

RNTPC Paper No. A/SK-HC/326A  
For Consideration  
by the Rural and New Town  
Planning Committee  
On 15.10.2021

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

**APPLICATION NO. A/SK-HC/326**

- Applicant** : Bestime Enterprises Limited represented by Prudential Surveyors (Hong Kong) Limited
- Site** : Various Lots in D.D. 210 and 244 and Adjoining Government Land, Ho Chung, Sai Kung
- Site Area** : About 2,806m<sup>2</sup>
- Lease** : (a) Private Land (about 2,347m<sup>2</sup> or 84%)  
- Old Schedule Agricultural Lot held under Block Government Lease  
(b) Government Land (about 459m<sup>2</sup> or 16%)
- Plan** : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zoning** : “Residential (Group D)” (“R(D)”) (about 27.6%)  
- restricted to a maximum plot ratio (PR) of 0.2, a maximum site coverage (SC) of 20% and a maximum building height (BH) of 2 storeys (6m);  
“Residential (Group E)” (“R(E)”) (about 43.1%)  
- restricted to a maximum PR of 0.4, a maximum BH of 9m with 2 storeys over 1 storey of carport; and  
area shown as ‘Road’ (about 29.3%)
- Application** : Proposed Houses with Minor Relaxation of PR Restrictions

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed four houses and minor relaxation of PR restrictions at the application site (the Site) which falls within areas zoned “R(D)” and “R(E)”, as well as an area shown as ‘Road’, on the approved Ho Chung OZP No. S/SK-HC/11 (**Plan A-1**). According to the Notes of the OZP, ‘House’ is a Column 2 use in both “R(D)” and “R(E)” zones, which requires planning permission from the Town Planning Board (the Board). All uses and developments within area shown as ‘Road’ require planning permission from the Board. Besides, development within “R(D)” zone is subject to a

maximum PR of 0.2, a maximum SC of 20% and a maximum BH of 2 storeys (6m) while development within “R(E)” zone is subject to a maximum 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. The applicant also applies for the minor relaxation of PR restrictions. The Site is currently used for vehicle repair workshops and open storage, as well as covering part of Luk Mei Tsuen Road, which is a local access.

- 1.2 According to the applicant’s submission, the Site consists of three parcels, namely “Parcel A”, “Parcel B” and “Parcel C” (**Drawing A-3**). “Parcel A” is adjoining “Parcel B” while “Parcel C” is separated from the rest of the Site by the recently completed Ho Chung North Road constructed under the Hiram’s Highway Improvement Stage 1 (HH1) Project. A summary of the development parameters of the “parcels” is as follows:

	(a) “Parcel A”	(b) “Parcel B”	(c) “Parcel C”	Overall (a)+(b)+(c)
Site Area	About 792m <sup>2</sup> (28.2%)	About 1,470m <sup>2</sup> (52.4%)	About 544m <sup>2</sup> (19.4%)	About 2,806m <sup>2</sup> (100%)
	Total: About 2,262m <sup>2</sup> (80.6%)			
Zoning	“R(D)”	“R(E)” and area shown as ‘Road’	“R(E)”	“R(D)”, “R(E)” and area shown as ‘Road’
PR Restriction on OZP*	0.2	0.4 (for “R(E)”) Nil (for ‘Road’)	0.4	N.A.
Proposed PR	Not more than 0.22 (+10%)	Not more than 0.44 (+10%)	Not more than 0.44 (+10%)	Not more than 0.37
	Not more than 0.36			
Gross Floor Area (GFA)	About 174m <sup>2</sup>	About 646m <sup>2</sup>	About 239m <sup>2</sup>	About 1,059m <sup>2</sup>
SC Restriction on OZP	20%	N.A.	N.A	N.A.
Proposed SC	About 13.5%	About 25%	About 27%	About 22%
No. of Houses	1	2	1	4
BH Restriction on OZP	2 storeys (6m)	2 storeys over 1 storey of carport (9m) (for “R(E)”) Nil (for “Road”)	2 storeys over 1 storey of carport (9m)	N.A.
Proposed BH (No. of Storeys)	2	2	2	2
Absolute BH	6m	7.5m	7.5m	6m to 7.5m

\* “Parcel A” and “Parcel B” that share the same vehicular access and internal driveway with no physical barrier in between should be regarded as one development on one site covering “R(D)”, “R(E)” and an area shown as ‘Road’. In determining the maximum permissible PR for site straddling land use zones, the more stringent restriction is applicable.

	(a) “Parcel A”	(b) “Parcel B”	(c) “Parcel C”	Overall (a)+(b)+(c)
Car Parking Spaces	2	4	2	8

- 1.3 “Parcels A & B” cover and abut Luk Mei Tsuen Road which is an existing local access. The applicant proposes to dedicate part of the Site (about 187.52m<sup>2</sup>) as public right-of-way for vehicular access (“Magenta Area” on **Drawing A-3**). A 1.5m footpath (about 13.926m<sup>2</sup>) is proposed to be provided and maintained by the applicant along the northern and eastern boundaries of “Parcels A & B” for public use (“Purple Area” on **Drawing A-3**).
- 1.4 According to the landscape proposal submitted (**Drawing A-4**), two existing trees at the Site are proposed to be felled while seven trees are proposed to be planted. At-grade greenery coverage of 20% is proposed and no less than 25m<sup>2</sup> of private open space will be provided. In addition, the applicant proposes to provide roadside amenity planting (about 175.582m<sup>2</sup>), on land that the applicant intends to surrender to the Government, which is outside the Site but adjoining “Parcel C” (“Green Area” on **Drawing A-3**).
- 1.5 In support of the application, the applicant has submitted technical assessments which include a traffic impact assessment, a visual impact assessment (VIA), a sewerage and drainage impact assessment (SDIA), a water supply appraisal, an air quality impact assessment, and a noise impact assessment. An on-site sewage treatment system comprising septic tank and soakway pit will be constructed for each house (**Drawing A-8**). According to the applicant, the proposed development is anticipated to be completed by March 2023.
- 1.6 Floor plan, sections, proposed surrender and regrant plan, landscape plan, elevation and section of the “Green Noise Barrier”, photomontages, and sewerage layout plan submitted by the applicant are attached at **Drawings A-1 to A-8**.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 22.3.2021 **(Appendix I)**
  - (b) Further Information (FI) dated 26.8.2021 providing consolidated Supplementary Planning Statement (SPS) with revised technical assessments<sup>†</sup> **(Appendix Ia)**  
*(accepted but not exempted from publication and recounting requirements)*
  - (c) FI dated 6.10.2021 providing replacement drawings for the consolidated SPS **(Appendix Ib)**  
*(accepted and exempted from publication and recounting requirements)*
- 1.8 On 14.5.2021, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months,

<sup>†</sup> The revised SPS has superseded the SPSs enclosed in the original submission and FI dated 13.7.2021.

as requested by the applicant, to allow time for preparation of FI in response to departmental comments. With the FI submitted on 26.8.2021 and 14.9.2021, 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 7 of the SPS at **Appendix Ia**. They can be summarised as follows:

- (a) the proposed low-rise, low-density residential development is considered in line with the planning intentions for the “R(D)” and “R(E)” zones. As Luk Mei Tsuen Road/Ho Chung North Road has already been completed to the south of the area shown as ‘Road’, it is considered that the area shown as ‘Road’ may be regarded as a natural expansion of the “R(E)” zone. The proposed development is also in line with the requirements set out in the Explanatory Statement of the OZP;
- (b) the proposed development only involves four houses and the proposed minor relaxation of PR restriction is considered minimal. The overall development intensities will decrease gradually from PR 0.75 of the “Comprehensive Development Area” to the southwest of the Site, to PR 0.2 of the “R(D)” zone, then to the “Conservation Area” (“CA”) and the Ma On Shan Country Park to the north of the Site;
- (c) the proposed development is compatible with the surroundings which is in general of rural character. It will help phase out incompatible uses at the Site and its vicinity;
- (d) to avoid disturbance to the users of Luk Mei Tsuen Road, the applicant intends to dedicate a public right-of-way within their private lots and to continue to manage and maintain the road. In addition, the applicant proposes to provide a new 1.5m footpath around the northern and eastern boundaries of “Parcels A & B” at their own expenses;
- (e) the proposed building heights comply with the OZP restrictions. Tree planting and vertical greening along the site boundaries will enhance landscape and visual amenity of the public frontage and soften the building masses. Roadside amenity planting near “Parcel C” of the Site will replace existing industrial use and improve the amenity of the locality; and
- (f) technical assessments conducted conclude that there will be no insurmountable visual, traffic and transport, air quality, noise, drainage, sewerage and water supply impacts.

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

The applicant is the sole “current land owner” of the private lots of the Site. Detailed information would be deposited at the meeting for Members’ inspection. The “owner’s

consent/notification” requirement is not applicable to the government land portion of the Site.

#### **4. Previous Applications (Plans A-1 and A-2b)**

- 4.1 There are seven previous planning applications (No. A/SK-HC/29, 32, 34, 46, 85, 94 and 117) that partly cover “Parcels A and B” of the Site all considered in or before 2004.
- 4.2 Four applications (No. A/SK-HC/34 and 46 both for eight 2-storey houses with PR 0.228, No. A/SK-HC/94 for eight 2-storey houses with PR 0.22, and No. A/SK-HC/117 for minor amendments to the approve scheme under No. A/SK-HC/94) were approved with conditions on grounds that the proposed developments could replace the dilapidated industrial development and improve the local environment. The proposed development intensities, though exceeding the restrictions for the “R(D)” zone, were considered acceptable in that they were compatible with the surrounding environment and the resulting visual impact would be insignificant. Technical assessments were submitted in support of the applications, to which departments concerned had no objection. However, none of the permitted development was implemented and planning permissions lapsed.
- 4.3 Three applications (No. A/SK-HC/29, 32 and 85) were rejected on similar grounds that the proposed development intensities were considered excessive (PR ranging between 0.311 to 0.86 in sites mainly within the “R(D)” zone), and that the applicants failed to justify for the technical feasibility of the proposed developments, given the limited infrastructural facilities in the area.
- 4.4 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plans A-1** and **A-2b**.

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

- 5.1 There are seven similar applications (No. A/SK-HC/90, 119, 131, 136, 170, 271 and 316) for residential development within “R(E)” zones (or straddling “R(D)” and “R(E)” zones) on the OZP, with two involving minor relaxation of BH restriction but not PR restriction. Six applications were approved with conditions 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. Permissions granted under Applications No. A/SK-HC/271 and 316 are still valid but the developments have not yet commenced.
- 5.2 Application No. A/SK-HC/90 for a block of 4 residential flats was rejected on the grounds of adverse impacts on the environment, no suitable mitigation measures to address and potential industrial/residential (I/R) 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.

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

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

6.1 The Site is:

- (a) divided into two portions, namely “Parcels A & B” and “Parcel C”, by the newly completed Ho Chung North Road;
- (b) mainly occupied by vehicle repair workshop with open storage; and
- (c) partly covered by a section of Luk Mei Tsuen Road (a local track for accessing Luk Mei Tsuen) at the northeastern corner of “Parcels A & B”.

6.2 The surrounding areas have the following characteristics:

- (a) to the north, northeast and northwest are temporary structures for workshops and residential dwellings and some permanent village houses. To the northwest is a government refuse collection point encircled by the Site on three sides, and to the further north are vegetated slopes zoned “CA”;
- (b) to the east is an area zoned “R(E)” which is mainly occupied by workshops and temporary residential structures. To the further east is the improved Hiram’s Highway;
- (c) to the southeast is a vegetated knoll zoned “Green Belt” where Luk Mei Tsuen Road Open Space is being reprovisioned under the HH1 Project;
- (d) to the south within the same “R(E)” zone is the former Asia Television Studio; and
- (e) to the further southwest is the village proper of Ho Chung.

## **7. Planning Intentions**

7.1 The planning intention of “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

7.2 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 I/R interface problem.

- 7.3 The area shown as 'Road' is to reserve land for the provision of an access road from Hiram's Highway to Ho Chung area as part of the HH1 Project for improvement of accessibility in Ho Chung area. The road concerned (i.e. Ho Chung North Road) has been implemented under the HH1 Project and completed in February 2021.

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

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

### **Land Administration**

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

- (a) private lots affected by the proposed development are old schedule agricultural lots held under Block Government Lease and no building/structure shall be permitted except with the approval from the Government;
- (b) the proposed area to be surrendered has no planned use nor required by other departments ("Green Area" on **Drawing A-3**). For the proposal suggesting designating the proposed area to be surrendered as Green Area to be formed and maintained by the lot owner and redelivered to the Government upon request, the applicant is required to identify and confirm with the appropriate department to take up its future management and maintenance. The applicant should also ensure that formation of such area is acceptable to the appropriate department. If no appropriate department takes up its future management and maintenance, his Office has to object such proposal;
- (c) his Office has no expertise to comment on the construction, management and maintenance of the proposed roadside amenity area. Besides, provision of roadside amenity planting at the proposed area to be surrendered ("Green Area" on **Drawing A-3**) which is to be managed and maintained by the owners of the proposed residential development is regarded as provision of public open space on adjoining government land, which is against the prevailing government policy that the requirement for provision of public open space on private land and/or adjoining government land should not be imposed on the lease insofar as pure residential development is concerned. In view of this, his Office objects to such proposal;

- (d) according to the applicant, the private land to be dedicated as right-of-way for vehicular access and footpath within the Site are 187.520m<sup>2</sup> and 13.926m<sup>2</sup> respectively. The areas have been included in SC and PR calculations under the proposed scheme. He shall defer to the Planning Department (PlanD) and the Buildings Department (BD) for comment on inclusion of such area of proposed dedicated right-of-way, especially the portion for existing vehicular access, into SC and PR calculations;
- (e) as advised by the applicant, the site area of the Site is about 2,806m<sup>2</sup> (including government land of 459.398m<sup>2</sup>). If the subject application is approved by the Board, the applicant may need to submit to his Office a land exchange application at the Site with necessary information to effect the proposed development. However, there is no guarantee that the proposed land exchange will be eventually approved by Government and proceeded to documentation. Such land exchange application, if eventually approved, will be subject to such terms and conditions including the payment of a premium as the Government considers appropriate at its discretion; and
- (f) other detailed comments are at **Appendix IV**.

### **Traffic**

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

- (a) no comment on the application;
- (b) should the application be approved, the following approval conditions are recommended to be imposed:
  - (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 C for T or of the Board; and
  - (ii) the design, provision and maintenance of public footpath and vehicular access, as well as any necessary modifications of existing public footpath and carriageway to tie-in with the proposed development, at the applicant's own cost, as proposed by the applicant, to the satisfaction of C for T or of the Board.

#### 8.1.3 Comments of the Chief Highway Engineer/New Territories East, HyD (CHE/NTE, HyD):

it is noted that the proposed vehicular and pedestrian access (**Drawing A-3**) are located within the lot boundary. Therefore, the applicant should be responsible for maintenance of the proposed vehicular and pedestrian access.



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

the HH1 Project (including Ho Chung North Road) was substantially completed in February 2021. It is anticipated that the remaining civil works under the Project will be completed within 2021.

**Environment**

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

- (a) according to the submission, an on-site underground sewage treatment system will be constructed and maintained by the applicant for treatment of sewage from the proposed development. Sufficient buffer distances of 5m from nearby roads, e.g. Luk Mei Tsuen Road, Ho Chung North Road and Hiram's Highway, will be provided for air sensitive receivers. The applicant also commits to carrying out land contamination assessment prior to the commencement of the development of the Site;
- (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 condition:

the submission of a land contamination assessment in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to the development of the Site to the satisfaction of DEP or of the Board; and

- (c) the applicant should be reminded that the design and construction of the proposed sewage treatment system should follow the requirements in the Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comments by the Environmental Protection Department" including the minimum clearance requirements.

**Sewerage and Drainage**

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

- (a) no comment on the SIA, which should be subject to the view and agreement of DEP as the planning authority of sewerage infrastructure; and
- (b) as for the DIA, pipe flow calculation, the effect of erosion and sedimentation should be included. Should the application be approved, it is recommended that an approval condition requiring the submission of a revised DIA and implementation of mitigation measures identified

therein to the satisfaction of the Director of Drainage Services or of the Board be imposed.

### **Urban Design and Visual**

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

- (a) based on the revised VIA (**Drawings A-6 and A-7**), it is noted that the proposed scheme will have lower BH and slightly bigger massing for Houses B, C and D as compared with compliant scheme under the OZP restrictions. Nonetheless, the proposed residential development is considered not incompatible with the surrounding area; and
- (b) while the proposed development with minor increase in PR would unlikely induce significant adverse visual effect on the visual character of the surrounding area, there are no particular design merits that warrant minor relaxation of PR.

### **Landscape**

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

- (a) no objection to the application from landscape planning perspective;
- (b) it is noted in the submission that two existing *Macaranga tanarius* (血桐), which are common native species, at eastern boundary of the northern portion of the Site are proposed to be removed. Seven new trees are proposed to be planted in private gardens, together with shrubs and lawn area (**Drawing A-4**). Walls with climbers interfacing Ho Chung North Road are proposed to soften the development with the pedestrian frontage (**Drawing A-5**). Significant adverse impact on landscape resources is not anticipated; and
- (c) the applicant should note that approval of the planning application by the Board does not imply approval of tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/ government department(s) direct to obtain necessary approval on tree works.

### **Building Matters**

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

- (a) no in-principle objection to the application under the Buildings Ordinance (BO);

- (b) there are 3 parcels of land as shown in the submission (**Plan A-2a** and **Drawing A-3**). Presumably, “Parcel A” and “Parcel B” should be considered as one site while “Parcel C” is an independent site separated by Ho Chung North Road for the purpose of GFA and SC calculation under the BO;
- (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 unauthorised works in the future;
- (d) detailed comments will be given during general building plans submission stage; and
- (e) comments under the BO are at **Appendix IV**.

### **Fire Safety**

#### 8.1.10 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 his satisfaction;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plan; and
- (c) emergency vehicular access 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 BD.

### **Water Supply**

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

- (a) no objection to the application;
- (b) water mains are in close proximity to the Site and is likely to be affected. The applicant is required to either divert or protect the water mains found on site;
- (c) 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;

(d) water mains in the vicinity would not be able to support the provision of standard pedestal hydrant; and

(e) detailed requirements and conditions on diversion and/or protection of water mains are at **Appendix IV**.

#### **District Officer's Comments**

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

(a) no comment on the application;

(b) there is no facility maintained by his Office in the vicinity at the concerned location; and

(c) meanwhile, he has a proposed access road improvement works with proposed drainage falling within the area to be dedicated as right of way in the proposed development, which is to be implemented after all necessary owners' consents being sought.

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

(a) Director of Agriculture, Fisheries and Conservation (DAFC);

(b) Chief Engineer (Works), HAD (CE(Works), HAD); and

(c) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD).

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

9.1 The application and the subsequent FI submissions were published for public inspection on 30.3.2021, 23.7.2021 and 3.9.2021. During the statutory public inspection periods, a total of 75 public comments, including 58 made in the form of four types of standard letters (**Appendix V**, samples of standard letters at **Appendix Va**) received from the Sai Kung Rural Committee, the Resident Representative of Man Wo Village, former Sai Kung District Council members and individuals, all object to/raise concern on the application.

9.2 The major grounds of objection include non-compliance with the planning intentions; privatisation of government land; lack of community and recreational facilities in the locality; exacerbation of traffic congestion; endangering road safety; and inducing water quality and sewage impact. Some commenters propose that the concerned land should be developed for public car parking spaces and/or a park.

## 10. Planning Considerations and Assessments

- 10.1 The application is for proposed four houses and minor relaxation of PR restrictions at the Site falling within the “R(D)” and “R(E)” zones and an area shown as ‘Road’ on the OZP. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures into permanent buildings, and also for low-rise, low-density residential developments subject to planning permission from the Board; while the planning intention of the “R(E)” zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. The subject application which involves redevelopment of the Site occupied by temporary industrial uses into permanent, low-rise, low-density residential use is considered in line with the planning intentions of the “R(D)” and “R(E)” zones. As for the area shown as ‘Road’, it is to reserve land for the provision of an access road from Hiram’s Highway to Ho Chung area as part of the HH1 Project for improvement of accessibility in Ho Chung area. The concerned road (i.e. Ho Chung North Road) has been implemented under the HH1 Project and completed in February 2021, and hence the relevant part within the Site is no longer required for road use. Opportunity will be taken to amend the OZP to reflect the as-built alignments of the roads and rationalise the adjoining land use zones as appropriate in due course.
- 10.2 The Site falls within an area characterised by residential dwellings intermingled with temporary industrial uses. The proposed development, which comprises four low-rise, low-density houses, is considered not incompatible with the surrounding land uses. The proposed SC (13.5% - 27%) and BH (2 storeys with 6m - 7.5m) for individual “Parcels” comply with the OZP restrictions for the “R(D)” and/or the “R(E)” zones, where applicable. CTP/UD&L, PlanD has no objection to the application from urban design, visual and landscape planning perspectives.
- 10.3 The PR restrictions for “R(D)” and “R(E)” zones are 0.2 and 0.4 respectively. According to the Notes of the OZP for the “R(D)” and “R(E)” zones, based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR restrictions may be considered by the Board. The applicant seeks permission to relax the PR restriction at “Parcel A” to not more than 0.22, “Parcel B” and “Parcel C” to not more than 0.44, resulting in an overall proposed PR of not more than 0.37. Whilst CTP/UD&L, PlanD is of the view that there are no particular design merits that warrant minor relaxation of PR restrictions, the applicant proposes to dedicate a public right-of-way at part of the Site covering the existing Luk Mei Tsuen Road, which has been included in the PR calculation (“Magenta Area” on **Drawing A-3**), to serve the local villagers. The applicant also proposes to design, construct and maintain a public footpath within the Site, to which C for T has no in-principle objection. Besides, the applicant intends to provide a roadside amenity planting area on land to be surrendered to the Government adjacent to “Parcel C” (“Green Area” on **Drawing A-3**) which does not form part of the Site, DLO/SK, LandsD, however, advises that such proposal is against the prevailing policy. As such, it cannot be reasonably expected that the proposed roadside amenity planting area outside the Site could

be materialised. Considering that the proposed development may bring about some improvements to the local environment and could expedite the phasing out of incompatible land uses, the proposed relaxation of PR restrictions, which will result in a total PR of not more than 0.37, is considered rather minor in nature and not entirely unacceptable.

- 10.4 The applicant has submitted technical assessments in support of the application to substantiate the feasibility of the proposed development with the proposed PR. Concerned departments, including C for T, DEP, CE/MS, DSD and CE/C, WSD have no in-principle objection to the application.
- 10.5 Four previous approvals for similar low-rise, low-density residential developments with minor relaxation of PR restrictions (PR +0.02 to +0.028) have been granted at the northern portion of the Site. Besides, similar approvals for residential developments (without involving minor relaxation of PR restrictions) have been granted to applications falling within the “R(D)”/“R(E)” zones. Approval of the subject application is generally in line with the Committee’s previous decisions.
- 10.6 Regarding the public comments objecting to the application mainly on grounds of planning intention, land policy, traffic, and pollution grounds, the departmental comments in paragraph 8 and assessments in paragraphs 10.1 to 10.5 above are relevant. As for road safety and provision of public facilities, they will be monitored/followed-up by the relevant government departments under existing mechanisms.

## **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 15.10.2025, 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 design, provision and maintenance of public footpath and vehicular access, as well as any necessary modifications of existing public footpath and carriageway to tie-in with the proposed development, at the applicant’s

own cost, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (c) the submission of a land contamination assessment in accordance with the prevailing guidelines and the 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;
- (d) the submission of a revised drainage impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

#### Advisory Clauses

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

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the applicant fails to provide strong planning justifications and design merits to justify the proposed minor relaxation of plot ratio restrictions.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

## **13. Attachments**

<b>Appendix I</b>	Application form received on 22.3.2021
<b>Appendix Ia</b>	FI dated 26.8.2021
<b>Appendix Ib</b>	FI dated 6.10.2021
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Detailed Departmental Comments
<b>Appendix V</b>	Public Comments

<b>Appendix Va</b>	Public Comments – Sample of Standard Letters
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Floor Plan
<b>Drawing A-2</b>	Sections
<b>Drawing A-3</b>	Proposed Surrender and Regrant Plan
<b>Drawing A-4</b>	Landscape Master Plan
<b>Drawing A-5</b>	Elevation and Section of the “Green Noise Barrier”
<b>Drawings A-6 and A-7</b>	Photomontages at Vantage Points
<b>Drawing A-8</b>	Sewerage Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Previous Applications Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4d</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2021**