

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

APPLICATION NO. Y/SK-SKT/4

<u>Applicants</u>	: Wisdom Glory Limited and Salechoice Properties Limited represented by Arup Hong Kong Limited
<u>Application Site</u>	: Various Lots in D.D. 221 and Adjoining Government Land, Sha Ha, Sai Kung, New Territories
<u>Site Area</u>	: About 12,689 m ² (including about 1,995 m ² of government land (about 16%))
<u>Lease</u>	: (a) Lots 51 s.A, 51 RP, 52 s.A, 52 s.B, 52 s.C, 52 s.D, 52 s.E and 52 RP in D.D. 221: Held under Old New Grant (b) Remaining lots: Old Schedule Agricultural Lots held under Block Government Lease
<u>Plan</u>	: Approved Sai Kung Town Outline Zoning Plan (OZP) No. S/SK-SKT/6
<u>Zoning</u>	: “Village Type Development” (“V”) [Restricted to a maximum building height (BH) of 3 storeys (8.23m)]
<u>Proposed Amendment</u>	: To rezone the application site from “V” to “Residential (Group B) 6” (“R(B)6”) subject to a maximum plot ratio (PR) of 1.5 and a maximum BH of 10 storeys (excluding basement)

1. The Proposal

- 1.1 The applicants propose to rezone the application site (the Site) (**Plan Z-1**) from “V” to “R(B)6” with a maximum PR of 1.5 and a maximum BH of 10 storeys (excluding basement) to facilitate a residential development. In addition to the maximum PR and BH restrictions, a requirement for provision of a public vehicle park (PVP) in “R(B)6” is proposed to be added in the remarks of “R(B)” zone while ‘PVP (excluding container vehicle)’ will be put under Column 1 as an always-permitted use for the “R(B)6” zone. Besides, the applicants also propose to incorporate the requirements of stepped BH profile of 3 to 10 storeys ascending from east to west, total number of parking spaces of the PVP and a

non-building area (NBA) and buffer area for a high-pressure underground town gas pipeline in the Explanatory Statement (ES) of the OZP. The proposed amendments to the Notes and the ES of the OZP for the “R(B)6” zone are attached at **Appendices IVa** and **IVb** respectively.

- 1.2 The Site is the subject of a previous section 12A application No. Y/SK-SKT/3 submitted by the same applicants which was rejected by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 6.5.2022 (**Plans Z-1** and **Z-2a**). The area of application site under the current application is reduced (-514 m² or 4%) by removing the northern portion of the land zoned “V”. Details of the previous application are at paragraph 5 below.
- 1.3 According to the applicants’ information, about 10,559 m² of land (83.2% of the Site or 98.7% of private land) is owned by the applicants while about 135 m² of land (only 1.1% of the Site or 1.3% of private land) is owned by other parties. For the remaining 1,995 m² (15.7% of the Site) are two pieces of government land, one located near Sha Ha Road in the south and another in the middle of the Site (**Plan Z-2b**).
- 1.4 The applicants submitted an Indicative Scheme for residential development to support the proposed rezoning. According to the Indicative Scheme, the proposed residential development will have one 3-storey residential tower in the northern side and two 9 and 10-storey in the south-western side with 14 three-storey detached houses at the eastern waterfront side providing 168 flats in total, a clubhouse in the middle and a PVP of 120 parking spaces and ancillary carpark in the basement. The anticipated completion year of the proposed development is 2029. The master layout plan, floor plans, schematic sections, landscape master plan and landscape section are at **Drawings Z-1** to **Z-8**. A comparison of the key development parameters of the current submission and the previous rejected application is given in the following table:

	Previous Application (Y/SK-SKT/3) (a)	Current Application (Y/SK-SKT/4) (b)	Difference (b) – (a)
Site Area (about)	13,230m ²	12,689m ²	-541m ² (-4.1%)
Development Site Area (about)	13,230m ²	12,613m ² ^{Note 1}	-617m ² (-4.7%)
Gross Floor Area (GFA) (about)	17,198m ²	18,920m ² ^{Note 2}	+1,722m ² (+10.0%)
PR	Not more than 1.3	Not more than 1.5	+0.2 (+15.4%)
Site Coverage (SC)	Not more than 40%	Not more than 44%	+4%
No. of Blocks	27	18	-9 (-33.3%)
- Houses	24	14	-10 (-41.7%)
- Residential Towers	2	3	+1 (+50%)
- Clubhouse	1	1	No change

	Previous Application (Y/SK-SKT/3) (a)	Current Application (Y/SK-SKT/4) (b)	Difference (b) – (a)
BH			
- Houses	3 storeys (21.6mPD)	3 storeys (21.6mPD)	No change
- Residential Towers	Towers 1 & 2: 7 storeys (34.6mPD)	Tower 1: 3 storeys (20.6mPD) Tower 2: 10 storeys (45.1mPD) Tower 3: 9 storeys (41.6mPD)	-4 to + 3 storeys (-57.1% to +42.9%)
- Clubhouse	2 storeys (18.1mPD)	2 storeys (18.1mPD)	No change
No. of Units	154 (total) (14 in detached houses, 20 in semi-detached houses and 120 in residential towers)	168 (total) (14 in detached houses and 154 in residential towers)	14 (+9.1%)
Private Open Space	Not less than 490m ²	Not less than 488m ²	-2m ² (-0.4%)
No. of Parking Space in PVP	35	120	+85 (+242.9%)
- Private Car	35	100	+65 (+185.7%)
- Light Goods Vehicle	0	10	+10
- Coach	0	10	+10
No. of Ancillary Parking Space	124	134	+10 (+8.1%)
- Residential	112	117	+5 (+0.4%)
- Visitor	10	15	+5 (+50%)
- Motorcycle	2	2	No change
No. of Loading/Unloading Spaces	3	3	No change

Note 1: According to the applicants, an area of about 76m² at the southern edge of the Site is carved out from development to avoid high pressure underground town gas pipeline.

Note 2: The floor area of clubhouse and underground PVP are proposed to be exempted from GFA/PR/SC calculations under the Buildings Ordinance.

1.5 According to the Indicative Scheme, the proposed residential development is accessible from Sha Ha Road. A building setback of at least 7.5m from the site boundary along Wai Man Road is proposed while greenery is proposed along the site boundary. Building separations of 15m and 18m are proposed between the three residential towers. The proposed felling of 22 trees will be compensated by the planting of 133 new trees and the compensation ratio in terms of quantity and diameter at breast height will be 1:6.05 and 1:1.6 respectively (**Drawings Z-7 and Z-8**).

1.6 Majority of the Site is situated within the Sha Ha Site of Archaeological Interest (SAI) (**Plan Z-2a**) where important archaeological remains of the Neolithic period, Bronze Age, Ming and Qing Dynasties were yielded. In support of the application, the applicants submitted a Preliminary Archaeological Impact

Assessment (PAIA), which recommends a staged mitigation approach including archaeological survey followed by possible rescue excavation prior to construction phase and/or archaeological watching brief during construction. The applicants also propose to specify in the ES that any future development at the Site requires liaison with the Antiquities and Monuments Office (AMO) in carrying out archaeological survey prior to and during construction stage (**Appendix IVb**).

- 1.7 The applicants also submitted technical assessments for the Indicative Scheme, which include Tree Preservation and Landscape Proposals, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA), Environmental Noise Impact Assessment (NIA), Environmental Air Quality Impact Assessment (AQIA), Water Supply Impact Assessment (WSIA), Visual Impact Assessment (VIA) and Quantitative Risk Assessment (QRA).
- 1.8 In support of the application, the applicants have submitted the following documents:
 - (a) Application form received on 6.7.2023 (**Appendix I**)
 - (b) Consolidated supplementary planning statement (**Appendix Ia**) (SPS) dated 17.1.2024¹

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in Section 6 of SPS at **Appendix Ia**. They can be summarised as follows:

- (a) the proposal unleashes the development potential of the Site to meet the current housing need, which proactively responds to the government's policies and initiatives;
- (b) the demand for Small House development at the Site remains insignificant throughout the years. There is no Small House application being executed or processed as of today. Nonetheless, a portion of "V" zone to the north of the Site has been reserved for meeting the 10-year Small House demand forecast (i.e. 11 houses). Some indigenous villagers showed their support on the applicants' proposal as reflected in the minutes of the meeting attended by the Chairman of Sai Kung Rural Committee and Indigenous Inhabitant Representative (IIR) and Resident Representative of Sha Ha;
- (c) specific development constraints, i.e. the Sha Ha SAI and the high-pressure gas pipeline have been considered carefully in formulating the proposal. A staged mitigation approach regarding the Sha Ha SAI is proposed, and a minimum 20m buffer distance from the gas pipeline is proposed to comply with the relevant authority's requirement;

¹ A total of three previous FI submissions (received on 7.9.2023, 9.11.2023 and 20.12.2023) were received to respond to departmental comments with revised relevant technical assessments. The consolidated SPS in **Appendix Ia** supersedes the original and all FIs and hence not attached to this paper.

- (d) the proposed development intensity, building and landscape design are compatible with the surrounding environment. The stepped BH profile descending towards the waterfront, the permeable building disposition and landscape design are proposed to form a harmonious relationship with the surrounding context;
- (e) in addition to the provision of ancillary parking spaces, a 120-space PVP is proposed and could serve as a “park-and-ride” facility allowing visitors in Sai Kung to transfer to public transport to the outlying islands and rural areas; and
- (f) various technical assessments have been conducted to ascertain that the proposal is technically feasible and not generating any adverse impacts to surroundings.

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

The applicants are two of the “current land owners”. In respect of the other “current land owners”, the applicants have complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by publishing notices in local newspapers and posting notice in a prominent position on or near the Site. Detailed information would be deposited at the meeting for Members’ inspection. The “owner’s consent/notification” requirements set out in TPB PG-No. 31A are not applicable to the government land within the Site.

4. Background

- 4.1 The Site together with the adjoining land (about 1.8 ha) was first zoned “V” on the Sai Kung Town North Planning Area 4 Layout Plan No. L/SK-T4/1 adopted by the then Secretary for Planning, Environment and Lands on 9.2.1999. On the first Sai Kung Town OZP No. S/SK-SKT/1 gazetted on 4.3.2005, the Site together with the adjoining land was zoned “V”. The boundaries of the “V” zone are drawn up having regard to the existing village ‘environs’ (VE), outstanding Small House demand and various site constraints. There has been no change to that “V” zone on the OZP since then.
- 4.2 Based on the latest estimate by the Planning Department (PlanD), about 1.41 ha of land (equivalent to 56 Small House sites²) is available within the three “V” zones in Sha Ha, amongst which 1.25 ha (about 89%, equivalent to 50 Small House sites) falls within the Site.

5. Previous Application (Plans Z-1 and Z-2a)

The Site is the subject of a section 12A application (No. Y/SK-SKT/3) for rezoning from “V” to “R(B)6” by the same applicants covering a larger site with lower development intensity, which was rejected by the Committee on 6.5.2022 mainly on the grounds that there was no strong planning justification for rezoning the site from “V” to “R(B)6” and that the current “V” zone was considered appropriate and should be

² Assuming that 40 houses in 1 ha of land.

retained to reserve land for meeting the demand for Small House development; and that the applicants failed to demonstrate that the proposed rezoning would not have adverse archaeological impacts on the Sha Ha SAI.

6. Similar Application

There is no similar application involving rezoning of a site from “V” 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-3 and site photos on Z-4a and Z-4b)

7.1 The Site is:

- (a) located in Sai Kung Town North and about 550m to the north of the old town centre ;
- (b) accessible from Sha Ha Road to its south, and Sha Ha Path and a local track from the north;
- (c) mainly occupied by temporary carparks and temporary structures;
- (d) falling within Sha Ha SAI; and
- (e) mostly within the ‘VE’ of Sha Ha.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are village houses of Sha Ha zoned “V”. To the further north, east and south are some recreational and tourism uses including New Beach Resort Hotel (5 storeys high), WM Hotel (3 storeys high over two levels of basements) and a strip of land at the waterfront occupied by Sha Ha Beach, a non-gazetted beach and some permanent and temporary structures mainly for eating place and water sports equipment rental uses³;
- (b) to the northwest across Tai Mong Tsai Road on a higher platform are low-rise and low-density residential developments along Chuk Yeung Road (Burlingame Garden and Hunlicar Garden) zoned “R(C)1” and “R(C)3” respectively subject to a maximum BH of 9m and 2 storeys over 1 storey of carport; and
- (c) to the west across Wai Man Road is a piece of land zoned “Comprehensive Development Area (1)” (“CDA(1)”) currently partly used for storage of

³ New Beach Resort Hotel is zoned “Other Specified Uses” (“OU”) annotated “Commercial and Tourism Related Uses (Including Hotel) (2)” subject to a maximum BH of 5 storeys (excluding basements), a maximum PR of 1.5 and a maximum SC of 30%, WM Hotel is zoned “OU(Commercial and Tourism Related Uses (Including Hotel) (1))” subject to a maximum BH of 3 storeys (excluding basements), a maximum PR of 1.5 and a maximum SC of 70% while the strip of land is zoned “OU(Beach Related Leisure Uses)” subject to a maximum BH of 2 storeys (excluding basements) and a maximum PR of 0.2 and “Open Space”.

construction materials and covered by a planning application (No. A/SK-SKT/28) for comprehensive residential development of a PR of 1.5 with minor relaxation of BH restriction (BHR) from 8 storeys to 10 storeys approved with conditions by the Committee on 14.1.2022. To the further south is The Mediterranean, an existing residential development zoned “CDA(2)” with a maximum PR of 1.5 and BH of 8 storeys.

8. Planning Intention

The “V” zone is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

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) according to the information provided, the Site comprises a total of 234 private lots and adjoining government land with a total site area of about 12,689 m², among which the site area of adjoining government land accounts for about 1,995 m². His office cannot verify the respective site area of the Site and the government land involved at this stage. The applicants should make sure that the site area quoted in the submission is correct;
- (b) the Site is situated within the ‘VE’ of Sha Ha;
- (c) if the subject application is approved by the Board, the lot owners shall apply to his office for a land exchange to effect the proposal. Every application submitted to LandsD for non-Small House development in ‘VE’ and/or “V” zone overlapping with ‘VE’ will be considered on its own merits by LandsD at its absolute discretion acting in its capacity as a landlord and there is no guarantee that the land exchange application will eventually be approved or disapproved by LandsD. If the application for land exchange is approved by LandsD, it will be subject to such terms and conditions as may be imposed by LandsD at its absolute discretion, including payment of premium and administrative fee;
- (d) the number of outstanding Small House application in Sha Ha is one, which falls within the “V” zones but outside the Site. The number

of Small House applications of Sha Ha received, approved and rejected by LandsD in the past 10 years are set out below:

Year	Received	Approved	Rejected
2013	0	0	0
2014	0	0	1
2015	0	0	17
2016	0	0	0
2017	0	0	0
2018	0	0	0
2019	0	0	0
2020	0	0	0
2021	0	0	12
2022	0	0	0
2023	0	0	0

- (e) there were 12 Small House applications approved within the Site but are now no longer valid;
- (f) since the first gazettal of the Sai Kung Town OZP in 2005, Certificates of Compliance have been issued to 5 completed New Territories Exempted Houses in the “V” zones of Sha Ha. The number of valid approved Small House developments in Sha Ha but not yet completed is 4;
- (g) the number of outstanding cross-village application for Small House development in other village in Sai Kung Heung submitted by indigenous villagers of Sha Ha is 1;
- (h) the 10-year Small House demand forecast of Sha Ha provided by IIR as at 6.1.2014 is 11. This figure has not been verified by his office. There is also no further updated figure available since 2014; and
- (i) other detailed comments are at **Appendix II**.

Traffic

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

- (a) no objection in-principle to the application subject to timely implementation of the Hiram’s Highway Improvement Stage 2 project prior to population intake of the proposed development;
- (b) with the timely implementation of the Hiram’s Highway Improvement Stage 2 project, the adverse traffic condition at Hiram’s Highway as well as the relevant junctions would be relieved to an acceptable level; and
- (c) no adverse comment on the proposed PVP at the Site.

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

- (a) the proposed driveway within the Site is connected to Sha Ha Road. The design and details of the driveway shall be submitted to the Transport Department and HyD for comment and approval; and
- (b) other detailed comments are at **Appendix II**.

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

- (a) no adverse comment on the application; and
- (b) the Site is located near the Hiram's Highway Improvement Stage 2 project. The applicants should be reminded to consult and coordinate with the project office during design and construction.

Environment

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

- (a) according to the AQIA, no industrial chimney is identified within 200m from the Site and sufficient buffer distance of at least 10m to the nearby roads (i.e. Wai Man Road, Tai Mong Tsai Road and Sha Ha Road) are to be provided. Besides, the applicants have confirmed that the design of the proposed underground PVP would follow Professional Persons Environmental Consultative Committee Practice Notes 2/96 such that the exhaust outlet of the proposed PVP would be suitably located and designed with proper mitigation measure. No adverse air quality impact is anticipated;
- (b) according to the NIA conducted, with the provision of suitable noise mitigation measure including provision of baffle-type acoustic window and enhanced acoustic balcony, all the residential flat would comply with the Hong Kong Planning Standards and Guidelines (HKPSG) noise planning standard of 70dB(A). Besides, the assessment has also confirmed that no fixed noise source is identified in the vicinity of the Site. No adverse noise impact is anticipated;
- (c) the sewage from the proposed development will be collected by the terminal manhole and discharged into the public sewer. The SIA conducted has demonstrated that the existing public sewer has sufficient capacity to collect the sewage generated from the proposed development. No adverse water quality and sewerage impact is anticipated;
- (d) the Site is currently serving as a hard-paved temporary carpark with no vehicle maintenance activities and no sign of chemical spills/oil stains was observed. Besides, no historic site use with industrial

activities were identified. No land contamination issue is anticipated; and

- (e) on the above basis and since no approval condition could be imposed to the subject application, there would be no objection to the subject application from environmental planning point of view provided that there is feasible mechanism under land title document to request for the submission of noise impact assessment and provision of noise mitigation measures identified therein to meet with HKPSG requirements to the satisfaction of DEP prior to the commencement of the development.

Archaeological and Heritage Aspects

9.1.6 Comments of the Chief Heritage Executive (Antiquities and Monuments), AMO, Development Bureau (CHE(AM), AMO):

no comment on the applicants' submission (including the PAIA) from the archaeological conservation perspective. In carrying out archaeological survey prior to and during construction stage for any future development at the Site, the project proponent should liaise with and seek agreement from AMO.

Urban Design and Landscape

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

Urban Design

- (a) according to the submission, design/mitigation measures, including a minimum 7.5m building setback from the Site boundary along Wai Man Road, provision of greenery for retaining walls/ site formation in areas fronting Wai Man Road and Sha Ha Road, and façade treatment, are proposed. The Indicative Scheme of the proposed development adopts a stepped height profile descending towards the waterfront and village cluster to the north. The proposed development, if developed according to the Indicative Scheme, is considered not incompatible with the existing/planned character of the area. In this regard, there is no comment on the Indicative Scheme;
- (b) while the applicants have proposed amendments to the ES of the OZP, it is uncertain whether there would be sufficient statutory control over the implementation of the proposed design/mitigation measures under the proposed "R(B)6" sub-zone, especially the stepped height profile with the low-rise houses along the seaside;
- (c) significant air ventilation impact is not anticipated;

Landscape

- (d) the Site is situated in an area of miscellaneous urban fringe landscape character predominated by scattered tree groups, open car park/ storage, village houses and a hotel development in the south as observed. The coastline of Sha Ha Beach is located to the east of the Site and an approved comprehensive residential development is located to the west. The proposed development is considered not incompatible with the surrounding landscape character due to the developed or planned context;
- (e) according to the submission, the Site is currently occupied by temporary open-air car parks and temporary structures, majority of the Site is hard paved. Total 22 existing trees are proposed to be felled for the proposed development, 133 new heavy standard trees will be planted within the development site, planting areas and open spaces not less than 488m² are proposed to fulfil the provision standard for estimated population of 488 people, facilities such as sitting courtyards, pool, and children's play area will be provided. Adequate landscape treatments are proposed to improve the overall landscape quality, significant landscape impact arising from the proposed development is not anticipated; and
- (f) other detailed comments are at **Appendix II**.

Drainage and Sewerage

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

no comments on the SIA and DIA reports for the subject application.

Water Supplies

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

- (a) no objection to the application; and
- (b) from waterworks supply planning point of view, there is no adverse comment on the application on the understanding that the total fresh water demand arising from the proposed residential development will not exceed the fresh water demand of original planned village development for the Site as advised in the WSIA; and
- (c) other detailed comments are at **Appendix II**.

Building Matters

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

- (a) no objection to the application;
- (b) the proposed site coverage of 44% under the Indicative Scheme will exceed the permitted domestic site coverage of 39% under the First Schedule of Building (Planning) Regulations for a Class A site with building height between 36m and 43m;
- (c) Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-2, HKPSG and C for T's advice will be referred to when determining exemption of GFA calculation for aboveground and underground carparking spaces at public and private carpark; and
- (d) other detailed comments are at **Appendix II**.

Fire Safety

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

- (a) no objection in principle to the proposal;
- (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 the BD.

Risk Aspect

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

the applicants have included an QRA in the submission, and the said QRA has incorporated his previous comments. In this connection, he has no comment from town gas safety point of view.

District Officer's Comments

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

- (a) no comment on the application;
- (b) no works and project managed or maintained by her office near the Site will be affected; and
- (c) relevant safety standards should be met and guidelines stipulated by the relevant government department(s) should be conformed with.

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

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

10. Public Comments Received During Statutory Publication Periods

10.1 The application and the relevant FIs were published for public inspection. During the public inspection periods, a total of 417 public comments submitted by individuals, Sai Kung Planning Concern Front and Hong Kong and China Gas Company Limited (Towngas) were received. A full set of public comments received is deposited at the Board's Secretariat for Members' inspection.

10.2 Among the public comments, 381 support the application and provide general views (samples at **Appendices III-1 to III-6**). 36 public comments object to the application (samples at **Appendices III-7 to III-12**) including the one submitted by Sai Kung Planning Concern Front. The comment from Towngas (**Appendix III-6**) suggests the project proponent to consult their company in design stage and closely coordinate with their company during construction stage and provide protective measures.

10.3 The public comments are summarised below:

Supporting and General Views

- (a) the proposed residential development is compatible with surrounding low-density development and can fully utilise land resources to boost housing supply and control property prices;
- (b) good landscape treatment beautifies the area and improves the environment, hygiene and air ventilation;
- (c) the proposed PVP would enhance connectivity and help curb illegal parking;
- (d) development in Sai Kung could foster economic growth; and
- (e) more community and retail facilities can be provided near the Site.

Objecting Views

- (a) there is no strong planning justification for rezoning "V" to "R(B)6";
- (b) disrespectful to the original settlers of Sai Kung if the "V" zone is being rezoned;
- (c) the scale of the proposed development is excessive and deviates from the planning framework for Sai Kung Town;
- (d) lack of community facilities and transportation system to serve the increasing population in Sai Kung;
- (e) noise and air pollution would create nuisance to the local community during construction;
- (f) leading to the loss of the existing open-air car parking spaces; and

- (g) adverse visual, landscape and ecological impacts inflicted upon the nearby shoreline and sea.

11. Planning Considerations and Assessments

- 11.1 The application proposes to rezone the Site from “V” to “R(B)6” to facilitate a residential development. In addition to stipulate the maximum PR restriction of 1.5 and the maximum BHR of 10 storeys (excluding basement) on the Notes, the requirement for provision of a PVP in “R(B)6” is proposed to be added in the remarks of “R(B)” zone while ‘PVP (excluding container vehicle)’ will be put under Column 1 as an always-permitted use for the “R(B)6” zone. Besides, the applicants also propose to incorporate various requirements on stepped BH, NBA and PVP’s parking space numbers in the Explanatory Statement (ES) of the OZP. The proposed amendments to the Notes and ES proposed by the applicants are at **Appendices IVa** and **IVb** respectively.
- 11.2 According to the Indicative Scheme, the proposed residential development will have one 3-storey residential tower (21.6mPD) in the northern side and two 9 and 10-storeys in the south-western side (41.6 and 45.1mPD) with 14 three-storey detached houses (21.6mPD) at the eastern waterfront side providing 168 flats in total, a clubhouse in the middle and a PVP of 120 parking spaces and 134 ancillary carpark spaces in the basement.

Planning Intention and Small House Demand

- 11.3 The planning intention of the “V” zone is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. However, since the designation of the Sha Ha “V” zones on the first Sai Kung Town OZP gazetted in 2005, only five Small Houses have been completed and four approved Small Houses not yet completed in the past 18 years, in spite of a fairly large area of land (about 1.8 ha) of the “V” zones. The planning intention of the “V” zone has not been fully materialised and the Site has been left vacant for over 30 years and being used for temporary uses such as carpark and occupied by temporary structures in recent years. In view of the above, the current application for rezoning part of the “V” zone should be assessed against the genuine need for Small House development in Sha Ha.
- 11.4 According to PlanD’s estimate, discounting the Site of about 1.3 ha, the available land in the remaining “V” zones in Sha Ha is about 0.16 ha which is equivalent to about 6 Small House sites. While the remaining land is insufficient to cater for the 10-year Small House demand forecast (i.e. 11) provided by the IIR of Sha Ha, the Board has been adopting a more cautious approach in assessment of Small House demand since August 2015 in that more weighting is put on the number of outstanding Small House applications. According to the DLO/SK, LandsD’s information, no Small House application has been received in the past 10 years in Sha Ha. There is currently only 1 outstanding Small House application being processed but the Small House site is outside the Site. There is also no valid approved Small House application at the Site. As such, the remaining land available for Small House development in the “V” zones of Sha Ha is still sufficient to cater for the outstanding Small House application. To

this end, the Site can be considered for rezoning to facilitate better use of the Site and help address acute shortfall of housing in the territory and public parking facilities in the district. DLO/SK, LandsD advises that if the application for rezoning is approved, the lot owners shall apply to his office for a land exchange to effect the proposal. Every application for non-Small House development in 'VE' and/or "V" zone overlapping with 'VE' will be considered on its own merits by LandsD at its absolute discretion acting in its capacity as a landlord and there is no guarantee that the land exchange application will eventually be approved or disapproved by LandsD.

Land Use Compatibility, Urban Design and Landscape Aspects

- 11.5 According to the ES of the OZP, the vacant land in Sai Kung Town North has good potential to be further developed for a variety of mixed but compatible uses. The proposed residential use at the Site is considered compatible with the surrounding existing and planned medium-rise private residential development, village type development, leisure and medium-rise hotel developments. The proposed "R(B)6" zone is intended primarily for medium-density residential developments. The Site is situated at a transition from the vegetated mountain backdrop in the far north towards the low-rise development along the waterfront, and the medium-rise development in Sai Kung Town. In this transition setting, there are private residential developments zoned "CDA(1)" and "CDA(2)" and two hotel developments. The proposed maximum PR of 1.5 and the stepped BH profile from 3 to 10 storeys (maximum about 45mPD) ascending from east to west under the current application is considered not unacceptable taken into account the development scale in the vicinity, and is consistent to the PR and BH of the "CDA(1)" and "CDA(2)" zones, and other "R(B)" zones in Sai Kung Town of the same OZP.
- 11.6 CTP/UD&L, PlanD considers that the proposed development, if developed according to the Indicative Scheme adopting a stepped BH profile (**Drawings Z-5 and Z-6**), is not incompatible with the existing/planned character of the area. Should the Committee decide to agree to the application, it is recommended that the BH of residential towers (maximum 10 storeys) and houses (maximum 3 storeys) should be stipulated on the OZP to ensure that the stepped BH profile will be implemented in future development.
- 11.7 From landscape planning perspective, CTP/UD&L, PlanD advises that the proposed use is considered not entirely incompatible with the surrounding landscape character and adequate landscape treatments have been proposed in the Indicative Scheme to improve the overall landscape quality.

Parking Provision

- 11.8 Besides the ancillary parking facilities, the applicants propose to provide a 120-space PVP in the basement. C for T has no objection in-principle to the application and no adverse comment on the proposed PVP. The exact number of the public parking spaces should be determined and agreed by the relevant authority at the land exchange stage.

Archaeological and Heritage Aspects

11.9 The major part of the Site falls within Sha Ha SAI where important archaeological remains were yielded, and previous archaeological investigation confirmed that the Site has very high archaeological potentials. While the archaeological issue was considered not properly addressed in previous application, the applicants show efforts in the current application by conducting the PAIA which recommends a staged mitigation approach including archaeological survey followed by possible rescue excavation prior to construction phase and/or archaeological watching brief during construction. CHE(AM), AMO has no comment on the PAIA from archaeological conservation perspective. To ensure implementation, the requirements for liaison with and seeking agreement of AMO in carrying out archaeological survey prior to and during construction stage for any future development at the Site would be stipulated in the ES.

Other Technical Aspects

11.10 The applicants have submitted various technical assessments including TIA, Tree Preservation and Landscape Proposals, SIA, DIA, NIA, AQIA, WSIA and QRA in support of the application. Relevant departments including C for T, DEP, CE/MS, DSD, CE/C, WSD and DEMS have no in-principle objection to/adverse comment on to the application.

Previous Application

11.11 In response to the rejection ground of the Committee on the previous application (No. Y/SK-SKT/3) that land should be reserved for meeting the demand of Small House, the applicants now propose to retain an area of 541m² to the north of the Site as “V” zone. In relation to the adverse archaeological impact on the SHSAI, the applicants have showed efforts by submitting a PAIA and proposing staged mitigation measures on which AMO have no comment. The planning assessments in paragraphs 11.3 to 11.4 and 11.9 above are relevant.

Public Comments

11.12 There are 381 comments in support and providing general views of the application and 36 opposing comments received during the statutory publication periods of the application. The supporting comments are noted. Regarding the opposing grounds mainly on planning intention, development intensity and technical aspects, the departmental comments in paragraph 9 above and the planning assessments in paragraphs 11.1 to 11.11 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, PlanD has no in-principle objection to the proposed rezoning of the Site from “V” to “R(B)6” subject to imposition of BHRs to ensure the stepped BH.

12.2 Should the Committee decide to agree/partially agree to the application, PlanD would work out the zoning boundaries, as well as the development parameters and restrictions to be set out in the Notes and/or ES for the Committee's agreement prior to gazetting under Section 5 of the Town Planning Ordinance upon reference back of the OZP.

12.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members' reference:

the application site falls within an area zoned "Village Type Development" ("V") and the village 'environs' of Sha Ha. There is no strong planning justification for rezoning the application site from "V" to "Residential (Group B)6" to make provision for non-Small House developments. The current "V" zone for the application site is considered appropriate and should be retained to reserve land for meeting the demand for Small House development and village expansion.

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 applicants.

14. Attachments

Appendix I	Application Form received on 6.7.2023
Appendix Ia	Consolidated SPS dated 17.1.2024
Appendix II	Detailed Comments from Government Departments
Appendices III-1 to III-12	Public Comments – Samples
Appendix IVa	Revised Notes for the "R(B)" Zone Proposed by the Applicants
Appendix IVb	Revised ES Proposed by the Applicants
Drawing Z-1	Master Layout Plan
Drawing Z-2	Ground Floor Layout Plan
Drawing Z-3	Basement 1 Layout Plan
Drawing Z-4	Basement 2 Layout Plan
Drawings Z-5 and Z-6	Schematic Sections
Drawing Z-7	Landscape Master Plan
Drawing Z-8	Landscape Section
Drawing Z-9	Small House Development Plan submitted by the Applicants
Drawings Z-10 to Z-13	Photomontages showing the Indicative Scheme at Selected Viewpoints
Plan Z-1	Location Plan
Plans Z-2a and Z-2b	Site Plans
Plan Z-3	Aerial Photo

Plans Z-4a and Z-4b

Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**