

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

**APPLICATION NO. Y/TKO/5**

- Applicant** : Rock Headland Proprietary Limited represented by Lanbase Surveyors Limited
- Site** : Lot 310 in D.D. 224 and Adjoining Government Land, Hang Hau Road, Tseung Kwan O
- Site Area** : About 4,195.29m<sup>2</sup> (including about 3,716.09m<sup>2</sup> of private land and 479.2m<sup>2</sup> of government land)
- Lease** : (a) Private Land (about 88.6%)  
(i) Held under New Grant No. 3552  
(ii) Restricted to private residential purpose  
(iii) Not to erect any building except one private dwelling house of not more than 2 storeys with outbuildings proper thereon  
  
(b) Government Land (about 11.4%)
- Plan** : Draft Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/27 [Draft Tseung Kwan O OZP No. S/TKO/25 at the time of submission. The zoning and development restrictions of the application site remain unchanged in the current draft OZP.]
- Zonings** : “Residential (Group C)1” (“R(C)1”) (about 3410.29m<sup>2</sup>, about 81%) [Maximum plot ratio of 0.6, maximum site coverage of 30% and maximum building height of 2 storeys over one level of carport]  
  
“Green Belt” (“GB”) (about 763m<sup>2</sup>, about 18%)  
  
‘Road’ (about 22m<sup>2</sup>, about 1%)
- Proposed Amendment** : To rezone the site from “R(C)1”, “GB” and area shown as ‘Road’ to “Residential (Group C)2” (“R(C)2”) and “GB”

**1. The Proposal**

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1**) from “R(C)1”, “GB” and area shown as ‘Road’ to “R(C)2” and “GB”. The proposed rezoning is to adjust the boundary of the “R(C)” zone to tally with the private lot

No. 310 in D.D.224 by rezoning the private lot of about 3,716.09m<sup>2</sup> from “R(C)1”, “GB” and area shown as ‘Road’ to “R(C)2”. The northern and south-eastern parts of the Site outside the private lot, which are government land of about 479.2m<sup>2</sup>, are proposed to be rezoned from “R(C)1” to “GB” (**Plan Z-2**). The proposed “R(C)2” sub-area is subject to a maximum plot ratio (PR) of 1, maximum site coverage (SC) of 30% and maximum building height (BH) of 4 storeys over one level of carport. The proposed rezoning would facilitate redevelopment of the private lot for house development. A comparison of the development restrictions under the current “R(C)1” zone and the proposed “R(C)2” zone is as follows:

	<b>Current “R(C)1” zone (a)</b>	<b>Proposed “R(C)2” zone (b)</b>	<b>Difference (b) – (a) (%)</b>
Site Area	3410.29m <sup>2</sup>	3,716.09m <sup>2</sup>	+305.8m <sup>2</sup> (+9%)
Maximum Plot Ratio	0.6	1	+0.4 (+66.7%)
Maximum Building Height	2 storeys over one level of carport	4 storeys over one level of carport	+2 storeys (+66.7%)
Maximum Site Coverage	30%	30%	0

- 1.2 Based on the applicant’s indicative development scheme (**Drawings Z-2 to Z-8**), eight 4-storey houses and a club house are proposed within the private lot (i.e. the boundary of the proposed “R(C)2” zone). To avoid jeopardising any future road improvement works of Hang Hau Road, the applicant proposes to designate the area, which is at present within area shown as ‘Road’ but will be included in the proposed “R(C)2” zone, as “non-building area” (“NBA”) under lease modification application and surrender that area to the Government upon demand free of cost (**Drawing Z-1**). The applicant also proposes to re-align the access road to facilitate any future road improvement works (**Drawing Z-2**). The southern portion of the proposed access road would be on government land outside the private lot and falls within the existing and proposed “GB” zone. The western part of the Site proposed to be rezoned from “GB” to “R(C)2” is also designated as NBA in order to retain the slope/vegetated area under the indicative development scheme. The major development parameters of the indicative development scheme are summarised below:

Site Area (about) (“R(C)2”)	3,716.09m <sup>2</sup> (the private lot)
Plot Ratio	Not exceeding 1
Domestic Gross Floor Area (GFA)	Not exceeding 3,716.09m <sup>2</sup>
Site Coverage	Not exceeding 30% (including Club House)
GFA of Club House <sup>(1)</sup>	167.22m <sup>2</sup>
No. of Houses	8
No. of Storeys	House: 4 storeys over 1 level of basement carport Club House: 2 storeys

Building Height	House: 15.95m (70mPD) Club House: 4.5m (61.55 mPD)
No. of Parking Spaces	Private Car: 16 Visitor: 2
Average Unit Size (about)	464.5m <sup>2</sup>

(1) According to applicant's proposal, the resident's club house is assumed to be exempted from GFA calculation, subject to approval by the Building Authority under the General Building Plan submission

- 1.3 According to the applicant's Landscape Proposal with Tree Survey Report (LPTSR), a total of 12 common trees (1 within the Site) in fair to poor conditions will be affected and are proposed to be felled due to the house development and access road works (**Drawing Z-9**). All trees will be compensated in replanting ratio of 1:1. According to the applicant's revised Traffic Impact Assessment (TIA) (**Appendix Ia**), signalisation of junction at Po Ning Road/Sheung Ning Road/Ying Yip Road (**Plan Z-1** and **Drawing Z-10**) to be implemented by the Civil Engineering and Development Department will improve its capacity. The applicant also proposes to provide an exclusive traffic lane at Po Ning Road westbound (**Plan Z-1** and **Drawing Z-11**) to improve the capacity of junction at Po Ning Road/Po Shun Road/Po Lam Road North, although the implementation agent has yet to be identified.
- 1.4 Part of the Site (i.e. the private lot of about 3,716.09m<sup>2</sup>) is the subject of an approved s.16 application No. A/TKO/106 for a 2-storey house development. The private lot falling within "R(C)1", "GB" and area shown as 'Road' is a building lot. The approved application with proposed PR of 0.6, SC of 30% and BH of two storeys has reflected the development right under lease.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form with letters received on 19.10.2018 (**Appendix I**)
  - (b) Planning Statement<sup>1</sup>
  - (c) Supplementary Information dated 24.10.2018 clarifying the area distribution of the Site<sup>1</sup>
  - (d) Further Information (FI) received on 21.2.2019 providing responses to departmental comments<sup>^1</sup>
  - (e) FI received on 20.6.2019 providing revised TIA and responses to departmental comments<sup>\*1</sup>
  - (f) FI received on 12.7.2019 providing revised master layout plan and block plan<sup>^1</sup>
  - (g) FI received on 5.11.2019 and 6.11.2019 providing a plan indicating planned junction improvement works at Po Ning Road/Sheung Ning Road/Ying Yip Road<sup>^1</sup>

<sup>1</sup> The consolidated Planning Statement at **Appendix Ia** have incorporated the original Planning Statement and all previous FIs. The applicant has confirmed that the previous FIs could be superseded by the consolidated Planning Statement. Hence, the superseded FIs are not attached.

\* Not exempted from publication and recounting requirements

^ Exempted from publication and recounting requirements

- (h) FI received on 12.11.2019 providing Visual Impact Assessment (VIA)\*<sup>1</sup>
- (i) FI received on 23.12.2019 providing Sewerage Impact Assessment (SIA), Geotechnical Planning Review Report (GPRR) and responses to departmental comments\*<sup>1</sup>
- (j) FI received on 18.2.2020 providing LPTSR and responses to departmental comments\*<sup>1</sup>
- (k) FI received on 11.3.2020 providing responses to departmental comments<sup>^1</sup>
- (l) FI received on 2.4.2020 providing Environmental Assessment (EA)\*<sup>1</sup>
- (m) FI received on 20.4.2020 providing revised SIA and responses to departmental comments\*<sup>1</sup>
- (n) FI received on 22.4.2020 providing revised VIA and responses to departmental comments\*<sup>1</sup>
- (o) FI received on 19.6.2020 providing revised EA and responses to departmental comments\*<sup>1</sup>
- (p) FI received on 10.7.2020 providing responses to departmental and public comments<sup>^1</sup>
- (q) FI received on 24.7.2020 providing replacement pages of revised EA and responses to departmental comments<sup>^1</sup>
- (r) FI received on 4.9.2020 including a consolidated Planning Statement with technical assessments as well as responses to departmental and public comments<sup>^</sup> **(Appendix Ia)**

1.6 On 21.12.2018, 3.5.2019 and 6.9.2019, the Committee agreed to defer making a decision on the application each for two months, as requested by the applicant, to allow time for preparation of FI in response to comments from government departments. From February 2019 to September 2020, the applicant submitted FIs as detailed 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 section 5 of the consolidated Planning Statement at **Appendix Ia**. They are summarised as follows:

### *In Line with Government Policy to Increase Housing Supply*

- (a) Increasing the housing supply of public and private housing remains to be the most important policy of the Government. The proposed rezoning for an increased PR from 0.6 to 1 is in line with Government's policy. Four sites in Tseung Kwan O are recently rezoned from "GB" and/or "G/IC" to "R(A)7" with maximum PR of 6.5 (for planned public housing development), one of which is within short distance from the Site.

### *In Line with Planning Intention*

- (b) The proposed rezoning is consistent with the planning intention of "R(C)" zone, which is intended for low-rise and low-density development.

*Compatible with Surrounding*

- (c) The surrounding development to the east and north of the Site are mainly low-rise and low-density residential developments within “R(C)3”, “R(C)4” and “R(C)5” zones with PR restriction from 0.4 to 0.6 and with BH restriction of 3 storeys including carport (9m); an area zoned “R(A)7” and a high-density residential development zoned “R(A)” (Fu Ning Garden) are located within a short distance from the Site. Situated in between the low-density areas and the high-density areas, the Site with a proposed PR of 1 is a reasonable transition which shows inclination to the lower-density end. It will not cause any abrupt change to the character of the surrounding area.

*No Adverse Traffic Impact*

- (d) The revised TIA at **Appendix Ia** indicates that with the proposed junction improvement at Po Ning Road/Sheung Ning Road/Ying Yip Road to a signalised junction (**Drawing Z-10**), and the proposed exclusive traffic lane at Po Ning Road westbound (**Drawing Z-11**) to improve the junction capacity at Po Ning Road/Po Shun Road/Po Lam Road North, the proposed development will not induce adverse traffic impact on the adjacent road junctions. The assessment indicates that the traffic generated by the proposed residential development is not anticipated to induce additional traffic impact onto the adjacent junctions. The proposed development scheme is acceptable from traffic point of view.

*No Adverse Visual Impact*

- (e) The BH of the proposed development is similar to the road level of the roundabout at Hang Hau Road. Public view from Hang Hau Road will not be adversely affected by the proposed development. Views to the proposed development from the selected vantage points will be blocked by trees and other residential developments (**Drawings Z-12 to Z-16**). Adverse visual impact is not anticipated.

*No Adverse Impact to Landscape Context*

- (f) In combination of tree preservation and selection of good quality species to compensate the 12 affected trees, the landscape value and amenity value of the local landscape context will be enhanced and the living quality of the future residents will be improved.

*No Adverse Environmental, Sewage, Drainage and Geotechnical Impacts*

- (g) Relevant technical assessments have concluded that the proposed development will not cause adverse environmental, sewage, drainage and geotechnical impacts.

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

The applicant is the sole “current land owner” of the private lot. Detailed information would be deposited at the meeting for Members’ inspection. For the portion falling within government land, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) is not applicable to the application.

#### 4. **Previous Application**

Part of the Site (i.e. Lot No. 310 in D.D. 224 of about 3,716.09m<sup>2</sup>) is the subject of a s.16 application No. A/TKO/106 submitted by the same applicant for a 2-storey house development within “R(C)1”, “GB” zones and area shown as ‘Road’ with a maximum PR of 0.6, a maximum SC of 30% and a maximum BH of 2 storeys over one level of carport (**Plan Z-3**). The entire lot No. 310 is a building lot. A 2-storey house with a total GFA of 2,229.6m<sup>2</sup>, BH of 7.62m and 2 private car parking spaces was proposed to be built within area zoned “R(C)1” and no structure would be erected within area zoned “GB” whereas the area shown as ‘Road’ will remain as part of the access road. The application was approved with conditions by the Committee on 18.3.2016 mainly on the grounds that the proposed PR of 0.6, SC of 30% and BH of two storeys (7.62m) is generally in line with the planning intention of the “R(C)” zone; the proposed development does not deviate from the planning intention of “GB” zone in containing the urban sprawl by natural features; it would not affect the planned road upgrading at Hang Hau Road; no adverse visual and landscape impact is anticipated since the “GB” zone would remain unchanged with no trees to be felled; the inclusion of the “GB” area reflects the lease entitlement; and it would unlikely cause major adverse impact on the surroundings in view of the small scale of the proposed development. Details of the previous application are set out in **Appendix II**.

#### 5. **Similar Applications**

- 5.1 There is no similar application for rezoning from “R(C)1” to “R(C)2”.
- 5.2 There are two similar s.12A applications (No. Y/TKO/3 and Y/TKO/4) for rezoning from “GB” to “R(C)2” with maximum PR of 0.4 and BH of 3 storeys including carport (**Plan Z-1**). The two applications cover largely the same site. They were rejected by the Committee on 26.8.2016 and 13.10.2017 respectively mainly on the grounds that the sites were considered as an integral part of the “GB” zone serving as a green and visual buffer amidst the existing developed area and no strong justification had been provided to rezone the sites from “GB” to “R(C)2”; unable to demonstrate that the rezoning application would not cause adverse impact on the existing landscape resources of the surrounding area and that the proposed development would bring significant environmental improvement to the area; and the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. Details of similar applications are set out in **Appendix III**.

#### 6. **The Site and Its Surrounding Areas (Plans Z-1 to Z-4, Photos on Plans Z-5a to Z-5d and Plan Z-6)**

- 6.1 The Site is:
  - (a) partly occupied by dilapidated 1 to 2-storey buildings with an outdoor swimming pool within the “R(C)1” zone and partly a vegetated natural slope within the “GB” zone on the private lot (**Plan Z-3 and Z-4**);

- (b) covered with trees and shrubs along the northern and southern strips within the “R(C)1” zone on government land (**Plan Z-4** and **Z-5a**); and
- (c) accessible from Hang Hau Road.

6.2 The surrounding areas have the following characteristics:

- (a) to its immediate south, west and north are densely vegetated slopes within the “GB” zone;
- (b) to the southwest lies the Shui Bin Village and Hang Hau Village (**Plans Z-1 & Z-4**);
- (c) to its further north across the Hang Hau Road/Ying Yip Road roundabout is a 2-storey house zoned “R(C)1” (**Plan Z-1**);
- (d) to its further east and northeast abutting Hang Hau Road and Clear Water Bay Road are low-rise and low-density residential developments with PRs ranging from 0.2 to 0.6 and BHs of 9m and 3 storeys including carport, on the approved Clear Water Bay Peninsula North OZP No. S/SK-CWBN/6 (**Plan Z-6**);
- (e) to its further northwest across the vegetated slope are the Clear Water Bay Film Studio zoned “Comprehensive Development Area” and planned public housing development zoned “Residential (Group A) 7” (**Plan Z-6**); and
- (f) to its further southwest are mainly high-rise residential towers in town centre of Hang Hau zoned “Residential (Group A)” (**Plan Z-6**).

## 7. Planning Intention

- 7.1 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 Town Planning Board (the Board). The restrictions of the “R(C)1” zone is to ensure that any development or redevelopment of this sub-area will be in line with the general character of the adjoining environment.
- 7.2 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.
- 7.3 The planning intention for the area shown as ‘Road’ on the OZP is for the future road improvement of Hang Hau Road.

## 8. Comments from Relevant Government Departments

8.1 The following government departments have been consulted and their views are summarised as follows:

### Land Administration

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

- (a) no in-principle objection to the proposed planning application;
- (b) the Lot is held under New Grant No. 3552 dated 14.3.1957 for building and garden purposes subject to G.N. No. 364/1934 as amended by G.N. Nos. 50/1940 and 106/1946 and a modification letter dated the 20<sup>th</sup> day of March 2017 (the said Conditions of New Grant as amended or modified as aforesaid are hereinafter referred to as “the Conditions”). The major development restrictions are listed below:
  - (i) not to erect any building except one private dwelling house of not more than 2 storeys with outbuildings proper thereon;
  - (ii) for private residential purposes only;
  - (iii) no apartment development;
  - (iv) open space belonging to the owners shall be provided at the rear of every new building and such open space shall have an area at least equal to half the roofed-over area of the building;
  - (v) the height of any building shall not exceed 25 feet and no storey shall be less than 10 feet in height;
  - (vi) non-exclusive right-of-way from Clearwater Bay Road to the Lot (**Plan Z-3**);
  - (vii) slope maintenance on the adjoining government land.
- (c) pending relevant departments’ comments on (i) and (ii) below, appropriate specific condition(s) may be incorporated into the lease of the Lot 310 in D.D. 224 upon receiving lease modification application from the applicant and subject to District Lands Conference (DLC)’s approval to the application;
  - (i) the proposed NBAs within the existing Lot 310 in D.D. 224 appears forming part of the future road improvement area and the existing area zoned “GB”.
    - a. Regarding the NBA forming part of the future road



improvement area, relevant departments' comment would be sought for the incorporation of special conditions for the concerned NBA stipulating:

- i. not allowing the erection of buildings or structures in the area;
  - ii. formation of area to the satisfaction of Government and upon request by Government requiring the surrender of area to Transport Department and Highways Department for the road improvement;
  - iii. no guarantee for the attainment of maximum GFA upon redevelopment under the lease after the surrender of area;
- b. Regarding the NBA proposed at the existing area zoned "GB", appropriate comment would be sought from relevant departments upon receiving the lease modification application;
- (ii) Transport Department's comment shall be sought regarding the location of vehicular access points before and after the implementation of the said road improvement works;
- (d) regarding the applicant's proposal of providing 2 additional open visitors' car parking spaces, there is no car parking restriction stipulated in the existing lease of the Lot. Subject to DLC's approval, overall car parking requirement for the development would be incorporated into the lease pending relevant department's comment upon receiving the lease modification application from the applicant;
- (e) the applicant's proposal would not comply with existing lease conditions. Hence, lease modification application shall be submitted by the applicant to implement their proposal including the incorporation of lease conditions as indicated in (c) and (d) above upon the approval by the Board;
- (f) there is no tree preservation clause or landscape clause under the existing lease of the lot. Should the Applicant submit lease modification application after completion of rezoning application, tree preservation clause and landscape clause may be incorporated to the lease subject to DLC's decision; and
- (g) the details of the house development proposal would be examined during the stage of lease modification application. Should the lease modification be approved, it will be subject to such terms and conditions, including payment of premium and administrative fee, as considered appropriate. However, there is no guarantee that the said lease modification will be approved irrespective of any

approval given by the Board.

### **Traffic**

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

- (a) no adverse comment on the TIA and responses-to-comments; and
- (b) the rezoning proposal shall not jeopardise the implementation of the future road improvement of Hang Hau Road.

8.1.3 Comments of the Project Team Leader/Housing, Civil Engineering and Development Department (PTL/H, CEDD):

- (a) no comment on the layout of the improvement works at Po Ning Road, Sheung Ning Road and Ying Yip Road; and
- (b) the applicant should not presume the junction improvement works would be in place by the time when the development at Lot No. 310 in D.D.224 and adjoining government land is completed.

### **Environment**

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

- (a) no comment on the revised EA;
- (b) based on the revised EA and SIA report and FI received on 24 July 2020 which provide the clarification on the noise impact assessment for the subject development to support the application, it is expected that with the implementation of environmental mitigation measures committed by the applicant in the EA and SIA reports as highlighted below, the subject development would not cause/be subject to adverse environmental impacts exceeding the HKPSG criteria;
  - (i) with the proposed layouts for the development and implementation of noise mitigation measures recommended in the EA report (blank façade or fixed glazing as shown in Figure 3.4 and Figure 3.5 of the revised EA report for the residential units facing Hang Hau Road), the noise levels at all residential units of the proposed development will comply with the traffic noise criteria (70dB(A));
  - (ii) sufficient setback distance will be provided between the subject site and the adjacent Ying Yip Road and Hang Hau Road to ensure no adverse air quality impact; and
  - (iii) the septic tank and soakaway pit system has been proposed for treatment of sewage generated from the proposed development to ensure no adverse water quality impact; and

- (c) it is noted that there will be a mechanism in place (e.g. through lease modification) to require the developer to submit a Noise Impact Assessment report and implement noise mitigation measures if rezoning application is to be approved by the Board, he would have no objection to the rezoning application.

### **Urban Design and Visual**

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

- (a) the Site is surrounded by vegetated woodland zoned “GB” to the north, west and south of the Site and Hang Hau Road to the east which is at a higher site level of about 70mPD. According to section plans and landscape master plan, the proposed houses are about 13.8m (70mPD) and the western part of the Site consists of existing vegetated slopes which will be preserved;
- (b) judging from the proposed indicative layout, the resultant building mass and building height would not give rise to significant adverse visual impact in the current site context. The preservation of the existing vegetated slopes would also alleviate potential visual impact when viewed from west of the Site such as from Hang Hau Village; and
- (c) taking into account the R-to-C tables and updated photomontages, it is considered that the proposed development would not generate significant adverse visual impact to the surrounding sensitive visual receivers from the identified viewing points.

### **Landscape**

#### 8.1.6 Comments of the CTP/UD&L, PlanD:

- (a) no objection to the rezoning application from landscape planning perspective; and
- (b) according to the site photos taken in 2018, some existing vegetation is observed within the Site and some existing trees are found at the “GB” portion (about 763m<sup>2</sup>) of the Site and in close proximity to the Site boundary (**Plans Z-4 and Z-5a**). In the wider landscape context, the landscape character of the Site is the urban fringe area which locates close to Ngan Sin Wan (Silverstrand) of Sai Kung at the hillside of Duckling Hill. To the northwest and southeast is the fully vegetated “GB” zone. Within the “GB” zone, two low-rise residential developments, Shui Bin Village and Junk Bay Villa are found (**Plan Z-5d**). In this connection the proposed development is not incompatible with the existing adjacent environment.

### **Nature Conservation**

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

- (a) no strong view on the application given that the natural wooded slope originally zoned “GB” within the lot would not be affected by the proposed development, as stated in the application document; and
- (b) no adverse comment on the LPTSR and responses-to-comments, noting that impact is limited to 12 nos. of common tree in fair to poor conditions with provision of compensatory planting to make up for loss of greenery.

### **Sewerage and Drainage**

8.1.8 Comments of DEP:

no comment on the SIA.

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

- (a) no comment from sewerage viewpoint on the SIA, in which only septic tank and soakaway pit system is proposed for the proposed development;
- (b) his comment should be subject to the view and agreement of EPD as the planning authority of sewerage infrastructure; and
- (c) no comment from drainage maintenance viewpoint.

### **Building Matters**

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

- (a) no in-principle objection to the application under the Buildings Ordinance (BO). Detailed comments are as follows:
  - (i) unless the Site abuts on a specified street under Building (Planning) Regulation (B(P)R) 18A(3) of not less than 4.5m wide, its development intensity 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)R 5;

- (iii) emergency vehicular access complying with B(P)R 41D shall be provided for all buildings in the Site;
- (iv) PNAP APP-2, 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;
- (v) 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; and
- (vi) 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.

### **Fire Safety**

#### 8.1.11 Comments of the Director of Fire Services (D of FS):

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

### **Water Supply**

#### 8.1.12 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**

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

no comment on the GPRR.

### **Local Views**

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

- (a) no comment on the application; and
- (b) former District Council member of the Hang Hau East Constituency (Q04) and the former chairman of Hang Hau Rural Committee raised concern over traffic issues (e.g. traffic congestion, public transport issue) along Clear Water Bay Road, Ying Yip Road and Hang Hau Road for increased population.

8.2 The following departments have no comment on the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Comments of the Chief Architect/CMD2, Architectural Services Department (CA/CMD2, ArchSD);
- (d) Commissioner of Police (C of P); and
- (e) Project Manager (East), Civil Engineering and Development Department (PM(E), CEDD).

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

During the statutory public inspection periods of the application and the FIs, a total of 22 public comments were received from three current or former Sai Kung District Council (SKDC) members, Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society and two individuals (**Appendix IV**). Seventeen of them raise objection to the application mainly on grounds of not in line with the planning intention of “GB” zone, adverse ecological impacts on the “GB”, setting undesirable precedent to future development within the “GB” and limited justifications for rezoning the “GB” area. One current and one former SKDC members raise concerns on the impacts of the proposal on government land, the need for the applicant to improve the run-in/out at Hang Hau Road and the impacts of the proposal on the future traffic flow and traffic capacity of Ying Yip Road and Hang Hau Road. One comment expresses views on procedural matters. Two comments are not related to the application.

## **10. Planning Considerations and Assessments**

10.1 The proposal is to rezone the Site from “R(C)1”, “GB”, and area shown as ‘Road’ to “R(C)2” and “GB” (**Plan Z-2**). The Site has a total area of about 4,195.29m<sup>2</sup>, comprising private lot of about 3,716.09m<sup>2</sup> (88.6%) and government land of about 479.2m<sup>2</sup> (11.4%). The proposed rezoning is to adjust the

boundary of the “R(C)” zone to tally with the private lot No. 310 in D.D. 224 by rezoning the private lot area from “R(C)1”, “GB” and area shown as ‘Road’ to “R(C)2” and to allow increase of PR from 0.6 to 1 and BH from 2 storeys over one level of carport to 4 storeys over one level of carport for redevelopment of house. The northern and south-eastern parts of the Site are government land proposed to be rezoned from “R(C)1” to “GB”. According to the applicant’s indicative scheme (**Drawing Z-2**), the proposed 8 houses and a 2-storey clubhouse would be developed within an area currently zoned “R(C)1” on the private lot, whereas the western part of the Site, which is proposed to be rezoned from “GB” to “R(C)2”, will be retained as slope/vegetated area.

- 10.2 To increase land supply and optimise development potential of housing land as announced in the 2014 Policy Address, consideration could be given to increasing the PR of low-density zone in new towns by up to 100% subject to duly addressing the potential impacts on traffic, infrastructural capacity and environment, etc. arising from the proposed increase in development intensity. The proposed increase in development intensity from “R(C)1” to “R(C)2” (increase in PR of about 66.7%) is in line with the Government’s initiative to increase housing supply.
- 10.3 The planning intention of the “R(C)” zone is primarily for low-rise and low-density residential developments. Development restrictions of maximum PR of 0.6, maximum SC of 30% and maximum BH of 2 storeys over 1 level of carport within “R(C)1” sub-area are to ensure that development within this sub-area will be in line with the general character of the adjoining environment. While developments to the further east and northeast abutting Hang Hau Road and Clear Water Bay Road are mainly low-rise and low-density residential developments which are subject to maximum PRs ranging from 0.2 to 0.6 and maximum BHs of 9m and 3 storeys including carport on the Clear Water Bay North OZP, there are also existing high-rise residential towers and planned public housing development zoned “R(A)” and “R(A)7” to the southwest and northwest of the Site respectively within the Tseung Kwan O New Town area (**Plan Z-6**). Given the Site is situated in an urban fringe setting, although the proposed PR of 1 and BH of 4 storeys over 1 level of carport are higher than other “R(C)” sites in the immediate surrounding, the proposed ‘R(C)2’ sub-area is still in line with the overall planning intention of the “R(C)” zone for low-rise and low-density residential developments. CTP/UD&L, PlanD also considers that the proposal is not incompatible with the surrounding environment.
- 10.4 For the existing vegetated slope zoned “GB” within the Site, according to the indicative scheme submitted by the applicant, it will be preserved and designated as NBA. According to the LPTSR submitted by the applicant, a total number of 12 common trees (1 within the Site) in fair to poor conditions are proposed to be felled due to the house development and road works (access to the private lot) and all these trees will be compensated. As the natural landscape in the locality will not be adversely affected and the existing vegetated slope will remain natural with no structure erected, CTP/UD&L, PlanD and DFAC have no objection to/no strong view on the application from landscape and nature conservation perspectives. If the Board agrees to rezone the western “GB” portion of the Site to “R(C)2”, tree preservation and NBA clauses could be included as lease conditions during lease modification stage.

- 10.5 The proposed eight 4-storey houses and clubhouse are located on a lower platform (about 57.05 mPD) adjacent to Hang Hau Road (about 65.2mPD) and separated by a vegetated man-made slope. The maximum BH of the proposed houses and clubhouse are 70mPD and 61.55 mPD respectively, which is similar to or lower than the level of the Hang Hau Road roundabout (about 70mPD). According to the VIA submitted by the applicant, negligible visual impact is observed from different viewpoints. The vegetation to the east and west of the Site also helps alleviate any potential visual impact. CTP/UD&L, PlanD has no adverse comment from visual perspective.
- 10.6 Given the small scale of the proposed development, the TIA submitted by the applicant indicates that the proposal is not anticipated to induce additional traffic impact to the adjacent junctions and is acceptable from traffic point of view. C for T has no adverse comment on the TIA.
- 10.7 The applicant has also submitted technical assessments including EA, SIA and GPRR to demonstrate that no adverse environmental, sewerage and geotechnical impacts will be resulted from the proposed development. Relevant departments, including DEP, CE/MS, DSD and H(GEO), CEDD have no adverse comment on or objection to the application. If the Board agrees to the application, consideration could be given to require submission of a Noise Impact Assessment and implementation of noise mitigation measures as lease condition during lease modification stage as suggested by DEP in paragraph 8.1.4.
- 10.8 A minor portion of the Site currently shown as 'Road', which is reserved for future road improvement works of Hang Hau Road, is proposed to be rezoned as "R(C)2" to tally with the boundary of private lot (**Plans Z-2 and 3**) and the applicant proposes to designate the area as NBA which is to be surrendered to the Government upon demand free of cost. C for T considers that the rezoning proposal shall not jeopardise the future road improvement of Hang Hau Road. Given the clear planning intention for future road use at the concerned area, rezoning of the concerned area to "R(C)2" as proposed by the applicant is considered not appropriate, and the area should be maintained as area shown as 'Road' to reflect the planned land use under the OZP.
- 10.9 The proposed rezoning of the northern and southern strips of government land from "R(C)1" to "GB" also reflects their existing condition with tree and shrub cover at the fringe of the larger "GB" zone.
- 10.10 The "R(C)1" sub-area immediately north of the Site and those in the vicinity along Clear Water Bay Road on the Clear Water Bay Peninsula North OZP have been developed. Any future requests for rezoning to increase development intensity and BH restrictions should be subject to individual case merits and be supported by technical assessments to ascertain the feasibility of each case.
- 10.11 There are 19 public comments objecting to or raising concern on the application mainly on the grounds of not in line with the planning intention of "GB" zone, adverse ecological impacts on the "GB" zone, setting undesirable precedent to future development within the "GB" zone, limited justifications for rezoning the "GB" area. DO(SK) also advises that the former Chairman of Hang Hau Rural Committee and former District Council member of Hang Hau East have raised



their concerns on traffic issues. The planning assessments in paragraphs 10.1 to 10.10 above are relevant.

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

- 11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9 above, Planning Department has no in-principle objection to the application and recommends the Committee to partially agree to the application by rezoning part of the Site currently zoned "R(C)1" and "GB" to a suitable sub-area of "R(C)" with a maximum PR of 1, a maximum SC of 30% and a maximum BH of 4 storeys over one level of carport, as well as rezoning the northern and south-eastern parts of the Site currently zoned "R(C)1" to "GB".
- 11.2 Should the Committee decide to agree/partially agree to the application, the relevant proposed amendments to the draft Tseung Kwan O OZP No. S/TKO/27 would be submitted to the Committee for agreement prior to gazetting under the Town Planning Ordinance.
- 11.3 Alternatively, should the Committee decide not to agree to the application, the following reasons are suggested for Members' consideration:
- (a) there is no strong planning justification to support the proposed rezoning application from "R(C)1", "GB" and area shown as 'Road' to "R(C)2" and "GB" for increasing development intensity of the Site; and
  - (b) the area shown as 'Road' is intended for the future road improvement work of Hang Hau Road. There is no strong planning justification to rezone the area to "R(C)2".

## **12. Decision Sought**

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

## **13. Attachments**

<b>Appendix I</b>	Application Form with Letters received on 19.10.2018
<b>Appendix Ia</b>	FI received on 4.9.2020
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Public Comments
<b>Drawing Z-1</b>	Rezoning Proposal
<b>Drawing Z-2</b>	Master Layout Plan
<b>Drawings Z-3 to Z-4</b>	Overall Block Plans

<b>Drawing Z-5</b>	Basement Floor Plan
<b>Drawing Z-6</b>	Ground Floor Plan
<b>Drawing Z-7</b>	1/F to 3/F Floor Plans
<b>Drawing Z-8</b>	Section Plan
<b>Drawing Z-9</b>	Tree Felling Location Plan
<b>Drawing Z-10</b>	Schematic Junction Layout Plan of Po Ning Road/Sheung Ning Road/Ying Yip Road
<b>Drawing Z-11</b>	Schematic Junction Layout Plan of Po Ning Road/Po Shun Road/Po Lam Road North
<b>Drawings Z-12 to Z-16</b>	Photomontages
<b>Plan Z-1</b>	Location Plan
<b>Plan Z-2</b>	Comparison of Existing and Proposed Land Use Zonings
<b>Plan Z-3</b>	Site Plan
<b>Plan Z-4</b>	Aerial Photo
<b>Plans Z-5a to Z-5d</b>	Site Photos
<b>Plan Z-6</b>	Surrounding Development Analysis Plan

**PLANNING DEPARTMENT  
SEPTEMBER 2020**