

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-TLS/56

- Applicant** : Double One Limited represented by Knight Frank Petty Limited
- Site** : Lot 1109 RP (Part) in D.D. 253, 8 Ka Shue Road, Sai Kung, New Territories
- Site Area** : 1,572m² (about)
- Lease** : New Grant No. 4247 and is restricted to :
- (a) private residential purposes only;
 - (b) not exceeding 10.97m above the mean formation level;
 - (c) maximum built over area not exceeding 25%;
 - (d) roofed over area of any residential building shall not less than 139.35m² and more than 464.5m²;
 - (e) no flat shall have a floor area of less than 83.6m²; and
 - (f) space for parking motor vehicles at a rate of not less than one car per flat.
- Plan** : Approved Tseng Lan Shue Outline Zoning Plan (OZP) No. S/SK-TLS/8
- Zoning** : “Residential (Group C) 1” (“R(C)1”)
- [Restricted to a maximum plot ratio (PR) of 1.5, site coverage (SC) of 30% and building height (BH) of 18m and 5 storeys over one storey of carport, or the PR, SC and the height of existing building, which is the greater.]
- Application** : Proposed Minor Relaxation of SC and BH Restrictions for Permitted Residential Development

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed minor relaxation of SC and BH restrictions for residential development at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “R(C)1” on the approved Tseng Lan Shue OZP No. S/SK-TLS/8 and is subject to a maximum PR of 1.5, SC of 30% and BH of 18m and 5 storeys over one storey of carport or the PR, SC and the height of existing building, whichever is the greater. According to the Notes of the OZP, ‘Flat’ is always permitted within the “R(C)1” zone. Based on the individual merits of a development or redevelopment proposal, minor relaxation of PR, SC and BH restrictions may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance.

- 1.2 The Site is currently occupied by two semi-detached 5 storeys (4-storey over one storey of carport) residential buildings (Blocks G & H of the Clearwater Bay Apartments). The applicant proposes to redevelop the Site into two residential blocks with PR, SC and BH of not more than 1.5, 33.911% and 5 storeys over one storey of carport (19m) respectively. As the proposed SC and BH exceed the development restrictions for the “R(C)1” zone as stipulated in the OZP, permission for relaxation of the development restrictions is required. A comparison of the development restrictions on the OZP and the proposed development parameters are summarized as follows:

Development Parameters	OZP Restrictions (a)	Proposed Development Parameters (b)	Difference (b)-(a)
Site Area	-	1,572m ²	-
Total Gross Floor Area (GFA)	-	2,357m ²	-
PR	1.5	1.5	0
SC	30%	33.911%	+3.911% (+13%)
Maximum BH (main roof)	18m	19m	+1m (+5.6%)
No. of Storey	5 storeys over one storey of carport	5 storeys over one storey of carport	0
No. of Unit	-	14	-
Parking Spaces	-	27 private car parking spaces (including 1 for disabled and 2 for visitors) 3 motorcycle parking spaces 1 loading/unloading bay for goods vehicles	-

- 1.3 According to the applicant, the proposed minor relaxation of BH restriction is mainly to accommodate the ramp, E&M facilities and carpark in the basement by excavating 1m below the existing formation level (**Drawings A-5 and A-6**) while the minor relaxation of SC is to provide flexibility for redevelopment of the existing building with more innovative building design to fit in the local character and low-rise, low-density setting (**Drawing A-7**). A new vehicular ingress and egress is proposed at Ka Shue Road to mitigate any possible environmental nuisance and dispute concerning the sharing of the internal right of way upon future redevelopment of the adjoining building blocks. There are a total of 20 trees within and in the vicinity of the Site. The applicant proposes to retain 8 trees and 12 trees (all within the Site) will be felled. A total of 21 trees will be planted for compensation (**Drawings A-12 and 13**). Peripheral planting is proposed at roof level of the development.
- 1.4 The plans, sections, Landscape Master Plan, photomontages, tree felling and compensation plans submitted by the applicant are shown in **Drawings A-1 to A-13**.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form and supplementary information received on (**Appendix I**)

- 25.2.2019
- (b) Supporting planning statement (Appendix Ia)
 - (c) Further information (FI) received on 13.6.2019 (accepted and not exempted from publication) (Appendix Ib)
 - (d) FI received on 25.7.2019 (accepted and not exempted from publication) (Appendix Ic)
 - (e) FI received on 9.9.2019 (accepted and exempted from publication) (Appendix Id)
 - (f) FI received on 1.11.2019 (accepted and exempted from publication) (Appendix Ie)

1.6 On 12.4.2019 and 20.9.2019, the Committee agreed to defer a decision on the application for two months each as requested by the applicant for submission of FI. The applicant submitted FIs as indicated in paragraph 1.5 above. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supporting Planning Statement and FI submissions at **Appendices Ia, Ic and Ie**. They can be summarized as follows:

- (a) the area is intended for low-rise, low-intensity residential development with a tranquil characteristic. The proposed development is in line with the planning intention of the “R(C)” zone for low-rise and low-density residential development and compatible with the surrounding context;
- (b) the applicant has reviewed the initial scheme (under Application A/SK-TLS/52 withdrawn by the applicant) in response to the comments from relevant government departments and revised the scheme by trimming down the SC of the proposed development from not more than 35% to about 33.911%. The lease of the subject Lot for the proposed development was granted in 1963 with an area of about 1,719m² before the gazettal of the Tseng Lan Shue Interim Development Permission Area Plan No. IDPA/SK-TLS/1 in 1990. The alignment of the subject Lot and “R(C)1” zone appears to be discrepant that a portion of the subject Lot with an area of about 147.8m² falls within “Green Belt” (“GB”) zone under the draft Tseng Lan Shue Outline Zoning Plan No. S/SK-TLS/1 exhibited in 1994. The Site is zoned as “R(C)1” with an area of about 1,571.2m². Based on the area of the subject Lot, the SC of the proposed development will be about 30.999%, which is only slightly greater than the maximum SC (i.e. 30%);
- (c) the Clearwater Bay Apartments were built in 1963 and they are getting old and dilapidated. The proposed redevelopment is intended to improve the layout, building design, structural integrity and safety of the residential blocks, as well as to upgrade the amenity and living condition of the existing building with the provision of barrier-free access and building services facilities to meet the current legislative requirements. The proposed minor relaxation of SC could provide flexibility for redevelopment of the existing building with more innovative building design to fit in the local character and low-rise, low-density setting. As the proposed development has two separate building blocks, additional floor area would be required to accommodate the duplication of essential and mandatory building services facilities and would lead to slightly greater

site coverage (i.e. less than 4%) than the permitted site coverage as stipulated in the OZP;

- (d) the application for minor relaxation of BH is the outcome of site constraints. The steep slope of Ka Shue Road (1:8) and the uneven ground level impose a technical difficulty on the proposed car park at lower ground level, at which 1m excavation of land below the existing formation level is necessary to accommodate the ramp, E&M facilities and carpark and provide sufficient headroom, in accordance with the Practice Note issued by Buildings Department. A new vehicular ingress/egress is proposed at Ka Shue Road to mitigate possible environmental nuisance to the residents of the other blocks of Clearwater Bay Apartments in the course of implementation, as well as any dispute concerning the sharing of the internal right of way upon future redevelopment of the adjoining building blocks;
- (e) instead of a single building, two smaller building blocks with a building gap of approximately 5m are proposed to reduce screen wall effect, promote air ventilation and improve building permeability along Ka Shue Road and the neighbourhood. The proposed setback of approximately 2m, landscape design and greenery along Ka Shue Road will provide a buffer and landscape articulation to mitigate the visual impact and allow better ventilation. Trees and shrubs plantings facing Ka Shue Road will also provide green shading and create a pleasant and tranquil walking environment for the neighbourhood;
- (f) the condition of the existing trees is generally poor to fair with low to medium amenity value. Special care has been taken to ensure that the layout of the proposed development would avoid conflict with existing trees wherever possible. An overall greenery area of 368m² will be provided in the proposed development. The proposed minor relaxation would facilitate the incorporation of green features, including but not limited to balconies and communal landscape garden, specified in the Joint Practice Note No. 1 for exemption of GFA and/or SC calculations under the Buildings Ordinance. The combination of landscape feature at ground floor, sloping terrain and peripheral plantings at roof level will enhance the visual quality of the proposed development, soften the building mass and improve air quality;
- (g) similar applications have been approved in recent year in Sai Kung district. As the application is of similar nature to such approved cases, the feasibility and compatibility of the proposed residential redevelopment are supported;
- (h) the applicant has taken the redevelopment opportunity to optimize the use of developed land and increase the number of units which is in support of the policy address and Long Term Housing Strategy in meeting the housing demand; and
- (i) there would be no loss to the ecological environment and no significant visual effect is anticipated. The proposed redevelopment is small in scale and will result in no adverse impact on the surrounding road network. The impact on the existing sewerage and drainage system will also be minimal.

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

The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant has 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. 31) by obtaining consent. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

4.1 Clearwater Bay Apartments consists of 8 residential blocks (Blocks A-H) built in 1963 within Lot 1109 in D.D. 253. Lot 1109 was subsequently sub-divided into three portions including Lots 1109 RP, 1109 S.A ss1 and 1109 S.A RP. The Site falls within the major part of Lot 1109 RP (**Plan A-2**).

4.2 Lot 1109 RP was zoned “R(C)1” and “GB” on the draft Tseng Lan Shue OZP No. S/SK-TLS/1 which was gazetted on 8.7.1994. During the 2 months exhibition period of the draft OZP, no objection was received in respect of Lot 1109 RP. Zonings of Lot 1109 RP remains unchanged on the current OZP No. S/SK-TLS/8.

5. Previous Application

The Site is the subject of a previous application No. A/SK-TLS/52 for minor relaxation of PR, SC and BH restrictions for permitted residential development. The application was subsequently withdrawn.

6. Similar Applications

6.1 There are four similar planning applications No. A/SK-TLS/2, A/SK-TLS/4, A/SK-TLS/33 and A/SK-TLS/40 for proposed minor relaxation of BH restriction in the “R(C)” zone on the OZP. Applications No. A/SK-TLS/2, A/SK-TLS/4, A/SK-TLS/33 were rejected by the Committee on 15.12.1995, 12.1.1996 and 9.1.2009 respectively mainly on the grounds that there were no strong design merits/information to justify the proposed extent of relaxation of the BH and the relaxation was not considered as minor. Application No. A/SK-TLS/40 was approved by the Committee on 6.7.2012 mainly on the grounds that the proposed increase in BH of one storey was to accommodate basement carpark and E&M facilities and the BH above ground was reduced as compared with the existing development.

6.2 Another similar planning application No. A/SK-TLS/18 for proposed minor relaxation of PR and SC restriction was rejected by the Committee on 26.2.1999 and the Board on review on 23.7.1999 on similar rejection grounds above. A town planning appeal against the decision of the Board to reject the application was dismissed by the Town Planning Appeal Board (Appeal No. 12/1999) on 5.6.2000.

6.3 Details of the similar applications are at **Appendix II**.

7. The Site and Its Surrounding Areas (Plan A-1 to Plan A-4)

7.1 The Site:

- (a) is currently occupied by two semi-detached 5 storeys (4-storey over one storey of carport) residential blocks (Blocks G & H) of Clearwater Bay Apartments. There are slope features at the western, north-eastern and south-eastern parts of the Site;
- (b) is currently accessible from Ka Shue Road via the existing vehicular ingress / egress of Clearwater Bay Apartments; and
- (c) is located within the 'Village Environ' ("VE") of Tseng Lan Shue.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate south are the remaining 6 residential blocks (Blocks A to F) of Clearwater Bay Apartments;
- (b) to the north is a densely vegetated slope zoned "GB" on the OZP;
- (c) to the east is a swimming pool under Short Tern Tenancy (STT) first granted in 1991; and
- (d) to the west across Ka Shue Road is a 5-storey residential development, namely Hillview Court zoned "R(C)1" on the OZP.

8. Planning Intention

The planning intention of the "R(C)" zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) no in-principle objection to the application;
- (b) the Site falls within portion of Lot No. 1109 RP in D.D. 253. The lot is about 18,500 sq.ft (i.e. about 1,718.7m²), and is within recognized VE of Tseng Lan Shue;
- (c) the lot is subject to lease restrictions of Conditions of Exchange dated 2.4.1963 (New Grant No. 4247) as follows:

User: Private residential purposes only

BH: Not exceeding 36 ft. (about 10.97m) above the mean formation level of the land on which the building stands

Max. built over area: Not exceeding 25% of the Lot

Roofed over area: The roofed over area of any residential building shall not less than 1500 sq. ft. (about 139.35m²) and more than 5000 sq. ft. (about 464.5m²); no flat shall have a floor area of less than 900 sq. ft. (about 83.6m²)

Parking space: Space for parking motor vehicular at a rate of not less than one car per flat;

- (d) an application for lease modification at the lot with proposed development parameters permitted under the OZP has been submitted and is being processed. According to the application for lease modification, the maximum GFA is 2,346m² based on a PR of 1.5 being applied to the site area of "R(C)1" zone of 1,564m²;
- (e) no in-principle objection to the application subject to the following comments from the land administrative point of view:
 - i. C for T's comment on the proposed parking space provision and the proposed vehicular access arrangement;
 - ii. the western boundary of the Site appears to marginally encroach onto or adjoining the proposed Permanent Resumption Limit SKM8296a of PWP Item No. 4273DS-Port Shelter Sewerage, Stage 3 – Sewerage at Tseng Lan Shue and Sam Long. Comments from DSD should be sought;
- (f) an application for lease modification at the lot is being processed. If the subject planning application is approved by the Board, the applicant will need to apply for revision of development parameters, and vehicular access arrangement etc. of the lease modification proposal. However, there is no guarantee that the proposed lease modification will be eventually approved by government and proceeded to documentation. Such lease modification application, if eventually approved, will be subject to terms and conditions including the payment of a premium and administrative fee as the government considers appropriate; and
- (g) both Hillview Court (Lot 1119 in D.D. 253) and Clear Water Bay Apartments (Lot 1109 in D.D. 253) are responsible for the uphold, maintain, and repair of Ka Shue Road. Both lots have to allow unhindered public access to and from Ka Shue Road.

Traffic

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

- (a) no objection to the application from traffic viewpoint;
- (b) Ka Shue Road is not public road managed by the Transport Department. Comments from relevant management/maintenance parties should be sought;
- (c) there is no adverse comment on the location of the proposed ingress / egress point and the floor-to-ceiling height (i.e. 4m) if the required minimum headroom for parking space (i.e. 2.4m) is provided for private cars.

Environment

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

- (a) no comment on the application;
- (b) it is noted that the Site falls within an area zoned “R(C)1” on the OZP. All building structures are confined within the “R(C)1” zone and there will not be any clubhouse or swimming pool. The Site is not within the Water Gathering Ground; and
- (c) in view of the small scale and nature of the proposed minor relaxation of SC and BH restrictions for permitted residential redevelopment, it will unlikely cause adverse environmental impact.

Urban Design and Visual

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

- (a) the Site is situated within a predominantly rural and low-rise low-density setting with residential buildings of 5 storeys in height to the south at Clear Water Bay Apartments and Hillview Court to the west across Ka Shue Road. Downhill to the south are low-rise village developments predominantly of 3-storeys. Downhill to the east are low-rise developments of 1 to 3 storeys at Pak Shek Wo San Tsuen, Clear Water Bay Knoll, The Woods, Cloud Court and Gold Villa. To the north are transmission towers / pylons on the vegetated hills of Hebe Hill;
- (b) it is noted that the proposed development involves relaxation of BH and SC by 3.911% to accommodate the essential facilities in the basement and provide flexibility for innovative building design. Several features including 2m building setback, 5m building gap and landscape features at ground and roof-top levels are proposed. The combined effect of these features could to a certain extent soften the building mass and facilitate the creation of a more pleasant and tranquil walking environment to the neighbourhood; and

- (c) considering the proposed minor relaxation of BH would not effect a change in the absolute BH measured from existing site formation level and the proposed development would incorporate mitigation measures including, inter alia, the orientation of towers to present a varied frontage, the adoption of an articulated façade to create areas of light and shade, the incorporation of a landscaped edge fronting Ka Shue Road and creation of lush landscape planting edges at roof level (**Drawing A-7**), the overall visual impact of the proposed development is considered to be “Negligible” to “Slightly Adverse”.

Landscape

9.1.5 Comments of CTP/UD&L, PlanD:

- (a) no objection to the application from the landscape planning perspective;
- (b) in terms of landscape resources, a total of 20 nos. of existing trees are shown on the tree felling plan (**Drawing A-12**), with 12 nos. within and 8 nos. outside site boundary. All trees within the application site boundary, i.e. 12 nos. are proposed to be felled. According to section 2.1 of the supporting planning statement (**Appendix Ia**), a portion of the lot falls within “GB” zone at the immediate north of the application site. As shown in the photos submitted by the applicant, some existing trees of common species are located on the top of the concrete slop within the “GB” zone. As claimed by the applicant in the Para. 4.1 of supporting planning statement (**Appendix Ia**), the proposed works will be within the application boundary and no major landscape impact is anticipated within the “GB” zone;
- (c) for the proposed 12 nos. of existing trees to be felled within the Site, 21 nos. of heavy standard size new plantings of 100mm DBH, together with shrub plantings at ground level and plantings at roof levels, are proposed in the development;
- (d) in consideration that the Site is not located at landscape sensitive areas and the proposed development is unlikely to cause any adverse landscape impacts, it is considered not necessary to impose any landscape condition should the application be approved by the Board;
- (e) regarding the new tree planting proposal, it is noted that some large tree species are proposed to be planted at locations with very limited planting spaces and close to building structures, such as *Bischofla jaccanica* at the northeast and northwest of the Site, and *Cinnamomum camphora* at the entrance area. The applicant is advised to review the planting locations of the proposed new trees for adequate growing space, or to consider planting other appropriate tree species with smaller mature size;
- (f) it is noted that the tree survey/assessment was conducted in March 2017 and is already outdated. Tree survey/assessment shall be updated as appropriate; and

- (g) the applicant should be reminded that any tree preservation or pruning proposal should be submitted to LandsD for approval.

Sewerage

9.1.6 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) and Chief Engineer/ Consultants Management, Drainage Services Department (CE/CM, DSD):

- (a) no objection to the application and the application would not be in conflict with any project;
- (b) the proposed pumping facilities, including pumps and rising mains, shall be maintained by the lot owners no matter they are placed within the lot or on any Government Land; and
- (c) there is no public sewer connection available in the vicinity of the proposed development, views and comments from the DEP should be sought regarding the sewage disposal arrangement of the proposed developments. Concerning the proposed connection to the future sewerage network at Clear Water Bay Road, DEP should be consulted to verify whether a sewerage impact assessment is required.

9.1.7 Comments of the DEP:

it is noted that the applicant is committed to install sewage treatment plant or septic tank for sewage treatment and disposal for the proposed development. The applicant is reminded to follow the requirements in Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by EPD" and note the standard advisory clause on design of septic tank and soakaway system that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Practice Note for Professional Person (ProPECC) PN5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person. The applicant is also advised to connect to the public sewerage system when available in the future.

Drainage

9.1.8 Comments of the CE/MS, DSD:

no objection to the application, provided that adequate stormwater drainage collection and disposal facilities will be provided in connection with the proposed development to deal with the surface run-off of the Site or the same flowing onto the Site from the adjacent areas without causing any adverse drainage impacts or nuisance to the adjoining areas.

Building Matters

9.1.9 Comments of the Chief Building Surveyor/NTE2 & Rail, Buildings Department (CBS/NTE2 & Rail, BD):

- (a) no in-principle objection to the application under the Buildings Ordinance subject to the following comments:
 - i. unless the proposed site abuts on a specified street complying with the requirements under Building (Planning) Regulations (B(P)R) 18A(3) and not less than 4.5m wide, the development intensity of the site should be determined by the Building Authority under B(P)R 19(3);
 - ii. the means of obtaining access to the proposed building from a street including the land status of the existing access road should be clarified to demonstrate compliance of B(P)R5;
 - iii. every domestic building within the site shall be provided with an open space complying with the Second Schedule under B(P)R 25;
 - iv. Emergency Vehicular Access complying with B(P)R 41D shall be provided for all buildings in the site;
 - v. PNAP APP-2, Hong Kong Planning Standards and Guidelines (HKPSG) and the advice of C for T will be referred to when determining exemption of GFA calculation for aboveground or underground car parking spaces;
 - vi. car parking spaces for persons with a disability should be provided in accordance with the Design Manual: Barrier Free Access 2008, Division 3, Para. 8 and 9;
 - vii. the applicant's attention is also drawn to the policy on GFA concessions under PNAP APP-151 in particular the 10% overall cap on GFA concessions and, where appropriate, the SBD requirements under PNAP APP-152;
 - viii. according to paragraph 9 of PNAP APP-152, buildings may be exempted from whole or parts of the building setback requirement with reference to a street where its height is less than 2 times the mean width of the street;
- (b) detailed comments will be given during General Building Plans submission stage; and
- (c) there is no in-principle objection to the proposed floor-to-ceiling height of 4m at LG/F for car park if it is provided in accordance with PNAP APP-111 and C for T has no objection.

Fire Safety

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

- (a) 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. Emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Water Supply

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

- (a) no objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Geotechnical

9.1.12 Comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) no objection to the application; and
- (b) it is noted that the existing feature no. 11NE-B/C109 would be removed and replaced by a permanent retaining structure under the proposed development. It is presumed the design and construction of the said retaining structure would satisfy the requirement of the Buildings Ordinance.

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

- (a) Director of Electrical and Mechanical Services;
- (b) Chief Engineer (Works), Home Affairs Department;
- (c) Project Manager/New Territories East, Civil Engineering and Development Department;
- (d) Chief Highway Engineer/ New Territories East, Highways Department;
- (e) Director of Agriculture Fisheries and Conservation; and
- (f) District Officer / Sai Kung, Home Affairs Department.

10. Public Comments Received During Statutory Publication Periods

The application and FIs submitted by the applicant were published for public inspection on 5.3.2019, 21.6.2019 and 6.8.2019. During the statutory public inspection periods which ended on 26.3.2019, 12.7.2019 and 27.8.2019, a total of 108 public comments were received (**Appendix III**). 102 commenters, who are the residents of Hillview Court, object to the application, all in standard forms. Six commenters from Incorporated Owners of Clear Water Bay Apartments Block E-F and the individuals of the public raise concerns on the application. The major grounds of objection and concerns on the application are similar, the gist of the comments is summarised as follows:

- (a) adverse traffic, landscape, air ventilation, environmental, and geotechnical impacts arising from the proposed redevelopment;
- (b) the existing building could be renovated to lower possible environmental impacts;
- (c) Ka Shue Road is managed and maintained by Hillview Court and the residents of Hillview Court should be consulted;
- (d) the proposed ingress/egress may breach the land lease of Clear Water Bay Apartment in that only one entrance is allowed;
- (e) the proposed development violates the development restrictions of the OZP;
- (f) it is suggested to subdivide the existing flats to achieve an increase in the number of flats; and
- (g) the approval of the application would set an undesirable precedent.

11. Planning Considerations and Assessments

11.1 The application is for minor relaxation of SC and BH restrictions of the Site zoned “R(C)1” on the OZP to facilitate residential redevelopment. The planning intention of the “R(C)1” zone is primarily for low-rise, low-density residential developments. Developments within the Site is subject to the maximum PR of 1.5, SC of 30% and BH of 5 storeys over one storey of carport (18m), 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 PR/SC/BH restrictions may be considered by the Board on application. The proposed redevelopment of the Site for ‘Flat’ use is in line with the planning intention of the “R(C)” zone. The minor relaxation in BH and SC restrictions sought by the applicant are from 18m to 19m (+1m or 5.6%) and from 30% to 33.911% (+3.911% or 13%) respectively.

11.2 The Site is located along Ka Shue Road and within a predominantly rural and low-rise, low-density setting. It is currently occupied by two semi-detached 5 storeys (4-storey over one storey of carport) residential blocks and forms part of the Clearwater Bay Apartments. The applicant’s proposal is to redevelop the Site into a single development comprising two building blocks. The new buildings are to be constructed on a site formation level 1m lower than the existing level (**Drawings A-5 and A-6**). The proposed minor relaxation of building height would not generate additional visual impact as the absolute BH above ground for the proposed redevelopment remains at

18m (which is in line with the restriction of the OZP) if measured from the ground floor level. According to the applicant, due to steep slope at Ka Shue Road and the uneven ground level of the Site, excavation of 1m below the existing formation level would be necessary to accommodate the ramps and provide sufficient headroom for internal vehicular circulation, and to allow the E&M facilities and car park in basement. Having regards to the constraints of the Site, the proposed minor relaxation of BH (i.e. +1m below the existing site formation level) is not unreasonable.

- 11.3 The applicant indicates that the design of the proposed development, involving two smaller building blocks with a 5m building gap is intended to reduce screen wall effect and promote air ventilation. The minor relaxation of SC restriction would provide flexibility for redevelopment with more innovative building design to fit in the local character and low-rise, low-density setting. The proposed development is intended to improve and upgrade the design and amenity of the residential buildings with the provision of barrier-free access and building services facilities to meet the current legislative requirements. As a result of the two-block design, the minor increase in site coverage is necessary to cater for duplication of the essential facilities in the two separate building blocks which are accountable for site coverage calculation.
- 11.4 The applicant proposes an approximately 2m setback and landscape design along Ka Shue Road for a buffer and green shading to create a pleasant walking environment for the neighbourhood (**Drawing A-7**). CTP/UD&L, PlanD advises that the combined effect of the proposed features, including building gap, setback and landscape features at ground and roof-top levels, could to a certain extent soften the building mass and facilitate the creation of a more pleasant and tranquil walking environment to the neighbourhood. The proposed development will bring about negligible to slightly adversely overall visual impact (**Drawings A-8 to A-11**). CTP/UD&L, PlanD also has no objection to the application from the landscape planning perspective in consideration that the Site is not located at landscape sensitive areas and the proposed development is unlikely to cause any adverse landscape impact.
- 11.5 The applicant has submitted a traffic impact assessment and proposes to provide a separate ingress / egress with a ramp for the basement car park. The applicant also indicates that the provision of a separate ingress/ egress would mitigate any environmental nuisance to residents living in other blocks of the existing development. C for T has no objection to the application from traffic viewpoint and has no comment on the location of the proposed ingress/egress point. For environment, sewerage, drainage, water supply, fire safety and geotechnical aspects, relevant government departments consulted have no comment / no objection to the planning application.
- 11.6 The public comments received objecting to the application are mainly on the grounds of lacking of public gain, adverse visual, traffic, geotechnical impacts on the surrounding areas and setting of undesirable precedents. In this regard, the assessments in paragraphs 11.2 to 11.5 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.

- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **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. The following approval condition and advisory clauses are suggested for Members' consideration:

Approval Condition

the provision of fire service installations and water supplies for firefighting to the satisfaction of Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

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

the applicant fails to provide strong planning justification and design merit to support the proposed relaxation of building height and site coverage restrictions.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form and supplementary information received on 25.2.2019
Appendix Ia	Supporting Planning Statement
Appendix Ib	Further Information received on 13.6.2019
Appendix Ic	Further Information received on 25.7.2019
Appendix Id	Further Information received on 9.9.2019
Appendix Ie	Further Information received on 1.11.2019
Appendix II	Details of similar applications
Appendix III	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Site Plan submitted by the applicant
Drawing A-2	Lower Ground Floor Plan submitted by the applicant
Drawing A-3	Upper Ground Floor Plan submitted by the applicant
Drawing A-4	Typical Floor Plan submitted by the applicant
Drawings A-5 & A-6	Section Plans submitted by the applicant

Drawing A-7
Drawings A-8 to A-11

Master Landscape Plan submitted by the applicant
Existing site photos and photomontages with indicator showing maximum BH permitted under the OZP submitted by the applicant

Drawing A-12
Drawing A-13

Tree Felling Plan submitted by the applicant
Tree Compensation Plan submitted by the applicant

Plan A-1
Plan A-2
Plan A-3
Plans A-4a to A-4c

Location Plan
Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
DECEMBER 2019