

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-SKT/21

Applicants : Boxwin Limited, Jade Spirit Limited, New Hope Limited, Regenteam Investments Limited, Shingo Development Limited and Tenswin Limited represented by Ove Arup & Partners Hong Kong Limited

Site : Various Lots and Adjoining Government Land in D.D. 221, Sha Ha, Sai Kung, New Territories

Site Area : About 59,262m² (including about 7,000m² of Government Land)

Land Status : (a) Private lots (about 88%)
All private lots are:
(i) held under Block Government Lease;
(ii) restricted to agricultural purposes; and
(iii) to be expired on 30.6.2047
(b) Government Land (about 12%)

Plan : Approved Sai Kung Town Outline Zoning Plan (OZP) No. S/SK-SKT/6

Zoning : “Comprehensive Development Area (1)” (“CDA(1)”) with development restrictions:
(a) maximum plot ratio (PR) of 1.5; and
(b) maximum building height (BH) of 8 storeys (excluding basements), or the PR and BH of the existing building, whichever is the greater

Application : Proposed Comprehensive Residential Development

1. The Proposal

1.1 The applicants seek planning permission for proposed comprehensive residential development at the application site (the Site), which is zoned “CDA(1)” on the approved Sai Kung Town OZP No. S/SK-SKT/6. Pursuant to section 4A(1) of the Town Planning Ordinance (the Ordinance), development/redevelopment proposal within the “CDA(1)” zone is subject to the approval of the Town Planning Board (Board) by way of a planning application. A Master Layout Plan (MLP) should be submitted together with the relevant assessment reports for the approval of the Board under section 4A(2) of the Ordinance. In addition, ‘Flat’, ‘House’ and ‘Public Vehicle Park (excluding container vehicle)’ are column 2 uses of the zone.

1.2 A planning brief (PB) to guide the development of the subject “CDA(1)” site was

endorsed by the Rural and New Town Planning Committee (the Committee) on 14.12.2007. It sets out the planning parameters, the special design requirements to integrate the development with the character of the area, the stepped height concept, requirement on the provision of green planting along site boundary and other technical requirements including breezeway and non-excavation area (NEA). The endorsed PB is at **Appendix II**.

- 1.3 According to the submitted MLP (**Drawing A-3**), the proposed development consists of 14 residential towers (6-8 storeys) and 72 villas (3 storeys) providing a total of 771 units (average flat size 113m²). The total PR and GFA are 1.467 and not more than 86,921m² respectively. A 2-storey clubhouse with GFA of about 3,000m² is proposed at the northern part of the Site. The basement level of the northern portion of the proposed development is for carpark ancillary to the residential development, a public car park of 50 parking spaces and E&M facilities (**Drawing A-4**).
- 1.4 The Site is the subject of a previous rejected application (No. A/SK-SKT/1) for proposed comprehensive residential development submitted by the same applicants. The application was rejected by the Committee on 24.10.2008. Comparison of the major development parameters between the previous rejected application (No. A/SK-SKT/1) and the current application are summarized as follows:

Development Parameters	Previous Rejected Application (A/SK-SKT/1) (a)	Current Application (A/SK-SKT/21) (b)	Difference (b) – (a)
Site Area	About 58,500 m ²	About 59,262 m ²	+762 m ² (+1.3%)
Domestic GFA	About 87,750 m ²	Not more than 86,921 m ²	-829 m ² (-0.94%)
PR	1.5	1.467*	-0.033 (-2.2%)
BH (No. of Storeys)	6 to 8 storeys (17 apartment towers) 3 storeys (24 villas)	6 to 8 storeys (14 residential towers) 3 storeys (72 villas)	--
Site Coverage	40%	Not more than 55%	+15%
No. of Blocks	41	86	+45 (+109.8%)
No. of Units	725	771	+46 (+6.3%)
Average Unit Size	90 to 230m ² (apartments) 370m ² (villa house)	About 113m ²	--
Population	About 1,950	About 2,074	+124 (+6.4%)
Communal Open Space	6,000m ²	Not less than 2,074m ²	- 3,926m ² (-65.4%)

Development Parameters	Previous Rejected Application (A/SK-SKT/1) (a)	Current Application (A/SK-SKT/21) (b)	Difference (b) – (a)
Car Parking Spaces			
Residential	339 to 498 (including 2-3 for disabled)	554 (including 6 for disabled)	56 to 215 (11.2% to 63.4%)
Visitor	49	39	-10 (-20.4%)
Motor cycles	19 to 55	8	-11 to -47 (-57.9% to -85.5%)
Public Vehicle Parking Spaces [@]	0	50	+50
Loading/ Unloading	10	11	+1 (+10%)
Residents' Clubhouse	4,388 m ²	About 3,000 m ^{2#}	- 1,388 m ² (-31.6%)

* Private lots owned by others at Sites A and B with proposed GFA are included for PR calculation while no GFA has been proposed at Sites C and D

[@] The public car park to be provided at basement level is not included in the GFA calculation

[#] GFA of proposed clubhouse is about 3.5% of the total domestic GFA and therefore is non-accountable

- 1.5 According to the applicants, to meet the requirement as set out in the endorsed PB, the proposed buildings are arranged with stepped building height descending from the north towards the future town square and Mei Yuen Street in the south. No podium structure is proposed. A 15m-wide breezeway, as required under the endorsed PB, is proposed in the east-to-west direction to link up Sha Ha Road and the proposed breezeway of the adjoining "CDA(2)" zone. Three visual corridors of 7.5m, 10m and 15m wide are proposed to enhance visual permeability to the waterfront and the future town square (MLP on **Drawing A-3**). The Urban Design Proposal, Visual Impact Assessment (VIA) and Air Ventilation Assessment (AVA) submitted by the applicants are at **Appendix Ib** and updated pages in **Appendix Ic**.
- 1.6 The endorsed PB recommends that existing trees in the Site should be preserved as far as practicable. There are groups of trees recommended to be retained mainly along the western boundary of the Site. Individual trees worthy of retention are also identified in the PB. According to the Tree Preservation Proposal (**Appendix Ia**) and Landscape Master Plan (LMP) (**Drawing A-6**) submitted, there are 227 existing trees within the Site. The applicants propose to retain 33 existing trees mainly along the western boundary and at the south-eastern corner of the Site. 8 existing trees are proposed to be transplanted. The remaining 186 existing trees (including 32 dead trees) are proposed to be felled due to their poor health form and possible conflict with the proposed layout. To compensate the loss of greenery, 493 compensatory

trees are proposed to be planted. The applicants have also proposed a 15m wide Green Buffer Zone (GBZ) for woodland planting along the entire site boundary to meet the requirement of the endorsed PB.

- 1.7 To meet the transport requirements as set out in the endorsed PB, the applicants propose a 6m wide public pedestrian walkway along the south-western boundary of the site to connect Tai Mong Tsai Road and Mei Fuk Street (MLP on **Drawing A-3 and Drawing A-7**). 50 public car parking spaces are proposed to meet the specific requirement from Commissioner for Transport (C for T) (**Drawing A-4**). Two lay-bys are proposed at Tai Mong Tsai Road for buses/green mini-buses and one lay-by of 25m length for general public use on Mei Yuen Street (**Drawing A-7**). An uncontrolled cautionary pedestrian crossing Tai Mong Tsai Road is also proposed (**Drawing A-7**). The applicants have submitted a TIA at **Appendix Ib**. The TIA reveals that the junction of Po Tung Road/Man Nin Street would be over capacity by year 2028, and junction improvement is suggested and to be implemented by applicants (**Plan A-2b and Drawing A-8**).
- 1.8 The Site is within the Sha Ha Archaeological Site of Interest (SHSAI) (**Plan A-1**). A NEA has been designated in the endorsed PB for ‘in-situ’ preservation of antiquities attributed to Neolithic Period and Bronze Period (**Plan A-2a**). According to the MLP on **Drawing A-3**, mainly villas, GBZ, courtyard and gardens and vehicular carriageways are proposed to be located within the NEA. These structures will be supported by shallow foundation to be built on top of the existing ground level of the NEA. According to the revised Preliminary Archaeological Review (**Appendix Ie**), no construction works shall commence for the NEA without the agreement from the Antiquities and Monuments Office (AMO).
- 1.9 The applicants indicate in the Environmental Assessment (EA) (**Appendix Ic**) that with implementation of environmental mitigation measures such as building set back and orientation, fixed glazing windows and acoustic balcony etc. the proposed development is acceptable from environmental, noise and air quality perspectives. The applicants also indicate in the Drainage Impact Assessment (DIA) (**Appendix Ic**) that there will be no adverse drainage impact with the proposed underground stormwater storage tank to be built at the south-eastern part of the Site and in the Sewerage Impact Assessment (SIA) (**Appendix Ic**) that connection to the public sewer is feasible to cater for the proposed development.
- 1.10 The Site consists of government land (about 7,000m² or about 11.8%) and private land (about 52,262m² or about 88.2%). Among the private land, about 3,435m² is not owned by the applicants (**Drawing A-2**). The applicants propose that development at the Site will be implemented in Phase 1 and other phases (i.e. Sites A, B, C, D and E) (Development Phasing Plan on **Drawing A-3**). Phase 1 of the development will cover slightly more than half of the Site (about 31,508m²) which is mainly proposed for residential towers, club house and open space. The other phases (Sites A, B, C and D) cover mainly the private lots owned by other land owners (about 4,112m²) and majority of the NEA mainly owned by the applicants is included as Site E (about 23,642m²). As shown in the submitted MLP (**Drawing A-3**), the private lots owned by other land owners fall within areas proposed for a 6-storey residential block (Site A), two 3-storey villas (Site B) and parts of the GBZ, open area and 7.5m wide visual corridor (Sites C and D) while Site E is mainly proposed for the villas and open space. According to information provided by the applicants (**Appendix Ig**), site areas, GFAs and respective PRs of the different phases are shown in the following table:

	Site Area	Proposed GFA	Plot Ratio
Phase 1	About 31,508m ²	Not more than 68,752m ²	2.182
Other phase Site A	About 2,283m ²	About 3,424m ²	1.499
Other phase Site B	About 516m ²	About 772m ²	1.496
Other phase Site C	About 313m ²	N.A.	N.A.
Other phase Site D	About 1,000m ²	N.A.	N.A.
Other phase Site E	About 23,642m ²	Not more than 14,000m ²	0.592

- 1.11 While according to the applicants (**Appendix Ig**), the development (Phase 1) is anticipated to be completed by year 2025, the implementation of Sites A, B, C and D will be subject to other third parties. For Site E, the applicants propose that without the agreement from AMO, no construction works shall commence for the NEA.
- 1.12 For easy reference, a comparison table of the requirements of the endorsed PB and the applicants' submission are highlighted in the table at **Appendix IIa**.
- 1.13 In support of the application, the applicants have submitted the following documents:
- (a) Application form dated 7.11.2018 (**Appendix I**)
 - (b) Supplementary planning statement with MLP (**Appendix Ia**)
 - (c) Further Information (FI) dated 30.1.2019 providing responses to comments and various revised technical assessments (*accepted and not exempted from publication and recounting requirements*) (**Appendix Ib**)
 - (d) FI dated 22.5.2019 providing responses to comments and various revised technical assessments (*accepted and not exempted from publication and recounting requirements*) (**Appendix Ic**)
 - (e) FI dated 19.9.2019 providing responses to comments and replacement pages of various technical assessments (*accepted and exempted from publication and recounting requirements*) (**Appendix Id**)
 - (f) FI dated 31.10.2019 providing responses to comments and a revised Preliminary Archaeological Review (*accepted and not exempted from publication and recounting requirements*) (**Appendix Ie**)
 - (g) FI dated 28.11.2019 providing revised development parameters of the development (*accepted and exempted from publication and recounting requirements*) (**Appendix If**)
 - (h) FI dated 9.12.2019 providing technical clarifications (*accepted and exempted from publication and recounting requirements*) (**Appendix Ig**)
- 1.14 The location plan, lot index plan, MLP, section plans, LMP, proposed traffic arrangement plans and phasing plan submitted by the applicants are at **Drawings A-1 to A-8**.

1.15 On 4.1.2019, 22.3.2019 and 19.7.2019, the Committee agreed to defer making a decision on the application for two months each, as requested by the applicants, to allow time for preparation of FIs in response to departmental comments. The applicants submitted FIs as detailed in paragraph 1.12 above. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in Section 5 of the supplementary planning statement at **Appendix Ia** and FI at **Appendix Ie**. They can be summarized as follows:

- (a) the Site has been zoned “CDA(1)” intended for comprehensive residential development since 2005. The Site has been left partly vacant and partly occupied by temporary open storage, it is ready for the intended residential development, which contributes to meeting with the shortfall in housing supply in Hong Kong;
- (b) the proposed development fully respects the planning intention and development restrictions of the “CDA(1)” zone. The proposed development has taken into full consideration of the design and technical submissions required in support of the MLP for consideration of the Board;
- (c) the key development parameters, planning and development requirements set out in the endorsed PB have been fully respected during the preparation of the MLP. These include the requirements pertaining to the development intensity, retail facilities, open space, urban design, landscape, transport aspects, pedestrian circulation, environmental impacts, air ventilation, preservation of archaeological heritage, utilities and services and implementation aspects. Special design considerations have been made to preserve the character of rural township and to avoid overtaxing the infrastructure. The proposed development has also responded to Transport Department’s request on the provision of an additional 50 public car parking spaces;
- (d) the proposed development fully respects the planning intention for “CDA” site mentioned in Town Planning Board Guidelines No. 17A, which provides incentives for phasing out of non-confirming uses, such as open storage uses in rural areas, provides means for achieving co-ordinated developments and is fully in line with the control on overall scale and design of development in areas of high landscape and amenity values and in locations with special design or historical significance;
- (e) the applicants have demonstrated genuine effort and sincerity to provide an enhanced living environment for future residents at the Site and the residents in the surroundings. A LMP for the proposed development is prepared to enhance the landscape amenity in the Site, by providing a wide variety of landscaped components. The proposed development has demonstrated a high quality environment with adequate local open space for the future residents;
- (f) various technical assessments have been carried out to ensure that no adverse impacts will be brought to the surrounding environment on landscape, archaeological, traffic, environmental, sewerage, drainage, air ventilation, visual and urban design perspectives. The overall environmental amenity of the area will be enhanced due to the removal of the existing incompatible open storage uses as

well as the introduction of comprehensively planned and designed living environment; and

- (g) the Site falls within the SHSAI, and the NEA (**Plan A-2a**) is identified as having archaeological potential while the remaining area has no/low potential. The applicants employ an archaeologist to prepare a report on the arrangement for accessibility for the NEA. For the area beyond the NEA, the Contractor shall employ an archaeologist to conduct an Archaeological Watching Brief. Noting AMO's concerns on construction of buildings within NEA, construction of villa houses under other phases is proposed. Without the agreement from AMO, no construction works shall commence for the NEA. The phasing plan of the proposed development is at **Drawing A-3**.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicants are one of the "current land owners" of the private lots. In respect of the other "current land owner(s)", 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 giving them notifications. Detailed information would be deposited at the meeting for Members' inspection. The "owner's consent/notification" requirements is not applicable on the government land within the Site.

4. Town Planning Board Guidelines

The Site falls within the "CDA" zone. The Town Planning Board Guidelines for Designation of "CDA" Zones and Monitoring the Progress of "CDA" Developments (TPB-PG No. 17A) (**Appendix III**) are relevant to this application. The relevant guidelines are summarized as follows:

For "CDA" sites which are not under single ownership, if the developer can demonstrate with evidence that due effort has been made to acquire the remaining portion of the site for development but no agreement can be reached with the landowner(s), allowance for phased development could be considered. In deriving the phasing of the development, it should be demonstrated that:

- (a) the planning intention of the "CDA" zone will not be undermined;
- (b) the comprehensiveness of the proposed development will not be adversely affected;
- (c) the resultant development should be self-contained in terms of layout design and provision of open space and appropriate Government, institution or community, transport and other infrastructure facilities; and
- (d) the development potential of the unacquired lots should not be absorbed in the early phases of the development, access to these lots should be retained, and the individual lot owners' landed interest should not be adversely affected.

5. Background

5.1 The Site was zoned "CDA(1)" on the first statutory plan covering Sai Kung Town gazetted in 2005 with PR of 1.5 and BH of 8 storeys to ensure compatibility with the surrounding environment. In addition, a stepped height design should be adopted

for buildings within the Site.

- 5.2 In the two-month public exhibition period of the Sai Kung Town OZP No. S/SK-SKT/1, there were 6 objections (out of a total of 12 objections received) objecting to the PR/BH restrictions of the Site. Five of them objected to the PR/BH restrictions of the “CDA(1)” zoning and proposed a lower PR/BH restriction. The remaining one, lodged by the owners of the Site, objected to the splitting of the “CDA(1)” zone into two parts and the PR/BH restrictions. They proposed to relax the PR/BH restrictions of the Site to a PR of 2 and a BH of 10 storeys. Besides, they considered that a PB for the Site was not necessary. After giving consideration to the objections, the Board considered, amongst others, that the preparation of a PB was necessary to provide more detailed guidance for future development of the “CDA(1)” site; and also decided to partially meet one of the objections by realigning the proposed Tai Mong Tsai Road and combining the two portions of “CDA(1)” sites into a single site. On 6.1.2006, the proposed amendment to the OZP was gazetted under the Town Planning Ordinance and no further objection was received.
- 5.3 The “CDA(1)” zoning of the Site, together with its development restrictions, remain unchanged on the current OZP No. S/SK-SKT/6, which was gazetted on 19.1.2013.
- 5.4 On 24.8.2007, the Committee considered a draft PB for the Site. Amongst the requirements, the PB specified that in view of the existence of antiquities attributed to Neolithic Period and Bronze Period within the Site, which are worthy of in-situ preservation, a NEA (**Plan A-2a**) has been designated. No building works including site formation works and excavation in any form should be carried out in the NEA except with the prior written consent from AMO. In view of its prominent location and to minimize adverse impact on the surroundings, it was considered that a 15m wide GBZ should be provided along the entire boundary of the Site. In addition, the public pedestrian walkway connecting Tai Mong Tsai Road and Mei Fuk Street should not encroach onto the GBZ. The Committee agreed that the revised draft PB was suitable for submission to Sai Kung District Council (SKDC) for consultation. On 24.9.2007, the SKDC was consulted on the revised draft PB. No amendment to the draft PB had been proposed by the SKDC. The results on consultation with SKDC were reported to the Committee and the PB was endorsed by the Committee on 14.12.2007.

6. Previous Application

There is one rejected previous planning application (No. A/SK-SKT/1) at the Site, which was submitted by the same applicants seeking approval for a MLP for comprehensive residential development at the Site (**Plans A-1 and A-2a**). The previous application was rejected by the Committee on 24.10.2008 on the grounds that the submitted MLP was not acceptable as it did not fully fulfil the requirements of the endorsed PB for the “CDA(1)” site in terms of the design and layout including stepped height design, provision of breezeway, view corridors, GBZ and public pedestrian walkway and no podium structure, and there was insufficient information in the submission of assessments to demonstrate that the proposed development would not have adverse traffic, visual and landscape impacts on the surrounding areas. Another application (No. A/SK-SKT/9) for proposed comprehensive residential development with similar development parameters but different layout was submitted by same applicants on 21.10.2014 and subsequently withdrawn on 27.4.2017.

7. **Similar Application**

There is one similar application (No. A/SK-SKT/8) for comprehensive residential development at the “CDA(2)” zone to the southwest of the Site (**Plans A-1 and A-2a**). The similar application was approved with conditions by the Committee on 7.2.2014 as the MLP submitted generally followed the OZP and PB requirements and technical assessments had been submitted to demonstrate that the proposed development would not generate adverse impacts on the surrounding areas. Subsequently, application No. A/SK-SKT/8-1 for Class B amendments on the development proposal was approved by Director of Planning under authority of the Board on 13.1.2015. The development has been completed. Details of the similar application are at **Appendix IV**.

8. **The Site and Its Surrounding Areas** (**Plans A-1, A-2a and A-2b**, Aerial Photo on **Plan A-3** and Site Photos on **A-4a to 4d**)

8.1 The Site is:

- (a) located at the northern fringe of Sai Kung Town;
- (b) currently a piece of vacant land with part of the Site being used for storage of building materials;
- (c) with some structures at the south-eastern corner of the Site;
- (d) accessible via Mei Fuk Street and Mei Yuen Street; and
- (e) falls within the SHSAI.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate southwest is the “CDA(2)” site, occupied by a comprehensive residential development named ‘the Mediterranean’ approved under planning application No. A/SK-SKT/8. The development comprises four residential blocks with PR of 1.5 and BH not exceeding 8 storeys;
- (b) to its immediate north is area designated as “Road” which is reserved for the proposed realignment of Tai Mong Tsai Road and an undesignated “G/IC” site;
- (c) to its southeast across Mei Yuen Street is the “G/IC(4)” site currently occupied by a 5-storey school namely Hong Kong Academy. To its south is the proposed Sai Kung Complex and reprovisioning of Wai Man Road Playground project which is under planning by Leisure and Cultural Service Department in the “OU” annotated “Town Square with Recreational, Community and Commercial Uses” and “Open Space” zones;
- (d) to its east across Wai Man Road is the “OU” annotated “Commercial and Tourism Related Uses (Including Hotel) (1)” site. Construction is in progress at this site for three 6-storeys hotel blocks; and

- (e) to its further east and southeast is the waterfront promenade.

9. **Planning Intention**

The planning intention of the “CDA(1)” zone is for comprehensive development/redevelopment of the area for commercial and residential uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

10. **Comments from Relevant Government Departments**

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

Land Administration

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

- (a) according to the planning application, the Site comprises 219 private lots and adjoining unleased government land. The applicants should make sure that the site data quoted in the submission is correct as no verification of such site data is made;
- (b) according to his file records, the concerned private lots, except Lot No. 1616 in D.D. 221, are old scheduled agricultural lots held under the Block Government Lease. No copy of land grant document of Lot No. 1616 in D.D. 221 can be traced in his office or available at the Land Registry. Small northern portions of the Site falls within the Sha Ha village environs (‘VE’) boundary;
- (c) the applicants should demonstrate that private lots within the Site which are not owned by the applicants would not be adversely affected by the MLP and adequate access would be allowed to all such private lots;
- (d) as the Site mainly falls within the SHSAI, comments from AMO should be sought;
- (e) the proposed extension of the 6m wide pedestrian walkway along western boundary of the Site to connect with the existing footpath at Tai Mong Tsai Road involves government land. Transport Department should be consulted on the proposal; and
- (f) if the planning application is approved by the Board, the lot owners will need to apply to DLO/SK for a land exchange to effect the proposed comprehensive development. However, there is no guarantee that such land exchange application, with or without government land, would be approved by the Government. Such application, 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.

Archaeological and Heritage Aspects

10.1.2 Comments of the Executive Secretary (Antiquities and Monuments), AMO, Development Bureau (DEVB):

- (a) regarding the proposed development within the NEA, AMO would like to reiterate that preservation of the site in-situ is required, no building works including site formation and excavation in any form should be carried out except with the prior written consent from AMO as stipulated in Section 7.7 of the PB (**Appendix II**). In this connection, the consultant's suggestion to impose an approval condition such as "the submission of Archaeological Impact Assessment Report prior to the commencement of any works and implementation of the mitigation measures identified therein to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board" for the proposed development in NEA is not in line with the PB and the preservation requirement for the NEA; and
- (b) AMO has no further comment on the proposed Archaeological Watching Brief in the area outside the NEA but within SHSAI.

Traffic

10.1.3 Comments of the Project Manager/Major Works, HyD (PM/Major Works, HyD):

based on the latest programme, the tentative gazette time of the Hiram's Highway Improvement Stage 2 (HH2) project is anticipated in January 2020 and then HyD will seek authorization to execute the works in accordance with the statutory requirements. If the relevant statutory procedures can be completed smoothly by end 2020, he anticipates that the detailed design of the Project can commence in 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.

10.1.4 Comments of the C for T:

- (a) in the submitted TIA report (**Appendix Ib**), it is noted that the traffic impact arising from the development is minimal assuming that the HH2 project will be implemented and open before the population intake of the development by 2028. However, HyD has mentioned clearly that the implementation programme of the HH2 project is still uncertain at this stage. If the HH2 project is not taken forward, the fundamental infrastructure assumption of the current TIA Report would become invalid and the findings of the current TIA Report would be invalid as well. Therefore, if there is no HH2 project, C for T would not support the application as the submitted TIA report is made under an invalid assumption;

- (b) on the assumption that the HH2 project would be completed before the population intake, C for T would have no in-principle objection to the planning application. To eliminate the scenario that the development has been completed but the HH2 project is not taken forward, C for T will have no in-principle objection to the application subject to the condition that “no population intake of the proposed development shall be taken place before the completion of the Hiram's Highway Improvement Stage 2 project”; and
- (c) the applicant should be advised that the construction of the proposed development should not be commenced unless the road scheme of the Hiram's Highway Improvement Stage 2 project has been authorized under Roads (Works, Use and Compensation) Ordinance (Cap 370).

Environment

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

- (a) it is noted that the proposed development would not be subject to adverse traffic noise impact exceeding the Hong Kong Planning Standards and Guidelines (HKPSG) criteria, with the implementation of noise mitigation measure recommended, including the provision of fixed glazing, utility platform with auto-closing mechanism, acoustic windows and acoustic balcony. An undertaking letter of implementation of the proposed noise mitigation measures has been provided by the applicants. In the light of this, he has no further comment on the application; and
- (b) having reviewed the EA report and the amended pages provided in the FI (**Appendix Id**), it is noted that the potential land contamination areas were identified as per the EA report dated May 2019 (**Appendix Ic**). He has no objection to applicant's suggestion on incorporating the approval condition below to the application:

“the submission of a land contamination assessment and the implementation of the land contamination remediation measures proposed therein prior to the commencement of construction works to the satisfaction of the Director of Environmental Protection or of the Town Planning Board”.

Urban Design and Visual

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

- (a) the development at the Site is guided by a PB endorsed by the Board in December 2007. According to the PB and the Explanatory Statement (ES) of the OZP, the subject “CDA(1)” zone is primarily for residential use with the provision of open space and other supporting facilities to complement the role of Sai Kung as the Leisure Garden of Hong Kong. The key design concept is to develop the Sai Kung Town north as part of a rural town in keeping with the character of Sai Kung old town to the further south and the rural settlements to the west;

- (b) the proposed MLP has incorporated various design measures specified in the OZP and the PB including stepped height building profile with building heights descending from 8 storeys at the north/west towards 3 storeys at the south/east, provision of a 15m-wide breezeway running in east to west direction, 15m GBZ along the Site boundary and disposition of buildings around open spaces;
- (c) having reviewed the submission including the FI (**Appendix Ic**), it is noted that efforts have been made in the current scheme for compliance with the design guidelines stipulated in the adopted PB except for enhancing visual permeability to the town square that the two proposed “auxiliary visual corridors” (10 and 15m) could only provide penetrable views from Tai Mong Tsai Road to the proposed development as there are 3-storey villa houses within the visual corridors. In this regard, the applicant is advised to explore further measures in enhancing visual permeability to the town square and the waterfront should the application be approved;
- (d) considering the natural and rural characters of the site comprising low-rise residential developments with BHs ranging from 8.3mPD to 32.8mPD, the scale of the proposed development with BH ranging from 3 to 8 storeys/18.5mPD to 39mPD, as well as the proposed mitigation measures including roadside and buffer planting, stepped BH profile and provision of a 15m wide breezeway, the overall visual impact of the proposed development upon mitigation is considered slightly to moderately adverse;

Air Ventilation Assessment (AVA)

- (e) an AVA Initial Study (IS) using computational fluid dynamic modelling has been carried out to support the s.16 planning application of the captioned development. As set out in the AVA IS report, various wind and visual corridors (may consider as localised air paths) have been incorporated in the proposed scheme; and
- (f) based on the simulation results, she considers that the proposed development would not result in significant adverse impact on pedestrian wind environment under both annual and summer conditions.

Landscape

10.1.7 Comments of the CTP/UD&L, PlanD:

- (a) no objection to the application from the landscape planning perspective;
- (b) according to the tree survey submitted, there are 227 existing trees identified within the site, mainly clustering along the southwestern boundary, while 33 trees are proposed to be retained, including 4 nos. of *Ficus elastica* with diameter at breast height of 900-1500mm. To minimise visual impacts to the surroundings, 15m wide tree buffer

planting of mostly native species is proposed along the Site boundary. Communal open space of about 2,074m² is proposed in the middle of the development. The proposed development is generally in-line with the PB;

- (c) should the Board approve the application, she would recommend the following landscape condition to be included in the planning approval:

the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board

Advisory comments to be addressed in the Landscape Master Plan:

- (d) the alignment of the proposed 6m wide pedestrian walkway connecting Tai Mong Tsai Road and Mei Fuk Street seems to have too many twists and turns, which is not pedestrian friendly and it also leads to unnecessary removal of trees due to excessive walkway provision. The abutting boundary treatment along this meandering pedestrian walkway should also be demonstrated;
- (e) the proposed communal open space is separated by a vehicular road, and the pedestrian connection among the fragmented open space should be indicated. Apparently a loading/unloading space blocking the connection between the open spaces should be reviewed;
- (f) only area where its primary function is for public enjoyment is accountable as open space. Circulation space between T4 and T1 should not be accountable as open space for active or passive recreation; and

Other Advisory Comments:

- (g) the applicants are reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works such as felling, transplanting or pruning under lease.

Sewerage

10.1.8 Comments of the DEP:

he has no comment on the SIA.

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

he have no comments on the applicant's FI on the SIA as detailed in **Appendix Ic**.

Drainage

10.1.10 Comments of the CE/MS, DSD:

- (a) there is no insurmountable drainage problem for the Site and the following approval condition is suggested:

the submission and implementation of a revised Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board

- (b) his office has no comment on other assessment reports enclosed in **Appendix Ia** from drainage maintenance viewpoint.

Nature Conservation

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

the Site has been partly paved and with trees of common native and exotic species. He has no comment on the application.

Fire Safety

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

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department. EVA shall comply with Section 6, Part D of the 'Code of Practice for Fire Safety in Buildings 2011' administered by the Buildings Department; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Gas and Electrical Safety

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

he has no comment on the FI (**Appendix Ib**) and agrees that the Quantitative Risk Assessment to be carried out by the applicant during the detailed design stage of the proposed development

District Officer's Comments

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

- (a) he has no comment on the application;
- (b) it is noted that Chairman of SKDC, Chairman of Sai Kung Rural Committee and general locals of Sai Kung objected to the application. Their main concern is that the proposed development will increase the

population and add to the heavy traffic in Sai Kung Town. Large scale residential development will not be supported by the local community until the improvement work of Hiram's Highway is completed; and

- (c) the local views should be fully considered.

10.2 Other detailed comments from the following government departments are listed at **Appendix V**:

- (a) Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department;
- (b) Chief Engineer/Construction(2), Water Supplies Department (CE/Construction(2), WSD); and
- (c) Director of Electrical and Mechanical Services (DEMS).

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

- (a) Chief Engineer (Works), Home Affairs Department (CE(Works), HAD);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (d) Project Manager/New Territories East, CEDD.

11. Public Comments Received during the Statutory Publication Periods

11.1 The application and the FIs were published for public inspection on 16.11.2018, 12.2.2019, 31.5.2019 and 8.11.2019, a total of 443 public comments were received (**Appendix VI**) with three comments from the individuals support the application, one comment with no content, one comment not related to the application, and 438 comments object to /raise concerns which include the following:

- (a) 8 comments from the Chairman, members and members (designate) of SKDC;
- (b) 7 comments from Sai Kung Rural Committee and member, Village Representatives of Sha Kok Mei Village and Sha Ha Village;
- (c) 2 comments from Hong Kong Academy;
- (d) 3 comments from Sai Kung Planning Concern Front;
- (e) 1 comment from Friends of Sai Kung;
- (f) 2 comments from Owners' Committee of the Mediterranean;
- (g) 1 comment from Hong Kong and China Gas Co Ltd.; and
- (h) 414 comments from individuals.

11.2 The comments in support of the application is mainly on the ground that speeding up the development can resolve the housing supply problem.

11.3 The major grounds of objection and the concerns on the application are similar, and the gist of the comments is summarised as follows:

- (a) Sai Kung is overpopulated and the infrastructures are saturated;
- (b) the proposed development is not compatible with the local character of Sai Kung and would deteriorate the overall living quality;
- (c) the traffic capacity in the area is overloaded, in particular, the Hiram's Highway;

- (d) there are insufficient community and transport facilities to support additional population;
- (e) it is doubtful if the site phasing plan is practicable to be commenced;
- (f) the proposed development would bring adverse visual, air ventilation, environmental and ecological impacts to the surrounding environment;
- (g) the arrangement of road works and traffic during the construction period should ensure pedestrian safety of students of the nearby school;
- (h) the government land within the Site should be reserved for community facilities, e.g. car park and social welfare facilities;
- (i) the proposed layout of the villa houses is suggested to be located to the north/northwest of the Site along Tai Mong Tsai Road to enhance the visual and air ventilation of the development;
- (j) the proposed development is in close vicinity to an existing high-pressure pipeline along Wai Man Road and Mei Yuen Road, and a Quantitative Risk Assessment should be conducted to evaluate the potential risk;
- (k) it is suggested to include an additional storey of underground public carpark to serve the community; and
- (l) Tai Wong Ye shrine of Sha Kok Mei Village (**Plan A-2a**) and the fung shui will be affected.

12. Planning Consideration and Assessments

Planning Intention

12.1 The application is for comprehensive residential development within the Site which is zoned "CDA(1)" on the OZP. The planning intention of the "CDA(1)" zone is for comprehensive development/ redevelopment of the Site for commercial and residential uses with the provision of open space and other supporting facilities. It is subject to a maximum PR of 1.5 and a maximum BH of 8 storeys (excluding basements). The Site is sizable and prominently located at the northern gateway into Sai Kung Town. It is therefore necessary to control the development mix, scale, design and layout of development, with due regard to the various environmental, traffic, infrastructure and other constraints. The proposed comprehensive residential development at a PR of 1.467 and a BH of 8 storeys over 1 storey of basement generally conform to the development restrictions of the OZP. In response to TD's request, a public car park of 50 spaces has been included in basement of the proposed development. Such provision will serve to meet the parking demand in the area.

Phased Development

12.2 The applicants propose to develop the Site in phases. According to the phasing plan (**Drawing A-3**), the proposed development will be implemented in Phase 1 and other phases (i.e. Sites A, B, C, D and E). Phase 1 of the development would cover slightly more than half of the Site which is mainly owned by the applicants with some government land. Sites A, B, C and D of the development would cover mainly the land parcels owned by others. In addition, Sites C and D wholly owned by others have been designated for provision of the proposed GBZ and view corridor on the MLP to meet the urban design and landscape requirement under the PB. Site E is only proposed at a late stage of the submission (**Appendix Ie**) in response to comments from AMO which covers majority of the NEA (**Plan A-2a**). According to the MLP (**Drawing A-3**), the layout of development for Phase 1 and other phases are

not self-contained in terms of provision of separate access to serve different phases. The open space /recreational facilities provisions are not clearly separable for different phases of the development. Furthermore, as indicated in the table in paragraph 1.10 above, the resultant PR of Phase 1, if calculated based on its own area, would be 2.182 which has exceeded the maximum PR permissible under the “CDA” zone, while that for Site E is only 0.592 and no GFA is proposed for Sites C and D at all. The PRs for different phases of the development are not allocated on a pro-rata basis, and Phase 1 has in effect taken up the development potential of other phases. The proposed phasing is considered not in line with TPB-PG No. 17A in that the applicants fail to demonstrate the comprehensiveness of the proposed development will not be adversely affected; the resultant development be self-contained in terms of layout design and provision of open space; and the development potential of the unacquired lots not be absorbed in the early phases of the development.

Compliance with PB

- 12.3 A PB (**Appendix II**) has been prepared to guide the development of the Site and it was endorsed by the Committee on 14.12.2007. A comparison table of the requirements of the endorsed PB and current submission is at **Appendix IIa**. The proposed layout with stepped building height, GBZ, breezeway, visual corridor and pedestrian walkway generally comply with requirements set out in the PB on these aspects.

Non-excavation Area

- 12.4 However, according to the PB, the NEA is designated in view of the existence of antiquities attributed to Neolithic Period and Bronze Period within the Site, which are worthy of in-situ preservation. AMO comments that no building works including site formation and excavation in any form should be carried out in the NEA and considers that the applicants’ suggestion to impose an approval condition on Archaeological Impact Assessment Report for the proposed development in NEA is not in line with the PB and the preservation requirement for the subject NEA. In this connection, implementation of Site E is in doubt. The area of Site E is about 23,642m² (70 villa houses), which occupies almost half of the Site. There is also no interim proposal on the treatment of the NEA before Site E could be developed. The phasing plan as proposed by the applicants is impracticable and the applicants fail to demonstrate that the proposed development could be implemented in a comprehensive manner or means have been provided for a coordinated development. Also, it does not comply with the PB requirement related to preservation of archaeological heritage.

Traffic Impact

- 12.5 According to the application, the occupation of the residential development is assumed for TIA by the design year of 2028 to tie in with the target completion date of the HH2 project. However, the HH2 project has yet been gazetted, PM/Major Works, HyD advises that the completion date of the HH2 project is still uncertain at this moment. C for T comments that if the HH2 project is not taken forward, the fundamental infrastructure assumption and the findings of the current TIA Report would become invalid, and they would not support the application. In this connection, the applicants fail to demonstrate that the proposed development would not generate adverse traffic impact to the area.

Visual Impact

- 12.6 The proposed medium-rise residential development is considered not incompatible with the surrounding areas which are mainly sites for residential development, hotel and GIC clusters. The proposed MLP has incorporated various design measures specified in the OZP and the PB including stepped height building profile with BHs descending from 8 storeys at the north/west towards 3 storeys at the south/east, provision of a 15m-wide breezeway running in east to west direction, 15m GBZ along the Site boundary and disposition of buildings around open spaces (**Drawing A-3**). CTP/UD&L, PlanD comments that efforts have been made in the current scheme for compliance with the design guidelines stipulated in the adopted PB except for the visual permeability to the town square and considers that the overall visual impact of the proposed development upon mitigation is considered slightly to moderately adverse.

Air Ventilation

- 12.7 The applicants have submitted an AVA (**Appendices Ib and Ic**) to demonstrate that no significant impact on the surrounding pedestrian wind environment would be induced by proposed development, CTP/UD&L, PlanD has no comment on the AVA and considers that the proposed scheme would not result in significant adverse air ventilation impact when compared with the baseline scheme.

Tree Preservation

- 12.8 According to the endorsed PB, the existing trees mainly clustering along the western boundary should be retained as far as practicable. The applicants proposes to retain 33 existing trees mainly along the western boundary of the Site while transplanting 8 existing trees. The remaining 186 existing trees (including 32 dead trees) which are mostly exotic, weedy or very common species are proposed to be felled. To compensate the loss of greenery, 493 compensatory trees are proposed to be planted. A 15m wide GBZ for woodland planting along the entire site boundary has been incorporated in the layout (**Drawing A-6**). CTP/UD&L considers that the landscape submission is largely in-line with the endorsed PB and has no objection to the application from the landscape planning perspective. DAFC also has no comment on the application. An approval condition on the submission and implementation of a Landscape Master Plan is recommended should the Committee decide to approve the application.

Environmental Impact

- 12.9 The applicants have submitted an EA to support the application. Taking into account the distance from Tai Mong Tsai Road, various noise mitigation measures such as building set back and orientation, fixed glazing windows and acoustic balcony etc. are proposed to address the potential road traffic noise impact. DEP considers that with these mitigation measures, the proposed development would not be subject to adverse traffic noise impact exceeding the HKPSG criteria.

Other Technical Aspects

- 12.10 The applicants have submitted SIA and DIA to support the application. DEP and CE/MS, DSD have no comment on the SIA. CE/MS, DSD comments that there is no insurmountable drainage problem for the Site.

- 12.11 There is a high pressure underground town gas transmission pipeline (running along Mei Yuen Street and Wai Man Road) in the vicinity of the Site. As it is anticipated that the Site will result in a significant increase in population in the vicinity of the above gas installation, DEMS advises that a Quantitative Risk Assessment would be required from the project proponent of the Site to assess the potential risks associated with the gas installation during the detailed design stage of the proposed development.

Public Comment

- 12.12 There were 438 public comments objecting/raising concerns mainly on phasing of the development, possible overloading of the traffic capacity at Hiram's Highway, lack of parking facilities to support a substantial increase in population, urban design and environmental aspect and Quantitative Risk Assessment. The planning assessments as detailed in paragraphs 12.5 to 12.11 above are relevant. For the Tai Wong Ye shrine within the Site, the applicants indicate that the shrine is located at the 6m pedestrian walkway of the MLP and it is proposed to be retained in-situ (**Appendix Ig**).

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application for the following reasons:
- (a) the proposed phasing of the residential development is not in line with TPB-PG No. 17A in that the applicants fail to demonstrate the comprehensiveness of the proposed development will not be adversely affected; the resultant development would be self-contained in terms of layout design and provision of open space; and the development potential of the unacquired lots would not be absorbed in the early phases of the development;
 - (b) the Master Layout Plan for the proposed residential development encroaches onto the non-excavation area (NEA) specified in the Planning Brief, the applicants fail to demonstrate that the proposed house development on top of the NEA is implementable and would not have adverse impacts on the Sha Ha Archaeological Site of Interest; and
 - (c) the applicants fail to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding area.
- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 13.12.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. Should the application be approved, the following approval condition and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of a revised Master Layout Plan to take into account conditions (b) to (j) below, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) no population intake of the proposed development shall be taken place before the completion of the Hiram's Highway Improvement Stage 2 project;
- (c) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the implementation of traffic improvement measures proposed in the Traffic Impact Assessment at the cost of the applicants to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and provision of the vehicular access/internal driveway/pedestrian access to Tai Mong Tsai Road, public and ancillary car parking and loading/unloading facilities and public bus lay bys to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) the submission of a land contamination assessment and the implementation of the land contamination remediation measures proposed therein prior to the commencement of construction works to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (g) the submission and implementation of a revised Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (h) the submission of a Quantitative Risk Assessment related to the high pressure town gas pipeline in the vicinity and implementation of the mitigation measures identified therein to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board;
- (i) the submission of an Archaeology Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Antiquities and Monuments Office of Development Bureau or of the Town Planning Board; and
- (j) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

13.3 The advisory clauses at **Appendix VII** are suggested for Members' reference.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to

advise what reasons for rejection should be given to the applicants.

- 14.3 Alternatively, should the Committee decide to approve the application, members are invited to consider the approval conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.

15. Attachments

Appendix I	Application Form dated 21.10.2014
Appendix Ia	Supplementary planning statement with MLP
Appendix Ib	FI dated 30.1.2019
Appendix Ic	FI dated 22.5.2019
Appendix Id	FI dated 19.9.2019
Appendix Ie	FI dated 31.10.2019
Appendix If	FI dated 28.11.2019
Appendix Ig	FI dated 9.12.2019
Appendix II	Endorsed Planning Brief
Appendix IIa	Comparison table of the requirements of the endorsed PB and current submission
Appendix III	Town Planning Board Guidelines for Designation of “CDA” Zones and Monitoring the Progress of “CDA” Developments (TPB-PG No. 17A)
Appendix IV	Similar Application
Appendix V	Detailed comments from relevant government departments
Appendix VI	Public Comments
Appendix VII	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Land Status Plan
Drawing A-3	Comparison of Master Layout Plan, and Development Phasing Plan
Drawing A-4	Basement Plan
Drawing A-5	Section Plan
Drawing A-6	Landscape Master Plan
Drawing A-7	Proposed Traffic Arrangements
Drawing A-8	Proposed Junction Improvement for Junction of Po Tung Road/Man Nin Street
Plan A-1	Location Plan
Plans A-2a and 2b	Site Plans
Plan A-3	Aerial Photo
Plans A-4a and A-4d	Site Photos