13.3 Alternatively, should the Committee decide not to agree to the application, the following reason for rejection is suggested for Members' reference:

the application site falls within an area zoned "Village Type Development" ("V") and the village 'environs' of Sha Ha. The subject "V" zone is the only sizeable "V" zone for Sha Ha. There is no strong planning justification for rezoning the application site from "V" to "Residential (Group B) 6" to make provision for non-Small House developments. The current "V" zone for the application site is considered appropriate and should be retained to reserve land for meeting the demand for Small House development and village expansion.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.

14.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicants.

15. Attachments

| | |
|------------------------------|---|
| Appendix FA-I | RNTPC Paper No. Y/SK-SKT/4 considered on 26.1.2024 |
| Appendix FA-II | Extract of Minutes of the RNTPC Meeting held on 26.1.2024 |
| Appendix FA-III | FI dated 11.9.2025, 15.9.2025 and 17.9.2025 |
| Appendix FA-IV | Government Departments' General Comments |
| Appendix FA-V | Public Comments |
| Drawing FZ-1 | Mater Layout Plan |
| Plan FZ-1a | Location Plan |
| Plan FZ-1b | Development Intensity of Surrounding Areas |
| Plans FZ-2a to FZ-2c | Site Plans |
| Plan FZ-2d | Estimated Amount of Land Available for Small House Development within the "V" zones |
| Plan FZ-2e | Comparison of Master Layout Plans |
| Plan FZ-3 | Aerial Photo |
| Plans FZ-4a and FZ-4b | Site Photos |