

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/SK-HC/316**

|                           |   |
|---------------------------|---|
| <b><u>Applicant</u></b>   | : Smart Benefit Corporation Limited represented by Kenneth To and Associates Limited  |
| <b><u>Site</u></b>        | : Various Lots in D.D. 210 and adjoining Government Land, Ho Chung, Sai Kung  |
| <b><u>Site Area</u></b>   | : About 6,054m <sup>2</sup>   |
| <b><u>Lease</u></b>       | : (a) Private Land (about 5400.8m <sup>2</sup> or 89%)<br>- Old Schedule Agricultural Lot held under Block Government Lease<br>(b) Government Land (about 653.2m <sup>2</sup> or 11%) |
| <b><u>Plan</u></b>        | : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11  |
| <b><u>Zoning</u></b>      | : “Residential (Group E)” (“R(E)”)<br><br>(Restricted to a maximum plot ratio (PR) of 0.4, a maximum building height (BH) of 9m with 2 storeys over 1 storey of carport)              |
| <b><u>Application</u></b> | : Proposed Houses and Minor Relaxation of BH Restriction  |

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed 15 houses and minor relaxation of BH restriction (from 9m to 10.8m, i.e. +20%) at the application site (the Site) which falls within an area zoned “R(E)” on the approved Ho Chung OZP No. S/SK-HC/11 (**Plan A-1**). According to the Notes of the OZP, ‘House’ development in “R(E)” zone requires planning permission from the Town Planning Board (the Board). Besides, development within the “R(E)” zone is subject to a maximum plot ratio (PR) of 0.4 and a maximum BH of 9m with 2 storeys over 1 storey of carport. Based on the individual merits of a development or redevelopment proposal, minor relaxation of the maximum PR and BH may be considered by the Board.
- 1.2 The Site is the subject of two previously approved applications (No. A/SK-HC/170 and 271) for similar use covering largely similar site extents, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) on 12.2.2010 and 9.2.2018 respectively (**Plans A-1** and **A-2**). The Site is currently vacant and fenced off.

- 1.3 The current scheme is similar to the approved scheme under the latest approved planning application No. A/SK-HC/271, with minor reduction in site area. It comprises 15 houses with a clubhouse and a sunken garden in the central area. A comparison table showing the major parameters of the current scheme and the approved scheme under Application No. A/SK-HC/271 is as follow:

|                                     | (a)<br>Previously Approved Scheme<br>No. A/SK-HC/271 | (b)<br>Current Scheme                 | Difference<br>(b) – (a)         |
|-------------------------------------|--|---------------------------------------|---------------------------------|
| Site Area                           | 6,107m <sup>2</sup>                                  | 6,054m <sup>2</sup>                   | -53m <sup>2</sup><br>(-0.87 %)  |
| PR                                  | 0.4  | 0.4                                   | -                               |
| GFA                                 | 2,442.8m <sup>2</sup>                                | 2,421.6m <sup>2</sup>                 | -21.2m <sup>2</sup><br>(-0.87%) |
| Site Coverage<br>(SC)               | Not more than 25%                                    | Not more than 25%                     | -                               |
| No. of Houses                       | 13   | 15                                    | +2<br>(+15.38%)                 |
| No. of Storeys                      | 2 storeys over<br>1 storey of carport                | 2 storeys over<br>1 storey of carport | -                               |
| Maximum<br>absolute BH              | 9m   | 10.8m                                 | 1.8m<br>(+20%)                  |
| Actual BH<br>(about)                | 16.8 to 18.8mPD                                      | 16.8mPD                               | -2m<br>(-10.64%)                |
| Internal<br>Transport<br>Facilities | 26 private car parking spaces                        | 22 private car parking spaces         | -4<br>(-15.38%)                 |
|                                     | 2 visitor car parking spaces                         | 2 visitor car parking spaces          | -                               |
|                                     | 3 motor cycle parking spaces                         | 1 motor cycle parking space           | -2<br>(-66.67%)                 |
|                                     | 1 loading/unloading bay                              | 1 loading/unloading bay               | -                               |

- 1.4 The current scheme adopts a different layout strategy compared with the latest approved scheme, the site formation level/carport level are lowered in the current scheme (6mPD) than the previous scheme (7.46mPD to 9.8mPD). Despite the absolute BH of the current scheme increases from 9m to 10.8m, the actual BH of the current scheme is about 16.8mPD, which is lower than the maximum BH of the latest approved scheme of about 18.8mPD (**Drawings A-1** and **A-2**).
- 1.5 The current application has also proposed the same traffic improvement measures as in the latest approved scheme including a section of Luk Cheung Road is proposed to widen to a 7.3m wide carriageway with 1.6m wide footpath on both sides through setting back along the northern boundary (**Drawing A-10**).
- 1.6 Based on the Tree Preservation Proposal (**Drawing A-5**) submitted by the applicant, there are 36 trees (including 1 dead tree and 2 missing trees) surveyed within the Site and all trees would be affected by the proposed development. According to the applicant's proposal, a 1.5m wide planter will be provided along the eastern and southern Site boundary and a total number of 68 trees are proposed to be planted within the Site (**Drawing A-4**).

- 1.7 In support of the application, the applicant has submitted technical assessments which include a visual impact assessment (VIA), a traffic impact assessment (TIA), an environmental assessment (EA) and a sewerage and drainage impact assessment (SDIA). According to the applicant, the proposed development is targeted to be completed in 2023.
- 1.8 Comparisons of the MLPs and sections, floor plan, Landscape Master Plan, Tree Recommendation Plan, Location Plan of Vantage Points, Comparisons of Photomontages at Vantage Points, and Traffic Arrangement Plan submitted by the applicant are attached at **Drawings A-1 to A-10**.
- 1.9 In support of the application, the applicant has submitted the following documents:
- (a) Application form dated 20.4.2020 **(Appendix I)**
  - (b) Further Information (FI) received on 8.4.2021 providing **(Appendix Ia)**  
a Consolidated Report which supersedes all previous FI  
submissions\* and the original Supplementary Planning  
Statement (SPS)  
*(accepted and exempted from publication and recounting  
requirements)*
- 1.10 On 12.6.2020, 9.10.2020 and 22.1.2021, the Committee agreed to defer making a decision on the application, as requested by the applicant, to allow time for preparation of FI in response to departmental comments. The applicant has submitted latest FI as detailed in paragraph 1.9 above. The application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 4 of the SPS at **Appendix Ia**. They can be summarised as follows:

- (a) the current scheme does not alter the key development parameters of the previously approved scheme, including PR, SC and maximum BH in terms of no. of storeys and actual BH in mPD. Majority of the proposed amendments are considered Class A or Class B amendments to the approved scheme and are minor in nature;
- (b) the Site is located in a predominately low-density residential neighbourhood. The current proposal adopts a more responsive layout design responding to the surrounding context, including lowering the site formation level/carport level which result in the decrease in actual BH of buildings, regrouping of houses into 3 clusters to facilitate a smooth transition in between the Marina Cove and the village settlements, and introducing a 1.5m wide planter along the eastern

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\* A total of five previous FI submissions (received on 12.8.2020, 25.11.2020, 27.11.2020, 22.2.2021 and 22.3.2021 respectively) have been made to respond to departmental comments and to revise relevant technical assessments, of which four submissions are accepted and not exempted from publication and recounting requirements whilst one submission is accepted and exempted from the said requirements.

boundary of the Site – together with the planter along the southern boundary, they will soften the development edge and screen off the residential development;

- (c) the OZP sets a very stringent BH restriction for the Site, with maximum absolute BH restriction of 9m for a 2 storeys house over 1 storey of carport, the average floor-to-floor height for each floor of just about 3m is considered sub-standard for house development nowadays. The floor-to-floor height for the house development is 3.2m to 4 m to improve the living quality of future residents. Hence, the maximum absolute BH for each house will be increased from 9m to 10.8m;
- (d) it is considered necessary to broaden the housing mix of the development by having two distinct housing types of larger unit size (i.e. Houses 1 to 7) and of smaller unit size (i.e. Houses 8 to 15) (**Drawings A-1 and A-3**) serving the needs of different groups of the community;
- (e) all merits of the previously approved scheme will be retained, including opening up Ping On Road by excluding the private lots concerned thereon from the Site for free access of villagers of Luk Mei Tsuen, excluding the land required for the widening of Hiram's Highway from the Site to facilitate the road works, incorporating a local improvement scheme to Luk Cheung Road (**Drawing A-10 and Plan A-2**), and providing a planting strip along Ping On Road for enhancing the visual amenity (**Drawing A-4**), and facilitating early improvement to the environment at the bare hard-paved land;
- (f) the proposed development is totally in line with the planning intention of "R(E)" zone with planning intention to encourage the phasing out of industrial activities for residential development;
- (g) a VIA has been prepared to evaluate the potential visual impact of the current scheme, and it concludes that the current scheme will be visually compatible with the existing and future context (**Drawings A-6 to A-9**);
- (h) there will be a total number of 68 compensatory trees to be planted within the Site, adequate soft landscape (not less than 20% of the site area) will also be provided as per the requirements stipulated in the PNAP APP-152 Sustainable Buildings Design Guidelines. Upon implementation of the proposal, the local landscape quality will be enhanced and no adverse landscape and tree impact is anticipated;
- (i) the TIA has been updated to appraise the traffic impact of the proposed development. The TIA confirms that the traffic generation/attraction of the current scheme will be the same as the previously approved scheme. The current scheme will not cause any significant traffic impact to the nearby road network;
- (j) an EA has been conducted to identify potential environmental impacts associated with the proposed development and no adverse environmental impact is anticipated; and
- (k) an interim sewerage treatment plant (STP) will be installed in the Site to treat the sewage generated by the development before the planned public sewerage project by the Government, namely the Port Shelter Sewerage Stage 2, is available to

serve the proposed development. The potential sewerage and drainage impacts due to the proposed development has been addressed in the SDIA and no adverse sewerage and drainage impacts is anticipated.

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

The applicant is not a “current land owner” of the private lots but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining consents of the current land owners. Detailed information would be deposited at the meeting for Members’ inspection. The “owner’s consent/notification” requirement is not applicable on the government land portion of the Site.

### **4. Previous Applications**

- 4.1 There are four previous planning applications (No. A/SK-HC/119, 136, 170 and 271) that partly/wholly cover the Site.
- 4.2 Application No. A/SK-HC/119 for 13 houses within the southern portion of the Site and the adjacent “Residential (Group D)” (“R(D)”) zone was approved with conditions by the Committee on 24.6.2005. Application No. A/SK-HC/136 for proposed seven houses within the northern portion of the Site was approved with conditions by the Committee on 2.11.2007. The planning permissions granted under both applications No. A/SK-HC/119 and 136 have lapsed.
- 4.3 Applications No. A/SK-HC/170 and 271 for 13 houses at the Site which cover largely similar site extents were approved with conditions by the Committee on 12.2.2010 and 9.2.2018 respectively, mainly on grounds that the proposed development is generally in line with the planning intention of “R(E)” zone; the proposed development is compatible with the surrounding; and there is no adverse impacts on environmental, drainage, sewerage and traffic aspects. The planning permission granted under Application No. A/SK-HC/170 has lapsed whilst that under Application No. A/SK-HC/271 is still valid.
- 4.4 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

### **5. Similar Applications (Plan A-1)**

- 5.1 There are two similar applications (No. A/SK-HC/90 and 131) for residential development within “R(E)” zones on the OZP. Application No. A/SK-HC/90 for a block of 4 residential flats was rejected by the Committee on 2.3.2001 on the grounds of adverse impacts on the environment, no suitable mitigation measures to address and potential industrial/residential interface problem, no information to address sewerage impacts and flooding risk, posing constraint on drainage improvement works of Ho Chung Road and setting an undesirable precedent for similar applications.

5.2 Another Application No. A/SK-HC/131 for 19 houses covering the former Asia Television Limited Studio was approved with conditions by the Committee on 7.7.2006. The application was approved mainly on grounds that the proposed development is generally in line with the planning intention of “R(E)” zone, the proposed development is compatible with the surrounding and technical assessments have been carried out to demonstrate that no insurmountable problems will be resulted on traffic, environment, sewerage and drainage aspects. The planning permission has lapsed.

5.3 Details of the applications are summarised at **Appendix III**.

## **6. The Site and Its Surrounding Areas (Plans A-1 to A-4c)**

6.1 The Site is:

- (a) vacant, partly paved and fenced off; and
- (b) accessible via Hiram’s Highway, Luk Cheung Road and Ping On Road.

6.2 The surrounding areas have the following characteristics:

- (a) to the north are temporary structures for workshops and residential dwellings;
- (b) to the immediate east is the Hiram’s Highway and the Hiram’s Highway Improvement Stage 1 (HH1) project which has been substantially completed by the Highways Department (HyD). To the further east is Marina Cove;
- (c) to the south and southwest are a mix of residential developments, car repairing workshops, and food factories within the “R(E)” zone; and
- (d) to the west are clusters of residential structures/village houses within area zoned “R(D)”.

## **7. Planning Intention**

The planning intention of “R(E)” zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

## **8. Comments from Relevant Government Departments**

8.1 The following government departments have been consulted and their views on the application and public comments are summarised as follows:

### **Land Administration**

#### **8.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):**

- (a) the Site comprises various private lots in D.D. 210 (“the lots”) with adjoining government land, and is outside recognised village environs;
- (b) the lots are old schedule agricultural lots held under Block Government lease. There are existing short term waivers (namely SW32 and SW33) granted for Lot No. 301 in D.D. 210 for the purposes of open area either in addition to or in substitution for agricultural uses. According to the waiver conditions, both waivers could be terminated by either party giving to the other three calendar months’ notice;
- (c) no in-principle objection to the application subject to the following comments from the land administrative point of view:
  - (i) Lot 288 RP in D.D. 210 is outside the Site boundary and will be landlocked. The applicant is required to address the access arrangement to the lot;
  - (ii) it is noted that two small patches of land to the east of the 1.5 wide planter along Hiram’s Highway will form part of the public footpath. He defers to Transport Department (TD) and HyD for comment on such proposal and any requirement to open such portion within the lots for public use;
  - (iii) he shall defer to TD for comment on the proposed parking space provision and the road improvement work at Luk Cheung Road; and
- (d) an application for land exchange at the Site is being processed by his office. If the planning application is approved by the Board, the applicant may need to apply for revision of the proposed terms and conditions for the land exchange proposal. However, there is no guarantee that the proposed land exchange will be eventually approved by Government and proceed to documentation. Such land exchange application, if eventually approved, will be subject to such terms and conditions including the payment of premium as the Government considers appropriate at its discretion.

### **Traffic**

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

- (a) no comment on the application; and

- (b) the HH1 Project was substantially completed on 9.2.2021. The project involves widening of two sections of Hiram's Highway between Clear Water Bay Road and Pak Wai, which includes the section between Ho Chung Road and Luk Mei Tsuen Road as mentioned in Section 2.5 of the SPS (**Appendix Ia**). It is anticipated that the outstanding works and landscaping works (with establishment period) under the HH1 project will be completed by February 2022 and February 2023 respectively.

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

- (a) no adverse comment in general on the application and the TIA conducted;
- (b) the approval conditions below, which are same as those imposed on the previously approved Application No. A/SK-HC/271, are recommended:
  - (i) the design and provision of access arrangement, car parking spaces, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the C for T or of the Board;
  - (ii) the submission and implementation of the road improvement proposal of Luk Cheung Road adjacent to the Site and junction improvement between Luk Cheung Road and Hiram's Highway, at the applicant's own cost as proposed by the applicant, to the satisfaction of C for T or of the Board;
  - (iii) the provision of traffic signs, as proposed by the applicant, to the satisfaction of the C for T or of the Board; and
- (c) in view of CE5/MW, MWPMO, HyD's advice above, it is considered that the previously imposed approval condition of "no population intake should be allowed before the completion of the HH1 Project" is no longer necessary.

**Environment**

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

- (a) according to the EA submitted, the applicant commits to implement suitable noise mitigation measures including solid boundary wall, structural fin, acoustic balcony, and specially designed terrace, complying with the Hong Kong Planning Standards and Guidelines (HKPSG) traffic noise criteria. It is also understood that the applicant has proposed to provide sufficient buffer distance (more than 5m) from nearby Hiram's Highway and Luk Cheung Road to avoid adverse air quality impact;



- (b) on the above basis, there is no in-principle objection to the application from environmental planning point of view subject to the following approval conditions:
  - (i) the submission of a noise impact assessment (NIA) and implementation of the noise mitigation measures identified therein to meet HKPSG requirements to the satisfaction of the DEP or of the Board;
  - (ii) the submission of a land contamination assessment in accordance with the prevailing guidelines and the implementation of remediation measures identified therein prior to the development of the Site to the satisfaction of the DEP or of the Board; and
- (c) technical comments on the EA Report are at Annex I to **Appendix IV** for the applicant to follow up in subsequent report submission stage.

### **Urban Design and Visual**

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

- (a) the Site is the subject of two previous applications and the latest approved scheme (Application No. A/SK-HC/271) comprises 13 houses of 9m (ranging from 16.36mPD to 18.8mPD). The current proposal seeks to increase the building height of 15 houses from 9m to 10.8m (+1.8m) (16.8mPD) and lower the site formation level from about 8mPD to 6mPD for basement car park and a sunken communal garden, while the G/F is proposed for EVA and landscaping. Smaller units are proposed forming a row facing Hiram's Highway with a 1.5m set-back for trees and boundary wall while larger units are spaced out in the western portion. Buffer plantings are also proposed along the southern and northern boundaries facing Hiram's Highway and Ping On Road; and
- (b) despite the absolute BH of the houses is proposed to be relaxed from 9m to 10.8m, the maximum actual BH of the houses will decrease from 18.8mPD to 16.8mPD. Given the site context and as illustrated in the supporting VIA (**Drawings A-6 to A-9**), it is not anticipated that the proposed development with relaxation of BH to 10.8m would induce significant adverse impact on the visual character of the vicinity.

### **Landscape**

#### 8.1.6 Comments of the CTP/UD&L, PlanD:

- (a) no objection to the application;

- (b) according to the aerial photo of 2019, the Site is situated in an area of settled valleys landscape character, where dominated by temporary structures, village houses and scattered tree groups. Existing trees are observed at the peripheral of the Site. The proposed development is considered not incompatible with the landscape setting in the proximity;
- (c) with reference to the applicant's submission, 36 existing trees within the Site will be affected by the proposed development and are proposed to be felled (**Drawing A-5**). 68 trees and landscape provisions are proposed at different levels of the development. In view that adequate open space provision and quality landscaping will be provided, she has no objection to the application from landscape planning perspective;
- (d) in view that the Site is not located in landscape sensitive zone and adverse landscape impact arising from the proposed development is not anticipated, it is opined that a landscape condition in planning permission is not necessary, should the application be approved by the Board;
- (e) it is observed that some trees are proposed at the 1.5m width strip planter. The applicant is reminded that appropriate species, sufficient growing space and planting soil should be provided for the tree planting to ensure healthy and sustainable tree growth; and
- (f) the applicant is reminded that approval of the planning application under the Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.

### **Sewerage and Drainage**

#### **8.1.7 Comments of the DEP:**

- (a) there is no existing public sewerage system serving the Site. Having said that, the applicant commits to connect to the public sewerage system once available in future. As an interim measure, an on-site STP would be constructed and maintained by the applicant for treatment of sewage generated from the proposed development;
- (b) since the treated wastewater will be discharged into the nearby existing drainage system, the applicant is required to comply with relevant discharge standards of the Technical Memorandum on Standards for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters;

- (c) on the above basis, there is no in-principle objection to the application subject to the following approval condition: the submission of a revised sewerage impact assessment (SIA) to the satisfaction of the DEP or of the Board; and
  - (d) technical comments on the SDIA report are at Annex I to **Appendix IV** for the applicant to follow up in subsequent report submission stage.
- 8.1.8 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):
- (a) no in-principle objection to the application, having regard to the SDIA in the applicant's submission;
  - (b) the SIA should be subject to the view and agreement of the DEP as the planning authority of sewerage infrastructure; and
  - (c) detailed comments on the SDIA submission are at **Appendix IV**.

#### **Building Matters**

- 8.1.10 Comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (CBS/NTE2 & Rail, BD):
- (a) no in-principle objection to the application under the Buildings Ordinance (BO);
  - (b) comments under the BO are at **Appendix IV**;
  - (c) the granting of the planning approval should not be construed as an acceptance of the unauthorised structures on Site under the BO. Enforcement action may be taken to effect the removal of all authorised works in the future; and
  - (d) detailed comments will be given during general building plans submission stage.

#### **Nature Conservation**

- 8.1.11 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):
- (a) no comment on the application; and
  - (b) the Site is almost the same as a previously approved application No. A/SK-HC/271 with an updated site boundary and development parameters.

### **Fire Safety**

#### 8.1.12 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of D of FS;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority; and
- (c) EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D which is administrated by the Buildings Department.

### **Water Supply**

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

- (a) no objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend their inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

### **Electricity and Risk Aspects**

#### 8.1.14 Comments of the Director of Electrical and Mechanical Services (DEMS):

##### *Electricity Safety*

- (a) no particular comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and

the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines;

*Town Gas Safety*

- (b) there is a high pressure underground town gas transmission pipeline (running along Hiram's Highway) in the close vicinity of the Site (**Plan A-2**). It is anticipated that the Site will result in a significant increase in population in the vicinity of the above gas installation, a risk assessment would be required from the applicant to assess the potential risks associated with the gas installation, having considered the proposed development. Should the application be approved, a condition requiring the submission of a Quantitative Risk Assessment (QRA) related to the high pressure town gas pipeline in the vicinity and implementation of the mitigation measures identified therein to the satisfaction of DEMS or of the Board should be imposed;
- (c) the applicant/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing and planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development;
- (d) the applicant/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's Code of Practice on “Avoidance of Damage to Gas Pipes” 2nd Edition for reference. The Code can be downloaded via the following web-link: [https://www.emsd.gov.hk/filemanager/en/content\\_286/CoP\\_gas\\_pipes\\_2nd\\_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf); and

*LPG Safety*

- (e) the proposed houses development is in the vicinity of the LPG storage installation of Marina Cove, Ho Chung, Sai Kung (**Plan A-2**). From LPG safety point of view, as the proposed development will lead to increase in population in the area, the property developer shall conduct a QRA to ascertain that the risk levels posed by the LPG storage installation would comply with the Government Risk Guideline taking into account the final design and layout of the proposed development. Should the application be approved, a condition requiring the submission of a QRA related to the LPG storage installation in the vicinity and implementation of the mitigation measures identified therein to the satisfaction of DEMS or of the Board should be imposed.

**District Officer's Comments**

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

- (a) no comment on the application; and
- (b) no works/ project of his Office will be affected.

8.2 The following government departments have no comment on the application:

- (a) Chief Engineer (Works), HAD;
- (b) Chief Highway Engineer/New Territories East, HyD;
- (c) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau;
- (d) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (e) Project Manager (East), Civil Engineering and Development Department.

**9. Public Comments Received During Statutory Publication Periods**

9.1 The application and the subsequent FI submissions were published for public inspection for four times between 28.4.2020 and 2.3.2021. During the statutory public inspection periods, a total of 45 public comments (**Appendix V**) were received on the application from the Sai Kung Rural Committee, Sai Kung District Councillors, a Sai Kung Area Committee Member, Village Representative, villagers and residents of Ho Chung Village, the Incorporated Owners of Marina Cove, and individuals. 43 comments raise concerns on/objections to the application mainly on grounds of overloading transport infrastructure and services and parking facilities in Sai Kung; causing adverse environmental, ecological, sewerage, drainage, visual and landscape impacts; affecting the layout and “fung shui” of Ho Chung Village and villages in the proximity; government land in the Site should be used for public facilities; and lack of social welfare, community and recreational facilities in Sai Kung.

9.2 Two commenters, including a member of the Sai Kung Area Committee and an individual, support the application mainly on grounds that there will be no traffic impact, and the proposed development with green areas, efficient internal roads and parking would improve the living environment in Ho Chung.

**10. Planning Considerations and Assessments**

10.1 The application is for proposed 15 houses and minor relaxation of BH restriction (from 9m to 10.8m, i.e. +20%) within the “R(E)” zone on the OZP. The planning intention of the “R(E)” zone is for phasing out existing industrial uses through redevelopment for residential use on application to the Board. The Site was previously used for workshop and has been cleared for now. The proposed residential development is considered in line with the planning intention of the

“R(E)” zone and also compatible with the surrounding predominantly low-rise village developments. The Site is the subject of a previously approved application No. A/SK-HC/271 for the same use approved by the Committee on 9.2.2018, the major parameters are largely the same as the approved scheme with minor reduction in site area, alteration of layout of the proposed development, increase in the number of houses from 13 to 15, corresponding adjustment in parking provision, and increase in absolute BH.

- 10.2 According to the Notes of OZP, the maximum BH of development within the “R(E)” zone is 9m with 2 storeys over 1 storey of carport. The applicant seeks minor relaxation of absolute BH of the proposed development from 9m to 10.8m (+20%), while the proposed BH in terms of number of storey is 2 storeys over 1 storey which accords with the OZP restriction. As compared with the previously approved scheme (No. A/SK-HC/217), the current scheme would increase the floor-to-floor height of the carport level from about 2.8m to 3.6m, the ground floor from about 3.2m to 4m, and the first floor from 3m to 3.2m (**Drawing A-2**). Meanwhile, the site formation level/carport level are lowered in the current scheme (6mPD) as compared with the previously approved scheme (7.46mPD to 9.8mPD). Despite the absolute BH of the current scheme increases from 9m to 10.8m, the actual BH of the current scheme is about 16.8mPD, which is lower than the maximum BH of the previously approved scheme under Application No. A/SK-HC/271 of about 18.8mPD. CTP/UD&L, PlanD comments that it is not anticipated that the proposed development with relaxation of BH to 10.8m would induce significant adverse impact on the visual character of the vicinity (**Drawings A-6 to A-9**). The proposed minor relaxation of BH which only applies to the absolute BH of the proposed development with lower BH in terms of mPD is considered to have design merit and is acceptable in terms of visual impact. Furthermore, the proposed increase in absolute BH to facilitate the increase in floor-to-floor height is considered not unreasonable.
- 10.3 The submitted TIA has demonstrated that taking into account the completion of the HH1 Project, the proposed development will not cause any significant traffic impact to the nearby road network. A section of Luk Cheung Road is proposed to be widened for better access (**Drawing A-10**). C for T and CHE/NTE, HyD have no adverse comment on the application and the TIA, subject to same approval conditions incorporated in the previous approval on traffic aspects.
- 10.4 An EA has been conducted to identify potential environmental impacts associated with the proposed development. The proposed residential development is located along Hiram’s Highway and the proposed development is subject to traffic noise. In order to minimise potential traffic noise, noise mitigation measures such as solid boundary wall, structural fin, acoustic balcony, and specially designed terrace have been proposed. Regarding the air quality aspect, a sufficient buffer distance of at least 5m between the sensitive uses of the proposed development and the road edges of Hiram’s Highway and Luk Cheung Road has been incorporated in the layout, therefore, no adverse air impact is anticipated. DEP has no in-principle objection to the application on the environmental aspect subject to approval conditions on submissions of NIA and land contamination assessment as recommended in paragraph 11.2 below.

- 10.5 The proposed development is not envisaged to result in adverse impacts on sewerage, drainage, visual and landscape aspects. Relevant government departments concerned have no objection to/adverse comment on the application. According to applicant's proposal, an interim STP will be installed in the Site before the planned public sewage treatment project by the Government is available and DEP has no objection on such proposal. As for DEMS's concern on the potential risks associated with the gas transmission pipeline and LPG storage installation in the vicinity (**Plan A-2**), approval conditions requiring the submissions of QRAs related to the gas pipeline and LPG storage station and implementation of mitigation measures identified therein are recommended.
- 10.6 Two public comments that support the application are noted. Regarding the 43 public comments object to/raise concerns on the application mainly on grounds on the traffic, environmental, sewerage, drainage, visual and landscape impacts of the proposed development, the assessments in paragraphs 10.1 to 10.5 above are relevant.

## **11. Planning Department's Views**

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, 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 16.4.2025, 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 following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the design and provision of access arrangement, car parking spaces, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of the road improvement proposal of Luk Cheung Road adjacent to the Site and junction improvement between Luk Cheung Road and Hiram's Highway, at the applicant's own cost as proposed by the applicant, to the satisfaction of the Commissioner of Transport or of the Town Planning Board;
- (c) the provision of traffic signs, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;



- (e) the submission of a noise impact assessment and implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) the submission of a land contamination assessment in accordance with the prevailing guidelines and implementation of the remediation measures identified therein prior to the development of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (g) the submission of a revised sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (h) the submission of a Quantitative Risk Assessment related to the high pressure town gas pipeline in the vicinity of the Site and implementation of the mitigation measures identified therein to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board; and
- (i) the submission of a Quantitative Risk Assessment related to the LPG storage installation in the vicinity of the Site and implementation of the mitigation measures identified therein to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

11.3 There is no strong reason to recommend rejection of the application.

## **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 conditions and advisory clauses, 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 reasons for rejection should be given to the applicant.

## **13. Attachments**

**Appendix I**  
**Appendix Ia**

Application form dated 20.4.2020  
FI received on 8.4.2021 providing Consolidated  
Supplementary Planning Statement and Technical  
Assessments

**Appendix II**

Previous Applications

|                            |  |
|----------------------------|--|
| <b>Appendix III</b>        | Similar Applications                           |
| <b>Appendix IV</b>         | Detailed Departmental Comments                 |
| <b>Appendix V</b>          | Public Comments                                |
| <b>Appendix VI</b>         | Advisory Clauses                               |
| <b>Drawing A-1</b>         | Comparison of Master Layout Plans              |
| <b>Drawing A-2</b>         | Comparison of Sections                         |
| <b>Drawing A-3</b>         | Floor Plan                                     |
| <b>Drawing A-4</b>         | Landscape Master Plan                          |
| <b>Drawing A-5</b>         | Tree Recommendation Plan                       |
| <b>Drawing A-6</b>         | Location Plan of Vantage Points                |
| <b>Drawings A-7 to A-9</b> | Comparisons of Photomontages at Vantage Points |
| <b>Drawing A-10</b>        | Traffic Arrangement Plan                       |
| <b>Plan A-1</b>            | Location Plan                                  |
| <b>Plan A-2</b>            | Site Plan                                      |
| <b>Plan A-3</b>            | Aerial Photo                                   |
| <b>Plans A-4a to A-4c</b>  | Site Photos                                    |

**PLANNING DEPARTMENT  
APRIL 2021**