

Section 16 Application for Proposed Minor Relaxation of Building Height Restriction for Permitted House development in “Residential (Group C)2” Zone at Lot No. 214 in D.D. 219 & the Extension thereto and Adjoining Government Land, Tin Shek Road, Sai Kung, New Territories

Supporting Planning Statement

Final | November 2024

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

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Executive Summary

Pursuant to Section 16 of the Town Planning Ordinance (TPO), this Supporting Planning Statement is prepared and submitted to seek approval from Town Planning Board (TPB) for Proposed Minor Relaxation of Building Height (BH) restriction for Permitted House development (Proposed Scheme) in the “Residential (Group C)2” (“R(C)2”) zone at Lot No. 214 in D.D. 219 & the Extension thereto and Adjoining Government Land, Tin Shek Road, Sai Kung, New Territories (the Application Site).

The Application Site, with an area of about 681.4m², is currently occupied by a 3-storey house with BH of 7.6m for residential purpose. It is situated within a predominantly low-dense residential neighbourhood in Sai Kung. It falls within the “R(C)2” zone on the Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11, which is intended “*primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the TPB*”. According to the Notes of “R(C)2”, the Application Site is subject to a maximum plot ratio (PR) of 0.4, site coverage (SC) of 20% and BH of 9m with 2 storeys over one storey of carport, or the PR, SC and height of building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, whichever is the greater.

The Proposed Scheme involves redevelopment of an existing House, which is a Column 1 use always permitted under the “R(C)2” zone. The Proposed Scheme comprises of a PR of not more than 0.4, SC of not more than 20% and a BH of 2 storeys over one storey of basement carpark. The proposed minor relaxation of BH from 9m to 11.3m is intended to accommodate a habitable headroom for health and well-being outcomes, as well as a basement carpark that fulfil operational requirements. It is worth to note that the resultant BH is only 2 storey (8m) visible from ground floor, as compared to the BH restriction of 9m visible from ground floor, while fully compatible with the surrounding context. A Tree Survey Report and Geotechnical Planning Review have been prepared in support of the planning application.

In summary, the proposed minor relaxation of BH is fully justified due to the following reasons:

- In-Line with the Planning Intention of the “R(C)” Zone;
- Fulfilling Habitable Need for House Use in Post-Pandemic Era;
- Echoing Government Policy for Underground Carparking and Exploring Opportunity for Access Enhancement;
- Fully Compatible with the Surrounding Neighbourhood;
- Proven Technically Feasible and Resulting in NO Adverse Impacts on Surrounding Environment; and
- Setting a Desirable Precedent for Minor Relaxation of Building Height with Individual Merits.

The Applicant has demonstrated his genuine intention and commitment in taking forward the Proposed Scheme at the Application Site. In light of the justifications put forward in this Supporting Planning Statement, we sincerely seek the favourable consideration from the TPB to give support to this Section 16 Application.

ARUP

行政摘要

(內文如與英文版本有任何差異，應以英文版本為準)

本《城市規劃條例》第 16 條規劃申請旨在獲得城市規劃委員會批准，於西貢田石路丈量約份第 219 約第 214 號及延展地段和毗連政府土地的「住宅（丙類）2」地帶（「申請地點」），作擬議略為放寬建築物高度限制，以作准許的屋宇發展（擬議發展方案）。

申請地點面積約為 681.4 平方米，現時為一所樓高三層約 7.6 米高的屋宇。申請地點位於蠔涌分區計劃大綱核准圖編號 S/SK-HC/11（分區計劃大綱圖）的「住宅（丙類）」地帶，其規劃意向主要是「作低層、低密度的住宅發展；服務住宅區一帶地方的商業用途，如向城市規劃委員會提出申請，或會獲得批准」。根據「住宅（丙類）2」地帶的註釋，申請地點上准許的最高地積比率為 0.4 倍，最大上蓋面積為 20%，以及最高建築物高度為 9 米（即一層開敞式停車間上加兩層）；或超過在有關中期發展審批地區圖的公告在憲報首次刊登該日已經存在的建築物的地積比率、上蓋面積和高度，兩者中以數目較大者為準。

擬議發展方案涉及重建現有屋宇，為「住宅（丙類）2」地帶內第一欄經常准許的用途。擬議發展方案的地積比率不超過 0.4、最大上蓋面積不超過 20%、建築物高度為 2 層高，並在地庫設有一層停車場。申請人擬議將現時 9 米的建築物高度限制略為放寬至 11.3 米，以提供宜居的居住空間高度，促進健康和福祉；同時提供滿足運作需要的地庫停車場空間。值得注意的是，從地面可見的 9 米建築高度限制相比，最終的建築物高度僅有 2 層高（8 米），並且完全與周圍環境兼容。申請人同時準備了樹木調查報告和岩土工程規劃檢討報告支持這項申請。

總括而言，擬議略為放寬建築物高度限制的合理原因如下：

- 符合「住宅（丙類）」地帶的規劃意向；
- 滿足後疫情時代房屋用途的宜居需求；
- 呼應政府推動地庫停車場的政策並研究改善車輛出入口的可能性；
- 完全與周邊環境兼容；
- 已證實擬議發展的技術可行性，並不會對周邊環境造成負面影響；及
- 為帶來個別增益的略為放寬建築物高度申請樹立理想的先例。

申請人對於在申請地點擬議發展方案持有誠懇和積極的態度。基於本規劃綱領所闡述的理據，我們懇請城規會支持是次第 16 條規劃申請。

ARUP

Section 16 Application for Minor Relaxation of Building Height Restriction for Permitted House development in "Residential (Group C)2" Zone at Lot No. 214 in D.D. 219 & the Extension thereto and Adjoining Government Land, Tin Shek Road, Sai Kung, New Territories

1. INTRODUCTION

- 1.1.1 Pursuant to Section 16 of the Town Planning Ordinance (TPO), this Supporting Planning Statement is prepared and submitted to seek approval from Town Planning Board (TPB) for Proposed Minor Relaxation of Building Height (BH) restriction for Permitted House development (Proposed Scheme) in the “Residential (Group C)2” (“R(C)2”) zone at Lot No. 214 in D.D. 219 & the Extension thereto and Adjoining Government Land, Tin Shek Road, Sai Kung, New Territories (“the Application Site”).
- 1.1.2 The Application Site, with an area of about 681.4m², is situated in a predominantly low-density residential neighbourhood in Sai Kung. The Application Site, which is currently paved and occupied by a three-storey house (with an existing BH of 7.6m), can be accessed from the Hiram’s Highway via Hing Keng Shek Road to Tin Shek Road.
- 1.1.3 The Application Site falls within “R(C)2” zone on the Approved Ho Chung Outline Zoning Plan No. S/SK-HC/11 (the OZP). The planning intention for “R(C)” zone is *“intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the TPB”*. Moreover, according to the OZP and Remark (b) of the Notes, the Application Site is subject to a maximum plot ratio (PR) of 0.4, a maximum site coverage (SC) of 20% and a maximum BH of 9m with 2 storeys over one storey of carport, or the PR, SC and height of building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, whichever is the greater. Remark (c) indicates that minor relaxation of the PR, SC and BH restrictions may be considered by the TPB based on the individual merits of a development or redevelopment proposal.
- 1.1.4 The Proposed Scheme involves redevelopment of an existing House, which is a Column 1 use always permitted under the “R(C)2” zone. The Proposed Scheme comprises of a PR of not more than 0.4, SC of not more than 20% and a BH of 2 storeys over one storey of carpark (at basement level). This planning application is submitted to seek minor relaxation of the overall BH from 9m to 11.3m. It is worth to note that by placing the carpark at basement level, only 8m of the Proposed Scheme (residential portion) will be visible from ground level, as compared to the BH restriction of 9m visible from ground floor. Moreover, the Proposed Scheme proposed a revised access point at the northern part of the Application Site to enhance overall safety and accessibility. In summary, the Proposed Scheme is in line with the planning intention and fully compatible with the low-density residential neighbourhood, while meeting the habitable needs for house and operational requirement for basement carpark.
- 1.1.5 This Supporting Planning Statement is to provide TPB to ascertain the technical feasibility of the Proposed Scheme for this Section 16 Application. It is structured as below:
- **Section 2** provides a brief description of the Application Site and its surrounding context;
 - **Section 3** presents the planning context of the Application Site;
 - **Section 4** details the Proposed Scheme in relation to general planning and design principles, and key development parameters;

- **Section 5** illustrates the planning justifications in support of this Planning Application; and
- **Section 6** concludes the Supporting Planning Statement.

1.1.6 We sincerely seek favourable consideration from the TPB to grant approval to this Section 16 Application.

2. SITE CONTEXT

2.1 Location

2.1.1 The Application Site is located on Tin Shek Road, Sai Kung and situated in a predominantly low-density residential neighbourhood. With a site area of about 681.4m², the Application Site is accessible from the Hiram's Highway via Hing Keng Shek Road to Tin Shek Road.

2.1.2 Please refer to **Figure 2.1** for the location plan of the Application Site.

2.2 Land status

2.2.1 About 552.5m² (or about 81%) of the Application Site is held under Lot No. 214 in D.D. 219 & the Extension thereto and solely owned by the Applicant. The remaining parts of the Application Site (about 19%) are comprised of Government land, where a land exchange application submitted by the Applicant is currently in progress.

2.2.2 Please refer to **Figures 2.2** for the lot index plan of the Application Site.

2.3 Existing Land Use

2.3.1 The Application Site is currently occupied by a 3-storey house, with a BH of about 7.6m, on the existing private lot, while the northern and southern portions of the Application Site (within Government land) are currently paved with roadside planting of low to medium amenity value.

2.3.2 Please refer to **Figure 2.3** for the existing condition of the Application Site.

2.4 Surrounding Land Use

2.4.1 The Application Site is situated within a predominantly rural residential neighbourhood comprising low-rise, low-density residential and village type developments.

2.4.2 To the **immediate north** and **northeast** of the Application Site are all 3-storey village houses along the Tin Shek Road and Yuk Shek Lane in the adjacent "V" zones. 3-storey village houses can be found in the Sam Fai Tin "V" zone located at the northern end of Hing Keng Shek Road.

2.4.3 To the **immediate east** of the Application Site are 3-storey houses along Mau Tin Lane within the same "R(C)2" zone. Clusters of low-rise 3-storey village houses within "V" zone, such as the Hillview Lodge and Bernard Garden, can be found.

2.4.4 To the **immediate south** of the Application Site is 3-storey houses along Tin Shek Road within the same "R(C)2" zone. To the **further southeast** of the Application Site is zoned "Green Belt" ("GB") extending to the Hiram's Highway.

2.4.5 To the **immediate west** and **northwest** of the Application Site are mainly 3-storey houses within the same “R(C)2” zone. To the **further west** across the “R(C)2” zone is the Ma On Shan Country Park.

2.4.6 All in all, the surrounding context of the Application Site is mainly low-rise and low-density residential/ village development surrounded by lush vegetation. Please refer to **Figures 2.4** for the surrounding context of the Application Site.

2.5 Accessibility

2.5.1 The existing access point of the Application Site locates along its eastern boundary, providing direct connection with Tin Shek Road. Tin Shek Road is a 3.5m wide rural road which connects to Hing King Shek Road, and further to the Hiram’s Highway, linking the Application Site to other parts of Sai Kung, Kowloon East and Tseung Kwan O.

2.5.2 The Application Site is also served by public transport services (e.g. Bus routes 92, 96R, 292P and 792M) located near the Pak Wai Roundabout of the Hiram’s Highway (about 1.4km from the Application Site), in which provide convenient connection to Sai Kung town centre and other urban areas such as Causeway Bay, Mong Kok and Kwun Tong, etc.

3. PLANNING CONTEXT

3.1 Land Use Zoning

- 3.1.1 The Application Site falls within “R(C)2” zone under the Approved Ho Chung OZP No. S/SK-HC/11. According to the Notes of the OZP, the planning intention for the general “R(C)” zone is for “*low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the TPB*”. It should also be noted that ‘House’ is a Column 1 use which is always permitted under the “R(C)” zone.
- 3.1.2 Remark (b) in the Notes specify that on land designated “R(C)2”, “*no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 0.4, a maximum site coverage of 20% and a maximum building height of 9m with 2 storeys over one storey of carport, or the plot ratio, site coverage and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, whichever is the greater*”.
- 3.1.3 Remark (c) in the Notes also states that “*based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR, SC and BH restrictions may be considered by the TPB on application under section 16 of the TPO*”.
- 3.1.4 Please refer to **Figures 3.1a** to **3.1d** for the extracts of the Notes, Schedule of Uses, and Explanatory Statement (ES) of the Ho Chung OZP No. S/SK-HC/11.

3.2 Reasonable Headroom for Health and Well-being in Post-Pandemic Era

- 3.2.1 With reference to PNAP APP-5, updated in May 2019, the minimum height of rooms for habitation or office for health reason is 2.5m. It is also stated that “*a range of storey height for domestic buildings may be accepted by Buildings Department (“BD”) for the purpose of regulation 23(3) (a) of the Building (Planning) Regulations (“B(P)R”) provided that the proposed height of storeys does not exceed the following maximum heights*”:

Flat	House
Topmost floor – 4m*	4.5m
Typical floor – 3.5m	

*Where the topmost floor consists of duplex or triplex units, the maximum height of topmost floor can only be applied to only one storey of the duplex or triplex units”.

- 3.2.2 After the COVID-19 pandemic, public’s concerns on indoor air ventilation have grown overtime. References are observed on the positive correlation of floor-to-floor-height and indoor air ventilation performance. Higher floor-to-floor-heights would contribute to greater volumes of the house, which would increase and facilitate more significant air

movement and reduce resistance to air flow¹. Spaces with higher floor-to-floor-height would be more optimal for natural displacement ventilation².

3.3 Government's Initiative to Encourage Carparking at Basement Levels

3.3.1 It is understood from the PNAP APP-2, updated in December 2023, that underground car parks are being encouraged and promoted in Hong Kong to enhance utilisation of underground spaces. 100% Gross Floor Area (GFA) concession would be given to underground private and public car parks, as well as underground loading / unloading areas under regulation 23(3)(b) of the "B(P)R". It is evident that the Government strives to provide incentives for underground parking facilities in response to the public concern about car parks being a contributor to building bulk and height, which has considered the demand for parking spaces and the need for maintaining a sustainable built environment³.

3.3.2 Adhering to the principle of "*single site, multiple use*", provision of public and private car parks at underground level is not uncommon. The additional benefit of doing so is to free up more space at ground level which enables recreational and landscaping opportunities for enjoyment, bringing greater benefits to the community and achieving optimal land use.

¹ Benito et al., 2021. Ventilation for Residential Buildings: Critical Assessment of Standard Requirements in the COVID-19 Pandemic Context. Source: <https://www.frontiersin.org/journals/built-environment/articles/10.3389/fbuil.2021.656718/full>

² Bhagat et al., 2020. Effects of ventilation on the indoor spread of COVID-19. Source: <https://pmc.ncbi.nlm.nih.gov/articles/PMC7520710/>

³ Press Release of HKSAR Government on carparking spaces provided in development projects dated 7 July 2021. Source: <https://www.info.gov.hk/gia/general/202107/07/P2021070700367.htm?fontSize=3>

4. THE PROPOSED SCHEME

4.1 General Planning and Design Principles

- 4.1.1 Taking into consideration the aforementioned planning context and the planning intention, following general planning and design principles are formulated to guide the formulation of the Proposed Scheme.
- 4.1.2 **Maintaining Full Compatibility with Surrounding Areas** – The surrounding context of the Application Site is predominantly low-rise residential nature with 3-storey village houses. The Proposed Scheme intends to fully respect the development restrictions of the “R(C)2” zone, including PR, SC and BH (with 2 storeys visible on ground), by placing the permitted one-storey carport to underground level. The resultant BH of the Proposed Scheme visible on ground, i.e. 8m, is similar to the BH of the existing house (i.e. 7.6m), maintaining compatibility with surrounding areas.
- 4.1.3 **Providing a Healthy Living Environment by Adopting a Habitable Floor-to-Floor Height** – With reference to Section 3.3, Applicant seeks for a reasonable 4m floor-to-floor height for the residential portion of the Proposed Scheme, which do not only complies with the PNAP APP-5 (highest BH allowed for ‘House’ is 4.5m), while at the same time provide opportunity for upgrading indoor living environment through redevelopment of the house from health and well-being point of view. A habitable floor-to-floor height is evident to enhance air circulation and reduce indoor pollutants, which is particularly important in the post-pandemic era.
- 4.1.4 **Providing Underground Carparking that meets Operational Requirements**– Echoing with Government’s initiative detailed in Section 3.2, one key feature of the Proposed Scheme is to provide the permitted one-storey carport at underground level. This does not only reduce the overall building bulk and height perceived at ground level, but also provide additional landscaping and recreational opportunities for the House development. To cater for operational requirements for underground carparking and headroom requirement for the approaching ramp, a reasonable floor-to-floor height of 3.3m is proposed at B/F.
- 4.1.5 **Enhancing Access Arrangement on Tin Shek Road**– The Applicant intends to use this opportunity to review access arrangement, by relocating the access point by about 10m to the northern boundary of the Application Site. This does not only provide space for a wider entrance for manoeuvring to/from the Application Site, allow for a direct and smooth ramp connection to the underground carpark, more importantly, the relocation of entrance away from existing ingress/egress (No.49 Tin Shek Road) across the road at a more visible location would also improve safety for cars and pedestrians.
- 4.1.6 Please refer to **Appendix A** for the architectural scheme of the Proposed Scheme.

4.2 Building Design

- 4.2.1 The Proposed Scheme comprises of a 2-storey House development above 1 storey of basement carpark with PR of not more than 0.4, SC of not more than 20% on top of one level of basement carpark. The total BH of the Proposed Scheme is 11.3m, which

includes a basement carpark with 3.3m to reserve sufficient space for ground beam and electrical and mechanical zone. It is worth to note that the BH visible at ground level is 8m (i.e. 2 storeys for ‘House’ use), as compared to the BH restriction of 9m visible from ground floor, while with a modern design that provide a more habitable living environment.

4.3 Key Development Parameters

4.3.1 The key development parameters of the Proposed Scheme are summarised in Table 4.1 below.

Table 4.1 Key Development Parameters of the Proposed Scheme

Major Development Parameters	Development Parameters of “R(C)2” zone under the OZP) (a)	Proposed Development Parameters (b)	Differences (b) – (a)
Site Area (m ²):	N/A	About 681.4m ²	-
Plot Ratio	Not more than 0.4	Not more than 0.4	-
Gross Floor Area	Not more than 272.5m ²	Not more than 272.5m ²	-
Site Coverage:	Not more than 20%	Not more than 20%	-
Building Height (m)	9m	11.3m <ul style="list-style-type: none"> • 8m (aboveground) • 3.3m (belowground) 	+2.3m
No. of Units	N/A	2	-
No. of Storeys	2 storeys over 1 storey of carport	2 storeys with 1 storey of basement carpark	-
Floor-to-Floor Height	N/A	4m for G/F to 1/F 3.3m for B/F	-

4.4 Tree Survey

4.4.1 There are 27 nos. existing trees (including 1 dead tree) within the Application Site. There is no tree registered as Old and Valuable Trees, or being Rare or Precious Species.

4.4.2 Majority of the existing trees are in poor to average in condition (form, health, structure) and are with low to medium amenity value. 2 nos. of trees (Tree Nos. T2 & T3) will be transplanted to the southern part of the Application Site.

4.4.3 Please refer to Tree Survey Report in **Appendix B** for details.

4.5 Geotechnical Planning Review

4.5.1 According to the findings of the Geotechnical Planning Review Report (GPRR), the Proposed Scheme is considered to be geotechnically feasible to be implemented within the Application Site. The man-made slopes no. 7SE-D/CR150 and 7SE-D/R46 adjacent to the Application would be slightly affected by the proposed redevelopment. Detailed design of foundation, excavation and lateral support works, and site formation works with full assessment will be submitted in future to the Building Authority’s for approval before

commencement of building works in order to avoid adverse effect from the proposed works on the adjacent features.

4.5.2 Please refer to the GPRR in **Appendix C** for details.

4.6 Internal Traffic Arrangements

4.6.1 A total of 4 private carparking spaces are proposed at the basement level. The proposed access point is proposed in the north of the Application Site, allowing for a more efficient and safer entry and exit for vehicles. The proposed car ramp at the Application Site will gently descend from the ground floor to the basement carpark, ensuring smooth vehicular movement, avoid tailing back to Tin Shek Road.

5. PLANNING JUSTIFICATIONS

5.1 In-Line with the Planning Intention of the “R(C)” Zone

- 5.1.1 According to the Notes of the OZP for “R(C)” zone, the planning intention of the “R(C)” zone where the Application sits in is intended for *“low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the TPB”*. The Proposed Scheme involves redevelopment of an existing House, which is a Column 1 use always permitted under the “R(C)” zone. The Proposed Scheme fully respects the development restrictions specific for the “R(C)2” zone, which comprises of a PR of not more than 0.4, SC of not more than 20% and a BH of 2 storeys over one storey of carpark.
- 5.1.2 The purpose of this planning application is to seek for minor relaxation of BH of 9m to 11.3m (i.e. +2.3m), to accommodate the modern headroom requirements for the always permitted ‘House’ (8m) and ancillary carpark use (3.3m). It is important to note that the Applicant is intended to reduce the BH of the Proposed Scheme by locating the carpark to basement level at his own cost. This means that only 8m of the Proposed Scheme will be visible from the ground level, similar to the BH of the existing house (i.e. 7.6m). Therefore, the Proposed Scheme is considered generally in line with the planning intention of “R(C)” zone and will not jeopardise the general BH profile of the area (i.e. maximum BH of 9m with 2 storeys over one storey of carport).

5.2 Fulfilling Habitable Need for House Use in Post-Pandemic Era

- 5.2.1 As detailed in earlier sections, the proposed 4m floor-to-floor height for the 2 storey ‘House’ development is considered reasonable and should be supported. The proposed headroom fully complies with the requirement under the PNAP-APP5 for habitable living environment (highest BH allowed for ‘House’ is 4.5m). Allowing a habitable headroom also provides an opportunity for the Applicant to improve the health and well-being of his family by allowing a well-ventilated indoor living environment, which is increasingly an important element after the Covid-19 pandemic.

5.3 Echoing Government Policy for Underground Carparking and Exploring Opportunity for Access Enhancement

- 5.3.1 The Applicant is in genuine support of Government’s policy to encourage carparking to be placed underground for the numerous merits discussed in Section 3.3. To strike a balance between the habitable need for house portion and achieving compatibility with surrounding environment, the Applicant proposes to locate the ancillary carpark at basement level at its own cost. This arrangement does not only maintain the BH of the Proposed Scheme to be 8m perceived at ground level, but also provide additional landscaping and recreational opportunities for the House development. To cater for operational requirements for underground carparking and headroom requirement for the approaching ramp, a floor-to-floor height of 3.3m is proposed at B/F.
- 5.3.2 The Applicant intends to use this opportunity to review access arrangement, by relocating the access point by about 10m to the northern boundary of the Application Site. This arrangement provides adequate space for a wider entrance for manoeuvring to/from the

Application Site, while at the same time allow for a direct and smooth ramp connection to the underground carpark, to avoid vehicle tailback at Tin Shek Road. Additionally, relocation of access point away from existing ingress/egress at No.49 Tin Shek Road, and at a more visible location would also improve safety for cars and pedestrians on Tin Shek Road, offering additional planning merits to the neighbourhood.

5.4 Fully Compatible with the Surrounding Neighbourhood

5.4.1 The Proposed Scheme, a permitted ‘House’ use with a compatible PR, SC and BH (2 storeys over 1 level of basement carpark), is considered fully compatible with the rural residential neighbourhood in the surroundings, which mostly comprises of 3-storey village type development. Despite the subject planning application is seeking for a minor relaxation of BH from 9m to 11.3m, only 8m ‘House’ portion will be visible from ground level, which is similar to the BH of the existing house and will not be visually intrusive to the surrounding area. The two transplanted trees will be provided at the southern portion of the Application Site which would provide additional landscape amenity for pedestrians along Tin Shek Road.

5.5 Proven Technically Feasible and Resulting in NO Adverse Impacts on Surrounding Environment

5.5.1 Tree Survey Report (**Appendix B**) and GPRR (**Appendix C**) have been conducted in support of the Planning Application. Findings of these technical reports provides evidence support on the technical feasibility of the Proposed Scheme.

5.6 Setting a Desirable Precedent for Minor Relaxation of Building with Individual Merits

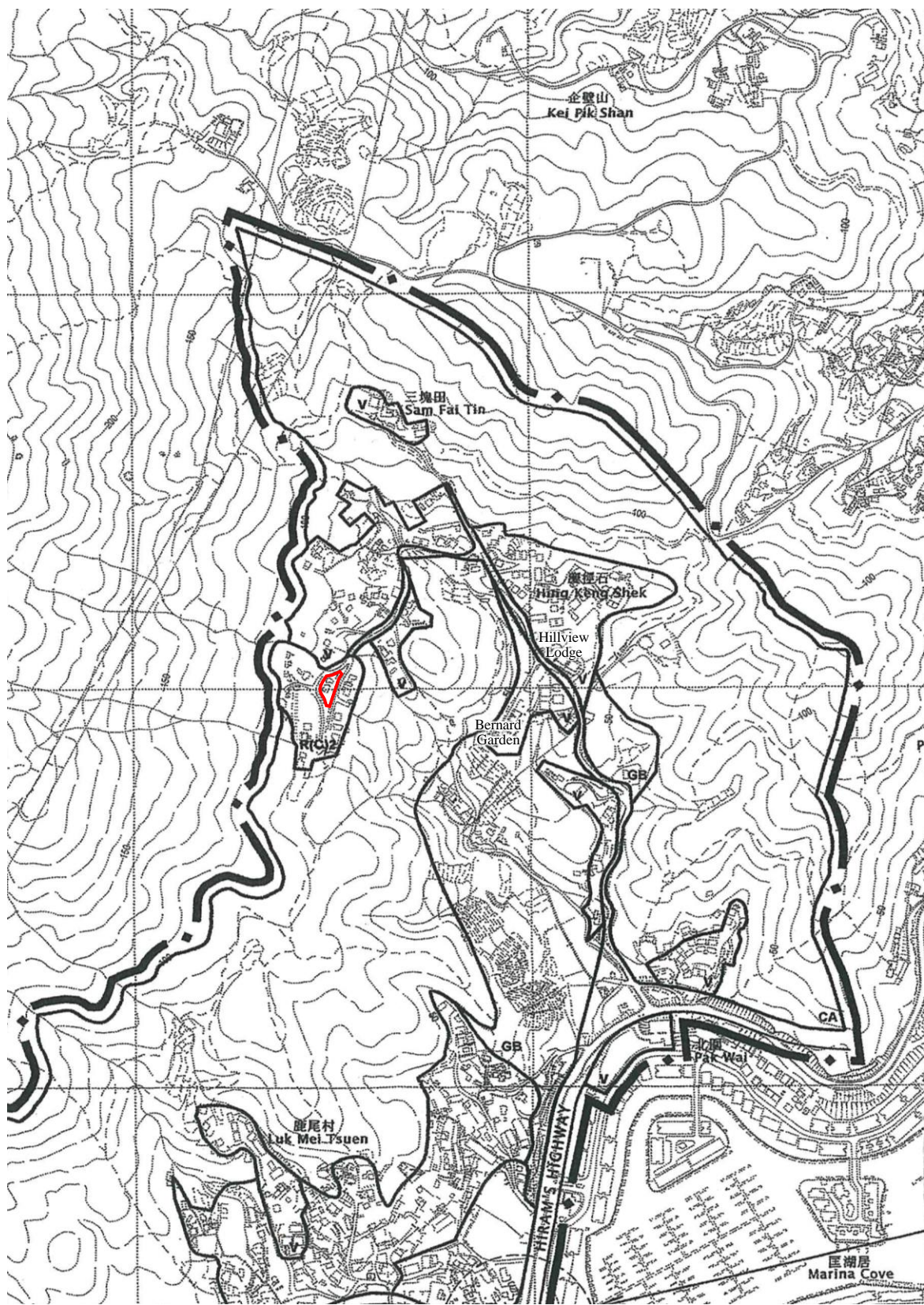
5.6.1 In summary, the Proposed Scheme is in line with the planning intention and complies with the development restrictions of the “R(C)2” zone in terms of nature of use, PR, SC and adherence to the BH profile. The proposed minor relaxation of BH from 9m to 11.3m is intended to accommodate a modern habitable headroom for health and well-being reasons, as well as a basement carpark that fulfil operational requirements. It is worth to note that the resultant BH is only 2 storeys (8m) visible from ground floor, which is fully compatible with the rural residential neighbourhood where the Application Site locates. The enhanced access arrangement and proposed tree location could also bring public safety and amenity enhancement along Tin Shek Road. Tree Survey and GPRR conducted has also confirmed feasibility of the Proposed Scheme.

5.6.2 In view of the above, the Proposed Scheme presents a desirable precedent that warrant support from the TPB to approve the minor relaxation of BH restriction at the Application Site that will bring individual merits while not compromising compatibility with the surrounding environment.

6. CONCLUSION

- 6.1.1 This Supporting Planning Statement is submitted under Section 16 of the TPO to seek approval for Proposed Minor Relaxation of BH Restriction from 9m to 11.3m for a Permitted House development in the “R(C)2” zone at Lot No. 214 in D.D. 219 & the Extension thereto and Adjoining Government Land, Tin Shek Road, Sai Kung, New Territories.
- 6.1.2 The proposed minor relaxation of BH restriction at the Application Site is fully justified for the following reasons. The Proposed Scheme it is in-line with the Planning Intention of the “R(C)” zone, while provide an opportunity to fulfil modern habitable need to promote health and well-being in post-pandemic era. The Applicant has maintained the BH visible from ground level at 2 storeys (8m) by placing the ancillary carpark at basement level at his own cost. The scale of the Proposed Scheme is considered fully compatible with the surrounding context, while opportunities have been explored to enhance safety and landscape amenity on Tin Shek Road. Technical assessment also confirmed the Proposed Scheme is feasible and will not generate adverse impacts to surroundings. The Proposed Scheme therefore presents a desirable precedent for minor relaxation of BH restriction based on individual merits.
- 6.1.3 Taken into consideration the planning merits and justifications put forward in this Supporting Planning Statement, we sincerely seek for the favourable consideration from the TPB to give support to this Section 16 Application.

Figures



LEGEND

 Application Site

ZONING

- R(C)2 "Residential (Group C)2"
- V "Village Type Development"
- GB "Green Belt"
- CA "Conservation Area"

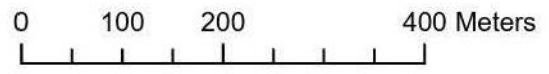
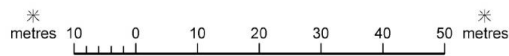
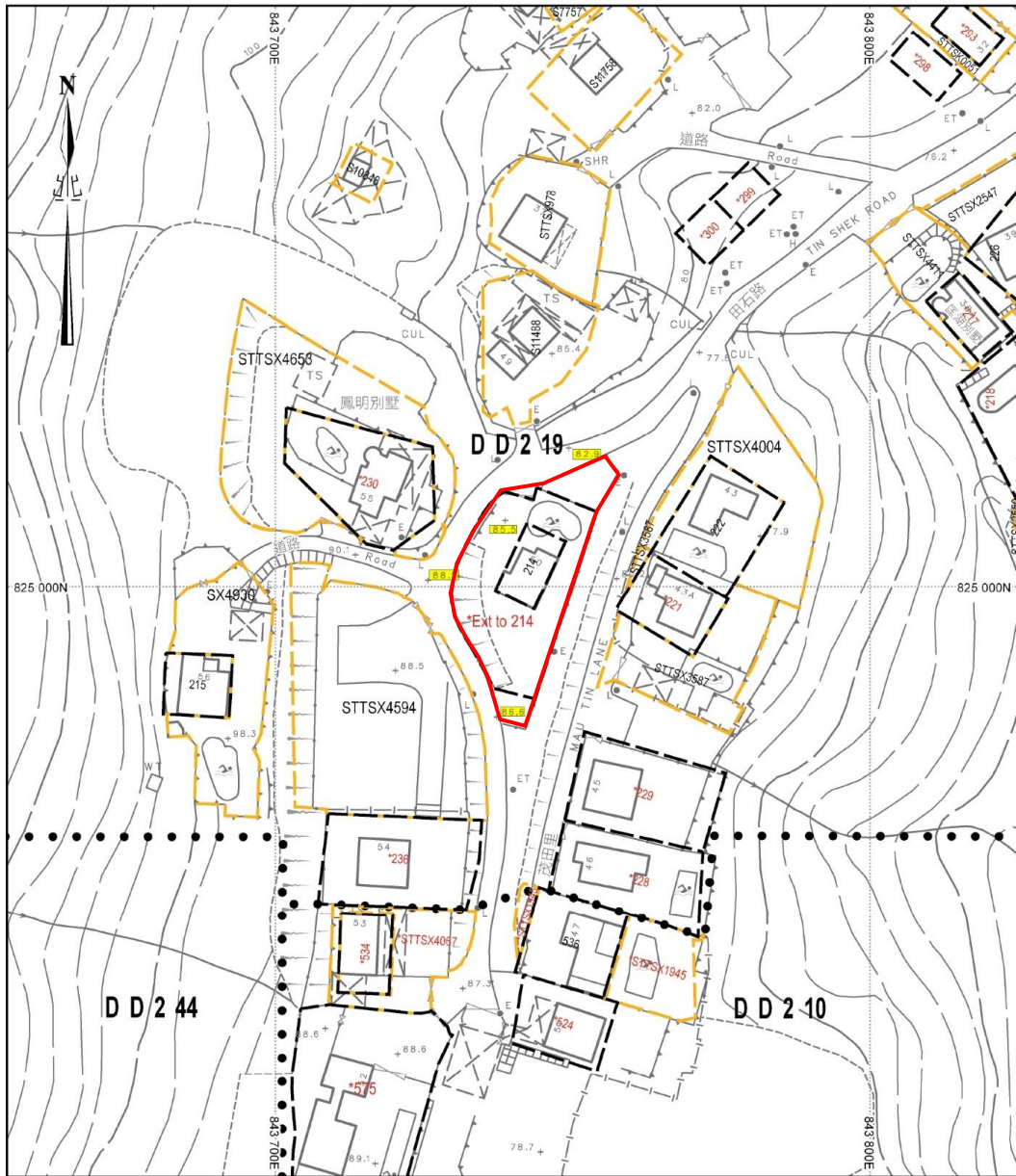


Figure No. 2.1	Scale 1:7,500	Figure Title Location Plan
ARUP	Date November 2024	Source Extracted from Approved Ho Chung Outline Zoning Plan No. S/SK-HC/11



地段索引圖 LOT INDEX PLAN

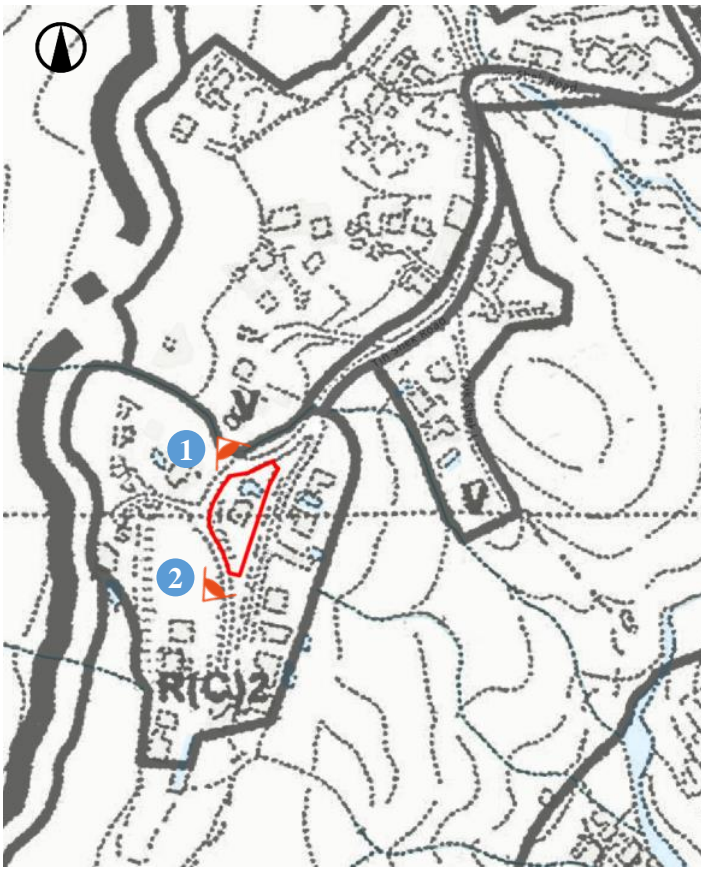


LEGEND

 Application Site

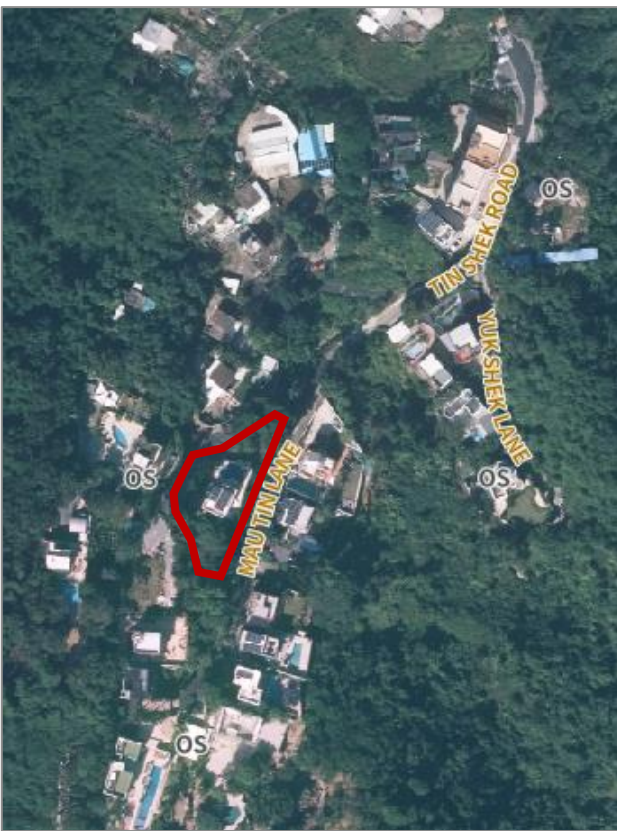
Figure No. 2.2	Scale -	Figure Title Lot Index Plan
ARUP	Date November 2024	Source Adapted from Lot Index Plan No. ags_S00000109834_0001

Key Plan



LEGEND

- Application Site
- 1 ▶ Viewing Points



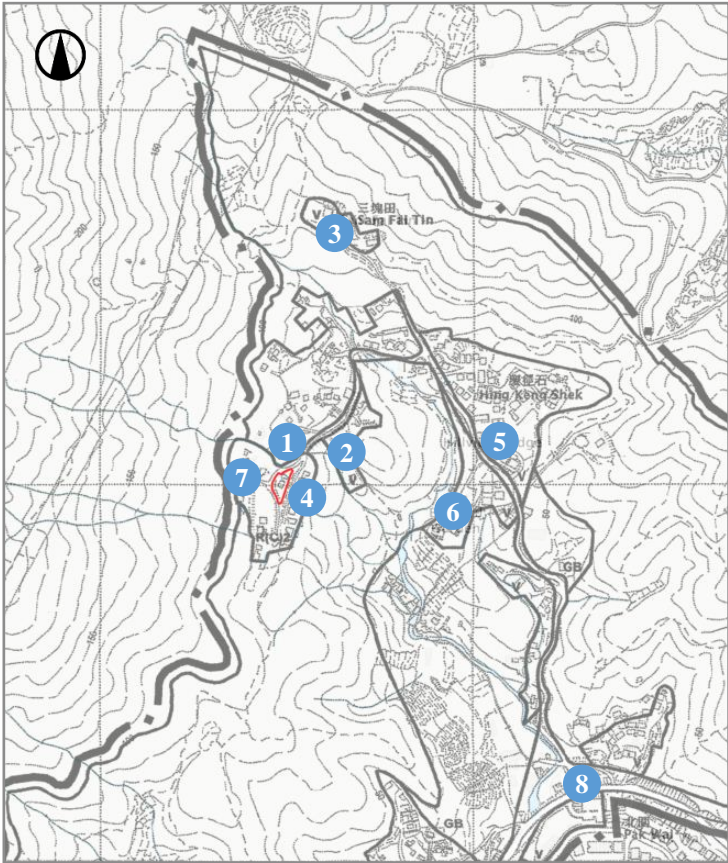
LEGEND

- Application Site



<i>Figure No.</i> 2.3	<i>Scale</i> -	<i>Figure Title</i> Existing Condition of the Application Site	
ARUP	<i>Date</i> November 2024	<i>Source</i>	GeoInfo Map and Site Photos

Key Plan



LEGEND

 Application Site

1 3-storey Houses at Tin Shek Road



2 3-storey Houses at Yuk Shek Lane



3 3-storey Houses at Sam Fai Tin



4 3-storey Houses at Mau Tin Lane



5 Hillview Lodge



6 Bernard Garden



7 3-storey House at a local access along Tin Shek Road



8 Pak Wai Roundabout, Hiram's Highway



Figure No. 2.4	Scale -	Figure Title Surrounding Context of the Application Site
ARUP	Date November 2024	Source Site Photos

RESIDENTIAL (GROUP C)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Flat Government Use (Police Reporting Centre, Post Office only) House Utility Installation for Private Project	Ambulance Depot Eating Place Educational Institution Government Refuse Collection Point Government Use (not elsewhere specified) Institutional Use (not elsewhere specified) Library Place of Recreation, Sports or Culture Private Club Public Clinic Public Convenience Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Recyclable Collection Centre Religious Institution Residential Institution Rural Committee/Village Office School Shop and Services Social Welfare Facility Training Centre

Planning Intention

This zone is intended 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.

(Please see next page)

<i>Figure No.</i> 3.1a	<i>Scale</i> -	<i>Figure Title</i> Approved Ho Chung Outline Zoning Plan (No. S/SK-HC/11) – Schedule of Uses of “Residential (Group C)” Zone (1 of 2)
ARUP	<i>Date</i> November 2024	<i>Source</i> Extracted from the Approved Ho Chung Outline Zoning Plan No. S/SK-HC/11

RESIDENTIAL (GROUP C) (Cont'd)

Remarks

- (a) On land designated "Residential (Group C)1", no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 0.75, a maximum site coverage of 37.5% and a maximum building height of 9m with 2 storeys over one storey of carport or of a maximum plot ratio of 0.75, a maximum site coverage of 25% and a maximum building height of 12m with 3 storeys over one storey of carport, or the plot ratio, site coverage and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, whichever is the greater.
- (b) On land designated "Residential (Group C)2", no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 0.4, a maximum site coverage of 20% and a maximum building height of 9m with 2 storeys over one storey of carport, or the plot ratio, site coverage and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, whichever is the greater.
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio, site coverage and building height restrictions stated in paragraphs (a) and (b) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (d) In determining the maximum plot ratio and site coverage for the purposes of paragraphs (a) and (b) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.

<i>Figure No.</i>	<i>Scale</i>	<i>Figure Title</i>	Approved Ho Chung Outline Zoning Plan (No. S/SK-HC/11) – Schedule of Uses of “Residential (Group C)” Zone (2 of 2)
3.1b	-		
ARUP	<i>Date</i>	<i>Source</i>	Extracted from the Approved Ho Chung Outline Zoning Plan No. S/SK-HC/11
	November 2024		

9.1.3 Development and redevelopment within this “CDA” site is subject to a maximum plot ratio (PR) of 0.75, a maximum site coverage (SC) of 25% and a maximum building height not exceeding 12m with 3 storeys over one storey of carport as stipulated in the Notes of the Plan. To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of these restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits. The implementation of the “CDA” zone largely depends on private initiatives for land assembly. However, in view of the sizeable area of the site, phased development could be carried out provided that the intention for comprehensive redevelopment of the whole site would not be prejudiced.

9.1.4 Pursuant to section 4A(1) of the Ordinance, any development/redevelopment proposal within this zone is subject to the approval of the Board by way of a planning application under section 16 of the Ordinance. A Master Layout Plan (MLP) should be submitted together with the relevant assessment reports and a landscape master plan as well as other materials as specified in the Notes of the Plan for the approval of the Board under section 4A(2) of the Ordinance. Development/redevelopment will be in accordance with an approved MLP and it should be ensured that the nature and scale of new development will be in keeping with the surrounding natural landscape and land-uses and will not exert pressure on the limited road and other infrastructural provisions in the Area. A copy of the approved MLP shall be made available for public inspection in the Land Registry pursuant to section 4A(3) of the Ordinance.

9.2 Residential (Group C) (“R(C)”) : Total Area 3.30 ha

9.2.1 The planning intention of this 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, and to restrict the future developments within the prescribed development parameters.

9.2.2 This zone can be divided into two sub-areas:

- (a) “R(C)1” - The residential development in this sub-area is subject to a maximum PR of 0.75, either with a maximum SC of 37.5% and a height not exceeding 9m with 2 storeys over one storey of carport, or with a maximum SC of 25% and a height not exceeding 12m with 3 storeys over one storey of carport.

This sub-area covers only one site which is located in the area sandwiched between Hiram’s Highway and Nam Pin Wai Village.

<i>Figure No.</i>	<i>Scale</i>	<i>Figure Title</i>	Approved Ho Chung Outline Zoning Plan (No. S/SK-HC/11) – Explanatory Statement of “Residential (Group C)” Zone (1 of 2)
3.1c	-		
ARUP	<i>Date</i>	<i>Source</i>	Extracted from the Approved Ho Chung Outline Zoning Plan No. S/SK-HC/11
	November 2024		

The sub-area falls within the Ho Chung Site of Archaeological Interest. The Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD) should be consulted well in advance on any development or redevelopment proposals affecting this site of archaeological interest as well as their immediate environs.

(b) "R(C)2" – The residential development in this sub-area is subject to a maximum PR of 0.4, a maximum SC of 20% and a height not exceeding 9m with 2 storeys over one storey of carport.

This sub-area covers the area to the south-west of Hing Keng Shek which has mostly been developed into low-density residential houses. The site is only accessible via the sub-standard Hing Keng Shek Road.

9.2.3 The above sub-areas mainly reflect the existing character and development intensity. The development restrictions are mainly to conserve the existing character and intensity of the developments so as to blend in well with the surrounding natural environment and rural character as well as not to overload the limited infrastructural facilities, particularly the transport network in the Area.

9.2.4 Minor relaxation of the stated restrictions may be considered by the Board on application under section 16 of the Ordinance. This provision is to allow the Board to consider proposals for building layout and design which, while not strictly complying with the stated restrictions, meet the planning objectives. It is hoped to encourage imaginative designs which are adapted to the characteristics of particular sites, and overcome the need for stiling or allow for the conservation of environmentally important natural features or mature vegetation. Each proposal will be considered on its own merits.

9.2.5 Some scattered areas outside existing private residential lots within this zone may not be suitable for residential development. Their suitability for development or inclusion into adjoining lots for development would be assessed individually at the land administration stage based on their visual and amenity value, accessibility and geotechnical, environmental, infrastructural and traffic impacts.

9.3 Residential (Group D) ("R(D)") : Total Area 6.78 ha

9.3.1 The planning intention of this zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the

<i>Figure No.</i>	<i>Scale</i>	<i>Figure Title</i>	Approved Ho Chung Outline Zoning Plan (No. S/SK-HC/11) – Explanatory Statement of “Residential (Group C)” Zone (2 of 2)
3.1d	-		
ARUP	<i>Date</i>	<i>Source</i>	Extracted from the Approved Ho Chung Outline Zoning Plan No. S/SK-HC/11
	November 2024		