

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/SK-SKT/4 Re-consideration of Section 12A Application No. Y/SK-SKT/4
Application for Amendment to the Approved Sai Kung Town Outline
Zoning Plan No. S/SK-SKT/6, To rezone the application site from
“Village Type Development” to “Residential (Group B) 6” and to
amend the Notes of the zone applicable to the site, Various Lots in
D.D. 221 and Adjoining Government Land, Sha Ha, Sai Kung
(RNTPC Paper No. Y/SK-SKT/4A)

Presentation and Question Sessions

9. The following representatives from the Planning Department (PlanD) and the applicants’ representatives were invited to the meeting at this point:

PlanD

Mr Walter W.N. Kwong	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs)
Ms Tammy S.N. Kong	-	Senior Town Planner/Sai Kung and Islands (STP/SKIs)
Mr Jackin H.Y. Yip	-	Town Planner/Sai Kung and Islands

Applicants’ Representatives

Wisdom Glory Limited and Salechoice Properties Limited – Applicants

Mr Remus Wong

Mr William Yip

Ove Arup & Partners Hong Kong Limited

Ms Theresa Yeung

Ms Catherine Kwong

King & Wood Mallesons

Ms Y.S. Man

Ms P.Y. Cheng

Barristers

Mr Y.H. Lee

Mr Eric Chim

LLA Consultancy Limited

Mr S.L. Ng

10. The Chairperson extended a welcome and explained the procedures of the meeting. To ensure smooth and efficient conduct of the meeting, a time limit of 15 minutes was set for presentation of the applicants. He then invited PlanD's representatives to brief Members on the background of the application.

11. With the aid of a PowerPoint presentation, Ms Tammy S.N. Kong, STP/SKIs, briefed Members on the background of the application, the proposed rezoning of the application site (with revised site boundary) (the Site) 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), departmental and public comments, and the planning considerations and assessments as detailed in the Paper. While PlanD had no in-principle objection to the application, it was considered more appropriate to stipulate a two-tier building height (BH) control of 3 storeys and 10 storeys both excluding basements in the Notes for the "R(B)6" zone to maintain a stepped BH profile.

[Mr Simon Y.S. Wong joined the meeting during PlanD's presentation.]

12. The Chairperson then invited the applicants' representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Theresa Yeung, the applicants' representative, made the following main points:

- (a) during the Committee's previous consideration in January 2024 (the previous consideration), the application was rejected. Following the decision, an application for judicial review (JR) against the Committee's decision was lodged by the applicants. The Court of First Instance (CFI) subsequently ordered to quash the Committee's decision in May 2025;
- (b) there was one outstanding Small House (SH) application outside the Site under processing. According to the information provided by the District Lands Officer/Sai Kung of the Lands Department (LandsD), the 10-year SH demand forecast of Sha Ha provided by the indigenous inhabitant representative (IIR) as at 6.1.2014 was 11, with no further update on this figure since then;
- (c) when compared with the original scheme, an area of 1,200m² in the northern part of the Site had been excluded under the revised scheme. This adjustment facilitated the retention of additional land within the "V" zone to address SH demand. Taking into account the excluded area, the other remaining land within the concerned "V" zone outside the Site and that within the adjacent "V" zone to the north of the Site, the total reserved land was sufficient to accommodate 12 SHs, which could meet the total demand for SH (total SH demand), including the outstanding SH application and the 10-year SH demand forecast as provided by the IIR of Sha Ha in 2014;
- (d) the Site had been zoned "V" since the first publication of the Sai Kung Town Outline Zoning Plan in 2005. However, no SH development had been materialised over the years, with the Site instead being used as a temporary PVP. The proposed development could unleash development potential of underutilised land through private initiative and boost private housing supply by providing 147 residential units with the provision of a PVP of 120 car parking spaces;
- (e) the proposed plot ratio of 1.5 was compatible with the surrounding developments, including WM Hotel, a planned development in the

“Comprehensive Development Area (1)” zone, and a completed comprehensive development (i.e. The Mediterranean), which were located to the south, west and further southwest of the Site respectively; and

- (f) the proposed development was technically feasible. Relevant government bureaux/departments consulted had no objection to or no adverse comment on the application.

[Mr Ryan M.K. Ip joined the meeting during the presentation of the applicants’ representative.]

13. The Chairperson remarked that during the previous consideration, the Committee’s major concern was whether there would be sufficient land within the “V” zone to accommodate the potential SH demand, rather than the development intensity or technical feasibility of the proposed development. As the presentations of PlanD’s representative and the applicants’ representative had been completed, he invited questions from Members.

Existing Conditions of Sha Ha

14. The Chairperson, the Vice-chairperson and a Member raised the following questions:

- (a) the boundary and population of Sha Ha;
- (b) whether there were other villages with available land to accommodate the possible demand for SH development; and
- (c) whether there was any reason for the limited SH demand in Sha Ha.

15. In response, Mr Walter W.N. Kwong, DPO/SKIs, with the aid of some PowerPoint slides, made the following main points:

- (a) Sha Ha mainly encompassed three “V” zones, including the “V” zone where the Site was located, an elongated “V” zone situated to the north of the Site, and the third one located to the further northeast of the Site.

While specific population data for Sha Ha was not readily available, the surrounding area was known to contain about 22 village houses. Assuming an average household size of about 3 persons, the estimated population of Sha Ha would be about 60 to 70 persons;

- (b) the village ‘environs’ of Sha Ha mainly encompassed the three aforementioned “V” zones, with some areas covered by other zonings. Under the prevailing SH Policy, an indigenous villager could apply for SH within his village and in other villages within the same Heung. As Sha Ha was in the Sai Kung Heung, residents of Sha Ha could apply for SH developments in other villages within the Sai Kung Heung, though cross-village applications might attract objections from local villagers; and
- (c) according to the information provided by LandsD, the 10-year SH demand forecast for Sha Ha as reported by the IIR as at 6.1.2014 was 11. This figure had not been updated since 2014, and LandsD was unable to verify its accuracy. At the planning stage, there were no practical means available to confirm the SH demand. The decision of indigenous villagers to develop a SH in Sha Ha might depend on various factors, such as the presence of other residences and whether they would prefer to live in Sha Ha.

Remaining “V” Zones in Sha Ha

16. The Vice-chairperson enquired about the number of SH that could be accommodated within the remaining “V” zones in Sha Ha, noting that the total SH demand would be 12. In response, Mr Walter W.N. Kwong, DPO/SKIs, with the aid of some PowerPoint slides, said that an area of 1,714m² (currently owned by the applicants) would be retained as “V” zones if the Site was rezoned. Based on the normal assumption that 40 SHs could be accommodated on one hectare (ha) of land, a total of 12 SHs could be accommodated within the remaining “V” zones (with an area of about 0.3 ha, including both private land and government land (GL)) in Sha Ha. Hence, the area of the remaining “V” zones in Sha Ha was sufficient to meet the total SH demand (i.e. 12 SHs).

17. Noting that an additional area of 1,200m² to the immediate north of the Site would be retained as “V” zone under the revised scheme, two Members raised the following questions:

- (a) whether such area was still owned by the applicants upon rezoning; and
- (b) if there would be any proposed use for such area.

18. In response, Ms Theresa Yeung, the applicants’ representative, made the following main points:

- (a) upon rezoning, the area in question would still be owned by the applicants; and
- (b) while the applicants did not yet have a concrete proposal, they committed to providing greening initiatives in the specific area.

Local Consultation

19. Noting that a meeting was convened by the applicants in November 2025 to consult Sha Ha residents on the application (the meeting), the Chairperson and some Members raised the following questions to the applicants’ representatives:

- (a) details of the local consultation, and whether there was any update on the latest figure of the 10-year SH demand forecast for Sha Ha;
- (b) with reference to the meeting record with the IIR and resident representative (RR) of Sha Ha and other villagers (the minutes), which stated that the attendees unanimously expressed agreement that ‘the existing land could meet the 10-year SH demand forecast’, whether the ‘existing land’ referred to the land in the remaining “V” zones of Sha Ha following the rezoning of the Site to “R(B)6”;

- (c) the total number of IIR and RR in Sha Ha, and whether the IIR and RR had further consulted other Sha Ha residents before casting their votes at the meeting; and
- (d) whether the revised scheme had taken into account the villagers' request that the BH of the proposed development fronting Lots 7 and 8 in D.D. 221 should not exceed 3 storeys to minimise the potential visual impact as stated in the minutes.

20. In response, Ms Theresa Yeung, the applicants' representative, with the aid of the minutes, a membership list of executive committee of Sai Kung Rural Committee (SKRC) (2023 – 2027), a list of IIR and RR of Sha Ha (the list) and some plans as shown on the visualiser, made the following main points:

- (a) the meeting was convened on 5.11.2025 and was attended by the Chairman of SKRC (Mr Wong Shui Sang), IIR of Sha Ha (Mr Wong Tin Loy), RR of Sha Ha (Mr Lau Kwok Kee) and five other residents of Sha Ha Village. The purpose of the meeting was to further consult the attendees on the application to rezone the Site from "V" to "R(B)6". During the meeting, it was unanimously agreed that the application for rezoning should be supported, and it was affirmed that the existing land would be sufficient to cater for the 10-year SH demand forecast for Sha Ha. The minutes of the meeting were subsequently signed by the Chairman of the SKRC, IIR, and RR of Sha Ha. During the public consultation periods for the application, no objections were received from the residents of Sha Ha;
- (b) the term 'existing land' referred to the land at the remaining "V" zones in Sha Ha following the rezoning of the Site to "R(B)6";
- (c) according to the list provided, Mr Wong Tin Loy and Mr Lau Kwok Kee were identified as the sole IIR and RR of Sha Ha. The remaining five attendees were notable for their active involvement in local affairs. Given that there were only about 20 SHs in Sha Ha, the meeting, which

was attended by eight individuals, could be regarded as a representative gathering that was likely to have captured the predominant views of the Sha Ha residents; and

- (d) the revised scheme proposed a stepped BH profile, with a 3-storey tower and 3-storey houses along the northern and eastern boundaries of the Site respectively, and a 8-storey tower and a 10-storey tower at the southwestern part of the Site. This design was carefully considered in response to the request from Sha Ha residents, ensuring a balanced and community-sensitive approach to the development.

21. The Chairperson enquired whether the applicants could confirm if the assessment that the remaining “V” zone in Sha Ha would be sufficient to meet the 10-year SH demand forecast for Sha Ha as stated in the minutes was made on the assumption of excluding the Site, and whether this was accurately reflected in the meeting minutes. In response, Ms Theresa Yeung, the applicants’ representative, confirmed so, and that this was accurately reflected in the minutes.

Land Exchange for Private Lots

22. Noting that the Site involved both private land and GL, a land exchange application to the LandsD for implementation was required, the Chairperson and two Members raised the following questions:

- (a) the area of GL within the Site and the area of private land to be retained as “V” zone;
- (b) whether the price of the private land within the remaining “V” zone would become unaffordable for SH developments therein; and
- (c) whether there was scope for surrendering the private lots to be retained as “V” zone to the Government in the land administration regime.

23. In response, Mr Walter W.N. Kwong, DPO/SKIs, said that the Site involved

1,995m² of GL. Ms Theresa Yeung, the applicants' representative, with the aid of some plans, made the following main points:

- (a) the applicants' private lots located to the immediate north of the Site, with an area of 1,714m², would be retained as "V" zone. This comprised 514m² as proposed under the original scheme, with an additional 1,200m² incorporated under the revised scheme;
- (b) to facilitate the proposed development, a land exchange application to LandsD was necessary as the Site involved some GL at its centre. Upon approval of the land exchange application, the private lots to be retained as "V" zone after this rezoning could be surrendered to the Government through land exchange and would become GL. Such land would then be available for indigenous villagers to apply for SH developments; and
- (c) such proposal could be further examined during the land exchange stage, which would be assessed by LandsD at its sole discretion in its capacity as the landlord.

24. As the applicants' representatives had no further points to raise and there were no further questions from Members, the Chairperson informed the applicants' representatives that the hearing procedure of the application had been completed and the Committee would deliberate on the application in their absence and inform the applicants of the Committee's decision in due course. The Chairperson thanked PlanD's and the applicants' representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

25. The Chairperson remarked that the development intensity and technical feasibility of the proposed development had been considered acceptable during the previous consideration. As such, Members might focus the consideration on whether sufficient land had been reserved to meet the total SH demand. During the previous consideration, the total SH demand was 12, including one outstanding SH application and 11 SHs from the 10-year SH demand forecast. The applicants had proposed retaining an area of 514m² as "V" zone

for accommodating six SHs. The Committee concluded that the SH demand could not be met under the proposed rezoning, leading to the rejection of the application. In the revised scheme, an additional area of 1,200m² would be retained as “V” upon rezoning. This would result in a total area of 1,714m², which, together with other available land within the “V” zones (including both private land and GL), would be able to meet the total SH demand of 12 in Sha Ha. In addition, the judgment by the CFI regarding the subject JR application emphasised the necessity of incorporating a tangible likelihood of re-application for SH grant by applicants of previously rejected applications, rather than a mere theoretical possibility, into the assessment of ‘potential demand’ for SH, which should be duly acknowledged and respected.

26. Members generally supported the application, noting the applicants’ proposal to retain an additional 1,200m² area as “V” zone under the revised scheme. This area, together with the original 514m² of land and other available land within the “V” zones, was sufficient to meet the total SH demand of 12 SHs, as confirmed by the IIR and RR at their meeting with the applicants in November 2025 and the information provided by LandsD. The proposal to surrender the private land owned by the applicants to the Government for retention as “V” zone would be assessed in the land exchange stage by LandsD. Moreover, through the surrender and regrant process during the land exchange application, the area to be retained for SH development to the north of the Site would allow a more efficient layout for SH developments, as compared with the elongated shape GL located at the centre of the Site. Furthermore, the proposed development was expected to enhance the supply of parking spaces by providing a PVP with 120 car parking spaces within the Site.

27. Two Members sought clarification on the following issues:

- (a) whether the CFI’s interpretation of SH policy would have any implication for the Committee or the Board in the consideration of SH applications;
- (b) whether it was possible for an indigenous villager to sell his land and apply for SH development again after execution of the right for SH grant;
- (c) whether there was any restriction on SH alienation; and

- (d) whether the applicants of 12 SH grant applications rejected by LandsD had applied to LandsD for removal of the alienation restriction.

28. The Chairperson said that CFI's interpretation was that the right of an indigenous villager for SH was considered as exercised once a SH grant was given, i.e. if an applicant had been granted permission to erect a SH on a piece of land he owned, then he had to "use it or lose it". This interpretation was noted to deviate from that of LandsD. Upon invitation of the Chairperson, Mr Frederick W.F. Kong, Assistant Director/Regional 3, LandsD, made the following main points:

- (a) under the prevailing practice of LandsD, the right to apply for SH development was exercised when land document(s) for grant/licence/exchange was/were executed and registered in the Land Registry (LR). LandsD was currently evaluating whether this practice should be explicitly mentioned in any public document to ensure clarity and transparency;
- (b) once the land document(s) was/were executed and registered in LR, an indigenous villager was considered to have exercised his one-in-a-lifetime right to a SH grant and was no longer entitled to any further SH grants. This meant that the indigenous villager could not apply for SH development again;
- (c) a SH on private lot(s) involving a free building licence was subject to a 5-year alienation restriction, i.e. the indigenous villager concerned could not alienate his SH within five years after the issue of the Certificate of Compliance. After the 5-year period, the indigenous villager could at liberty sell his SH in the market. The alienation restriction was perpetual for SH on GL granted by way of private treaty grant. If the indigenous villager wished to transfer the ownership of his SH within the alienation restriction period, he might apply to LandsD for removal of the relevant alienation restriction clause, subject to payment of an additional premium to be assessed by LandsD, along with an administrative fee; and

