

**REVIEW OF APPLICATIONS NO. A/SK-SKT/23 TO 27**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed Social Welfare Facility (Residential Care Home for the Elderly) (RCHE) and  
Flat with Minor Relaxation of Plot Ratio (PR) Restriction  
at Lot 1104 in D.D. 215, 1 Hong Ting Road, Sai Kung, New Territories  
(Application No. A/SK-SKT/23)**

**Proposed Social Welfare Facility (RCHE) with Minor Relaxation of PR Restriction  
at Lot 1107 in D.D. 215, 2 Hong Ting Road, Sai Kung, New Territories  
(Application No. A/SK-SKT/24)**

**Proposed Social Welfare Facility (RCHE) and Flat with Minor Relaxation of PR  
Restriction at Lot 1002 in D.D. 215, 6 Hong Ting Road, Sai Kung, New Territories  
(Application No. A/SK-SKT/25)**

**Proposed Social Welfare Facility (RCHE) with Minor Relaxation of PR Restriction  
at Lot 963 (Part) in D.D. 215, 7 Hong Ting Road, Sai Kung, New Territories  
(Application No. A/SK-SKT/26)**

**Proposed Social Welfare Facility (RCHE) with Minor Relaxation of PR Restriction  
at Lot 963 (Part), Ext to 963 (Part) and 991 (Part) in D.D. 215 and  
adjoining Government land, 7 (Part) and 9 Hong Ting Road, Sai Kung, New Territories  
(Application No. A/SK-SKT/27)**

**1. Background**

- 1.1 On 28.8.2019, the applicants, which are under the same group of companies and represented by Kenneth To and Associated Limited, sought planning permissions for redevelopment of the five application sites (the Sites) from industrial use to the following in five 8-storey buildings:

(a)	Application No. A/SK-SKT/23	Proposed RCHE and flat with minor relaxation of PR restriction from 2 to 2.8;
(b)	Application No. A/SK-SKT/24	Proposed RCHE with minor relaxation of PR restriction from 2 to 2.8;
(c)	Application No. A/SK-SKT/25	proposed RCHE and flat with minor relaxation of PR restriction from 2 to 2.8;
(d)	Application No. A/SK-SKT/26	Proposed RCHE with minor relaxation of PR restriction from 2 to 2.74; and
(e)	Application No. A/SK-SKT/27	Proposed RCHE with minor relaxation of PR restriction from 2 to 2.77.

- 1.2 The Sites for Applications No. A/SK-SKT/23 and 27 fall within an area entirely zoned "Residential (Group E)1" ("R(E)1") and the Sites for Applications No. A/SK-SKT/24 to 26 fall within areas mainly zoned "R(E)1" and with minor portions

shown as ‘Road’ on the approved Sai Kung Town Outline Zoning Plan No. S/SK-SKT/6 (the OZP) (**Plan R-1**). According to the Notes of the OZP, ‘Social Welfare Facility’ and ‘Flat’ uses within the “R(E)” zone and area shown as ‘Road’ require planning permission from the Town Planning Board (the Board). Besides, developments within the “R(E)1” zone are subject to a maximum PR of 2, a maximum site coverage (SC) of 40% and a maximum building height (BH) of 8 storeys (excluding basements) or the PR, SC and BH of the existing building, whichever is the greater. Based on the individual merits of a development or redevelopment proposal, minor relaxation of the maximum PR, SC and BH may be considered by the Board. According to the submitted schemes, each of the five Sites would be occupied by a single 8-storey development. The PRs of the five proposed developments ranging from 2.74 to 2.8 would all exceed the maximum PR restriction (PR 2) for the “R(E)1” zone, and hence permissions from the Board are also required for the relaxations on PR restriction.

1.3 According to the applicants’ submissions, the Sites are designated as follows (Drawing A-1 in **Annex A**):

- (a) Application No. A/SK-SKT/23 – “Site A” with “Block 1”;
- (b) Application No. A/SK-SKT/24 – “Site B” with “Block 2”;
- (c) Application No. A/SK-SKT/25 – “Site C” with “Block 3”;
- (d) Application No. A/SK-SKT/26 – “Site D” with “Block 4”;
- (e) Application No. A/SK-SKT/27 – “Site E” with “Block 5”.

In total, the proposed developments would provide 99 flats within Sites A and C and an estimated total number of 1,403 RCHE bedspaces in all Sites. The applicants claim that the target completion year is 2023 for each of the proposed developments. Developments within each Site are self-contained and the major development parameters of the proposed developments for the applications are summarised as follows:

	<b>Applications No. A/SK-</b>					
<b>Development Parameters</b>	<b>SKT/23 (Site A)</b>	<b>SKT/24 (Site B)</b>	<b>SKT/25 (Site C)</b>	<b>SKT/26 (Site D)</b>	<b>SKT/27 (Site E)</b>	<b>Total</b>
Site Area (about)	2,850m <sup>2</sup>	1,681m <sup>2</sup>	3,231m <sup>2</sup>	1,950m <sup>2</sup>	1,950m <sup>2</sup> Note 1	11,662m <sup>2</sup> Note 2
GFA for RCHE	5,400m <sup>2</sup>	4,706m <sup>2</sup>	5,400m <sup>2</sup>	5,340m <sup>2</sup>	5,400m <sup>2</sup>	26,246m <sup>2</sup>
GFA for Flat	2,580m <sup>2</sup>	--	3,647m <sup>2</sup>	--	--	6,227m <sup>2</sup>
Plot Ratio	2.8	2.8	2.8	2.74	2.77	2.78
(Difference from OZP restriction) (about)	(+0.8) (+40%)	(+0.8) (+40%)	(+0.8) (+40%)	(+0.74) (+37%)	(+0.77) (+39%)	(+0.78) (+39%)
Max. SC	40%					N.A.
No. of Storeys	8					N.A.
Max. Building Height (mPD) (about)	33.05	32.70	32.70	32.80	32.80	N.A.
No. of Blocks	1	1	1	1	1	5

Development Parameters	Applications No. A/SK-					Total
	SKT/23 (Site A)	SKT/24 (Site B)	SKT/25 (Site C)	SKT/26 (Site D)	SKT/27 (Site E)	
No. of Flats	30	--	69	--	--	99
No. of RCHE Bedspaces (estimated)	288	245	294	288	288	1,403
No. of Car Parking Spaces						
● Private Car	23	5	19	6	6	59
● Motorcycle	2	1	2	1	1	7
● Light Bus/Maxicab	1	1	1	1	1	5
No. of Loading/ Unloading (L/UL) Spaces						
● Heavy Goods Vehicle (HGV)	1	1	1	1	1	5
● Ambulance Space	1	1	1	1	1	5
Private Communal Open Space	402m <sup>2</sup>	260m <sup>2</sup>	511m <sup>2</sup>	500m <sup>2</sup>	290m <sup>2</sup>	1,963m <sup>2</sup>

Note 1: Including Government land of about 159m<sup>2</sup>.

Note 2: The whole “R(E)1” zone is about 16,439m<sup>2</sup>, the total area of all five applications covers about 71% of the “R(E)1” zone.

1.4 On 18.12.2020, the Rural and New Town Planning Committee (RNTPC) of the Board decided to reject the applications and the reason was:

the applicants failed to provide strong planning justifications and design merits for the proposed minor relaxation of plot ratio restriction and to demonstrate that a comprehensive redevelopment together with the adjacent sites within the same “R(E)1” zone could not be achieved.

1.5 For Members’ reference, the following documents are attached:

- |  |           |
|--|-----------|
| (a) RNTPC Paper No. A/SK-SKT/23 to 27B                         | (Annex A) |
| (b) Extract of minutes of the RNTPC meeting held on 18.12.2020 | (Annex B) |
| (c) Secretary of the Board’s letters dated 8.1.2021            | (Annex C) |

## 2. Applications for Review

On 22.1.2021, the applicants applied, under section 17(1) of the Town Planning Ordinance (the Ordinance), for a review of the RNTPC’s decision to reject the applications (Annex D).

### 3. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the review applications are detailed in the submission at **Annex D** and summarised as follows:

- (a) the strong planning justification of satisfying the keen territory-wide demand for RCHE bedspaces has been overlooked. The Government has adopted a multi-pronged approach to increase supply of RCHE bedspaces, such as providing premium exemption under the “Scheme to Encourage Provision of RCHE Premises”, imposing lease requirements on provision of RCHE and providing RCHE facilities in new subsidised housing developments. Nevertheless, there is still keen demand for RCHE bedspaces such that the Government should further explore opportunities of privately-initiated RCHE developments; and
- (b) The applicants intend to develop RCHEs with a total of about 1,403 bedspaces at the Sites but do not rule out the possibility of joining the Enhanced Bought Place Scheme (EBPS). The applicants also intend to join the “Scheme to Encourage Provision of RCHE Premises”. The proposed developments are justified by the optimisation of the provision of RCHE bedspaces to meet the demand, at a development scale compatible with the surrounding context, and justified from technical point of view.

### 4. **The Section 16 Applications**

#### The Sites and their Surrounding Areas (Plans R-1 to R-4d)

4.1 The situation of the Sites and their surrounding areas at the time of consideration of the s.16 applications by the RNTPC is described in paragraph 6 of **Annex A**. There has been no material change in the situation of the area since then.

- (a) The Sites are:
  - (i) located at the south-western part of Sai Kung Town about 400m from the town centre;
  - (ii) accessible from Hong Tsuen Road, Hong Ting Road and Hong Nin Path;
  - (iii) currently occupied by five industrial buildings (Four Seas Group Building, Four Seas eFood Centre, Pricerite Group Building and buildings of China Paint Manufacturing Company (1946) Ltd.), which are largely vacant; and
  - (iv) falling within the consultation zone of Pak Kong Water Treatment Works (PKWTW), which is a Potentially Hazardous Installation (PHI).
- (b) The surrounding areas have the following characteristics:
  - (i) to the immediate north is an area zoned “Green Belt” (“GB”) currently covered by amenity planting and to its further north is Hiram’s Highway, where an existing high pressure gas pipeline runs underneath;
  - (ii) to the immediate east is a sitting-out area sandwiched between Chui Tong

Road and Hong Nin Path within the same “R(E)1” zone (**Plan R-4d**). To the northeast is an area zoned “Other Specified Uses” (“OU”) annotated “Commercial Development (with Multi-storey Vehicle Park)” occupied by the commercial building ‘Centro’. To the southeast across Chui Tong Road is an existing 8 to 13-storey residential development namely ‘Lakeside Garden’;

- (iii) to the south across Hong Tsuen Road is a “Government, Institution or Community (2)” (“G/IC(2)”) site currently occupied by some temporary vehicle repair workshops and an open car park. The “G/IC(2)” site is subject to a maximum BH of 3 storeys under the OZP. To the further south is the “GB” zone mainly covered by vegetated slopes;
- (iv) to the immediate west is a “Residential (Group B)4” (“R(B)4”) site occupied by three 8-storey residential blocks namely ‘Park Mediterranean’; and
- (v) to the northwest is an area zoned “OU” annotated “Petrol Filling Station” (PFS). A petrol filling cum LPG station is currently in use.

#### Planning Intention

- 4.2 The “R(E)1” zone is intended primarily for phasing out of existing industrial uses through redevelopment (or conversion) 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 I/R interface problem.
- 4.3 The Explanatory Statement (ES) of the OZP specifies that building blocks within the “R(E)1” zone should be arranged in a stepped manner, with maximum building height at the north, descending to the south and west.

#### Previous Applications

- 4.4 Site C is the subject of a previously approved application (No. A/SK-SKT/10) by the same applicant for proposed flat and house and proposed minor relaxation of PR restriction (from 2 to 2.13) (i.e. relaxation by 6.5%) and SC restriction (from 40% to 42.6%), which was approved with conditions by the RNTPC on 22.1.2016. Validity of the planning permission lapsed on 23.1.2020.
- 4.5 Sites D and E are the subject of a previously approved application (No. A/SK-SKT/14) by the same applicant for proposed flat and shop and services and proposed minor relaxation of PR restriction (from 2 to 2.036) (i.e. relaxation by 1.8%), which was approved by the RNTPC on 2.3.2018. The planning permission is still valid but the proposed development has not yet commenced.
- 4.6 The previous applications (No. A/SK-SKT/10 and 14) were approved mainly on the grounds of general compliance with the planning intention of “R(E)1” zone, not susceptible to adverse impacts from traffic and noise emissions, no significant impacts on sewerage, drainage, risk and environmental aspects, and the requested relaxations of PR and/or SC restrictions are minor and technical in nature. In particular, the RNTPC noted that the exceedance of PR and/or SC from the OZP

restriction(s) in both applications were resulted from the technical issue of exclusion of the area shown as 'Road' from site area calculation.

- 4.7 Details of these applications are summarised at Appendix II of **Annex A** and their locations are shown on **Plans R-1** and **R-2**.

#### Similar Application

- 4.8 There is one similar application No. A/SK-SKT/22 for proposed 19 houses and minor relaxation of PR restriction (from 0.75 to 0.756) in the "R(E)2" zone to the southwest of the Sites, which was rejected by the RNTPC on 20.3.2020 and the Board on review on 29.1.2021 mainly on the ground that the applicant failed to demonstrate the industrial/residential (I/R) interface problem with the adjacent concrete batching plant could be satisfactorily resolved.

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

- 5.1 For the review applications, the following government departments have been further consulted and their updated comments are summarised below:

#### **Social Welfare**

##### 5.1.1 Comments of the Director of Social Welfare (DSW):

- (a) it is concurred that there is a dire need to provide welfare facilities in the area to cater for the ongoing welfare services needs, both territory-wide and at the district level. As at 31.12.2020, there are 37,525 waitlistees on the central waiting list applying for various types of residential care services (RCS) places for the elderly, with an average waiting time for Care-and-Attention places and Nursing Home places at 21 months and 26 months respectively. While the RCS places is planned on a five-cluster basis and Sai Kung falls within the East Kowloon Cluster, there are 5,347 subsidised and 6,205 non-subsidised RCS places provided in the East Kowloon Cluster as at 30.9.2020, whereas Sai Kung District has 1,281 subsidised and 999 non-subsidised RCS places respectively.
- (b) it is noted that the applicants intend to develop private RCHEs at the Sites, but do not rule out the possibility of joining the Enhanced Bought Place Scheme (EBPS);
- (c) from licensing point of view, attention is drawn to para. 4.9.2 of Chapter 4 of the Code of Practice for Residential Care Homes (Elderly Persons). It is mentioned that every room used for habitation or for the purposes of an office or kitchen in RCHEs shall be provided with adequate natural lighting and ventilation for compliance with sections 29, 30, 31, 32 and 33 of the Building (Planning) Regulations, (Cap. 123 sub. leg. F). Such being the case, the proposed fixed glazing without openable windows, though with compensatory provision of central air conditioning system for ventilation in the proposed RCHE is considered not acceptable. From service point of view, openable/prescribed windows in

habitation areas should be provided;

- (d) the applicant is reminded to observe section 20 of the Residential Care Homes (Elderly Persons) Regulation, which states that no part of an RCHE shall be situated at a height more than 24 m above the ground floor, measuring vertically from the ground of the building to the floor of the premises in which the RCHE is to be situated;
- (e) the applicants should ensure that the design and construction of the RCHE shall comply with all relevant licensing and statutory requirements including but not limited to i) Buildings Ordinance (Cap. 123) and Regulations, ii) Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and its subsidiary legislation and iii) latest version of Code of Practice of Residential Care Homes (Elderly Persons);
- (f) in view of acute welfare demand, it is reiterated that there is a dire need to provide welfare facilities in the area to cater for the ongoing welfare services needs, both territory-wide and at the district level. The applicants should advise the area available for incorporating subvented welfare facilities if available; and
- (g) detailed comments from the service and operation points of view is at Appendix III of **Annex A**.

## **Environment**

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

- (a) according to the Environmental Assessment (EA) for the applications (Appendix 6 of Appendix If-2 of **Annex A**), it is understood that the applicants will implement appropriate noise mitigation measures to comply with the Hong Kong Planning Standards and Guidelines (HKPSG) traffic noise criteria, such as acoustic balcony, acoustic window, fixed glazing, etc. They have also committed to conduct land contamination assessments and remediation works (if necessary) in accordance with the prevailing guidelines;
- (b) on the above basis, he has no objection to the applications and proposes the following approval conditions:
  - (i) the submission of a revised noise impact assessment and implementation of the noise mitigation measures identified therein to meet HKPSG requirements to the satisfaction of the DEP or of the Board; and
  - (ii) the submission of a land contamination assessment in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to the development of the Sites to the satisfaction of the DEP or of the Board;
- (c) detailed comments on the EA are at Appendix III of **Annex A**; and

- (d) the provision of central air conditioning system for ventilation in the RCHEs is one of the key assumptions of the Noise Impact Assessments (NIAs) submitted by the applicants for the proposed developments. If provision of central air conditioning system in the RCHEs is not available/considered unacceptable, the assumptions and findings of the NIAs of the proposed developments would no longer be valid, and updated NIAs should be available to demonstrate the environmental acceptability meeting HKPSG standards.

### **Building Matters**

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

no in-principle objection under the Buildings Ordinance on the planning applications subject to the following comments:

- (a) barrier free access and facilities including accessible lift and accessible carpark should be provided under Building (Planning) Regulation (B(P)R) 72;
- (b) applicants' attention should be drawn to the policy on GFA concessions under PNAP APP-151, in particular, the 10% overall cap on GFA concessions and where appropriate, the Sustainable Building Design requirements including building setback and building separation under PNAP APP-152;
- (c) emergency vehicular access (EVA) complying with B(P)R 41D shall be provided for building within the Sites;
- (d) the Sites intended to be used for RCHE are required to comply with sections 29, 30, 31, 32 and 33 of Building (Planning) Regulations, in that adequate natural lighting and ventilation shall be provided;
- (e) as regards the use of central air conditioning system for ventilation in the RCHEs, detailed comments will be given during general building plans submission stage; and
- (f) the Sites intended to be used for RCHE are also required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority, if applicable.

#### **5.2 The following government departments maintain their previous comments on the s.16 applications as stated in paragraph 8 of **Annex A**, which are recapitulated below:**

### **Land Administration**

#### **5.2.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):**

- (a) the Sites do not fall within any village environs. According to the land status plan, they fall within the consultation zone of Water



Supplies Department's PKWTW. Concerned departments should be consulted in this regard;

- (b) if the planning applications are approved by the Board, the lot owners will need to apply to Sai Kung District Lands Office for a lease modification or land exchange to effect the proposal. However, there is no guarantee that such lease modification application would be approved by the Government. Such applications, if eventually approved, would be subject to such terms and conditions including payment of a premium and an administrative fee as the Government considers appropriate; and
- (c) the detailed comments for each of the Sites are at paragraph 8.1.1 of **Annex A**.

### **Traffic**

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

- (a) no objection in-principle to the applications subject to timely implementation of Hiram's Highway Improvement Stage 2 project (the HH2 Project) prior to the population intake of the proposed developments;
- (b) as regards the Traffic Impact Assessment (TIA) submitted by the applicants (Appendix 5 in Appendix If-1 of **Annex A**), the volume/capacity (v/c) ratio of both Hiram's Highway and Po Tung Road (Yau Ma Po Street – Fuk Man Road) exceeds 1.0 with maximum v/c ratio of 1.25 in design year 2026. Without the HH2 Project in place, the traffic condition along the above-mentioned road sections is not acceptable. As such, the applicants are required to clearly state in the TIA regarding the condition mentioned in paragraph (a) above and update relevant assumptions and assessments accordingly;
- (c) no objection in-principle to using the existing road network for access to the developments during its operational stage based on the findings presented in the TIA. However, the applicants have not included any assessment regarding the construction traffic impact to the existing road network. As a result, it is unable to advise whether the existing road network is suitable for access of the developments during the construction stage due to no information available in relation to construction traffic impact; and
- (d) in view of the above, the following approval conditions are recommended be imposed should the applications be approved:
  - (i) no population intake of the proposed developments shall be taken place before the completion of the HH2 Project; and
  - (ii) the submission of a revised TIA and the implementation of traffic improvement measures identified therein to the satisfaction of C for T or of the Board.

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

the HH2 Scheme and amendment Scheme were gazetted on 3.1.2020 and 20.11.2020 respectively. In accordance with Roads (Works, Use and Compensation) Ordinance (Chapter 370), HyD will submit all correspondences relating to the objections to the Chief Executive in Council for consideration. If the relevant statutory procedures can be completed smoothly by mid-2021, it is anticipated that the detailed design of the HH2 Project can commence by end-2021. However, the completion date of the HH2 Project is still uncertain at this moment and it is subject to the progress of Public Works Programme procedures.

**Urban Design and Landscape**

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

Urban Design

- (a) the Sites are bounded by Hiram's Highway to the north, Chui Tong Road to the east and Hong Tsuen Road to the south. To the west are a petrol-cum-LPG filling station and the residential development at Park Mediterranean (BH: 8 storeys / 41mPD). To the north across Hiram's Highway are low-rise low-density residential developments on a slope (BH: 1 to 3 storeys). To the east across Chui Tong Road are the commercial development at Centro (BH: 10 storeys / 47.5mPD) and the residential development at Lakeside Garden (BH: 13 storeys / 44.2mPD). To the south across Hong Tsuen Road are a car park, some temporary structures and vegetated hills;
- (b) in order to substantiate the proposed minor relaxation of PR, the applicants proposed several design measures, including building setback of not less than 7.5m from the centreline of roads, greenery of not less than 20%, projected façade length of less than 60m, no-podium design and vertical green walls. Given the OZP has restricted maximum SC to 40%, there should be ample scope for the above measures without the need for relaxation of PR. Moreover, such measures are primarily for the benefits of their own residents and visitors. There are no apparent merits that would be of public benefit and no specific design measures that would constitute innovative design adapted to the characteristics of the Sites. Nonetheless, the proposed developments with minor relaxation of PR is not expected to cause significant visual impact and is considered not incompatible with the surrounding rural-urban context;

Landscape

- (c) no comment on the applications and no adverse comment on the landscape proposal (Appendix 4 in Appendix If-1 and Drawings A-2, A-7d, A-7e, A-8d, A-8e, A-9d, A-9e, A-10d, A-10e, A-11d and A-11e of **Annex A**) from landscape planning perspective;

- (d) in view that the Sites are not located at landscape sensitive zone and significant adverse landscape impact caused by the proposed developments is not anticipated, it is considered not necessary to impose a landscape condition in the planning permission should the applications be approved by the Board; and
- (e) should the applications be approved, the applicants should be advised that approval of the applications by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicants are reminded to approach relevant authority/government department(s) direct to obtain necessary approval on tree works.

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

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

- (a) there is no comment on the applications; and
- (b) however, local views should be fully considered. The former Chairman of Sai Kung District Council (SKDC), Chairman of Sai Kung Rural Committee and Chairman of Sai Kung Area Committee object to the applications. Their main concern is that the proposed developments will add extra loading of traffic in Hiram's Highway and overload the public healthcare services and ambulance services in Tseung Kwan O.

#### **5.3 The following government departments maintain their previous comments on the s.16 applications as stated in paragraph 8 of **Annex A**:**

- (a) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (b) DEP (on sewerage and risk aspects);
- (c) Director of Fire Services (D of FS); and
- (d) Director of Electrical and Mechanical Services (DEMS).

#### **5.4 The following government departments maintain their previous views of having no objection to or no comment on the review applications:**

- (a) Chief Highway Engineer/New Territories East, HyD (CHE/NTE, HyD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer (Works), HAD; and
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department.

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

- 6.1 On 5.2.2021, the review applications were published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 26.2.2021, four commenters, including the Sai Kung Rural Committee, two Sai Kung District Council Members and an individual, have raised objection to the

application(s)<sup>1</sup> (**Annex E**). The grounds of objection include overtaking the capacities of infrastructure and social welfare facilities, uncertainty in transport planning in the area, affecting emergency services, excessive building height/development intensity, no need for development of flats, the developer's financial difficulties may hinder implementation of the proposals, and Members' preference for a comprehensive redevelopment approach for the Sites.

- 6.2 At the stage of s.16 applications, 389 public comments to the applications, all raising objection/concern, were received. Due to the relatively large volume of the public comments, a full set of public comments received on the applications during the s.16 stage is deposited at the Board's Secretariat for Members' inspection and reference. Details are in paragraph 9 of **Annex A**.

## **7. Planning Considerations and Assessments**

- 7.1 The applications are for review of the RNTPC's decision on 18.12.2020 to reject the subject applications at the Sites mainly zoned "R(E)1" with minor portions of areas shown as 'Road' on the OZP for proposed RCHE and flat (only for Applications No. A/SK-SKT/23 and 25) with minor relaxation of PR restriction as detailed in paragraph 1 above. The applications were rejected for the reason that the applicants fail to provide strong planning justifications and design merits for the proposed minor relaxation of plot ratio restriction and to demonstrate that a comprehensive redevelopment together with the adjacent sites within the same "R(E)1" zone could not be achieved. In support of the review applications, the applicants have made a written submission at **Annex D**.
- 7.2 Regarding the applicants' claim in the s.17 submission (**Annex D**) that the strong planning justification of satisfying the keen territory-wide demand for RCHE bedspaces has been overlooked by the RNTPC in rejecting the applications, in considering the applications, the RNTPC indicated no in-principle objection to the proposed use of RCHE at the Sites in view of its compatibility with surrounding land uses and keen territorial demand for such facility. However, the RNTPC considered there were no strong planning justifications and design merits for the proposed minor relaxation of PR restriction. In this regard, the considerations and assessments in paragraphs 7.3 to 7.5 below are relevant.

### **Justifications for Relaxations of Plot Ratio Restriction and Comprehensiveness in the Redevelopment of the "R(E)1" Zone**

- 7.3 The applicants propose to relax PR restriction for Sites A to C from 2 to 2.8 (+40%), Site D to 2.74 (+37%) and Site E to 2.77 (+39%). The site areas of the five applications (about 11,662m<sup>2</sup> in sum) covers only about 71% of the area of the whole "R(E)1" zone (about 16,439m<sup>2</sup>). The applicants claim that the development of each site within the "R(E)1" zone at PR 2 cannot optimise the anticipated total GFA of the zone and as such, the applicants propose to include the area occupied by existing roads and sitting-out area at the eastern portion of the "R(E)1" zone (all on government land of 4,777m<sup>2</sup> as claimed by the applicants) into PR calculation. However, such areas are not forming part of the Sites of the proposed developments.

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<sup>1</sup> Three commenters made identical comments to all the five applications while one commenter made one submission to Application No. A/SK-SKT/23 only. Hence, there are altogether 16 public comments submitted during the s.17 stage.

It should be noted that the OZP is to indicate the broad land-use zonings and the “R(E)1” zone would allow flexibility that the individual industrial sites may be amalgamated to provide a more comprehensive redevelopment and to allow urban design elements including stepped building height profile as suggested in the ES of the OZP. While the applications are for five individual developments at the respective sites and the applicants propose to maximise the development potentials of the Sites which is merely for the benefit of the individual proposed development, there is no justification to include the areas occupied by existing roads and sitting-out area for the purpose of PR calculation and to transfer the GFA into the proposed developments through minor relaxations of PR for individual development sites under application.

- 7.4 The current applications are for five separate developments owned by the same group of companies. The applicants explain that the submission of the five separate applications at the respective Sites is to avoid lengthy procedure involved in land exchange. In this regard, the RNTPC was not convinced as the existing lease conditions for the Sites are for industrial and/or godown purposes and applications under the land administration regime would be necessary irrespective of whether the five Sites are developed comprehensively or separately. The RNTPC also noted that, as detailed in paragraph 7.11 below, the C for T advised that population intake of the proposed developments could only take place after the completion of the HH2 Project, the implementation programme of which is not certain at the present stage. As such, there appears to be ample scope and time for the applicants to amalgamate the Sites and prepare a more integrated and comprehensive scheme covering the whole “R(E)1” zone including the five Sites in adjacent to each other, the existing road and/or the sitting-out area for better utilisation of land.
- 7.5 According to the ES of the OZP, minor relaxation of the development restrictions may be considered by the Board to provide flexibility for innovative design adapted to the characteristics of particular sites. Notwithstanding the applicants have proposed some urban design and landscape measures (Drawings A-2, A-7d, A-7e, A-8d, A-8e, A-9d, A-9e, A-10d, A-10e, A-11d and A-11e at **Annex A**), including building setback of not less than 7.5m from the centerline of roads, greenery of not less than 20%, projected façade length of less than 60m, no-podium design and vertical green walls, some of the measures are requirements set out in the SBD Guidelines which are required to be adhered to. The CTP/UD&L, PlanD also advises that given the Sites are restricted to a maximum SC of 40% under the Notes of the “R(E)1” zone, there should be ample scope for the above measures without the need for relaxation of PR. The proposed measures are also considered primarily for the benefits of the residents and visitors in the future developments. There are no apparent merits that would be of public benefit and no specific design measures that would constitute innovative design adapted to the characteristics of the Sites. Besides, in achieving the proposed development intensity of the proposed developments at the five separate Sites, it is noted that the BH profile with building blocks arranged in a stepped manner as specified in the ES of the OZP (paragraph 4.3 refers) would not be adhered to. The applicants fail to provide strong planning justifications and design merits in the submission to support the proposed relaxation of the PR restriction and to demonstrate that a comprehensive redevelopment together with the adjacent Sites within the same “R(E)1” zone could not be achieved.

### Planning Intention

- 7.6 The planning intention of the “R(E)1” zone is primarily for phasing out of existing industrial uses through redevelopment for residential uses. ‘Social Welfare Facility’ and ‘Flat’ uses within the “R(E)1” zone require planning permission from the Board to ensure that effective mitigation measures would be implemented to resolve the interface problem with the remaining industrial buildings in the vicinity and possible environmental impacts. The applications cover all the five existing industrial buildings in the subject “R(E)1” zone. Though the applicants have not indicated that the proposed developments are to be implemented in one go, it is noted that the anticipated completion year for all the proposed developments are targeted for year 2023 and assumed for the technical assessments. The redevelopment proposals are in line with the planning intention regarding phasing out of existing industrial use.
- 7.7 The proposed developments are mainly for RCHE, with flat use proposed in Sites A and C and flat use constitutes about 32.1% and 40.3% respectively of the GFA of the two sites<sup>2</sup>. Though the proposed developments are in general not entirely in line with the planning intention of redevelopment of the Sites for residential use, RCHE is a kind of residential use provided in the form of social welfare facility.

### Land Use Compatibility and Visual and Landscape Impact

- 7.8 With the redevelopment of all the five industrial buildings to flat/RCHE uses, the area will in general become a mix of medium-density residential developments, commercial and GIC uses. The proposed developments are considered not incompatible with the surrounding developments. The CTP/UD&L, PlanD advises that the Sites are not located at landscape sensitive zone and significant adverse landscape impact is not anticipated and the proposed developments with minor relaxations of PR are not expected to cause significant visual impact and are considered not incompatible with the surrounding rural-urban context.

### Provision of RCHE

- 7.9 In consideration of the subject applications, the RNTPC was well aware that there is a keen demand for subsidised RCS over the territory and thus there was no in-principle objection to the proposed use of RCHE at the Sites mainly zoned “R(E)1”. According to the updated information provided by the DSW, as at 30.9.2020, there are 1,281 subsidised and 999 non-subsidised RCS places respectively in Sai Kung District. It is estimated that there is a deficit of 78 and 1,448 RCHE subsidised beds for the planned population in Sai Kung Town area and Sai Kung District<sup>3</sup> respectively according to the requirements under the HKPSG. The proposed addition of about 1,403 RCHE bedspaces, if materialised, represents a significant increase to the current provision of RCS in the district. It is noted that the applicants intend to develop private RCHEs and not ruling out the possibility of joining the EBPS.
- 7.10 Notwithstanding the above, according to the submitted scheme, the proposed RCHE would be provided with fixed glazing for noise mitigation and central air conditioning systems for ventilation. In this regard, the DSW has been further consulted and he advises that the proposed fixed glazing without openable windows,

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<sup>2</sup> Flat use constitutes about 19.2% of the total GFA of the five developments.

<sup>3</sup> Excluding Anderson Road Quarry site and areas not covered by statutory plans.

though with compensatory provision of central air conditioning system, is not acceptable from licensing point of view; and openable windows should be provided from service point of view. In this regard, should the applications be approved, the applicants should be advised to ensure that the design and construction of RCHE would comply with all relevant licensing and statutory requirements.

#### Technical Considerations

- 7.11 On traffic aspect, in view of the concerns on v/c ratio of both Hiram's Highway and Po Tung Road (Yau Ma Po Street – Fuk Man Road) in design year 2026 under the TIA submitted by the applicants (Appendix 5 in Appendix If-1 of **Annex A**), the C for T has requested an approval condition on no population intake prior to the completion of the HH2 Project be imposed. In this regard, the CE5/MW, MWPMO, HyD advises that the proposed works for the HH2 Project have yet to be authorised, and the completion date of the HH2 Project is still uncertain at this moment and it is subject to the progress of Public Works Programme procedures. Should the applications be approved, occupation of the proposed developments would be subject to the completion of the HH2 Project, so as to address any potential traffic impact arising from the proposed developments.
- 7.12 The applicants have submitted various technical assessments including TIA, EA, Quantitative Risk Assessments and Water Supply Impact Assessment, relevant departments including C for T, CHE/NTE, HyD, DEP, CE/MS, DSD, CE/C, WSD and DEMS have no in-principle objection to the applications on technical aspects. DEP, however, notes that the provision of central air conditioning system for ventilation in the RCHEs is one of the key assumptions of the NIAs submitted by the applicants for the proposed developments. If provision of central air conditioning system in the RCHEs is not available/considered unacceptable, the assumptions and findings of the NIAs of the proposed developments would no longer be valid. DEP advises that updated NIAs should be undertaken to demonstrate the environmental acceptability meeting HKPSG standards.

#### Previous Applications

- 7.13 Sites C, D and E are the subject of previous planning permissions for primarily residential use with minor relaxation of PR (Applications No. A/SK-SKT/10 and 14) granted in 22.1.2016 and 2.3.2018 respectively (**Plans R-1** and **R-2**). Permission granted under Application No. A/SK-SKT/10 has lapsed and the permission for Application No. A/SK-SKT/14 is still valid. The previous approvals were granted as the proposed developments were generally in line with the planning intention of the "R(E)1" zone and the proposed minor relaxations of PR (+6.5% and +1.8% respectively) were solely to cater for the technical issue of excluding areas shown as 'Road' from the respectively private lots, and were minor in nature. Compared to the current applications for Site C, D and E, the applied use are mainly for RCHE with relaxations of PR of +40%, +37% and +39% respectively.

#### Public Comments

- 7.14 At the s.17 review stage, four commenters made altogether 16 submissions objecting to the application(s) on grounds as detailed in paragraph 6.1 above. There have also been 389 public comments during the s.16 stage whereby all submissions raised objection/concern. Regarding the views that flats should not be developed at the Sites, the concerns on intensity/ density and scale of the proposed developments,

impacts on traffic and other infrastructure, potential environmental impacts, and the detailed design and operation of the proposed RCHE, the planning considerations and assessments in paragraphs 7.2 to 7.13 above are relevant. As for the provision of emergency and medical services, they would be monitored and assessed by the relevant departments.

## **8. Planning Department's Views**

- 8.1 Based on the assessments made in paragraph 7, having taken into account the public comments mentioned in paragraph 6, the Planning Department maintains its previous view of not supporting the review applications for the following reason:

the applicant(s) fail(s) to provide strong planning justifications and design merits for the proposed minor relaxation of plot ratio restriction and to demonstrate that a comprehensive redevelopment together with the adjacent sites within the same "R(E)1" zone could not be achieved.

- 8.2 Alternatively, should the Board decide to approve the application(s) on review, it is suggested that the permission(s) shall be valid until 9.4.2025, and after the said date, the permission(s) shall cease to have effect unless before the said date, the development(s) permitted is commenced or the permission(s) is renewed. The following approval conditions and advisory clauses are suggested for Members' consideration:

### Approval Conditions

- (a) no population intake of the proposed development shall be taken place before the completion of the Hiram's Highway Improvement Stage 2 project;
- (b) the submission of a revised traffic impact assessment and the implementation of traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of a revised noise impact assessment and implementation of the noise mitigation measures identified therein to meet the Hong Kong Planning Standards and Guidelines requirements to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of a land contamination assessment in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to the development of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (e) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

### Advisory Clauses

- 8.3 The recommended advisory clauses are attached at **Annex F**.



## **9. Decision Sought**

- 9.1 The Board is invited to consider the applications for a review of the RNTPC's decision and decide whether to accede to the application(s).
- 9.2 Should the Board decide to reject the review application(s), Members are invited to advise what reason(s) for rejection should be given to the applicant(s).
- 9.3 Alternatively, should the Board decide to approve the review application(s), Members are invited to consider the approval conditions and advisory clauses to be attached to the permission(s), and the date when the validity of the permission(s) should expire.

## **10. Attachments**

<b>Plan R-1</b>	Location Plan
<b>Plan R-2</b>	Site Plan
<b>Plan R-3</b>	Aerial Photo
<b>Plans R-4a to 4d</b>	Site Photos
<b>Annex A</b>	RNTPC Paper No. A/SK-SKT/23 to 27B
<b>Annex B</b>	Extract of minutes of the RNTPC meeting held on 18.12.2020
<b>Annex C</b>	Secretary of the Board's letters dated 8.1.2021
<b>Annex D</b>	Applicants' representative's letter dated 22.1.2021
<b>Annex E</b>	Public Comments
<b>Annex F</b>	Advisory Clauses

**PLANNING DEPARTMENT  
APRIL 2021**