

**APPLICATION FOR AMENDMENT OF PLAN
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. Y/SK-HC/6

<u>Applicant</u>	: Bestime Enterprises Limited represented by Prudential Surveyors International Limited
<u>Application Site</u>	: Various Lots in D.D. 210 and D.D. 244 and Adjoining Government Land (GL), Ho Chung, Sai Kung, New Territories
<u>Site Area</u>	: About 3,190m ² (including about 606m ² or 19% of GL)
<u>Lease</u>	: Old Schedule Agricultural Lots held under Block Government Lease
<u>Plan</u>	: Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
<u>Zonings</u>	: “Residential (Group D)” (“R(D)”) (about 777m ² or 24.4%) [Restricted to a maximum plot ratio (PR) of 0.2, a maximum site coverage (SC) of 20% and a maximum building height (BH) of two storeys (6m)] “Residential (Group E)” (“R(E)”) (about 1,590m ² or 49.8%) [Restricted to a maximum PR of 0.4 and a maximum BH of 9m with two storeys over one storey of carport] ‘Road’ (about 823m ² or 25.8%)
<u>Proposed Amendment</u>	: To rezone the application site from “R(D)”, “R(E)” and area shown as ‘Road’ to “Residential (Group C) 3” (“R(C)3”) subject to a maximum PR of 0.75, a maximum SC of 25% and a maximum BH of 12m with three storeys over one storey of carport

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1**) from “R(D)”, “R(E)” and area shown as ‘Road’ to “R(C)3” subject to a maximum PR of 0.75, a maximum SC of 25% and a maximum BH of 12m with three storeys over one storey of carport to facilitate a residential development. The applicant’s proposed amendments to the Notes and Explanatory Statement (ES) of the OZP are at **Appendices II and III** respectively.

- 1.2 The Site bisected by Ho Chung North Road is located to the northeast of Ho Chung Village outside its village ‘environ’ and to the south of Luk Mei Tsuen. The Site is divided into three land parcels. Parcel A falling within “R(D)” zone, and Parcel B falling partly within “R(E)” zone and partly within ‘Road’ area are located to the north of Ho Chung North Road, while Parcel C falling within “R(E)” zone is located to the south of Ho Chung North Road (**Drawing Z-2 and Plan Z-2a**). According to the Indicative Scheme submitted by the applicant to support the application, the proposed development will have eight three-storey detached houses each over one storey of carport with two car parking spaces (total 16 ancillary car parking spaces). There will be a loading/unloading (L/UL) bay, a guardhouse and a refuse collection point (RCP) each in Parcels A and B and Parcel C. Besides, a private open space is proposed in Parcel A. The architectural layout plans, conceptual landscape plan, sections plans and photomontages are at **Drawings Z-4 to Z-15**.
- 1.3 The majority part of the Site is the subject of a section 16 application (No. A/SK-HC/326) for proposed houses with minor relaxation of PR restriction up to 0.37 approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 15.10.2021 where the planning permission shall be valid until 15.10.2025. The approved scheme under the section 16 application has four two-storey houses, each with two car parking spaces and private landscape area. Major development parameters of the Indicative Scheme of the current application and the abovementioned section 16 application are as follows:

	Current Application [Y/SK-HC/6]			Previous s.16 Application [A/SK-HC/326]
	Parcels A and B	Parcel C	Total	
Site Area * (about) (m ²)	2,267	923	3,190	2,806
Gross Floor Area (GFA) (about) (m ²)	1,700	692	2,393	1,059
PR (not more than)	0.75	0.75	0.75	0.37 (overall)
SC (not more than)	25%	27%	25%	22% (about)
BH (no. of storeys)	12m (3 storeys over 1 storey of carport)	12m (3 storeys over 1 storey of carport)	12m (3 storeys over 1 storey of carport)	6m to 7.5m (2 storeys)
No. of Houses	6	2	8	4
Anticipated Population	24	8	32	25
Private Open Space (not less than)	32m ²	-	32m ²	25m ²

	Current Application [Y/SK-HC/6]			Previous s.16 Application [A/SK-HC/326]
	Parcels A and B	Parcel C	Total	
No. of Parking Space	12	4	16	8
- Private Car	6	2	8	4
- Accessible parking	6	2	8	4
No. of L/UL Spaces	1	1	2	1

* The Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (CBS/NTE2&Rail, BD) advises that the footpath (136m²) and vehicular access (187m²) to be dedicated as right-of-way (ROW) proposed by the applicant as indicated at **Drawing Z-2** should be deducted from site area calculation under Buildings Ordinance (BO). However, the current application includes this ROW area in the site area calculation. The exact site boundary and site area should be determined at the building plan submission stage.

- 1.4 The ingress and egress points of the proposed development will be at Ho Chung North Road. Building setbacks of 5m are proposed along Ho Chung North Road and Luk Mei Tsuen Road to buffer the development against roadside vehicular emission (**Drawing Z-3**). Furthermore, in order to maintain the public accessibility to and from Luk Mei Tsuen, the applicant proposes to dedicate the north-eastern part of Parcel A and eastern part of Parcel B as vehicular access (about 187m² of the Site area) and a 1.5m-width footpath for pedestrian access (about 136m² of the Site area) (**Drawing Z-2**) respectively, which will be designated as ROW for public use and would be managed and maintained by the applicant.
- 1.5 Private open space will be provided in accordance with the Hong Kong Planning Standards and Guidelines. According to the submitted Conceptual Landscape Plan (**Drawing Z-8**), the landscaped area would have a total greenery of 760m² which is over the requirement of 20% of site area under the Sustainable Building Design Guidelines. According to the Broad Brush Tree Survey, there are only six trees within the Site while two are dead trees and no Old and Valuable Tree is recorded. In the Tree Treatment Plan, the two dead trees are proposed to be felled while the remaining four trees are proposed to be retained. The applicant also proposes to plant a total of 29 new trees as compensatory trees thus exceeding the compensation ratio of 1:1 in terms of number.
- 1.6 In support of the application, the applicant has conducted various technical assessments based on the Indicative Scheme including Traffic Impact Assessment (TIA), Sewerage and Drainage Impact Appraisals (SDIA), Water Supply Appraisal (WSA), Air Quality Impact Assessment (AQIA), Noise Impact Assessment (NIA) and Visual Impact Assessment (VIA). As the Site is within unsewered area, an on-site underground sewerage treatment plant will be provided for the proposed development. Various design elements have been included in the Indicative Scheme to mitigate potential air and noise impacts from Ho Chung North Road and Luk Mei Tsuen Road including soft greenery noise barriers together with hard and soft landscape, unopenable windows, building setback to mitigate the impact of vehicle emission, while a number of mitigation measures have been proposed in the AQIA and NIA reports to be implemented during construction and operation stages to mitigate possible

environment impacts including erection of temporary noise screening, adopting good site practices, etc.

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

- (a) Application form received on 31.8.2023 (Appendix I)
- (b) Consolidated supplementary planning statement (SPS) received on 26.7.2024¹ (Appendix Ia)

2. **Justifications from the Applicant**

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

- (a) the proposed amendment to rezone the Site to “R(C)3” is in line with the Government’s policy to increase housing supply;
- (b) the “R(C)3” zone with increased development intensity is an appropriate zoning for better utilization of land resources;
- (c) the proposed low-rise and low-density residential development would be compatible, in terms of its development density and character, visual and urban design context, with the adjacent low-rise residential development and village settlement;
- (d) by phasing out of the industrial use and upgrading of existing temporary structures through the proposed residential development, it is anticipated the area would be transformed into a predominately residential area surrounded by attractive amenity of mountain ranges and sea view and hence the quality of the surrounding environment could be improved;
- (e) the provision of ROW and footpath which are to be managed and maintained by the applicant could facilitate local accessibility and walkability; and
- (f) surrounding living environment will be enhanced by adopting responsive architectural and landscape design, and there should be no insurmountable problem in terms of traffic, visual, air and noise.

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

The applicant is the sole “current land owner” of private land portion. Detailed information would be deposited at the meeting for Member’s inspection. The “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on

¹ A total of eight previous further information (FI) submissions (received on 30.10.2023[#], 15.11.2023*, 27.12.2023*, 1.3.2024*, 8.3.2024[#], 21.5.2024*, 26.6.2024[#] and 19.7.2024[#]) were received in response to departmental comments and public comments with relevant technical assessments, of which four FIs (marked with *) were accepted but not exempted from recounting and publication requirement and four FIs (marked with [#]) were accepted and exempted from recounting and publication requirement. The consolidated SPS in **Appendix Ia** supersedes the original SPS and all FIs and hence not attached to this paper.

Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable to the GL portion of the Site.

4. Background

- 4.1 Parcel A together with the adjoining Luk Mei Tsuen to the north was zoned “R(D)” on the first Ho Chung OZP No. S/SK-HC/1 gazetted on 20.5.1994 with the planning intention to improve the temporary houses existed within the area which was in line with the government policy in the late 1980s for designating ‘residential upgrading areas’ in the urban fringe to encourage self-improvement or redevelopment of temporary domestic structures by properly designed permanent houses. This “R(D)” zone has remained unchanged since then.
- 4.2 Southern part of Parcel B and the entire Parcel C together with the adjoining land previously occupied by a bleaching and dyeing factory to the south were zoned “R(E)” on the draft Ho Chung OZP No. S/SK-HC/3 gazetted on 19.5.2000 with the planning intention to phase out existing industrial use whilst at the same time to allow flexibility for individual redevelopment for low-rise residential development. This “R(E)” zone has remained unchanged since then.
- 4.3 The middle strip of Parcel B fell within an area shown as ‘Road’ on the Ho Chung Development Permission Area (DPA) Plan No. DPA/SK-HC/1 gazetted on 12.7.1991 which was to cater for future improvement works including widening/realignment of existing road, and incorporation of interchanges and slip road. Ho Chung North Road was completed in February 2021 as part of Hiram’s Highway Improvement Stage 1 Project but the road alignment had been shifted southwards from the ‘Road’ area on the OZP (**Plan Z-3a**).
- 4.4 The Site is not subject to any current planning enforcement action. With reference to the aerial photo taken on the date of gazettal of Ho Chung Interim DPA Plan on 17.8.1990 (**Plan Z-3b**), the Site was formed and partly occupied by structures. There is no change to the condition of the Site over the years (**Plans Z-3a and Z-3b**).

5. Previous Applications

- 5.1 The Site is not the subject of previous section 12A application but was the subject of eight section 16 applications covering different site extents all for proposed houses/New Territories Exempted Houses (NTEHs) with different development intensities (**Plans Z-1 and Z-2b**).

Approved Applications

- 5.2 The majority of the Site is the subject of an application No. A/SK-HC/326, for four two-storey houses and minor relaxation of PR restriction up to an overall of 0.37 (increase from PR 0.2 to 0.22 for the “R(D)” portion, and increase from PR 0.4 to 0.44 for the “R(E)” portion), with a SC 22% and BHs varied between 6m and 7.5m. The application was approved by the Committee on 15.10.2021 on the considerations that the proposed houses development with minor relaxation

of PR was in line with the planning intentions of “R(D)” and “R(E)” zones and was not incompatible with the surrounding land uses. The proposed development may bring about improvements to the local environment and could expedite the phasing out of incompatible land uses. The proposed minor relaxation of PR restriction was considered minor in nature and not entirely unacceptable.

- 5.3 Four applications (No. A/SK-HC/34 and 46 both for eight two-storey houses with a PR 0.228; No. A/SK-HC/94 for eight two-storey houses with a PR 0.22; and No. A/SK-HC/117 for minor amendments to the approved scheme under No. A/SK-HC/94), covering Parcels A and B, were approved with conditions by the Committee between 1997 and 2004 on considerations that the proposed developments could replace the dilapidated industrial development and improve the local environment. The proposed development intensities, though exceeding the PR restriction for the “R(D)” zone, were considered acceptable in that they were compatible with the surrounding environment and the resulting visual impact would be insignificant. Technical assessments were submitted in support of the applications, to which departments concerned had no objection. However, none of the above permitted developments was implemented and all the planning permissions were lapsed.

Rejected Applications

- 5.4 Three applications (No. A/SK-HC/29, 32 and 85), only covered Parcels A and B, were rejected by the Committee between 1995 and 2000 on grounds that the proposed development intensities were considered excessive (PR ranging between 0.31 to 0.86 in sites mainly within the “R(D)” zone), and that the applicants failed to demonstrate the technical feasibility of the proposed developments, given the limited infrastructural facilities in the area.
- 5.5 A summary of the key development parameters of the previous section 16 planning applications is at **Appendix IV**.

6. Similar Application

There is no similar application involving rezoning of a site from “R(D)”, “R(E)” or area shown as ‘Road’ to other residential zoning on the OZP.

7. The Site and its Surrounding Areas (Plans Z-1, Z-2a and Z-2b, aerial photo on Plan Z-3a and site photos on Z-4a and Z-4b)

- 7.1 The Site is:

- (a) bisected by Ho Chung North Road and located to the northeast of Ho Chung Village outside its village ‘environ’ and to the south of Luk Mei Tsuen;
- (b) largely hard-paved and currently used for open storage, vehicle repair workshops and car parking uses with temporary structures and village dwellings scattered over the Site. The eastern side of Parcels A and B is

Luk Mei Tsuen Road which is a local track serving Luk Mei Tsuen to the north;

- (c) covered with sparse vegetation while only a few trees are found around the western corner of the Site; and
- (d) directly accessible from Ho Chung North Road connecting to Hiram's Highway.

7.2 The surrounding areas have the following characteristics:

- (a) in rural character mainly comprising low-rise and low-density village settlements, temporary structures being used for domestic, rural workshops and open storage;
- (b) to the north and west of Parcels A and B are the larger portion of "R(D)" zone occupied by village houses of two to three storeys high, temporary domestic structures, food factory, open storage and workshops uses. A RCP operated by the Food and Environmental Hygiene Department is located to the immediate west of Parcel A. To the further north is a "Village Type Development" ("V") zone occupied by Greenview Villas and Luk Fung Gardens and dense uphill woodland zoned "Conservation Area";
- (c) to the southeast of Parcel C is an area covered with dense vegetation zoned "Green Belt". To the further east is Hiram's Highway and Marina Cove zoned "Other Specified Uses" annotated "Residential cum Marina Development" ("OU(Residential cum Marina Development)") on the approved Hebe Haven OZP No. S/SK-HH/8 with a total maximum GFA of 70,606m² and a maximum BH of three storeys including carport (10.66m); and
- (d) to the immediate south of Parcel C is dense tree groups and the abandoned Asia Television Limited Building all within the same "R(E)" zone. To the further south is the established village clusters of Ho Chung Village and Ho Chung New Village zoned "V" subject to a BH of three storeys (8.23m) as well as a "Comprehensive Development Area ("CDA") zone intended for comprehensive residential development under construction which is subject to a maximum PR of 0.75, a maximum SC of 25% and a maximum BH of 12m with three storeys over one storey of basement.

8. **Planning Intention**

- 8.1 The planning intention of the "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 development subject to planning permission from the Board.
- 8.2 The planning intention of the "R(E)" zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the

Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

- 8.3 The area shown as 'Road' is to reserve land for the provision of an access road from Hiram's Highway to Ho Chung area as part of the Hiram's Highway Improvement Stage 1 Project for improvement of accessibility in Ho Chung area. Ho Chung North Road was completed in February 2021. The road alignment has been shifted southwards from the 'Road' area.

9. Comments from Relevant Government Bureaux/Departments

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

Land Administration

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

- (a) has no specific comment on the rezoning proposal for residential development if it is considered appropriate from town planning perspective. However, he has reservation on the existence of unauthorised structures/temporary structures within the private lots and illegal occupation of GL under application. Lease enforcement actions and land control actions as appropriate had been and would be taken by DLO to rectify such breaches and irregularities respectively;
- (b) the Site comprises GL and private lots. The concerned private lots are Old Schedule Agricultural Lots held under Block Government Leases which contain the restriction that no structure is allowed to be erected without the prior approval of the Government;
- (c) his office has no objection to the proposal to dedicate portion of private land as ROW for vehicular access and footpath providing access to the neighbouring lots, provided that such ROW would be managed and maintained by the applicant and such proposals is acceptable to other Government departments;
- (d) if the subject application is approved by the Board, the applicant will need to submit to his office a land exchange application with necessary information to effect the proposed development. However, there is no guarantee that such application including the inclusion of GL will be approved by the Government. Such application, if eventually approved, would be subject to such terms and conditions including payment of premium and administrative fee as the Government considers appropriate; and
- (e) other detailed comments are at **Appendix V**.

Traffic

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

- (a) no objection to the application; and
- (b) the section of Luk Mei Tsuen Road within the Site is not under the management of his department.

9.1.3 Comments of the Chief Highway Engineer/New Territories East, HyD (CHE/NTE, HyD);

- (a) no objection in principle to the application from highways maintenance point of view; and
- (b) other detailed comments are at **Appendix V**.

Environment

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

- (a) he has no objection to the application from environmental planning point of view provided that there is feasible mechanism under land title document to request the submission of land contamination assessment in accordance with the prevailing guidelines and the implementation of the remedial measures identified therein prior to the development of the Site to address the potential land contamination issue;

Water Quality

- (b) according to the SDIA, no public sewerage is available in the vicinity of the Site and an on-site underground sewage treatment system involving septic tanks and soil soakaway pits following ProPECC Practice Note 1/23 would be provided and maintained by the applicant for collection, treatment and disposal of sewage arisen from the proposed development. No adverse water quality is anticipated;

Air Quality

- (c) the AQIA has confirmed that no openable window for ventilation/fresh air intake within 5m buffer distance from nearby roads (i.e. Luk Mei Tsuen Road and Ho Chung North Road) would be provided to the proposed development. Also, no active chimney was identified within 200m from the boundary of the Site and no odour nuisance was identified at a nearby food factory (i.e. Koon Yik Foods Factory). No adverse air quality impact is anticipated;

Noise

- (d) according to NIA, the Site is situated more than 150m away from the major road (i.e. Hiram's Highway) without direct line of sight. Also, no outdoor fixed machinery nor noise emanating activities from the nearby food factory and no fixed machinery noise from the nearby vehicle repair workshop was identified. No adverse noise impact is anticipated; and

Land Contamination

- (e) in view of the land use of the Site in the past including vehicle repair workshop, the applicant has committed to carry out a land contamination assessment prior to the commencement of the development to address the potential land contamination issue of the Site.

Urban Design and Landscape

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

Urban Design and Visual

- (a) the Site is located in Ho Chung, which is a rural area characterized by low-rise and low-density settlements. It is surrounded by village settlements and rural workshops, and is largely paved with some vegetation at its fringe. The applicant submits a VIA to demonstrate the visual impact of the proposed development as compared to the OZP compliance scheme. As noted from the photomontages for VP1 and VP4 (**Drawings Z-12 and Z-15**), both the current scheme and the OZP compliance scheme would form an extension to the existing low-rise development in the area, with the proposed scheme having a slightly larger building bulk and thus slightly blocking the mountain backdrop and open sky view at the immediate vicinity (e.g. at VP1 and VP4). The proposed development is not visible at locations further away from the Site (e.g. at VP2 and VP3) (**Drawings Z-13 and Z-14**). Despite the increase in BH and PR as compared to the OZP compliance scheme, 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 perspective; and
- (b) given the surrounding context and as demonstrated in the VIA, the proposed development will unlikely affect the visual character and overall townscape in the area, and significant adverse visual impact is not anticipated.

Landscape

- (c) based on the aerial photo dated 2023, the Site is situated in an area of settled valleys landscape character predominated by village house and open car park, while tree groups are also observed mainly at the south of Ho Chung North Road. The proposed residential development is considered not incompatible with the surrounding landscape character due to the development context;
- (d) according to the Conceptual Landscape Plan and the Broad Brush Tree Survey, a total of six existing trees (i.e. four *Michelia x alba*, and two dead trees) are found within the Site. The four *Michelia x alba* will be retained while two dead trees are proposed to be felled. Greenery and 29 new trees will be provided within the proposed development. Significant landscape impact arising from the proposed rezoning/development is not anticipated. Therefore, she has no comment on the application from landscape planning perspective; and
- (e) other detailed comments are at **Appendix V**.

Nature Conservation

9.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

no comment on the application in view that the Site is mostly developed.

Drainage and Sewerage

9.1.7 Comments of the Chief Engineer/Mainland South, DSD (CE/MS, DSD):

- (a) no in-principle objection to the SDIA reports for the subject application; and
- (b) other detailed comments are at **Appendix V**.

Water Supplies

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

- (a) no comment the application; and
- (b) detailed comments are at **Appendix V**.

Building Matters

9.1.9 Comments of CBS/NTE2&Rail, BD:

- (a) no objection to the application;

- (b) the Site is subdivided into two separate sites by a public road. In this regard, the development parameters (i.e. PR & SC) of the two sites shall be considered separately under BO;
- (c) detailed comments under BO will be provided at the building plan submission stage;
- (d) the footpath and the vehicular access to be dedicated as public ROW should be deducted from the site area for the purpose of PR and SC calculations under BO; and
- (e) other detailed comments are at **Appendix V**.

Fire Safety

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

- (a) no objection in principle to the application;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) the emergency vehicular access provision shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by BD.

Electricity Safety

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

- (a) no particular comment as far as electricity supply safety is concerned; and
- (b) detailed comments are at **Appendix V**.

District Officer's Comments

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

- (a) no comment on the application; and
- (b) some of the existing access roads and drainage channels were constructed by her office under Rural Public Works Project. The applicant is reminded that reinstatement works to the facilities, should damage be caused, are the responsibility of the applicant to be carried out to the satisfaction of her office.

9.2 The following government departments have no objection to or no comment on the application:

- (a) Chief Engineer (Works), HAD;
- (b) Project Manager (East), East Development Office, Civil Engineering and Development Department (CEDD); and
- (c) Head of Geotechnical Engineering Office, CEDD.

10. Public Comments Received During the Statutory Publication Periods

10.1 The application and relevant FIs were published for public inspection on 15.11.2023, 27.12.2023, 1.3.2024 and 21.5.2024. During the statutory public inspection periods, a total of 11 public comments were received including eight from villagers and individuals raising objection (**Appendices VI-1 to VI-8**), two from Sai Kung Rural Committee (SKRC) expressing concerns (**Appendices VI-9 and VI-10**) and an individual providing views (**Appendix VI-11**).

10.2 The villagers and individuals object to the application on the following grounds (**Appendices VI-1 to VI-8**):

- (a) the proposed development would have the traffic impact on the surrounding area, create adverse visual impact to the living environment and destroy the 'Fung Shui' of the village;
- (b) the proposed development together with other developments under construction would bring along adverse ecological impact to the surrounding natural environment;
- (c) it is unreasonable to approve this application in view that there was another application approved in 2021;
- (d) it is not appropriate to use GL for private development;
- (e) there is no proper drainage and sewerage system in the village, and the proposed development would aggravate the flooding problem;
- (f) there is no relocation proposal of the RCP near the Site;
- (g) the publication notice of the application was not placed in prominent area for public inspection; and
- (h) the applicant should retain the existing vehicular and pedestrian access for public use.

10.3 SKRC indicated that the villagers raised concerns about the serious flooding at the junction of Ho Chung North Road and Ho Chung Road. The flooding would be aggravated after the completion of the proposed development during rainy season, and they hope the relevant departments to resolve the issue (**Appendices VI-9 to VI-10**). An individual indicated the land of the Site was being used for factory and car park without valid planning permission (**Appendix VI-11**).

11. Planning Considerations and Assessments

11.1 The application proposes to rezone the Site from "R(D)", "R(E)" and area shown as 'Road' to "R(C)3" subject to a maximum PR of 0.75, a maximum SC of 25% and a maximum BH of 12m with three storeys over one storey of carport (**Drawing Z-1 and Appendix II**) to facilitate a residential development.

According to the Indicative Scheme submitted by the applicant, the proposed development will have eight three-storey detached houses each over one storey of carport with two car parking spaces. There will be a loading/unloading (L/UL) bay, a guardhouse and a RCP each in Parcels A and B and Parcel C, while a private open space is proposed in Parcel A.

Planning Intention

- 11.2 The Site is located close to Hiram's Highway and the existing village clusters of Ho Chung Village and Luk Mei Tsuen. Most of the Site is occupied by scattered temporary structures for domestic, workshop and storage uses, or for open storage and open-air vehicle repair workshops. Under the current "R(D)" and "R(E)" zonings, low-rise and low-density residential development with a maximum PR of 0.2 and 0.4 and a maximum BH of two storeys (6m) and two storeys over one storey of carport (9m) respectively may be allowed at the Site through planning application. The planning intention of the "R(D)" zone is primarily for improvement and upgrading of existing temporary structures into permanent buildings and is intended for low-rise, low-density residential development while the planning intention of "R(E)" zone is primarily for phasing out of the existing industrial uses through redevelopment for residential use. The proposed "R(C)3" zone, which is also for low-rise and low-density residential development although with a higher maximum PR and BH, could facilitate redevelopment of the Site and uplift the overall living environment of the area, which is in line with the general planning intention of Ho Chung to provide low-rise and low-density residential development in an orderly pattern, and help phase out incompatible and uncoordinated land uses. Given relevant technical assessments have been carried out in the application to assess the potential environmental, traffic, visual and landscape impacts with proposed mitigation measures acceptable to relevant government departments (see paragraphs 11.6 and 11.7 below), the proposed "R(C)" zone with 'House' and 'Flat' as Column 1 uses is considered appropriate to facilitate the proposed residential development.
- 11.3 While the middle strip of the Site is currently shown as 'Road' on the OZP, the road alignment of Ho Chung North Road completed in February 2021 had been shifted southwards away from the 'Road' area. This road reserve is no longer required for road improvement works. A previous section 16 planning application for four houses involving this obsolete road reserve was approved with conditions by the Committee on 15.10.2021. The OZP will be amended to reflect the as-built road alignments and to rationalise the adjoining land use zones as appropriate when opportunities arise.

Land Use Compatibility and Development Intensity

- 11.4 The Site is situated in a rural area characterized by low-rise and low-density village settlement surrounded by domestic structures and rural workshops. According to the Indicative Scheme submitted by the applicant, the proposed residential development will have eight detached houses and other supporting facilities with a PR of 0.75, a BH of 12m with three storeys over one storey of carport and a total GFA of 2,393m². While the maximum PR and BH under the proposed "R(C)3" zone have a slightly higher PR and BH compared with the current "R(D)" and "R(E)" zones, the proposed residential development is still

in line with the existing and planned low-density and low-rise village settlement in the vicinity, including the village houses in “V” zone with a maximum BH of three storeys (8.23m), and the existing and planned low-rise and low-density residential developments in (i) a “CDA” zone to further south with a maximum PR of 0.75, a maximum SC of 25% and a maximum BH of 12m with three storeys over one storey of carport, (ii) a “R(C)1” zone also to further south with a maximum PR 0.75, a maximum SC of 25%/35% and a maximum BH of 9m with two storeys/12m with three storeys, and (iii) an “OU(Residential cum Marina Development)” zone to further east under the Hebe Haven OZP with a total maximum GFA of 70,606m² and a maximum BH of three storeys including carport (10.66m). The proposed development is considered not incompatible with the surrounding developments and the landscape character of the area.

Visual, Urban Design and Landscape Aspects

- 11.5 In support of the application, the applicant submits a VIA based on the Indicative Scheme to demonstrate the visual impact of the proposed development as compared to the OZP compliance scheme. As shown on the photomontages (**Drawings Z-12 to Z-15**), both the Indicative Scheme and the OZP compliance scheme would form an extension to the existing low-rise development in the area, with the Indicative Scheme having a slightly larger building bulk, and the mountain backdrop and open sky view at the immediate vicinity would be slightly blocked. That said, the proposed development would not be visible at locations further away from the Site. Despite the increase in PR and BH of the proposed “R(C)3” zone from the current OZP restrictions, the low-rise and low-density character of the area can still be maintained. The proposed development will unlikely affect the visual character and overall townscape in the area, and significant adverse visual impact is not anticipated. As indicated in the submitted Conceptual Landscape Plan (**Drawing Z-8**), the greenery coverage under the Indicative Scheme complies with the requirements under relevant guidelines. In the Tree Treatment Plan, two dead trees are proposed to be felled while the remaining four trees will be retained. A total of 29 new trees will be planted which will achieve a more than 1:1 compensation ratio in terms of number. CTP/UD&L, PlanD advises that the proposed development is considered not incompatible with the surrounding areas from urban design and visual perspectives and significant landscape impact is not anticipated.

Technical Aspects

- 11.6 With reference to the AQIA submitted by the applicant, as sufficient buffer distance would be provided to Ho Chung North Road and Luk Mei Tsuen Road, no adverse air quality impact on the proposed residential development is anticipated. With the implementation of mitigation measures such as noise barrier as proposed in the NIA, no adverse traffic noise impact from the adjacent roads is anticipated. DEP has no adverse comment on the application from environmental planning point of view. The potential land contamination issue can be addressed at the land exchange stage.
- 11.7 The applicant also submits other technical assessments based on the Indicative Scheme including TIA, SDIA and WSA. Relevant departments including C for T, CE/MS, DSD and CE/C, WSD have no in-principle objection to or adverse comment on the application from traffic and infrastructural perspectives.

Development Restrictions to be Stipulated on the OZP

- 11.8 According to the streamlined measures under Joint Practice Note (JPN) No. 7 issued in August 2021, a SC restriction which is more stringent than that stipulated in the Building (Planning) Regulations would only be imposed in the OZP for specific planning purposes² in selected sites. CTP/UD&L, PlanD has no comment on not imposing SC restriction as according to the streamlined arrangement. In view of BD's advice that the public ROW should be deducted from site area for the purpose of PR and SC calculations (see paragraph 9.1.9 above) and that the applicant has demonstrated the technical feasibility of the Indicative Scheme with a total GFA of 2,393m², it is considered more appropriate to stipulate GFA (instead of PR) control under this circumstance. As such, a maximum GFA of 2,393m² and a maximum BH of 12m with three storeys over one storey of carport are recommended for statutory planning control purpose. Should the application be agreed by the Committee, PlanD will work out the details of development restrictions to be set out in the Notes for the Committee's consideration prior to gazetting of the proposed amendments to the OZP under Section 5 of the Town Planning Ordinance.

Public Comments

- 11.9 A total of 11 public comments were received during the publication periods of the application, including eight objections and three expressing concerns/views. The grounds of the public comments are stated in paragraph 10 and the planning considerations and assessments as mentioned in the above paragraphs are relevant. The RCP mentioned in the public comments is outside the Site and will not be affected by the proposed development, while Luk Mei Tsuen Road within the Site will be retained as vehicular and pedestrian accesses and designated as a ROW for public use to be managed and maintained by the applicant. Regarding the public concerns on flooding issue, the applicant has conducted SDIA and DSD has no objection to the assessment.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, PlanD has no in-principle objection to the application.
- 12.2 Should the Committee decide to agree/partially agree to the application, PlanD would work out the appropriate amendments to the OZP, including development restrictions to be set out in the Notes and the revised ES, for the consideration of Committee prior to gazetting under Section 5 of the Town Planning Ordinance.
- 12.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members' reference:
- there is no strong justification in the submission for rezoning the application site to "Residential (Group C) 3" and the proposed increase in development intensity. The current "Residential (Group D)" and "Residential (Group E)" zonings are considered appropriate and should be retained.

² Examples include preserving local character, enhancing air ventilation, visual quality as well as permeability.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 13.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 31.8.2023
Appendix Ia	Consolidated SPS
Appendix II	Revised Notes for the “R(C)3” Zone Proposed by the Applicant
Appendix III	Revised ES of the “R(C)3” Zone Proposed by the Applicant
Appendix IV	Summary of Key Development Parameter of Previous S.16 Planning Applications
Appendix V	Detailed Comments from Government Departments
Appendices VI-1 to VI-11	Public Comments
Drawing Z-1	Amendments to the Ho Chung OZP Proposed by the Applicant
Drawing Z-2	Land Parcels Plan
Drawing Z-3	Building Setback
Drawings Z-4 to Z-7	Architectural Layout Plans
Drawing Z-8	Conceptual Landscape Plan
Drawings Z-9 to Z-11	Section Plans
Drawings Z-12 to Z-15	Photomontages showing the Indicative Scheme at Selected Viewpoints
Plan Z-1	Location Plan
Plan Z-2a	Site Plan
Plan Z-2b	Previous Applications Plan
Plans Z-3a and Z-3b	Aerial Photos
Plans Z-4a and Z-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2024**