

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

**APPLICATION NO. A/SK-TLS/66**

<b><u>Applicant</u></b>	:	Brilliant Genius Limited represented by Vision Planning Consultants Limited
<b><u>Site</u></b>	:	8 Ka Shue Road, Tseng Lan Shue, Sai Kung, New Territories
<b><u>Site Area</u></b>	:	1,572m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Lot 1109 RP in D.D. 253 - New Grant No. 4247 as varied or modified by a Modification Letter dated 11.1.2023: (a) private residential purposes only; and (b) maximum gross floor area (GFA) shall not less than 1,415m <sup>2</sup> and not exceeding 2,357m <sup>2</sup> .
<b><u>Plan</u></b>	:	Approved Tseng Lan Shue Outline Zoning Plan (OZP) No. S/SK-TLS/10
<b><u>Zoning</u></b>	:	“Residential (Group C) 1” (“R(C)1”) [Restricted to a maximum plot ratio (PR) of 1.5, site coverage (SC) of 30% and building height (BH) of 18m and 5 storeys over one storey of carport, or the PR, SC and the height of existing building, which is the greater.]
<b><u>Application</u></b>	:	Proposed Minor Relaxation of SC and BH Restrictions for Permitted Residential Development

**1. The Proposal**

- 1.1 The applicant seeks planning permission for minor relaxation of SC restriction from 30% to 34.034% (i.e. +4.034% or +13.45%) and BH restriction from 18m to 21.2m (i.e. +3.2m or +17.78%) for a proposed residential redevelopment at the application site (the Site). The Site falls within an area zoned “R(C)1” on the approved Tseng Lan Shue OZP No. S/SK-TLS/10 (**Plan A-1**) and is currently occupied by two semi-detached 5-storey (4 storeys over one storey of carport) residential buildings (namely Blocks G & H of Clearwater Bay Apartments). According to the Notes of the OZP, ‘Flat’ is always permitted within the “R(C)1” zone, which is subject to a maximum PR of 1.5, SC of 30% and BH of 18m and 5 storeys over one storey of carport or the PR, SC and the height of existing building, whichever is the greater. Based on the individual merits of a development or redevelopment proposal, minor relaxation of the restrictions may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance).

- 1.2 The proposed development comprises two 5-storey residential blocks on top of LG/F of car parking, resident's recreational facilities and electrical & mechanical (E&M) facilities. There is a transformer room (TX room) and a Fire Services (FS) pump and tank room on G/F of Tower 2 (**Drawings A-1 to A-7**). A stepped terrace, a sunken garden, and a loading/unloading (L/UL) bay are provided on G/F in the eastern and the western part of the Site respectively. The new vehicular ingress/egress at Ka Shue Road is proposed at the south-western corner of the Site. The floor plans, section plans and photomontages submitted by the Applicant are at **Drawings A-1 to A-7, A-10 and A-11**. The major development parameters of the proposed development are as follows:

Site Area	1,572 m <sup>2</sup> (about)
Total PR	1.5
Total Gross Floor Area (GFA)	2,357 m <sup>2</sup>
SC	34.034%
BH	21.2m
Number of Storeys	5 storeys over one storey of carport
Number of Blocks	2
Number of Flats	14
Parking Spaces	
- Private Car	26 (including 1 for disabled and 2 for visitors)
- Motorcycle	3
L/UL bay for goods vehicles	1
Greening Ratio	20.039% (about)

- 1.3 The Site is the subject of a previous planning application No. A/SK-TLS/56 (**Plan A-1**) for minor relaxation of maximum SC and BH restrictions from 30% to 33.911% and 18m to 19m respectively<sup>1</sup>, which was approved with condition by the Rural and New Town Planning Committee (the Committee) of the Board on 13.12.2019. Details of the previous application are at paragraph 5 below.
- 1.4 According to the applicant, the current application for relaxation of BH and SC restrictions with layout revision is mainly to overcome several technical constraints encountered during taking forward the redevelopment proposal. In view of the level difference between Ka Shue Road and the Site, and technical requirements of the E&M facilities, minor relaxation of BH is required to provide sufficient headroom for the vehicle ramp, E&M facilities and carpark. In particular, due to design and location requirement of the TX room, the TX room has to locate at G/F of Tower 2 at periphery of the Site adjacent to Ka Shue Road with associated E&M facilities on LG/F. In order to accommodate the E&M facilities and meet minimum headroom requirement of car parking spaces underneath, a higher floor-to-floor height (FTFH) of 4.8m is required for LG/F of the tower. To enhance natural wind ventilation, allow better lighting penetration of flats and enhance living quality (**Drawing A-5**), FTFH of 3.25m and

<sup>1</sup> According to the applicant of the previous approved application, due to steep slope at Ka Shue Road and the uneven ground level of the Site, minor relaxation of maximum BH is necessary for excavation of 1m below the existing formation level to accommodate the ramps, provide sufficient headroom for internal vehicular circulation and allow E&M facilities and car park in basement. Moreover, the proposed development involving two smaller building blocks with a 5m building gap is intended to reduce screen wall effect and promote air ventilation. The minor relaxation of maximum SC would provide flexibility for redevelopment with more innovative building design to fit in the local character and low-rise, low-density setting.

3.4m are also proposed for typical and topmost residential floors respectively. The proposed higher SC is mainly to allow design flexibility for development and enhance the walkability within the Site by providing a cover between two towers providing a weather-proof walking environment for residents.

- 1.5 As shown on the development scheme, the proposed development has incorporated various design and landscaping features (**Drawings A-8 and A-9**) to enhance air ventilation and visual permeability, including a 2.5m building set back from Ka Shue Road, a 1.5m rear-end setback as required under Building (Planning) Regulation (B(P)R), and grilles at the upper part of the boundary fencing. A building separation of about 5m between Towers 1 and 2 is proposed to reduce screen wall effect and promote air ventilation. There will be landscape treatments including planting along the two setback areas, main entrance, driveway plaza, stepped terrace, sunken garden as well as rooftop greening. According to the landscape proposal (LP), there are 15 existing trees within the Site and all are proposed to be felled. The proposed tree felling will be compensated by the planting of 21 heavy standard new trees at a tree compensatory ratio at 1:1.4 in terms of quantity.
- 1.6 The applicant has submitted a set of technical assessments, including Swept Path Analysis, Junction Assessment Report, Drainage Impact Assessment (DIA), and Visual Impact Assessment (VIA). The assessments' results demonstrated that the proposed development, with the relaxed SC and BH, have no adverse traffic, drainage and visual impacts.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 27.12.2024 **(Appendix I)**
  - (b) Supporting Planning Statement (SPS) **(Appendix Ia)**
  - (c) Further information (FI) received on 28.1.2025\* **(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 SPS and FI submission at **Appendices Ia and Ib**. They can be summarized as follows:

- (a) The proposed development is in line with the planning intention of “R(C)” zone, which is for redevelopment of existing old residential buildings. The proposed minor relaxation in BH and SC is minor in nature and will not cause any adverse impact on traffic, sewerage, drainage, landscape or visual aspects.
- (b) The latest topographic survey revealed that there is a substantial level difference between Ka Shue Road and the Site (from about 3.31m in the south to 7.17m in the north), which renders the scheme under previous approved application infeasible. In particular, for the proposed TX room, both location and design under previous application fail to comply with CLP's requirements (e.g. located at the periphery of the Site; insufficient headroom; and lack of a gentle ramp for delivery of new transformer). As such, the TX room is required to relocate from Tower 1 to Tower 2 adjacent to Ka Shue Road; and a higher FTFH of 4.8m at LG/F is a minimum height to accommodate associated essential E&M facilities and headroom of car parking spaces.

- (c) Opportunities are also taken to review layout so that the current scheme are in compliance with relevant statutory requirements, such as car ramp design and provision of setback at the rear boundary under B(P)R.
- (d) The planning and design merits as committed under previous approved application including about 5m building separation between two towers has been maintained. The committed building setback from Ka Shue Road has been further enhanced from about 2m to about 2.5m to improve visual amenity and natural wind penetration along Ka Shue Road. Extensive landscape treatments will be provided at the setback areas, stepped terrace, sunken garden as well as rooftop.
- (e) The proposed scheme with FTFH of 3.25m and 3.4m for typical and topmost floors respectively are reasonable and able to meet the market demand for higher headroom apartment and “higher-end” housing supply. These higher ceiling units would help to improve living quality such as allowing more natural lighting, better airflow and circulation. The current scheme is targeted to achieve a BEAM Plus Gold rating. The proposal also supports Government policy objectives aimed at improving living conditions and to attract and retain talent, particularly for families.
- (f) The minor increase in SC is mainly due to provision of users’ friendly pedestrian connectivity with cover between Towers 1 and 2 so as to improve well-being and livelihood of the development.
- (g) A total greenery area of about 315.014m<sup>2</sup> (or about 20.039% greening ratio) are proposed, which is about 32.414m<sup>2</sup> more as compared to the previous approved application. Effort has also been made to provide as much greenery area at human scale levels as possible so as to improve overall visual amenity. In addition, plant species which could provide foods and shelters for the local wildlife/ecosystem will be selected to enhance local biodiversity.

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

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

### **4. Background**

Clearwater Bay Apartments consists of 8 residential blocks (Blocks A-H) built in 1963 within Lot 1109 in D.D. 253. Lot 1109 was subsequently sub-divided into three lots including Lots 1109 RP and other two lots (**Plan A-2**). The Site falls within the major part of Lot 1109 RP. Clearwater Bay Apartments was mainly zoned “R(C)1” on the first Tseng Lan Shue OZP No. S/SK-TLS/1 gazetted on 8.7.1994, and the zoning has remained unchanged since then.

### **5. Previous Application**

The Site is the subject of a previous application (No. A/SK-TLS/56) for minor relaxation of SC and BH restrictions from 30% to 33.911% and 18m to 19m respectively, which was approved by the Committee on 13.12.2019 mainly on the grounds that the proposed redevelopment was in line with the planning intention of “R(C)” zone, the minor relaxation of

BH and SC was considered minor in nature having regard to the site constraints and the requirement to accommodate ancillary facilities in the basement, no additional visual impact as the absolute BH above ground remained at 18m, the proposed SC relaxation can cater for two-block design with 5m building gap and other proposed design features (i.e. 2m setback from Ka Shue Road and landscape features) which could soften the building mass and would bring about negligible to slightly adverse overall visual impact. With the execution of lease modification on 11.1.2023, the planning approval is considered as having commenced. Details of the previous application are at **Appendix II**.

## **6. Similar Applications**

- 6.1 There are four similar planning applications (No. A/SK-TLS/2, A/SK-TLS/4, A/SK-TLS/33 and A/SK-TLS/40) for proposed minor relaxation of BH restriction in the “R(C)” zone on the OZP. Application No. A/SK-TLS/40 was approved by the Committee on 6.7.2012 mainly on the grounds that the proposed increase in BH of one storey to accommodate basement carpark and E&M facilities and the BH aboveground was reduced as compared with the existing development. The remaining three applications (No. A/SK-TLS/2, A/SK-TLS/4, A/SK-TLS/33) were rejected by the Committee on 15.12.1995, 12.1.1996 and 9.1.2009 respectively mainly on the grounds that there were no strong design merits/information to justify the proposed extent of relaxation of the BH and the relaxation was not considered as minor.
- 6.2 Another similar planning application (No. A/SK-TLS/18) for proposed minor relaxation of PR and SC restrictions was rejected by the Board upon review on 23.7.1999 with similar rejection grounds in paragraph 6.1 above. A town planning appeal (Appeal No. 12 of 1999) against the decision of the Board to reject the application was also dismissed by the Appeal Board Panel (Town Planning) on 5.6.2000.
- 6.3 Details of the similar applications are at **Appendix III**.

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

- 7.1 The Site is:
- (a) occupied by two semi-detached 5-storey (4 storeys over one storey of carport) residential blocks (Blocks G & H) of Clearwater Bay Apartments. There are slope features at the western, north-eastern and south-eastern parts of the Site; and
  - (b) currently accessible from Ka Shue Road via an existing vehicular ingress/egress of Clearwater Bay Apartments at Block E outside the Site which is being shared-use by all blocks of Clearwater Bay Apartments.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the north is a densely vegetated slope falling within a larger “Green Belt” zone;
  - (b) to the immediate south are the remaining six 5-storey residential blocks (Blocks A to F) of Clearwater Bay Apartments with a BH of about 14.2m; and

- (c) to the west across Ka Shue Road is a 6-storey residential development, namely Hillview Court zoned “R(C)1” on the OZP with a BH of about 18m.

## 8. **Planning Intention**

- 8.1 The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 8.2 According to the Explanatory Statement (ES) of the OZP, to provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the PR, GFA, SC and BH restrictions of the “R(C)” zone may be considered by the Board.

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

- 9.1 The following government departments have been consulted and their views on the application and public comments received are summarized as follows:

### **Land Administration**

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

- (a) no in-principle objection to the application;
- (b) the Site comprises portion of Lot 1109 RP in D.D. 253 having a site area of 1,572m<sup>2</sup>, and is within recognized village ‘environs’ of Tseng Lan Shue;
- (c) the Lot is held under Conditions of Exchange dated 4.2.1963 (New Grant No. 4247) as varied by a Modification Letter dated 11.1.2023 (collectively referred to “the lease”) subject to the following restrictions:
- |              |   |
|--------------|---|
| User:        | Private residential purposes only                                       |
| Maximum GFA: | Not less than 1,415m <sup>2</sup> and not exceeding 2,357m <sup>2</sup> |
- (d) no restrictions on number of storey, maximum BH and SC are imposed under the lease upon redevelopment of the Lot. The proposed user and GFA as clarified at **Appendix Ib** are in line with requirements stipulated under the lease. In this connection, approval condition(s) cannot be translated into the lease through lease modification if imposed by the Committee;
- (e) the Site is accessible via Ka Shue Road. Both Hillview Court (Lot 1119 in D.D. 253) and Clear Water Bay Apartments (Lots 1109 s.A ss.1, 1109 s.A RP and 1109 RP in D.D. 253) are responsible for uphold,

maintain, and repair of Ka Shue Road, which is a non-exclusive right of way granted to the lots under the respective lease; and

- (f) advisory comments are at **Appendix IV**.

### **Traffic**

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

- (a) no objection to the application; and
- (b) Ka Shue Road is not under Transport Department's management. Comments from relevant management/maintenance parties should be sought.

#### 9.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department:

- (a) no comment from highway maintenance point of view; and
- (b) Ka Shue Road leading to the Site is outside HyD's maintenance jurisdiction.

### **Environment**

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

- (a) no objection to the application;
- (b) the Site is located near Ka Shue Road with limited traffic flow. No adverse environmental impact from air quality and noise perspectives is anticipated;
- (c) the applicant has proposed to connect the development with the future public sewer at Ka Shue Road through private sewer, and committed to provide underground septic tank as interim measure for handling and disposal of wastewater in the event that the redevelopment precedes the provision of public sewer at Ka Shue Road. No adverse sewerage and water quality impact is anticipated; and
- (d) advisory comments are at **Appendix IV**.

### **Drainage**

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

- (a) no comment on the DIA report (Appendix VII at **Appendix Ia**); and
- (b) advisory comments are at **Appendix IV**.

## **Urban Design and Visual**

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

- (a) the Site is located in Tseng Lan Shue, which is a rural area characterised by low-rise and low-density settlements. It is surrounded by low-rise private residential development and vegetated natural slopes. The applicant submitted a VIA (Appendix VIII at **Appendix Ia**) to demonstrate the visual impact of the proposed development as compared to the existing condition. As noted from the photomontages for viewpoints at the immediate vicinity of the Site (i.e. VP2 and VP5) (**Drawing A-11**), the proposed development will have a slightly larger building bulk as compared to the existing building at the Site; for locations farther away (i.e. VP1, VP3 and VP4) (**Drawing A-10**), the proposed development is largely blocked by surrounding terrain and trees. Despite the minor relaxation of BH and SC restrictions, the low-rise and low-density character of the area is still maintained. As such, the proposed development is considered not incompatible with the surrounding development from urban design and visual perspectives; and
- (b) several features including 2.5m building setback, 5m building gap, fence wall with extensive vertical green and landscape features at ground and roof-top levels are proposed under the scheme. The combined effect of these features to a certain extent could soften the building mass and facilitate the creation of a more pleasant and tranquil walking environment to the neighbourhood.

## **Landscape**

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

- (a) with reference to the aerial photo of 2023, the Site is situated in area of miscellaneous rural fringe landscape character predominated by woodland and village houses. The proposed residential redevelopment in “R(C)1” zone and landscaping and tree planting works are not incompatible with the surrounding landscape environment;
- (b) with reference to the submissions (**Appendices Ia** and **Ib**), a total of 15 existing trees are identified and all of them are proposed to be removed. 21 new trees are proposed to be planted on G/F within the Site. Landscape planting are proposed at main entrance, driveway plaza, stepped-terrace, sunken garden and rooftop. Furthermore, vertical greenings are proposed along Ka Shue Road and southern boundary of the Site. The planting within the 2.5m set back area along Ka Shue Road can improve the street environment. In this regard, significant adverse landscape impact is not anticipated; and
- (c) advisory comments are at **Appendix IV**.



### **Building Matters**

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

- (a) no objection to the application;
- (b) no in-principle objection under the Buildings Ordinance (BO) to the proposed FTFH for the domestic storeys which are found in line with the guidelines set out in Practice Notes for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-5;
- (c) carpark at LG/F with 4.8m headroom will be favourably considered under the BO upon submission of relevant justification at General Building Plans (GBP) submission stage;
- (d) detailed comments will be given during GBP submission stage; and
- (e) advisory comments are at **Appendix IV**.

9.2 The following government departments have no comment on/no objection to the application and their advisory comments in the Recommended Advisory Clauses, if any, are at **Appendix IV**:

- (a) Chief Engineer (Works), Home Affairs Department (HAD);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Director of Agriculture Fisheries and Conservation;
- (d) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (e) Project Manager/New Territories East, CEDD;
- (f) Chief Engineer/Construction, Water Supplies Department;
- (g) Director of Fire Services; and
- (h) District Officer/Sai Kung, HAD.

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

On 3.1.2025, the application was published for public inspection. During the statutory public inspection periods, two public comments from two individuals (**Appendix V**) were received objecting to the application mainly on the grounds that the proposed BH is incompatible with the surroundings and would have negative impacts on the neighbourhood; the proposed increase in BH is unjustified; the increase in FTFH in residential floors is not technically necessary; increase in FTFH can be achieved by reducing the number of storey without seeking minor relaxation in BH; adverse traffic and environmental impacts on the area; and approval of the application will set a concerning precedent encouraging developers to pursue incremental height increase.

## 11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission for minor relaxation of SC restriction from 30% to 34.034% (+4.034% or +13.45%) and BH restriction from 18m to 21.2m (+3.2m or +17.78%) for the proposed residential development at the Site zoned “R(C)1”. ‘Flat’ use is always permitted within the “R(C)1” zone. According to the ES of the OZP, to provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the PR, GFA, SC and BH restrictions may be considered by the Board.
- 11.2 The Site is currently occupied by two semi-detached 5-storey residential blocks of Clearwater Bay Apartment, surrounded by a heavily-vegetated natural slope to the north, remaining blocks of Clearwater Bay Apartment to the south and another residential development (i.e. Hillview Court) to the west across Ka Shue Road. According to the applicant, the proposed minor relaxation of BH restriction is to overcome technical difficulties encountered due to substantial level difference between Ka Shue Road and the Site. The proposed FTFH of 4.8m at LG/F to accommodate the TX room and associated E&M facilities to meet design and locational requirements of TX room and minimum headroom requirement for car parking spaces underneath the E&M facilities. The proposed FTFH of residential floors to 3.25m and 3.4m to enhance natural wind ventilation, allow better lighting penetration and enhance living quality. The proposed minor relaxation of SC restriction is to provide design flexibility for development and enhance the walkability within the Site by providing a cover between two towers for a weather-proof walking environment for residents.
- 11.3 With the proposed minor relaxation in maximum SC and BH, the proposed residential development with a resultant SC of 34.034% and BH of 21.2m is considered not incompatible with the character of surrounding areas, which are predominately low-rise and low-density residential development with BH of 5 to 6 storeys and ranging from about 14.2m to 18m, and is still in line with the planning intention of the “R(C)” zone for low-rise, low-density residential developments. Regarding the proposed FTFH of LG/F, DEMS has no adverse comment on the application while CBS/NTE2&Rail, BD has no in-principle objection to the proposed FTFH of domestic storey under BO and advised that the proposed FTFH of LG/F will be favorably considered under BO. CTP/UD&L, PlanD considers that, despite the proposed minor relaxation of BH and SC restrictions, the low-rise and low-density character of the area is still maintained.
- 11.4 According to the ES of the OZP, to provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the development restrictions of the “R(C)” zone may be considered by the Board. The proposed development has provided a 5m building separation between Towers 1 and 2 (**Drawing A-9**) to reduce screen wall effect and promote air ventilation as proposed under the previous application. Other proposed design and landscaping features including building set back from Ka Shue Road of 2.5m; a 1.5m rear-end setback as required under B(P)R; provision of grilles at the upper part of the boundary fencing to enhance ventilation; and landscape treatments including planting along the setback at Ka Shue Road and rear-end on eastern side, stepped terrace, sunken garden as well as rooftop greening. According to LP, there are a total of 15 trees within the Site and all trees will be felled but to be compensated by planting 21 heavy standard new trees. CTP/UD&L, PlanD considered that the combined effect of these features could soften the building mass and facilitate the creation of a more pleasant and tranquil walking environment to the neighbourhood,

and significant adverse landscape impact is not anticipated with the proposed landscape planting and vertical greening at Ka Shue Road.

- 11.5 Technical assessments submitted including Swept Path Analysis, Junction Assessment Report, DIA and VIA have demonstrated that the proposed development with the increased BH and SC but no change in GFA would not cause adverse traffic, environmental, drainage and sewerage and visual impacts on the surrounding neighbourhood. Other relevant departments consulted including DLO/SK, LandsD, H(GEO), CEDD, C for T, DEP, CE/MS, DSD and CTP/UD&L, PlanD have no objection to or no adverse comment on the application.
- 11.6 The previous application (No. A/SK-TLS/56) for minor relaxation of SC and BH restrictions of 33.911% and 19m respectively at the Site was approved by the Committee on 13.12.2019 mainly on the grounds that the proposed redevelopment was in line with the planning intention of “R(C)” zone, the relaxation of BH and SC was considered minor in nature having regard to the site constraints, no additional visual impact and relaxation in SC can cater for two-block design with 5m building gap, and other design features such as 2m setback from Ka Shue Road and landscape features can help soften the building mass. As compared with the previous application, the proposed development maintains the same PR of 1.5 and the same site formation level, and there is only a minor increase of BH from 19m to 21.2m and SC from 33.911% to 34.034%. Major design features are also maintained and/or enhanced in the current application. There has been no major change in the planning circumstances since the approval of previous application. The rejected applications were rejected due to no strong design merits/information to justify the proposed extent of relaxation of the BH and the relaxation was not considered as minor. Approval of the current application is in line with the Committee’s previous decision.
- 11.7 Regarding the public comments on the application as summarised in paragraph 10 above, the planning assessments in paragraphs 11.2 to 11.6 and the departmental comments in paragraph 9 above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **14.2.2029**, 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.

### Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

there is no strong planning justification in the submission to support the proposed minor relaxation of building height and site coverage restrictions.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application form received on 27.12.2024
<b>Appendix Ia</b>	Supporting Planning Statement
<b>Appendix Ib</b>	FI received on 28.1.2025
<b>Appendix II</b>	Previous application
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comments
<b>Drawings A-1 to A-4</b>	Floor Plans
<b>Drawings A-5 to A-7</b>	Section Plans
<b>Drawing A-8</b>	Landscape Master Plan
<b>Drawing A-9</b>	Key Proposed Planning Merits
<b>Drawings A-10 to A-11</b>	Photomontages
<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-4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2025**