

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

**APPLICATION NO. A/SK-HC/340**

- Applicants:** Menhill Limited and Regional Limited represented by Townland Consultants Limited
- Site:** Various Lots and Adjoining Government Land (GL) in D.D. 244, Ho Chung, Sai Kung, New Territories
- Site Area:** Whole Site  
About 13,719.1m<sup>2</sup> (including about 1,483m<sup>2</sup> of GL)
- Phase 1  
About 7,891.7m<sup>2</sup> (including about 721.5m<sup>2</sup> of GL)
- Phase 2  
About 5,827.4m<sup>2</sup> (including about 761.1m<sup>2</sup> of GL)
- Lease:** Phase 1  
Lot 2195 in D.D. 244 held under New Grant No. 22935 for private residential purposes  
Lot 2192 in D.D. 244 held under New Grant No. 21167 for Small House development  
Five Old Schedule Agricultural Lots<sup>①</sup> held under Block Government Lease
- Phase 2  
26 Old Schedule Agricultural Lots<sup>②</sup> held under Block Government Lease
- Plan:** Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zoning:** “Comprehensive Development Area” (“CDA”) (about 95.8%)  
(a) maximum plot ratio (PR) of 0.75;  
(b) maximum site coverage (SC) of 25%; and  
(c) maximum building height (BH) of 12m with 3 storeys over one storey of carport
- Area shown as ‘Road’ (about 4.2%)
- Application:** Proposed Comprehensive Residential Development with Minor Relaxation of Building Height Restriction (BHR) at Phase 2 Site

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<sup>①</sup> Including Lots No. 1028 s.A\*, 1197 s.G\*, 1197 RP\*, 1208 s.A\* and 1221 s.A all in D.D. 244. Building Licenses for Small House development were granted to lots marked with an asterisk (\*).

<sup>②</sup> Including Lots No. 993 RP, 1009 s.C, 1009 s.D, 1009 s.E, 1011 (Part), 1012, 1013, 1014, 1015, 1016 s.A (Part), 1016 RP, 1017 (Part), 1018 s.A, 1018 RP, 1019 s.A, 1019 RP, 1020 s.B, 1020 RP, 1021 s.B, 1021 RP, 1022 RP, 1029, 1030, 1031, 1033 and 1046 all in D.D. 244.

## 1. The Proposal

- 1.1 The applicants seek planning permission for proposed comprehensive residential development with minor relaxation of BHR at the Phase 2 site of the “CDA” zone on the approved Ho Chung OZP No. S/SK-HC/11. Pursuant to section 4A(1) of the Town Planning Ordinance (the Ordinance), development/redevelopment proposal within the “CDA” zone is subject to the approval of the Town Planning Board (the Board) by way of a planning application. A Master Layout Plan (MLP) should be submitted together with the relevant assessment reports for the approval of the Board under section 4A(2) of the Ordinance. In addition, ‘House’ use in the “CDA” zone and in area shown as ‘Road’ requires planning permission from the Board. While the proposed maximum absolute BH of 12m complies with the OZP, the proposed BH for 14 houses with six storeys (in split levels) over one storey of carport exceeds the OZP BHR of three storeys over one storey of carport and thus permission for minor relaxation of BHR is also required.
- 1.2 The application site, which includes the Phase 1 site in the northern portion and the subject Phase 2 site in the southern portion, is currently largely vacant (**Plan A-4c**). The Phase 1 site is covered by an approved MLP under Application No. A/SK-HC/124-2, details of which are at paragraph 6 below. The current application is only for the proposed development at the Phase 2 site and no amendment is proposed for the Phase 1 site. According to the submitted MLP (**Drawing A-1**), the proposed development at the Phase 2 site consists of 22 houses with a total PR of not more than 0.75, a site coverage of not more than 25% and an absolute BH of not exceeding 12m, which are OZP-compliant. Four typical designs are proposed for the houses, three of which (14 houses) feature a ‘split-level design’ with a level difference of about 1.38m between adjoining floors that results in the BH of 6 storeys over one storey of carport, while that for the remaining typical design (8 houses) is OZP-compliant in terms of number of storeys (i.e. 3 storeys over one storey of carport) (**Drawings A-4 and A-5**). In addition, a clubhouse with floor area of about 206.2m<sup>2</sup> is proposed. The major development parameters of the approved ‘Phase 1’ Development and the ‘Phase 2’ Development under application are summarised in the following table:

<b>Development Parameters</b>	<b>‘Phase 1’ Development</b> (approved under Application No. A/SK-HC/124-2)	<b>‘Phase 2’ Development</b> (under application)	<b>Total</b>
Application Site Area (about)	7,891.7m <sup>2</sup>	5,827.4m <sup>2</sup> (including about 578.4m <sup>2</sup> of area shown as ‘Road’)	13,719.1m <sup>2</sup> (edged green on <b>Drawing A-3</b> )
Development Site Area (about)	7,102.0m <sup>2</sup> <sup>③</sup> (edged blue on <b>Drawing A-3</b> )	5,499.5m <sup>2</sup> <sup>④</sup> (edged red on <b>Drawing A-3</b> )	12,601.5m <sup>2</sup>

<sup>③</sup> Excluding private lots mainly used for Small House development and government land within area zoned “CDA” mainly reserved for drainage maintenance access, while including minor encroachment upon “Village Type Development” (“V”) zone which is considered as minor boundary adjustment always permitted under the covering Notes of the OZP.

<sup>④</sup> Excluding some private lots and government land. Details are at paragraph 1.3 below.

<b>Development Parameters</b>	<b>‘Phase 1’ Development</b> (approved under Application No. A/SK-HC/124-2)	<b>‘Phase 2’ Development</b> (under application)	<b>Total</b>
No. of Houses	26	22	48
GFA (not more than)	5,262.0m <sup>2</sup>	4,124.6m <sup>2</sup>	9,386.6m <sup>2</sup>
PR (not more than) <sup>⑤</sup>	0.75		
SC (about) (not more than)	25%		
Maximum BH (m/ no. of storeys)	12m/  3 storeys over one storey basement	12m/  3 storeys over one storey carport (8 houses)  6 storeys over one storey carport (14 houses)	12m/  3 storeys over one storey basement/ carport (Phase 1 and Phase 2 (8 houses))  6 storeys over one storey carport (Phase 2) (14 houses)
Parking Facilities ➤ Resident ➤ Visitor ➤ Motor-cycle	44 2 1	44 3 1	88 5 2
Loading/unloading Bay	1	1	2
Communal open space (not less than)	79m <sup>2</sup>	108m <sup>2</sup>	187m <sup>2</sup>

- 1.3 For the Phase 2 site, an area of about 327.9m<sup>2</sup> (49.6m<sup>2</sup> of private land and 278.3m<sup>2</sup> of GL) within the “CDA” zone has been excluded from the development site. As shown on the phasing plan (**Drawing A-3**), the five private lots (coloured purple, namely Lots No. 1009 s.C, 1009 s.D, 1009 s.E, 1033 and 1046 in D.D. 244) excluded from the Phase 2 development site mainly fall within the adjoining “V” zone with minor portions encroaching onto the “CDA” zone.

<sup>⑤</sup> Based on development site area.

- 1.4 According to the Landscape Master Plan (LMP) (**Drawing A-6**) and tree preservation proposal submitted, all five existing trees within the Phase 2 site and three existing trees outside the Phase 2 site are proposed to be felled. 10 trees outside but adjoining the boundary of the Phase 2 site are proposed to be retained. 35 trees are proposed to be newly planted within the Phase 2 site.
- 1.5 The applicants propose to construct a vehicular access connecting to Nam Pin Wai Road to the south of the Phase 2 site (**Drawing A-1**). The applicants propose to surrender part of the access road for public use, subject to further liaison at the land exchange stage.
- 1.6 In support of the application, the applicants have submitted a traffic impact assessment (TIA), an environmental assessment (EA), a drainage impact assessment (DIA) and a sewerage impact assessment (SIA). As the Phase 2 site is adjacent to Hiram's Highway, noise barrier will be constructed and acoustic windows will be adopted. A sewage treatment plant with membrane bioreactor technology is proposed for treating the sewage discharge of the 'Phase 2' Development.
- 1.7 The MLP, floor plan, phasing plan, sections, LMP, landscape section, photomontages and an alternative accesses plan submitted by the applicants are attached at **Drawings A-1 to A-12**.
- 1.8 In support of the application, the applicants have submitted the following documents:
  - (a) Application Form received on 7.11.2022 (**Appendix I**)
  - (b) Further Information (FI) providing a consolidated planning statement which supersedes all previous original and FI submissions<sup>®</sup> (**Appendix Ia**)
- 1.9 On 23.12.2022, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application as requested by the applicants.

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the planning statement at **Appendix Ia**. They can be summarised as follows:

- (a) the proposed development at Phase 2 site will lead to completion of the development at the subject "CDA" site and thus is in line with its planning intention. Incorporation of area shown as 'Road' allows more comprehensive development and better interface with the completed Hiram's Highway Improvement Stage 1 project;

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<sup>®</sup> Prior to the submission of the consolidated supplementary planning statement, the applicants have previously submitted four FI submissions (received on 20.2.2023, 23.3.2023, 19.4.2023 and 1.6.2023) to respond to departmental comments and to revise relevant technical assessments. The first three submissions were accepted but not exempted from publication and recounting requirements while the last submission (received on 1.6.2023) was accepted and exempted from publication and recounting requirements.

- (b) the applicants have amalgamated most of the private lots outside the “Phase 1” site. As for the remaining “third-party” lots, the applicants are making due effort to acquire Lot 1033 by approaching the landowner but no response has been received. The “third-party” lots along the southwestern boundary of the “CDA” zone partly fall within areas zoned as “V”. While the above “third-party” lots (**Drawing A-3**) are excluded from the ‘Phase 2’ development site, exclusion of these lots does not affect the integrity of the proposed residential development. Besides, the development potentials of the “third-party” lots would not be affected as they are not accountable for GFA calculation in the ‘Phase 2’ development site;
- (c) the existing pedestrian path between Phase 1 and Phase 2 sites is located solely on private lots owned by the applicants (**Plan A-3**). There is no private agreement made between the applicants and the villagers of Ho Chung Village on the right-of-way over the existing pedestrian path. Alternative accesses to the existing settlements are available (**Drawing A-12**);
- (d) due consideration has been given to the existing environment and characters of the area in the design of the proposed development, which is fully compatible with the village setting. While minor relaxation of BHR in terms of number of storeys is sought, there will be no change to the maximum BH in terms of absolute BH, which will remain as OZP-compliant (i.e. 12m). The perceived slightly larger building masses from some viewpoints (e.g. **Drawings A-9** and **A-10**) is due to that the boundary and layout of the proposed development have been made approximately 12m closer to Hiram’s Highway when compared to the reference scheme; and
- (e) with the implementation of necessary mitigation measures, no adverse traffic, environmental, drainage and sewerage impacts are envisaged.

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

The applicants are two of the “current land owners” of the private lots within the Phase 2 site. In respect of the other “current land owner(s)”, the applicants have 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 publishing notices in local newspapers and posting notices near the application site. Detailed information would be deposited at the meeting for Members’ inspection. The “owner’s consent/notification” requirements are not applicable to the GL portion within the application site.

### **4. Town Planning Board Guidelines**

The application site falls within the “CDA” zone. The Town Planning Board Guidelines for Designation of “CDA” Zones and Monitoring the Progress of “CDA” Developments (TPB-PG No. 17A) (**Appendix II**) are relevant to this application. The relevant guidelines are summarised as follows:

For “CDA” sites which are not under single ownership, if the developer can demonstrate with evidence that due effort has been made to acquire the remaining portion of the site for development but no agreement can be reached with the landowner(s), allowance for phased development could be considered. In deriving the phasing of the development,

it should be demonstrated that:

- (a) the planning intention of the “CDA” zone will not be undermined;
- (b) the comprehensiveness of the proposed development will not be adversely affected;
- (c) the resultant development should be self-contained in terms of layout design and provision of open space and appropriate Government, institution or community, transport and other infrastructure facilities; and
- (d) the development potential of the unacquired lots should not be absorbed in the early phases of the development, access to these lots should be retained, and the individual lot owners’ landed interest should not be adversely affected.

## **5. Background**

The Phase 1 site used to be a large tract of fallow agricultural land while the Phase 2 site was occupied by two ex-sauce processing factories. The application site was zoned “CDA” on the draft Ho Chung OZP No. S/SK-HC/1 gazetted on 20.5.1994 to phase out the industrial activities, prevent the creation of industrial/residential (I/R) interface resulting from haphazard residential developments and ensure incorporation of necessary environmental mitigation measures, with a view to bringing improvement to the environment. The two ex-sauce processing factories had ceased operation and been completely demolished in 2022.

## **6. Previous Applications**

- 6.1 Prior to the current application, a number of planning applications have been submitted, each covering part of the application site only. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-2**.

### Phase 1 Site

- 6.2 Application No. A/SK-HC/65 was for proposed temporary TV studio which is not relevant to the current application. Four applications (No. A/SK-HC/48, 109, 141 and 142) at sites straddling the “V” and “CDA” zones for Small House development were approved by the Committee between 1997 and 2007 prior to promulgation of the revised ‘Interim Criteria for Consideration of Application of New Territories Exempted House/Small House in New Territories’ on 7.9.2007. The proposed Small Houses with minor encroachment onto the “CDA” zone have been largely implemented.
- 6.3 Application No. A/SK-HC/120 for proposed comprehensive residential development of 32 houses at a site covering the Phase 1 site and encroaching onto the adjoining “Green Belt” (“GB”) zone was rejected by the Committee on 15.7.2005 mainly on grounds of causing adverse traffic impact and encroachment upon works limits of planned public works projects. Application No. A/SK-HC/124 for proposed comprehensive residential development of 28 houses at the Phase 1 site (with an indicative layout included for the Phase 2 site in the

submission) was rejected by the Board on review on 21.1.2011 mainly on grounds that the proposed phased development would adversely affect the comprehensiveness of the “CDA” development, and that the applicant had not demonstrated that the potential I/R interface problem could be addressed. The applicant lodged an appeal against the Board’s decision. On 16.7.2013, the Town Planning Appeal Board (TPAB) allowed the appeal with conditions, having considered that the ex-sauce processing factories at the Phase 2 site would unlikely be resumed for industrial use and that the proposed phasing would not adversely affect the comprehensiveness of the proposed development. Validity of the planning permission was later extended to 16.7.2021 under Application No. A/SK-HC/124-1 and the development was considered commenced in 2021 following the completion of land exchange. Application No. A/SK-HC/124-2 for amendments to the approved MLP comprising 26 houses under Application No. A/SK-HC/124 was approved with conditions by the Director of Planning under the delegated authority of the Board on 19.1.2022. Since then, some approval conditions have been partially complied with and building plan submission for Phase 1 development was approved on 17.1.2023.

#### Phase 2 Site

- 6.4 Application No. DPA/SK-HC/26 covering the northern portion of the Phase 2 site for low-density residential development was submitted when the application site was designated as “Unspecific Use” on the development permission area plan, of which the planning intention for the area was not determined at the time, and is not relevant to the current application. Application No. A/SK-HC/123 covering the southern portion of the Phase 2 site for comprehensive residential development of six houses was rejected by the Board on review on 22.9.2006 on similar grounds as those for Application No. A/SK-HC/124 as stated in paragraph 6.3 above.

### **7. Similar Application**

There is only one “CDA” zone on the OZP. Apart from those applications mentioned in paragraph 6 above, there is no similar application on the OZP.

### **8. The Site and its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3, A-4a to A-4c)**

8.1 The application site is:

- (a) largely divided into two portions, namely the Phase 1 site to the north and the Phase 2 site to the south;
- (b) the Phase 1 site is largely vacant and covered by some vegetation;
- (c) the Phase 2 site is now largely vacant and previously occupied by some structures of ex-sauce processing factories which are now demolished;
- (d) mainly located within the village ‘environs’ (‘VE’) of Ho Chung; and
- (e) accessible from Hiram’s Highway to its east (for Phase 1 site) and Nam Pin Wai Road to its south (for Phase 2 site).

8.2 The surrounding areas have the following characteristics (**Plan A-3**):

- (a) to the immediate north is Ho Chung River mainly zoned “GB”. Across Ho Chung River are Che Kung Temple, Sai Kung (a one-storey Grade 1 historic building), a vegetated knoll and the ex-Asia Television Production Centre;
- (b) to the east are Hiram’s Highway within the section of the implemented Stage 1 improvement works, the estuary of Ho Chung River, some existing/planned low- to mid-rise residential development, a football field. To the south of the football field across Ho Chug River are the Ho Chung Welfare Facilities Block being retrofitted and a housing development under construction;
- (c) to the southeast are Nam Pin Wai Roundabout and Wo Mei Sewage Treatment Plant under construction. To the southwest is an existing low-rise residential development namely ‘Villa Royale’; and
- (d) to the west within the “V” zone is Ho Chung New Village comprising mainly 3-storey village houses. The village proper of Ho Chung is located to the northeast of the New Village.

**9. Planning Intentions**

- 9.1 The planning intention of the “CDA” zone is for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.
- 9.2 The area shown as ‘Road’ is to reserve land for the improvement of Hiram’s Highway. The road improvement works concerned (i.e. Hiram’s Highway Improvement Stage 1 Project) have been completed in February 2021.

**10. Comments from Relevant Government Departments**

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

**Land Administration**

10.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department:

- (a) no objection to the application;
- (b) the private lots at the Phase 2 site are Old Schedule Agricultural Lots held under Block Government Lease that no building/structure is permitted and Noisome and Offensive Trades are not permitted. Land exchange to effect the proposed comprehensive residential development would be needed;
- (c) according to the MLP (**Drawing A-1**), the southern portion of Lot



No. 1014 in D.D. 244 proposed to be surrendered for public road access mainly serves as vehicular access to and from the proposed development, instead of solely for public passage. The applicants' proposal for surrender of their private lots for public road is subject to comments of the Transport Department and will be reviewed by his department upon processing of land exchange for the development;

- (d) his office has received numerous public complaints regarding an existing right-of-way straddling over the southern portion of the Phase 1 site and the northern portion of the Phase 2 site being narrowed and destroyed. The complainants claim that preservation of the right-of-way on private lots is subject to private agreement between the developer and the villagers of Ho Chung village; and
- (e) other detailed and advisory comments are at **Appendices IV** and **V** respectively.

### **Traffic**

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

- (a) with reference to the existing traffic condition and the road design of Hiram's Highway near the Phase 2 site, it is considered that the demand for substantially modifying the carriageway is not significant in short-term;
- (b) no comment on the TIA report;
- (c) no comment on the design of the access road. From traffic management angle, there is no need for her department to take over the said access road; and
- (d) should the application be approved, an approval condition requiring the design and construction of the proposed road junction to the satisfaction of C for T or of the Board is recommended.

### **Urban Design and Landscape**

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

##### **Urban Design and Visual**

- (a) all proposed building blocks do not exceed absolute BH of 12m. The applicants have also proposed planting strips and vertical green wall along the boundary of the Phase 2 site facing Hiram's Highways and Nam Pin Wai Road which may improve the streetscape by softening the building edge and promoting visual interest and pedestrian comfort;
- (b) given the above and as illustrated in the photomontages (**Drawings A-8 to A-11**), the proposed development is considered not

incompatible with the surrounding context and significant visual impact is not anticipated;

### Landscape

- (c) no adverse comment on the application from landscape planning perspective;
- (d) with reference to the aerial photo (**Plan A-3**), it is observed that the application site is situated in an area of settled valleys landscape character predominated by village houses and scattered tree groups. The proposed comprehensive residential development is considered not incompatible with the surrounding landscape setting and environment;
- (e) based on the site photos (**Plans A-4a to A-4c**), it is observed that the Phase 2 site is currently vacant with hard paved, self-seeded groundcover is observed covering some of the site area and existing trees are found along the boundary. According to the submitted LMP (**Drawing A-6**) and tree preservation proposal, all five existing trees within the Phase 2 site and three existing trees outside the Phase 2 site are proposed to be felled. 35 heavy standard trees will be newly planted at grade and not less than 108m<sup>2</sup> of open space with recreational facilities will be provided. Given all the affected trees are common rural species such as *Macaranga tanarius var. tomentosa* (血桐), and sufficient landscape treatments are proposed for mitigation, significant adverse impact from the proposed development is not anticipated;
- (f) should the application be approved, it is recommended to impose an approval condition requiring the submission and implementation of a revised LMP to the satisfaction of the Director of Planning or of the Board; and
- (g) other advisory comments are at **Appendix V**.

### Environment

#### 10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) no in-principle objection to the application from environmental planning point of view subject to imposition of an approval condition requiring the submission of a revised noise impact assessment and implementation of the noise mitigation measures identified therein to the satisfaction of DEP or of the Board;
- (b) according to the EA submitted, the applicants committed to implement suitable noise mitigation measures including noise barriers and baffle-type acoustic window for compliance with the Hong Kong Planning Standards and Guidelines traffic noise criteria. However, the applicants should address the comments on the EA at **Appendix IV** in the subsequent submission stage; and

- (c) there is no existing public sewerage system serving the application site. Based on the SIA submitted, a sewage treatment facility providing enhanced tertiary treatment process adopting membrane bioreactor technology with ultraviolet disinfection system would be constructed and maintained for treatment of sewage from the proposed development. Since the treated wastewater will be discharged into the nearby existing drainage system, the applicants are 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”.

### **Drainage and Sewerage**

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

- (a) no comment on the DIA and SIA reports; and
- (b) the applicants should be reminded that the detailed design of the proposed drainage works and a temporary drainage management plan shall be submitted to DSD for agreement prior to the commencement of construction works.

### **Water Supply**

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

- (a) no objection to the application; and
- (b) other advisory comments are at **Appendix V**.

### **Fire Safety**

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

- (a) no comment on the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction;
- (b) other detailed and advisory comments are at **Appendices IV and V** respectively.

### **Building Matters**

10.1.8 Comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department:

- (a) no objection to the application;
- (a) with reference to his department’s Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2 and with regard to the ‘split-level’ designs for houses where the difference in level between

adjoining floors is less than 1m, the adjacent floors may be regarded as same storey for the purposes of Building (Planning) Regulation. For greater differences in level, the Authorized Person should clarify with his department before embarking on the project;

- (b) according to PNAP APP-2, above ground private car parks that will not pose adverse environmental or visual impacts to its surrounding areas may be 100% disregarded from GFA calculation. The above ground car parks in low-rise and low-density site under application may be 100% disregarded from GFA calculation; and
- (c) other advisory comments are at **Appendix V**.

### **Gas and Electrical Safety**

- 10.1.9 Comments of the Director of Electrical and Mechanical Services (DEMS):
- no comment from regulatory services perspective.

### **Archaeological and Heritage Aspects**

- 10.1.10 Comments of the Chief Heritage Executive (Antiquities and Monuments), Antiquities and Monuments Office (CHE(AM), AMO):
- (a) the Phase 2 site is located over 50m away from Che Kung Temple, Sai Kung, a Grade 1 historic temple. In view of the considerable distance between the Phase 2 site and the Temple, there is no adverse comment on the application. Notwithstanding this, the applicants should ensure that no disturbance would be made to the Temple during the course of the proposed works; and
  - (b) as a precautionary measure, the applicants and their contractors are required to inform her office immediately when any antiquities or supposed antiquities under the Antiquities and Monuments Ordinance (Cap. 53) are unearthed during the course of the proposed works.

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

- 10.1.11 Comments of the District Officer (Sai Kung), Home Affairs Department:
- (a) no works and project of his office in the area concerned will be affected. There is no specific comment on the application; and
  - (b) local views should be fully considered.
- 10.2 The following government departments have no objection to/ no comment on the application:
- (a) Director of Agriculture, Fisheries and Conservation;
  - (b) Chief Highway Engineer/New Territories East, Highways Department;
  - (c) Chief Engineer 5/Major Works, Major Works Project Management Office, Highways Department;

- (d) Project Manager (East), East Development Office, Civil Engineering and Development Department;
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (f) Chief Engineer (Works), Home Affairs Department.

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

- 11.1 The application and FI were published for public inspection. During the public inspection periods, a total of 51 public comments, including 50 opposing and one providing views on the application, were received (**Appendix VI**).
- 11.2 The 50 opposing comments were submitted by the Sai Kung Rural Committee, indigenous inhabitant representatives of Ho Chung and individuals. Their main grounds of objection are summarised below:
- (a) not in line with the planning intention of the “CDA” zone;
  - (b) the proposed building would cause adverse *fung shui* impacts. To respect the deity, developments nearby cannot exceed the height of Che Kung Temple and their BH should be limited to three storeys;
  - (c) it is unfair that the application site is served with proper vehicular access whereas the nearby village is not;
  - (d) the applicants committed to the villagers that a pedestrian access would be reserved between Phase 1 and 2 sites but the applicants have contravened such agreement. The closure of the existing access would cause inconvenience to pedestrians and particularly those with mobility issues;
  - (e) as the application site falls within ‘VE’, the applicants should compensate land for Small House development;
  - (f) the proposed development would exacerbate traffic congestion and impede traffic safety; and
  - (g) the proposed development would generate adverse visual, landscape, air ventilation, drainage, sewerage, water quality, ecological, and privacy impacts.
- 11.3 One comment from the Hong Kong and China Gas Company Limited provides view that the applicants should undertake necessary assessment and consult their company during the construction stage.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for comprehensive residential development with minor relaxation of BHR from three storeys (over one storey of carport) to six storeys (over one storey of carport) at the Phase 2 site. The whole site is zoned “CDA” and shown as ‘Road’ (about 95.8% and 4.2% respectively) on the OZP, while the

subject application is for the Phase 2 site located at its southern portion only. Pursuant to section 4(A)1 of the Ordinance, development/redevelopment proposal within “CDA” zone is subject to the approval of the Board by way of a planning application. While the maximum absolute BH of the proposed development remains OZP-complaint at 12m, minor relaxation of BHR in terms of number of storeys is sought for accommodating the ‘split-level design’ adopted in 14 houses (out of 22 houses in total) in the proposed scheme at Phase 2

### Planning Intention

12.2 The planning intention of the “CDA” zone is for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. In designating the subject “CDA” zone, consideration was also given to phasing out the ex-sauce processing factories which used to occupy the Phase 2 site. The subject application is for comprehensive residential development at the Phase 2 site and it is generally in line with the planning intention of the “CDA” zone. As for the area shown as ‘Road’, it is to reserve land for the Hiram’s Highway Improvement Stage 1 project. Given that the Stage 1 road improvement works have been implemented and C for T advises that the demand for further substantial modification of the carriageway is not significant in the short-term, as such, there may not be a need to retain the road reserve which comprises lots owned by the applicants sandwiched between the “CDA” zone and the relevant section of Hiram’s Highway.

### Phased Development

12.3 According to the phasing plan (**Drawing A-3**), the proposed ‘Phase 1’ (edged blue) and ‘Phase 2’ (edged red) Developments would together cover the majority of private lots within the “CDA” zone. Land exchange for Phase 1 has been completed and the development thereat is deemed commenced. The majority of “third-party” lots adjoining but excluded from the Phase 1 development are straddling the adjacent “V” zone and have been used for Small House developments. The remaining five excluded “third-party” lots adjoining the proposed ‘Phase 2’ Development (coloured purple on **Drawing A-3**), which straddle the “CDA” and “V” zones, account for only 49.6m<sup>2</sup> in area falling within the “CDA” zone, or 0.9% of the Phase 2 site. With relatively large portion of the said “third-party” lots being zoned “V” on the OZP, they could be considered when development at the “V” zone proceeds, which have not been included under the current application. The applicants have also indicated that they have approached the landowner of one of the “third-party” lots but no response has been received. In any case, the development potential of the said “third-party” lots would not be absorbed by the ‘Phase 2’ Development as they have been excluded from the Phase 2 development site area and PR calculations. In terms of layout design, the ‘Phase 2’ Development is considered self-contained with independent vehicular access, open space provision and sewage treatment facilities. In view of the above, the proposed phased development is considered generally in line with TPB-PG No. 17A.

### Development Intensity

- 12.4 According to the Notes of the OZP, the “CDA” zone is subject to maximum PR of 0.75, a maximum SC of 25% and a maximum BH of 12m with three storeys over one storey of carport. The PR and SC of the proposed development are OZP-compliant. While the proposed absolute BH is also OZP-compliant with a maximum of 12m, the applicants propose to relax the BHR to six storeys over one storey of carport to accommodate the ‘split-level design’ adopted in 14 out of 22 houses in total (**Drawings A-4 and A-5**) which may result in additional number of storeys as per PNAP APP-2. Such relaxation of BHR is technical in nature as the absolute BH remains unchanged. CTP/UD&L, PlanD advises that the proposed development is not incompatible with the surrounding context and significant visual impact is not anticipated.

### Technical Aspects

- 12.5 On the traffic, environmental, sewerage, drainage and fire safety aspects, concerned departments, including C for T, DEP, CE/MS, DSD and D of FS have no adverse comments. Should the application be approved, relevant approval conditions as recommended by the concerned departments should be imposed and should be taken into account in the submission of a revised MLP as the development proceeds.

### Previous Applications

- 12.6 The Phase 1 site is the subject to an Application No. A/SK-HC/124 allowed on appeal by the TPAB having considered that the proposed phased development would not affect the comprehensiveness of the “CDA” development. The development at the Phase 1 site is being implemented according to the approved MLP under Application No. A/SK-HC/124-2. The current application is for the ‘Phase 2’ Development. The Phase 2 site was the subject of the previous Application No. A/SK-HC/123 rejected by the Board on similar grounds of that for Application No. A/SK-HC/124 including adversely affecting the comprehensiveness of the “CDA” development and not demonstrating that the potential I/R interface with the ex-sauce processing factories could be addressed. Since then, the ex-sauce processing factories have been demolished and the Phase 2 site is left vacant. Approval of the current application is conducive to the implementation of the subject “CDA” zone, and is in line with the TPAB’s decision of allowing phased development of the application site.

### Public Comments

- 12.7 Regarding the public comments objecting to the application on grounds of not in line with the planning intention of the “CDA” zone and various technical concerns, departmental comments in paragraph 10 and planning considerations in paragraph 12.1 to 12.6 above are relevant. In respect of the view expressed on the possible interface with gas installation, DEMS has no comment on the application from regulatory services perspective. While *fung shui* is not a material planning consideration, it should be noted that the Che Kung Temple, having a roof level at about +9.4mPD, has a lower BH than the majority of developments nearby. CHE(AM), AMO has no adverse comment on the application. Besides, there is

local concern over the closure of an existing footpath (**Plan A-3**) between the Phase 1 and 2 sites and DLO/SK, LandsD advises that numerous complaints were received on this matter. While private land dispute should be handled separately by the concerned parties, the applicants should be advised to liaise with the local stakeholders to address their concerns.

### **13. Planning Department's View**

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 9.6.2027, 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 suggested for Members' consideration:

#### Approval Conditions

- (a) the submission and implementation of a revised Master Layout Plan to take into account conditions (b) to (f) below, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the design and construction of the proposed road junction to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the submission of a revised noise impact assessment and the implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (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; and
- (f) the submission and implementation of a development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

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

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



**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

**15. Attachments**

<b>Appendix I</b>	Application Form
<b>Appendix Ia</b>	Consolidated Planning Statement
<b>Appendix II</b>	Town Planning Board Guidelines for Designation of “CDA” Zones and Monitoring the Progress of “CDA” Developments (TPB-PG No. 17A)
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Detailed Departmental Comments
<b>Appendix V</b>	Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawing A-2</b>	Ground Floor Plan
<b>Drawing A-3</b>	Phasing Plan
<b>Drawings A-4 and A-5</b>	Sections
<b>Drawing A-6</b>	Landscape Master Plan
<b>Drawing A-7</b>	Landscape Section
<b>Drawings A-8 to A-11</b>	Photomontages
<b>Drawing A-12</b>	Alternative Accesses 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  
JUNE 2023**