

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

**APPLICATION NO. A/SK-PK/290**

<b><u>Applicant</u></b>	: Star Polywell Limited represented by Aikon Development Consultancy Limited
<b><u>Site</u></b>	: Lots 179 and 180 S.A in D.D. 215 and Adjoining Government Land (GL), Yau Ma Po, Sai Kung, New Territories
<b><u>Site Area</u></b>	: About 343.2m <sup>2</sup> (including GL of about 76.6m <sup>2</sup> or 22%)
<b><u>Lease</u></b>	: Old Schedule Lot held under Block Government Lease for agricultural purpose
<b><u>Plan</u></b>	: Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11
<b><u>Zoning</u></b>	: “Residential (Group D)” (“R(D)”) <i>[restricted to a maximum plot ratio (PR) of 0.2 and a maximum building height (BH) of 2 storeys (6m)]</i>
<b><u>Application</u></b>	: Proposed House and Minor Relaxation of PR Restriction

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed house and minor relaxation of PR restriction from 0.2 to 0.24 (+0.04 or 20%) of the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘House’ (other than redevelopment; addition, alteration and/or modification to existing house) within “R(D)” zone is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Besides, development within “R(D)” zone is subject to a maximum PR of 0.2 and a maximum BH of 2 storeys (6m). Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR and BH restrictions may be considered by the Board.
- 1.2 The Site is accessible from Yau Ma Po Street and bisected by an existing village road of about 6.5m to 9m in width. Part of the Site is currently occupied by the village road and the open area of adjoining Sai Kung Fellowships’ Association, while the remaining area is mainly used for vehicle parking (**Plans A-2a, A-3, A-4a and A-4b**). The proposed house will be situated in the southern part of the Site. To keep the accessibility of the area, the applicant proposes to setback the proposed house and provide a 3.5m-wide vehicular access (right-of-way) within the northwestern part of the Site for use by the public 24 hours daily including public holidays (**Drawings A-3 and A-4**). The applicant will take up the

responsibility of designing, building, maintaining and managing the concerned vehicular access. Any proposed modification/upgrade of the existing village road connected to the proposed development and Yau Ma Po Street will be subject to further discussion with relevant government department(s) at later stage. The area currently occupied by the adjoining Sai Kung Fellowships' Association will remain undisturbed.

- 1.3 The comparison of major development parameters between the provision under the OZP and the proposed scheme are summarised as follows:

<b>Major Development Parameters</b>	<b>Provision Under OZP [A]</b>	<b>Current Proposal [B]</b>	<b>Difference [B] – [A]</b>
PR	0.2	0.24	+0.04 (+20%)
Total Gross Floor Area (GFA)	68.64m <sup>2</sup>	82.4m <sup>2</sup>	+13.76m <sup>2</sup> (+20%)
BH Restriction	2 storeys (6m)	2 storeys (6m)	Same

- 1.4 The major development parameters of the proposed development are summarised as follows:

<b>Development Parameters</b>	<b>Proposed Development</b>
Site Area	About 343.2m <sup>2</sup> <i>(Including private land of 266.6m<sup>2</sup> and GL of 76.6m<sup>2</sup>)</i>
Total GFA	About 82.4m <sup>2</sup>
Proposed PR	Not more than 0.24
Site Coverage (SC)	About 28.8%
No. of Block	1
No. of Storeys	Not more than 2
BH (absolute height)	Not more than 6m
No. of Car Parking Spaces	1 private car parking space (accessible parking space)
Private Open Space	Not less than 108m <sup>2</sup>

- 1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 4.10.2023 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 15.11.2023 **(Appendix Ib)**  
*[accepted and exempted from publication and recounting requirements]*

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement and FI at **Appendices Ia** and **Ib**. They can be summarised as follows:

- (a) the proposed house development is considered to be fully in line with the planning intention of “R(D)” zone. It is also compatible with the surrounding low-rise, low-density residential and government, institution and community (GIC) facilities;
- (b) the Site is subject to planning blights where a large portion of the applicant’s private lots is encroached by the Sai Kung Fellowship’s Association (52.3m<sup>2</sup>) and an existing village road which is frequented by local residents (130.4m<sup>2</sup>). The remaining area is irregular in shape and not feasible and suitable for house development (**Drawing A-2**). On the other hand, the adjoining government land is mainly occupied by abandoned vehicles and debris. The proposed development will help optimising land resources through unleashing the development potential of the private lots, while achieving the public benefits of improving local environment and hygiene, as well as having better control of the current unlawful occupation of government land situations;
- (c) the proposed scheme has adopted various planning and design features for the benefits of the future users of the proposed development and the wider community, as reflected in the proposed provision of a 3.5m-wide vehicular access (right-of-way) and modification/upgrade of the existing village road to ensure the current accessibility of the area in both construction and operation stages be maintained, setback from Sai Kung Fellowship’s Association so it will be remained undisturbed, the provision of boundary landscape buffers to improve roadside environment and safety (**Drawing A-3**), and the integration of sustainable building designs and universal design principles in the proposed development (**Drawing A-4**). The innovative use of land and space is considered a planning and design merit that plays a crucial role in creating a high-quality living environment and brings enhancements to the local amenity;
- (d) on landscape and visual aspects, the proposed house has adopted a stepped height design to allow better air ventilation, sunlight penetration and visual openness of the proposed house and the surroundings (**Drawing A-5**). Greenery areas will be provided for improving the visual amenity and for maintaining sufficient separations from the surrounding residential dwellings. A 2m-wide landscaped buffer is also proposed between the proposed house and the proposed access road to enhance roadside environment and safety (**Drawing A-4**). No visual and landscape impacts are anticipated;
- (e) to mitigate potential noise impact from Yau Ma Po Street and the nearby public car park, a fence wall of 2.4m high and roadside landscape area are proposed along the periphery of the house development;
- (f) one accessible parking space will be provided at the Site to cater for the parking need of the proposed development. The proposed run-in/out area and fence wall will be positioned slightly eastwards to allow a wider road junction between the proposed house and Yau Ma Po Street and avoid any potential obstruction of sightlines (**Drawing A-4**). No adverse traffic impact is anticipated;

- (g) on drainage and sewerage aspects, if required, the applicant will submit drainage and sewerage proposals at later stage and implement such works to the satisfaction of relevant government departments in support of the proposed development;
- (h) the proposed development is adjoining an existing refuse collection point (RCP) at its northern boundary (**Drawing A-4**). The applicant will ensure that the services of the RCP will remain undisturbed during the development process of the proposed development. There are also some existing utility facilities within and near the Site, such as electricity poles, lamp poles, underground cables, tele-communication infrastructures etc., which may be affected by the proposed development. The applicant will approach relevant government department(s) and/or service provider(s) for appropriate arrangement, should the application be approved; and
- (i) there are three similar applications (No. A/SK-PK/171, 175 and 244) previously approved within the same “R(D)” zone by the Rural and New Town Planning Committee (the Committee). Approval of the current application is in line with the previous decisions of the Committee.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the government land portion, the “Owner’s Consent/Notification” Requirements are not applicable.

### **4. Previous Application**

The private land portion of the Site and the adjoining lots are the subject of a previous application No. A/SK-PK/62 for a proposed two-storey village house, which was rejected by the Committee on 16.1.1998 on the grounds that the proposed development, with a PR of 0.36, was considered excessive within the “R(D)” zone, and approval of the proposed development would set an undesirable precedent for similar applications leading to adverse cumulative impacts in the area. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-2a**.

### **5. Similar Application**

There is no similar application for proposed house within the same “R(D)” zone on the OZP in the past five years.

### **6. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on **Plan A-3**, and photos on **Plans A-4a** and **4b**)**

#### **6.1 The Site is:**

- (a) hard-paved, slightly sloped and accessible via Yau Ma Po Street, which further connects to Po Tung Road and Hiram’s Highway to the east and

south; and

- (b) bisected by an existing village road of about 6.5m to 9m in width. Part of the Site is currently occupied by the village road and the open area of adjoining Sai Kung Fellowships' Association, while the remaining area is mainly used for vehicle parking.

6.2 The surrounding areas are mainly rural in character comprising low-rise, low-density residential developments of two to three storeys and local community facilities including Sai Kung Fellowships' Association, Hong Kong Sheng Kung Hui (HKSKH) St. Simon's Sai Kung Nursery School, and a public car park at Yau Ma Po Street. Sai Kung Town Centre is about 150m from the Site across Po Tung Road.

## 7. **Planning Intention**

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.

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

8.1 The following government departments have been consulted and their views 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 involves two private lots (i.e. Lots 179 and 180 S.A) in D.D. 215 and government land. The Site is not situated within any known village 'environ'. According to their record, the concerned private lots are Old Schedule Lot held under Block Government Lease for agricultural purpose and no structures are allowed to be erected without the prior approval of the Government. The respective site areas of the private lots in accordance with the rent payroll records ("A Book") are set out as follows:-

<u>D.D. 215</u>		<u>Site Area</u>
Lot 179	:	0.05 acre (202.34m <sup>2</sup> )
Lot 180 S.A	:	800 sq. ft. (74.32m <sup>2</sup> )
		<hr/> 276.66m <sup>2</sup>

- (b) if the application is approved by the Board, the lot owner shall apply to his office for a land exchange to effect the proposal, the details of the development proposal for the regranted lot would be examined and taken into account upon processing of the land exchange proposal. The inclusion of the government land is not acceptable unless approval or consent is obtained from the

Government. However, there is no guarantee that such application will be approved by the Government. Such application, if eventually approved, will be subject to such terms and conditions including payment of premium and an administrative fee as the Government considers appropriate at its discretion; and

- (c) detailed comments are included in the advisory clauses at **Appendix IV**.

### **Traffic**

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

- (a) the existing vehicular access road is not managed by Transport Department; and
- (b) the subject application for house development and minor relaxation of the plot ratio restriction can be tolerated from traffic engineering perspective.

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

- (a) no in-principle objection to the application from highways maintenance point of view; and
- (b) the existing vehicular access road within the Site is outside the jurisdiction of HyD.

### **Environment**

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

in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.

### **Drainage**

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

he has no in-principle objection to the application from drainage maintenance viewpoint provided that adequate stormwater drainage collection and disposal facilities will be provided in connection with the proposed development to deal with the surface runoff of the Site or the same flowing onto the Site from the adjacent areas without causing any adverse drainage impact to the areas or nuisance to the adjoining areas. Detailed comments are included in the advisory clauses at **Appendix IV**.

### **Water Supply**

#### 8.1.6 Comments of the Chief Engineer/Construction, Water Supplies

Department (CE/Construction, WSD):

he has no objection to the application. Detailed comments are included in the advisory clauses at **Appendix IV**.

### **Fire Safety**

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

he has no in-principle objection to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of the D of FS. Detailed comments are included in the advisory clauses at **Appendix IV**.

### **Building Matters**

8.1.8 Comments of the Chief Building Surveyor/New Territories East (2) & Rail, Buildings Department (CBS/NTE2&Rail, BD):

no in-principle objection under the Buildings Ordinance (BO) to the proposed development at the Site. Detailed comments are included in the advisory clauses at **Appendix IV**.

### **Food and Environmental Hygiene**

8.1.9 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) she has no objection to the application; and
- (b) the project proponent should be reminded to ensure that the refuse collection point or bin site's daily operation will not be affected nor temporarily suspended at any stage of the development and the service of the existing refuse collection point or bin site to the local community will remain undisturbed during the entire development process. Detailed comments are included in the advisory clauses at **Appendix IV**.

### **Town Gas Safety**

8.1.10 Comments of the Director of Electrical and Mechanical Services that:

- (a) he has no objection to the application; and
- (b) there is an underground high pressure town gas transmission pipe running along Po Tung Road and Hiram's Highway in close vicinity of the Site. Detailed comments are included in the advisory clauses at **Appendix IV**.

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

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

- (a) no comment on the application;
- (b) as Sai Kung District Office is not a land management party, their office will not manage the proposed vehicular access. Moreover, the proposed 3.5m-wide vehicular access road falls within a private lot, though it is a public access, their office will not take up the maintenance responsibility. The applicant/project proponent has obligation to make good of the affected area arising from the proposed access road. It is estimated that the nearby villagers will strongly oppose the application according to local intelligence; and
- (c) the drainage system along the existing vehicular access is currently maintained by HAD. The applicant is reminded to protect the concerned facilities and reinstate to good condition at their own cost if deemed necessary.

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

- (a) Chief Engineer (Works), HAD;
- (b) Director of Agriculture, Fisheries and Conservation; and
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department.

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

- 9.1 The application was published for inspection on 13.10.2023. During the statutory publication period, a total of 205 comments were received, including 10 supporting comments and 195 opposing comments. A full set of the public comments received is deposited at the Board's Secretariat for Members' inspection and samples of the public comments are at **Appendix III**.
- 9.2 The 10 supporting comments are submitted by individuals mainly for the reasons that the proposed development is in line with the planning intention of "R(D)" zone, no adverse impact to the surrounding developments, improvements to the existing access road and local hygiene, and the proposal of retaining a vehicular access is supported.
- 9.3 The 195 opposing comments are submitted by the Sai Kung Rural Committee, representative of Sai Kung Tan Cheung Village Residential Association, representative of Tan Cheung Village, San King Terrace, Man King Terrace, and Yee Hong Villa etc., the Incorporated Owners of Arcourt Garden and individuals. The main objection grounds are summarised below:
- (a) the proposed development will obstruct the existing and planned vehicular access<sup>1</sup>, making it difficult for emergency vehicles and large vehicles (e.g. delivery trucks for goods, furniture, liquefied petroleum gas (LPG), and cleaning trucks for septic tank etc.) entering the village, which will cause a

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<sup>1</sup> There is one public comment stating that the proposed development will block the planned road connecting between Yau Ma Po and the various accesses at Yee Hong Villa and Tan Cheung. This planned road project, namely "Construction of Access Road at Tan Cheung" proposed under the Rural Planning Improvement Strategy (RPIS) was subsequently not implemented.



lot of inconvenience to the villagers especially the elderly in the neighborhood;

- (b) the Site has been used as a vehicular access/ easement by the villagers for over 30 years and should be maintained. The proposed access road is too narrow and considered not feasible for the area, which has a lot of traffic from the nearby village clusters, schools, church, restaurants, public car park etc., and the Site is often used as a by-pass for vehicles to manoeuvre. The Site is also within the major walking path for residents in Tan Cheung area and near the entrance of HKSKH St. Simon's Sai Kung Nursery School, the narrow sharp-turn of the proposed vehicular access at Yau Ma Po Street will pose risks of traffic accidents and cause safety concerns;
- (c) the proposed development will adversely affect the operation of the RCP as it will be tightly enclosed by the proposed development on three sides. There will be lack of maneuvering spaces for the bins and limit the opportunity for future expansion/development of a proper covered RCP for the area;
- (d) it is unjustified that the government land be used for the purpose of a private residential development. The proposed development will also affect the maintenance and supplies of some existing utilities within/near the Site such as electric poles, water pipes, sewage and drainage systems, and telecommunication installations etc.; and
- (e) the traffic, noise and dust generated during the construction of the proposed development will affect the nearby residents, especially the elderly and the staff and students at the nearby schools. However, there are lack of impact assessments submitted by the applicant to demonstrate no adverse traffic, drainage and environmental impacts to the area.

## **10. Planning Considerations and Assessments**

- 10.1 The application is for a proposed house and minor relaxation of PR restriction at the Site which falls within the "R(D)" zone of the OZP. 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, and also for low-rise, low-density residential developments subject to planning permission from the Board. The Site falls within an area mainly characterised by low-rise, low density residential and GIC facilities near Sai Kung Town Centre. The proposed development of one two-storey house is considered not incompatible with the surrounding land uses and is in line with the planning intention of "R(D)" zone.
- 10.2 The proposed BH of two storeys and 6m for the house development complies with the OZP restriction for "R(D)" zone. The PR restriction for "R(D)" zone is 0.2. According to the Notes of the OZP for the "R(D)" zone, based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR restriction may be considered by the Board. The applicant seeks permission to relax the PR restriction of the Site to not more than 0.24 (i.e. a 20% increase). Such increase is considered not significant and unlikely to have adverse impact on the surrounding area. Also, the proposed house development

with a slightly higher development intensity in close proximity to Sai Kung Town Centre can optimise the use of land resources.

- 10.3 The Site is currently bisected by an existing village road of about 6.5m to 9m in width entirely within the private lots. While there is no requirement under land lease to open the Site for public access, the applicant proposes to provide a 3.5m-wide vehicular access with a 2m-wide landscape buffer within the Site for use by the public 24-hours daily including public holidays to keep the accessibility of the area (**Drawings A-3 and A-4**). The applicant will take up the responsibility of designing, building, maintaining and managing the concerned vehicular access, to which C for T and DO/SK have no objection to/ no comment on the proposal. Regarding the existing public utilities on the village road within the Site, the applicant will approach relevant government department(s) and/or service provider(s) at later stage for appropriate arrangement to reprovision, should they be affected by the proposed development.
- 10.4 There is no adverse comment on the application from concerned government departments including C for T, DEP, DFEH, CE/MS, DSD, CE/Construction, WSD, D of FS, and DO(SK), HAD. Adverse traffic, environmental, hygiene, sewerage, drainage, water supplies, and fire safety impacts on the surrounding area are not envisaged.
- 10.5 Compared with the previous rejected application No. A/SK-PK/62 for a proposed two-storey village house at the Site, the proposed PR of the current application is 0.24 (a 33% decrease). While the proposed BH under the current application increases from 5.5m to 6m (+9%), it is still complied with the BH restriction of “R(D)” zone. Approval of the current application is not in conflict with the previous decision of the Committee.
- 10.6 There are a total of 205 comments including 195 opposing and 10 supporting comments received as summarised in paragraph 9 above. The departmental comments in paragraph 8 above and planning considerations and assessments in paragraphs 10.1 to 10.5 above are relevant.

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

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments 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 24.11.2027 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 recommended advisory clauses are attached at **Appendix IV**.
- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

The applicant fails to provide strong planning justifications for the proposed minor relaxation of plot ratio restriction.

## **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 dated 4.10.2023
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	FI submitted by the applicant on 15.11.2023
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Plan
<b>Drawing A-2</b>	Site Constraints of the Applicant's Private Lots
<b>Drawing A-3</b>	Access Arrangement of the Proposed Development
<b>Drawing A-4</b>	Site Layout Plan
<b>Drawing A-5</b>	Schematic Sections
<b>Plan A-1</b>	Location Plan
<b>Plans A-2a and A-2b</b>	Site Plans
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2023**