

**Application for Proposed Minor Relaxation of
Maximum Building Height and Site Coverage
Restrictions, and Proposed Filling and Excavation of
Land Associated with Landscape/Tree Planting
Works, Partly in “Residential (Group C)1” and
Partly in “Green Belt” Zones at Lot No. 1109 RP in
D.D. 253, 8 Ka Shue Road, Sai Kung,
New Territories**

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Landscape Consultants : URBIS Ltd.
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EXECUTIVE SUMMARY

This planning application aims to seek a permission of the Town Planning Board (“**TPB**”) for the proposed minor relaxation of maximum building height (“**BH**”) and site coverage (“**SC**”) restrictions, and proposed filling and excavation of land associated to the landscape/tree planting works (for on-site “Green Belt” area only) for an upmarket low-rise, low-density residential redevelopment scheme with higher head room units at Lot No. 1109 RP in D. D. 253 (“**Subject Site**”), 8 Ka Shue Road, Sai Kung, New Territories. The Subject Site partly falls within “Residential (Group C) 1” (“**R(C)1**”) and partly within “Green Belt” (“**GB**”) zones on the Approved Tseng Lan Shue Outline Zoning Plan No. S/SK-TLS/10 (“**OZP**”).

The proposed increase levels in BH and SC are respectively from 18m to 21.4m (or an increase of 18.9%) and from 30% to about 34% in gross site area calculation, **or**, from 30% to about 37% solely within on-site “R(C)1” area. All building construction works under application will be confined within “R(C)1” area, while the on-site “GB” area will be used solely for landscape/tree planting purposes. Excavation and filling of land associated to the proposed tree planting works in the on-site “GB” area are hence required. The proposed minor relaxation of BH and SC is not only to tackle the anticipated technical and building design issues [including, but not limited to, the limited site area, the provision of a high headroom electricity transformer with its stringent vehicular access gradient requirements for delivery of equipment and maintenance purposes, fire fighting facilities, Emergency Vehicular Access and other building design issues is to enable utilise fully the permissible GFA under lease, yet complying to the “5 storey over one storey of carport” BH requirement], but is also to meet the soaring demand for higher head room apartments in the community and the general market expectation for “*higher-end*” housing supply. It also represents a positive response to the Government policy objective in “attracting and retaining talents” to strength the economic growth of Hong Kong.

The proposed development comprises two 5 storey buildings on top of one storey of basement car park with a 5m building separation between them (from 1/F to main roof). Upon completion by end 2027, a total of 14 higher ceiling units will be provided to meet the market expectations and needs of the community. The overall resultant plot ratio of the proposed development is 1.37 (**or**, 1.5 solely for the on-site “R(C)1” area).

It has been demonstrated that due to the cumulative uniqueness of the Subject Site and having considered the proposed development is compatible with its surrounding development character and natural setting, and no consequential significant adverse or unacceptable impacts due to the proposed development in the local area with respect to traffic, water supply, sewerage, drainage or visual aspects is anticipated, the proposed increase in BH and SC are minor in nature. The proposed ceiling heights are not unreasonable when compared to those currently adopted in high ceiling buildings in the market.

The approval of this application will not set an undesirable precedent case for other applications in the area due to its uniqueness. It will be a “*quick-win*” project to respond to the Government’s policy objective.

內容摘要

本規劃申請旨懇請城市規劃委員會（下簡稱為「**城規會**」）批准位於西貢嘉樹路 8 號丈量約份第 253 約地段，第 1109 號餘段（下簡稱為「**申請地點**」），一個擬議放寬建築物高度和放寬覆蓋率限制的低層低密度高級樓底高住宅重建發展，以及擬議因種樹所涉及的填土及挖土工程（僅用於「綠化地帶」範圍內）的規劃申請。申請地點部分是屬於「井欄樹分區計劃大綱核准圖」編號 S/SK-TLS/10（下簡稱為「**大綱圖**」）範圍內的「住宅(丙類)1」用途地帶，而部分屬於該「大綱圖」則屬於「綠化地帶」。

相關擬議放寬建築物高限由 18 米放寬至 21.4 米（即擬議放寬 18.9%），而在放寬覆蓋率方面，如按整個申請地點面積計算的話，則由 30% 放寬至大約 34%，但如按「住宅(丙類)1」用途地帶範圍內計，就由 30% 放寬至大約 37%。所有擬議建築發展工程僅局限於「住宅(丙類)1」用途地帶內，而相關的「綠化地帶」土地部分則用作園境綠化/植樹用途。因此，在「綠化地帶」土地部分的種樹計劃，是需要涉填土及挖土工程的申請。擬議放寬建築物高和覆蓋率要求，除了要解決預期的工程技術及建築設計問題（尤其是可用作建築發展用地細少；要提供一所有樓底高度要求的電力變壓房及有特定斜度要求的運送設備及維修通道；消防設施及設備；緊急車輛通道，以及面對在需要按照 5 層加一層車場的建築物樓高規範要求，又要充分利用在地契許可的建築面積的同時的建築設計挑戰）外，也是應對市場的對該類住宅的期望及社區對更高樓底單位需求的壓力的同時，更能切合回應政府就「招商引才」及「留才」為香港創造新發展動力的政策目標。

擬議方案是一個兩幢五層連一層地下停車場的住宅樓發展。兩幢大樓會有 5 米（由一樓至頂層）的分隔空間。預期在 2027 年尾落成，合共提供 14 個高樓底單位；整體發展容積率為 1.37（如按申請地點內的「住宅(丙類)1」用途地帶來計算，則是 1.5）。

本規劃申請已證實，整合所有申請地點特有的地理環境優勢條件，以及考慮到擬議發展與周邊發展格局和自然環境相容，也不會導致隨之而來的嚴重不良或不可接受的道路交通、供水、污水處理、雨水排放或視覺景觀等影響的前提下，是次擬議放寬建築物高度限制和放寬覆蓋限制尺度要求的性質，是屬於輕微的。相對國際市場採用高樓底常用的規格而言，擬議的樓底高度也不是不合理的。

由於申請地點有其獨特的優勢，批准是次規劃申請，完全不會成為同區其他申請的先例。申請發展會成為應對政府政策目標的「速贏」項目。

1 THE PURPOSE

- 1.1 Vision Planning Consultants Limited has been commissioned by Double One Limited (“the **Applicant**”) to prepare and submit this planning application on its behalf. The site under application is located at Lot No. 1109 RP in D.D. 253 (the “**Subject Site**”), 8 Ka Shue Road (嘉澍路), Sai Kung, New Territories. The Applicant is one of the land owners of the Subject Site. **Figure 1** and **Figure 2** show the location and the lot plan of the Subject Site respectively.
- 1.2 The purpose of this planning application aims to seek a permission of the Town Planning Board (“**TPB**”) for proposed minor relaxation of the maximum building height (“**BH**”) restriction and minor relaxation of maximum site coverage (“**SC**”) restriction, and proposed filling and excavation of land associated to the proposed landscape/tree planting works (solely for the on-site “Green Belt” area) for an upmarket “Residential (Group C)” (“**R(C)**”) redevelopment scheme with higher head room units at the Subject Site.
- 1.3 The Subject Site falls partly within an area zoned “Residential (Group C)1” (“**R(C)1**”) and partly within an area zoned “Green Belt” (“**GB**”) on the Approved Tseng Lan Shue Outline Zoning Plan No. S/SK-TLS/10 (“**OZP**”) (**Figure 1**). **Figure 2** shows the location of the two land use zonings within the Subject Site (i.e. on-site “R(C)1” area being named as **Area A** and **Area B** for the on-site “GB” area).
- 1.4 The proposed increase levels in BH and SC are respectively from from 18m to 21.4m (or an increase of about 3.4m or 18.9%) and from 30% to about 34% in gross site area calculation (i.e. in the extent of **Area A** + **Area B** as shown in **Figure 2**), or, from 30% to about 37% solely in **Area A**.
- 1.5 Under the Notes of the OZP for “R(C)1” zoning, ‘Flat’ use is always permitted (**Appendix I**). In Remark (a) under the same Notes, it states that: “*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 the maximum plot ratio, site coverage and building height specified below, 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.*” (**Appendix I**)

<i>Sub-area</i>	<i>Maximum Plot Ratio</i>	<i>Maximum Site Coverage</i>	<i>Maximum Number of Storeys</i>	<i>Maximum Building Height</i>
<i>R(C)1</i>	<i>1.5</i>	<i>30%</i>	<i>5 storeys over one storey of carport</i>	<i>18m</i>

- 1.6 In Remark (d), it also states: *“Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio, GFA, 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.”* (**Appendix I**).
- 1.7 For “GB” zoning, it is primarily intended *“[...] 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.”* (**Appendix I**) The Remark of the same Notes also states: *“Any filling or excavation of land [...] shall not be undertaken [...] without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.”* (**Appendix I**)
- 1.8 To retain the planning intention of the “GB” area, the Applicant has decided to confine all building construction works within the on-site “R(C)1” area (i.e. **Area A** as shown in **Figure 2**), while the on-site “GB” area (i.e. **Area B** as shown in **Figure 2**) will be used solely for landscape/tree planting purposes. As the proposed landscape/tree planting works in the on-site “GB” area will inevitably involve filling and excavation of land. Hence, a permission from the TPB is also required.
- 1.9 In view of the above, this planning application is submitted to make way for the present proposed redevelopment scheme with higher room ceilings at the Subject Site to meet the market demand.
- 1.10 To facilitate Members of the TPB to consider this planning application, the historic background of the Subject Site, a brief description of the Subject Site and its surroundings, issues on existing statutory BH restriction, general market aspirations for higher head room units/apartments, a brief introduction of the proposed schematic redevelopment scheme, a visual impact assessment, a landscape proposal and land use planning justifications are included in this planning statement.

2 LEASE ASPECTS

- 2.1 In its letter dated 14 February 2023, the Lands Department (“**LandsD**”) confirmed that the Modification Letter (“**ML**”) of Lot No. 1109 RP in D.D.253 (i.e. the Subject Site), has been duly completed and registered in the Land Registry.
- 2.2 In the Special Conditions imposed on Lot No. 1109 RP in D.D. 253, they include: the compliance with Buildings Ordinance and Town Planning Ordinance; the setting-out of vehicular access points (i.e. between points X and Y through Z as shown **Figure 3**); total parking space requirements for residential, visitors, motorcycle and loading/unloading; total gross floor area (“**GFA**”) of the Lot shall not be less than 1,415m² and shall not exceed 2,357m²; needs to take into account the sustainable building design requirements; and so on. With the total land area of about 1,719m² and the total GFA of 2,357m² under lease, the overall resultant plot ratio in the present proposed development is about 1.37.

3 THE SITE AND ITS SURROUNDINGS

- 3.1 The Subject Site was originally a portion of the building lot of the Clear Water Bay Apartments (“**CWBA**”) development, which was built in 1963 (i.e. over 60 years old) at the middle of the densely vegetated hillslope of Hebe Hill (尖風山) (**Figure 1**). As shown in **Figures 1 - 4**, the Subject Site is located at the northern end of the CWBA development. At present, the Subject Site is occupied by one semi-detached tower of 5 storey residential building, known as Block G and Block H of CWBA (**Figures 2 - 3**). The existing tower contains a total of 8 residential units.
- 3.2 The Subject Site (i.e. **Area A + Area B**) covers a total land area of about 1,719m². It is surrounded by Ka Shue Road (about 7.5m wide) to its west (**Figure 2**); slope and retaining wall to its north and west (**Figure 3**); a swimming pool under Short Term Tenancy (“**STT**”) first granted in 1991 to its east (**Figure 3** and **Figure 4**); and Blocks E and Block F of CWBA to its south (**Figures 2** and **4**). **Figure 4** and **Figure 5** show the existing site conditions and surrounding environment.
- 3.3 In the local wider surrounding context, Ka Shue Road serves exclusively for two “R(C)1” residential developments [namely, Hillview Court (曉嵐閣) and CWBA] on its two sides at the northern end (**Figure 5**). It is almost very certain that no new residential land disposal within a catchment radius of 100m from the Subject Site is and will be anticipated in the near future taking into account the surrounding steep green hillslope profile.
- 3.4 Ka Shue Road does not connect to any local walking path or hiking trail. The upper end of Ka Shue Road is a dead-ended up to the two residential developments, as

mentioned in paragraph 3.3 above. Its upper end is the main vehicular entrance point of Hillview Court, where the clubhouse, swimming pool and EVA are fronting directly to the Subject Site with site level difference of about 9.7m (i.e. 238.5mPD in Hillview Court and 228.8mPD in the Subject Site) (**Figure 2**). The level difference between Ka Shue Road and the Subject Site is ranged from 2.7m at the south to 6.8m at the north (**Figure 2**). A strip of on-site existing slope abutting Ka Shue Road is found in the western and north-western of the Subject Site (**Figures 2 and 3**).

- 3.5 No standalone electricity transformer (“**TX**”), drainage system, and sewage disposal facilities are found within the Subject Site. The results of the recent tree survey (conducted in October 2023) indicates that a total of 22 existing trees are identified within the Subject Site. Another 16 existing trees are recorded immediately outside the Subject Site. The location and the species of these surveyed existing trees are in **Appendix II**. No Old and Valuable Tree (“**OVT**”), Champion tree or rare tree species has been recorded within or immediately around the Subject Site.
- 3.6 It is understood that the Government has almost completed its committed sewerage pipelines along Ka Shue Road, as shown in Photo No. 7 in **Figure 5**. This committed sewerage alignment is shown in **Figure 6** and is planned to complete in July 2024 (**Appendix III**).
- 3.7 **Figure 7** shows the district-wide context that could be reached within 30 minutes driving time from the Subject Site. Within the 30-minute driving zone, it covers most of the urban central business district (“**CBD**”) areas, 11 universities, 3 Hong Kong Science & Technology Parks (HKSTP), Hong Kong Cyberport, 8 Country Parks, 5 marina/yacht clubs, 8 public beaches, 4 golf courses, 2 theme parks, 57 hospitals, 4 cruises/cross-boundary ferries, 1 high speed train station, etc.
- 3.8 Even if the driving time zone is reduced to 15-minute, the Subject Site can easily access several local essential community facilities, including 8 public hospitals, 137 primary schools, 130 secondary schools, 3 universities, 12 markets/cooked food markets, 6 public swimming pools, 17 public libraries, 21 sports centers and 4 sports grounds (**Figure 8**).
- 3.9 In sum, the following geographical advantages and site historic background have made the Subject Site **so unique** when compared to other nearby “R(C)” sites in the area:
 - i. The Site is situated in a secluded location [completely isolated from other local public vehicular access] (**Figure 1** and **Figure 4**);

- ii. It is located at the end of Ka Shue Road with no other local pedestrian or vehicular connections at all (**Figure 2**);
- iii. It is located at the northern end of the CWBA development (**Figure 2**);
- iv. It is fully enclosed by existing slope vegetation/trees to its north, east and south-east (**Figures 4 and 5**);
- v. The portion of Hillview Court facing directly to the Subject Site is solely occupied by or used for its clubhouse, swimming pool and EVA, forming an effective visual buffer towards the Subject Site (**Figure 2**);
- vi. The vehicular entrance point of Hillview Court is located near the upper end of Ka Shue Road at about 235.6mPD (**Figures 3 and 4**);
- vii. There is about 9.7m site level difference between the ground level of the Subject Site (at 228.8mPD) and the ground level of Hillview Court (at 238.5mPD) (**Figure 2**);
- viii. The level differences between Ka Shue Road and the Subject Site are arranged from 2.7m in the south to 6.8m in the north (**Figure 2**);
- ix. The Subject Site enjoys exclusively a swimming pool facility (**Figures 4 and 5**);
- x. It is highly unlikely that any land disposal programme for new residential development(s) will be proposed within a catchment radius of 100m from the Subject Site in the near future due to the steep slope profile, limited accessibility and natural slope greenery considerations; and
- xi. The Subject Site can easily reach most of essential and major district and local community, educational, medical, industrial, retail, and major cross-boundary ferry/high-speed train terminal facilities with 30-minute driving zone (**Figures 7 and 8**).

4 OUTDATED BUILDING HEIGHT RESTRICTION

4.1 In accordance with paragraph 5 in the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers No. APP-5, it states: “[...] *The minimum height of rooms for habitation or office for health reason is 2.5m. A range of storey height for domestic buildings may be accepted by the Buildings Department (“BD”) for the purpose of regulation 23(3)(a) of the B(P)R provided that the proposed height of storeys does not exceed the following maximum heights:*

<i>Flat</i>	<i>House</i>
<i>Topmost floor - 4m*</i>	<i>4.5m</i>
<i>Typical floor - 3.5m</i>	

**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.”*

- 4.2 In practice, the minimum height of rooms should refer to floor to ceiling height and the thickness of 150mm floor slab would not be included.
- 4.3 In the Notes of the OZP for "R(C)1" sub-area, the Subject Site is restricted to 18m in building height and "5 storeys over one storey of carport", and the site coverage is also restricted to 30%. Assuming that the general floor height of 5m for the carport level and a thickness of 0.15m floor slab on each floor (i.e. 0.15m x 5 including roof level = 0.75m) has been adopted, the remaining permissible building height for each of the 5 storeys will be about 2.45m which is already below the minimum requirement of 2.5m. It should be noted that due to the provision of a high headroom TX room, the residential unit immediately above it will only allow not more than 2.1m floor-to-ceiling height (i.e. well below the 2.5m minimum height of rooms for habitation as mentioned in paragraph 4.1 above).
- 4.4 It is noted that the adopted floor heights in a recent Sale Site at Lot No. 317 in D.D. 223, west of Ta Ku Ling San Tsuen, north of Clear Water Bay Road (as shown in **Appendix IV**) are actually ranged between 3.15m and 3.16m. After minus the thickness of 0.15m floor slab, the clear floor height is around 3m.
- 4.5 Clearly, the present BH restriction set at 18m for a building in the form of "5 storeys over one storey of carport" is no longer applicable to and valid for today's building requirements and regulations. This BH restriction is already outdated in today's building practice. Appropriate actions to review and update are required as soon as possible.

5 ASPIRATIONS FOR HIGH CEILING APARTMENTS

- 5.1 It is understood that in many overseas' cities, throughout the 19th and early 20th centuries, the norm of ceiling heights for homes, offices and other buildings was around 10 to 12 feet (i.e. about 3.05m to 3.66m). **A minimum clear room floor height of 10 feet is being treated as a basic requirement for 'high ceiling' units/apartments.**
- 5.2 The post-war homes came with ceiling heights only about 7 to 8 feet (i.e. about 2.13m to 2.44m) for more affordable to heat and cool due to smaller in spatial volume despite they have a little box feeling in general. In reality, several practical and functional advantages have been well recognised by many people over the world that high-ceiling homes would help improve and promote internal healthy living quality, particularly in the health and wellbeing (psychological comfort) aspects.
- 5.3 **Advantages** of high ceiling homes include:

- i. Taller or larger windows and more natural light (good for the residents health and wellbeing) (some selected high ceiling apartments are attached in **Figures 9 - 10**);
 - ii. Better airflow and circulation, particularly important in hotter climates, homes with higher ceilings let air circulate more freely inside, giving the rooms a cooler and fresher feel (i.e. airy and breezy), so as to improve the internal healthy living space;
 - iii. Greater spatial volume, can give people a lighter, freer, openness and spaciousness feeling. Low ceiling apartments give you a kind of little box feeling, appealing a bit being cramped, cooped up or claustrophobic feeling (**Figures 9 - 10**);
 - iv. Excellent acoustic properties (**Figures 9 - 10**);
 - v. Less hazardous for taller people;
 - vi. They are elegant, fascinating, luxurious – and open up the room (**Figures 9 - 10**);
 - vii. In warmer climates, it is easier to cool homes with high ceilings; and
 - viii. They provide versatility for variety of décor ideas, especially “*go contemporary*”, modern, or traditional with pendant lights, or installation of antique chandeliers for an Old World feel, or enabling placement of tall Christmas tree and associated decorative lightings, or tall Peach Blossoms for Chinese New Year, or hanging Chinese lanterns during Mid-Autumn Festival, etc (**Figures 9 - 10**).
- 5.4 As one of the international cities in the Asian Region, Hong Kong should encourage to supply greater variety of high ceiling residential units/apartments not only for local, but also for the overseas homebuyers or users. Indeed, among other things, a better healthy living condition is one of the crucial basic considerations for many overseas talented people with families. This is particularly important to those families with children or young family members due to the greater psychological comfort.
- 5.5 A notional study on natural light penetration effect in different higher head room units has been conducted as indicated in **Figures 9 and 10**. The results of this notional study have demonstrated that the higher the ceiling, the better and greater the extent of natural light effect can be attained inside the rooms. It should be noted that the internal structural beams on the ceiling top will also create a little box feeling effect, particularly in those lower ceiling rooms (**Figure 10**).
- 5.6 Generally, the thickness of the internal structural beams is ranged from 600mm to 800mm (subject to the overall building design requirements). Indeed, these

internal structures inevitably reduce the room ceiling height and in many cases it will be below BD’s minimum headroom requirement (i.e. 2.5m floor height), as mentioned in paragraph 4.3 above.

5.7 It is unquestionable that most of potential homebuyers or renters of this “R(C)” type residential development are higher income earning groups in the community. Their expectations should not, and cannot, be neglected. The Government of Hong Kong and the TPB should encourage the private housing suppliers to produce more high ceiling housing units/apartments to meet the market demand in areas where situations permit.

5.8 **Table 1** summarises the adopted ceiling heights in some selected previously redevelopment applications in various “R(C)” zones over the past 10 years.

Table 1 Summary of Ceiling Heights Previously Proposed in “R(C)” Zones

Year	Application Nos.	Proposed ceiling heights for domestic use (m) [About]
2022	A/H14/84	4.5* each for G – 2/F (House)
	A/K18/342	4.5* for G/F; 3.5 each for 1 – 2/F (House)
	A/H18/88	3.5 each for flats; 4.5 with 1.0 transfer plate for studio (House)
	A/H17/141	3.5 for G/F; 2.65 each for 1 – 2/F; 2.55 for 3/F (House)
2021	A/K4/72	4.2 for G/F*; 3.2 for 1/F; 3.27 for 2/F (House)
2020	A/K18/335	4.5 for G/F*; 3.5 for 1/F; 3.5 for 2/F (House)
	A/K18/334	3.5 each for flats
2019	A/SK-TLS/56	3.0 each for flats
	A/H17/140	4.2 for G/F*; 3.5 each for 1-2/F; 3.65 for 3/F (House)
	A/K18/333	4.2 for G/F; 3.1 for 1/F; 2.8 for 2/F (House)
	A/K18/331	4.3 for G/F*; 3.645 for 1/F; 4.5 for 2/F (House)
2017	A/TWW/112	4.0 for G/F*; 3.62 for 1/F (House)
	A/H7/136	3.5 each for flats
2016	A/K7/112	4.5 for G/F*; 3.5 for 1/F (House)
	A/SLC/144	3.5 ^{&} each for 3 storeys; 3.8 ^{&} each for 2 storeys (House)
2015	A/H14/76-1 [#]	4.5 for G/F*; 3.5 for 1-2/F (House)
2014	A/NE-KTS/377	3.16 ^{&} each for 3 storey (House)
	A/YL-NTM/310	3 ^{&} each for 3 storey (House)
	A/TWW/109	3.048 each for flats
	A/H17/132	3.5 each for flats
	A/H10/86	3.1 each for flats
	A/K18/307	4.05 for G/F*; 3.9 each for 1-2/F (House)

* The proposed ceiling heights for houses which are accepted by BD for the purpose of regulations 23(3)(a) of the Building (Planning) Regulations (B(P)R);

[&] By approximation only, based on current information;

5.9 Although some of the above listed applications were not approved by the TPB, for various reasons, they clearly demonstrate the general market aspiration for higher ceiling residential units/apartments for this type of low-rise, low-density residential development zoning. In view of the above, it is not unreasonable to conclude that there is a strong aspiration for a clear benchmarked floor height of 3.5m in this type of residential developments in the market.

- 5.10 Clearly, such market expectation is not unreasonable due to the targeted homebuyers for the “R(C)” type housing are so different from those urban high-rise, high-density housing developments in town, say “R(A)” and “R(B)” types of housing developments.
- 5.11 Indeed, most “R(C)” housing developments are generally targeted at “*high-end market*” groups in our society, including representatives (with or without families) of overseas’ enterprises and talents with high-income earning from overseas. Since 2022, the Government has targeted to trawl for potential representatives of overseas’ enterprises and talents with higher income earning from overseas with a view to further strengthening the competitiveness of Hong Kong’s economic development (i.e. [...], *more proactive and aggressive in “competing of enterprises” and “competing for talents”*).
- 5.12 Among others, living conditions are one of the most fundamental elements to attract people to stay with, particularly those people from overseas. As one of the international cities, reasonable choices of better internal living quality, including higher head room, like the one under application, should be encouraged where situation permits.

6 SCHEMATIC DEVELOPMENT PROPOSALS

Formulation of Scheme

- 6.1 As shown in **Figure 11**, the present proposed scheme represents an all-thought-out redevelopment project taking into account of all practically feasible measures to tackle the following technical and building design problems confronting the redevelopment scheme in reality:
- a. *site constraints* [i.e. limited site area; needs to conserve the on-site “GB” area; substantial site level differences between Ka Shue Road and the Subject Site; the on-site slope area; a voluntary 2m surface setback from Ka Shue Road at street level in the west; and a 1.5m building setback in the east for rear boundary consideration under Regulation 25 of the Building (Planning) Regulations (“**B(P)R**”)];
 - b. *technical requirements* [i.e., needs to provide an on-site high headroom TX room and its stringent vehicular access gradient requirement for delivery of equipment and maintenance (**Apperndix V**); a set of fire fighting facilities including water tanks, pump room and control room; a smooth gradient for the new vehicular entrance from Ka Shue Road; an at-grade loading/unloading bay and an emergency vehicular access (“**EVA**”); to comply with the greenery

provision requirement; to provide a voluntary 5m building separation between building towers; and an ancillary clubhouse]; and

- c. ***building design issues*** [to enable fully utilise the permissible GFA under a “5 storeys over one storey of carport” requirement set out in the OZP taking into account all the site constraints and special technical problems mentioned above.]

6.2 To achieve the most pragmatic approach to make the best use of the land resources to meet the targeted redevelopment intention, a series of careful site planning and building design considerations has been fully conducted. They are:

- i. to remove the on-site slope in the west and northwest to create more land space for the development;
- ii. to adopt a single-staircase building design to enable fully utilise the permissible GFA under lease so as to minimise the extent of SC;
- iii. to elevate the buildings to connect the G/F level to Ka Shue Road to tackle the substantial site level differences and to minimise the extent of excavation depth (hence, to minimise site disturbance and impact on the neighbouring area);
- iv. to conserve the on-site “GB” area as a landscape/tree planting area;
- v. to adopt a special building layout design to offer a 5m building separation from 1/F to 5/F;
- vi. to comply with the “5 storeys over one storey of carport” requirement set out in the OZP;
- vii. to adopt a basement car park with very gentle ramp-up/-down gradient levels from G/F to accommodate all ancillary TX room and other required utilities;
- viii. to define the minimum BH requirements for the basement and G/F levels (i.e. totally at least 8.5m in BH);
- ix. to adopt 3.25m floor height for 1/F – 3/F and 3.4m for 5/F (i.e. 4/F is omitted); and
- x. to locate the ancillary clubhouse at the southeastern corner of the Subject Site.

6.3 As a result, the site coverage of the proposed redevelopment scheme will inevitably be increased from 30% in the OZP to about 37% in **Area A** only, **or**, 34% in the extent of **Area A + Area B** as shown in **Figure 2**. For building height, the lower floors (i.e., basement and ground floor) will require to take up a BH of at least 8.25m, while the floor heights for 1/F to 3/F are 3.25m and 3.4m at 5/F. 4/F is omitted in the present scheme. The overall resultant building height will be 21.4m. Compared to the OZP requirement, the proposed BH in the present scheme represents an increase of around 18.9%.

The Scheme

- 6.4 The proposed redevelopment comprises a total of two 5 storey residential blocks on top of one level of basement car park (i.e. Tower 1 and Tower 2 as shown in the Block Plan in **Figure 12**). With a total domestic GFA of 2,357m² and the site area of about 1,719m² (i.e. in the extent of **Area A** + **Area B** as shown in **Figure 2**), the overall resultant plot ratio of 1.37 will be yielded. If it is calculated based on the **Area A** only, an exclusive plot ratio will be about 1.5 (i.e., 2,357m² / 1,572m² = 1.5).
- 6.5 To retain the existing land use zoning intention of **Area B**, the Applicant has decided to confine all building and construction works in association with the proposed redevelopment to be allocated within **Area A** (**Figure 2**). **Area B** will be used solely for landscape/tree planting purposes.
- 6.6 A single staircase building design has been adopted in the proposed development with a view to enabling fully utilise the permissible GFA under lease. The total building height of the proposed redevelopment scheme is 21.4m. Upon completion of whole redevelopment project by end of 2027, a total 14 high-end, higher head room apartments with flat sizes ranging from 120m² to 225m² to meet various homebuyers’ aspiration. An average flat size is about 168.36m² GFA. Assuming the estimated household size per unit is 2.7, the overall development will accommodate a total population of 38 persons (i.e. 14 x 2.7 = 37.8, round up to 38).
- 6.7 **Table 2** summarises the key development parameters of the proposed redevelopment scheme. **Table 3** outlines the total GFA and BH distributions in each tower.

Table 2 Proposed Key Development Parameters

Development Parameter	Proposed Development Scheme
1. Site Area (Gross) (Area A + Area B) “R(C)1” Zone (Exclusive) (Area A) “GB” Zone (Area B)	About 1,719m ² About 1,572m ² About 147m ²
2. Domestic GFA	About 2,357 m ²
3. Plot Ratio	About 1.37 (or about 1.5 for Area A only)
4. Site Coverage	About 34% (or about 37% for Area A only)
5. No. of Storeys	5 storeys over 1 basement level (OZP permissible)
6. Building Height (up to main roof)	About 21.4m (249mPD)
7. No. of Building Blocks	2
10.No. of Units	14
11. Average Flat Size	About 168.36m ²
12. Estimated Population	About 38 (2.7 persons per unit)
13. Total Greening Ratio	20.27% (> 20% statutory requirement))
14. Total Car Parking Spaces	26 (including 2 visitors and 1 disabled spaces)
15. Motorcycle Parking Spaces	3
16. L/UL Bays	1

Table 3 Proposed GFA and BH Calculations Breakdown by Tower

	Unit	GFA m ² (about)	BH (m)
Tower 1*			
Basement	0	0	5
G/F	2	102+121 = 223	3.25
1/F	1	232	3.25
2/F	1	232	3.25
3/F	1	232	3.25
5/F	1	232	3.4
<i>Sub-Total</i>	6	1,151	21.4
Tower 2*			
Basement	0	0	5
G/F	0	50* ¹	3.25
1/F	2	123 + 166 = 289	3.25
2/F	2	120 + 170 = 289	3.25
3/F	2	120 + 170 = 289	3.25
5/F	2	120 + 170 = 289	3.4
<i>Sub-Total</i>	8	1,206	21.4
Grand Total	14	2,357 m²	

*4/F is omitted; *¹ entrance lobby and staircase

6.8 **Figures 13, 14, 15 and 16** respectively show the schematic layout of the Lower Ground Floor (**Basement**), Ground Floor (**G/F**), Typical Floor (**1/F, 2/F, 3/F and 5/F**) and Roof Floor (**R/F**). **Figures 17 - 19** are the schematic Section Diagrams of the proposed redevelopment scheme. A 5m building separation from 1/F to main roof level between Tower 1 and Tower 2 is proposed as shown in **Figure 19**.

6.9 **Figure 18** shows that in practice and taken into account all site constraints and technical requirements as outlined in paragraph 6.1 above, the minimum BH for the Basement and G/F levels is already added up to at least 8.25m [i.e. 5m + 3.25m (including transfer plate) = 8.25m]. It must require another four storeys to utilise the permissible GFA under lease. To meet soaring demand for heicher ceiling units, the floor height between 1/F and 3/F is 3.25m, and 3.4m for 5/F (i.e. the top level of the buildings) (**Table 3** and **Figures 17 – 19**).

Internal Traffic Arrangements

6.10 The main vehicular ingress/egress point is provided in accordance with “XYZ” points set out under lease, i.e. at the south-western corner of the Subject Site (**Figures 3 and 13**). The on-site EVA alignment is proposed as shown in **Figure 14**. One loading/unloading (“L/UL”) bay is planned at the western end of the Subject Site at G/F (**Figure 14**). A total of 26 car-parking spaces and 3 motorcycle parking spaces are proposed at the Basement level (**Figure 13**).

6.11 Compared to the existing development, the proposed scheme will generate only an additional of 6 residential units (i.e. from 8 units in the existing development to 14 units in the present proposed scheme). Such a minor increase in the number of

residential units will unlikely result in any significant adverse traffic impact on the local road system under normal circumstances.

Sewage Disposal and Drainage Proposals

6.12 As mentioned in paragraph 3.6 above, a set of new sewerage mains along Ka Shue Road is planned to complete by end July 2024 (**Appendix III**), and having considered the proposed redevelopment scheme will be completed by end 2027, it is anticipated that the Applicant will be able to connect the on-site sewerage system directly to the new sewerage mains by that time. Compared to the existing on-site development, which contains a total of 8 residential units, the present proposed development will produce an additional 6 residential units in the area. No significant adverse sewerage impact due to the proposed development is anticipated. **Figure 20** shows the schematic sewerage connections.

6.13 The proposed on-site drainage alignment is shown in **Figure 20**. Compared to the existing paved area within the Subject Site, the overall paved areas in the proposed development are almost very similar. Therefore, no significant additional surface runoff will be generated by the proposed development is anticipated.

Greenery Proposals

6.14 The whole of the on-site "GB" area is proposed to retain as landscape/tree planting area in the present proposed development scheme. As mentioned in paragraph 3.5 above, a total of 22 existing trees are being surveyed. To make way for the proposed development, 19 of out these surveyed existing trees are proposed to fell and 3 of them will be retained in-situ. As the proposed landscape/tree planting works in the on-site GB area will inevitably involve filling and excavation of land, a permission from the TPB is also required. The proposed extents of the filling and excavation works within the on-site "GB" area are indicated in **Figure 22**. Details of the tree felling and tree compensatory proposals are in **Appendix II**.

6.15 In terms of greenery coverage, it has been estimated that some 20.27% of the site area are being proposed for greenery purposes. **Figure 21** shows the schematic Landscape Master Plan of the proposed development. Details of the landscape design proposals are provided in **Appendix II**.

Proposed Extents of Land Filling and land Excavation Works

The proposed development as a whole will involve certain extents of land filling and land excavation works. **Figure 22** shows the extents of and the estimated data in relation to the proposed land filling and land excavation works.

7 NO SIGNIFICANT ADVERSE VISUAL IMPACT

- 7.1 The results of the Visual Impact Assessment ("VIA") (**Appendix VI**) have demonstrated that two out of five selected public viewing points are moderately adverse, two are slightly adverse and the remaining one is negligible. The overall resultant BH of the proposed development will be 249mPD. Compared to the existing maximum BH level of Hillview Court at 253.7mPD, it represents about 4.7m lower than its adjoining development profile. Therefore, the proposed development is not incompatible with its surrounding physical setting and the proposed 5 storeys over one level of basement car park is anticipated to blend in totally with the existing development character and local settings.

8 PLANNING JUSTIFICATIONS

In-Line with Primarily Planning Intention

- 8.1 In the Notes of the OZP for "R(C)" zoning, it states: "*this zone is intended primarily for low-rise, low-density residential developments[...]*" (**Appendix I**). The proposed development conforms with the general development character of "5 storeys over one storey of carport" as stipulated in the Notes of the OZP. The on-site "GB" area is proposed for a landscape/tree planting area which also conforms totally with the planning intention of the "GB" zone (paragraph 1.8 above). Therefore, the present proposed development scheme is fully in-line with the primary planning intention of the "R(C)" and "GB" zones under the OZP.

Suitable Location for the Proposed Development

- 8.2 As highlighted in paragraph 3.9 above, the Subject Site enjoys unique geographical advantages for the proposed development. All these unique conditions have made the Subject Site so exceptional from other "R(C)" sites, particularly in terms of visual appearance to the public viewing points (**Appendix VI**).
- 8.3 The present planning application is mainly a redevelopment of an existing old residential building. With the provision of additional 6 residential units, it is not anticipated that the proposed redevelopment scheme will result in overtaxing the existing and planned basic infrastructure facilities (i.e. water supply, drainage or sewerage capacity) in the area.
- 8.4 The results of the VIA (**Appendix VI** and paragraph 7.1 above) have demonstrated that the proposed development at the Subject Site will not result in any significant visual impact on selected medium to long range public viewing points in the area. The proposed development is not incompatible with its surrounding development setting in the area

8.5 In view of the above, the proposed increases in BH and SC under application are minor in nature at this particular site location and would not compromise the general development character of the area (i.e. maintains in its existing norm of “5 storeys over one storey of carport”). The approval of this application will not cause any consequential significant adverse impact on the local area with respect to traffic, sewerage, drainage, landscape, or visual aspects. The Subject Site is hence most suitable for the proposed development with minor relaxation of BH and SC restrictions.

Fully In-line with Government Policy Objective

8.6 In 2022 Policy Address, it states that “***Hong Kong is one of the most competitive economies in the world. It also serves as an important gateway connecting the Mainland with global markets. We must be more proactive and aggressive in “competing for enterprises” and “competing for talents”***” (Paragraph 25).

8.7 In 2023 Policy Address, it further states: “[...] ***The Government will introduce a mechanism to facilitate companies domiciled overseas [...] for re-domiciliation to Hong Kong [...]***” (Paragraph 55) and “[...] ***the Government will endeavour to trawl for and retain talents/...***” (Paragraph 57).

8.8 All these policy objectives are supportive. However, among other things, better living conditions remain one of the most essential and fundamental considerations for these high-income earning groups to continue to stay longer and to continue to create strong impetus for our growth. The present proposed higher head room apartments with various unit sizes, although limited, will no doubt offer a meaningful solution to tackle the aspiration for better psychological comfort. This is particularly important for those talents with young family members.

8.9 It is unquestionable that such a basic community hardware element (higher head room living rooms) for attracting and retaining local and overseas’ talents is a must among other things. The present proposed development will be completed in about 3 years upon approval of this planning application. Therefore, it will become a “quick-win” project to facilitate the captioned strategic policy objective.

Reasonable Ceiling Heights

8.10 As mentioned in paragraph 5.1 above, the norm of higher head rooms is generally ranged from 10 feet (about 3.05m) to 12 feet (about 3.66m), and the minimum clear room height for higher head room units/apartments is 10 feet.

8.11 **Figures 17 – 19** shows that the floor heights from 1/F to 3/F are only 3.25m and the top floor (5/F) is 3.4m. In practice, this floor height should include a thickness of

150mm floor slab and 600mm internal structural beams, as shown in **Figure 10**. The net clear floor to ceiling height in units between 1/F and 3/F are only 3.1m (without internal structural beam) and 2.5m (with internal structural beam). For 5/F, the clear floor to ceiling height is only 3.25m without beam and 2.65m with internal structural beam.

- 8.12 Compared to the minimum ceiling height norm of 10 feet, the resultant net ceiling heights of the proposed development without taking into account the thickness of 600mm internal beams are only 3.1m for units between 1/F and 3/F, and 3.25m for 5/F. In contrast with the norm of higher head room adopting in the market (i.e. 3.5m as mentioned in paragraph 5.9 above), the present proposed room ceiling heights are not unreasonable.

Setting No Undesirable Precedent

- 8.13 It has been demonstrated that due to the uniqueness of the Subject Site, as outlined in paragraph 3.9 above, and being demonstrated that no significant adverse impact due to the proposed development in the area with respect to traffic, drainage, sewerage, water supply or visual aspects, the proposed increases in BH and SC at the Subject Site are minor in nature. The proposed 5 storeys over one storey of basement car park is basically the same development character in its surrounding development nearby.
- 8.14 In view of the above, the approval of the present proposed development with higher head room living environment compared to those regular units in town, will not result in setting an undesirable precedent case for other planning application in the area. It is understood that each application will have its own individual merits and such merits will be assessed by the TPB on an individual basis.
- 8.15 As mentioned in paragraphs 5.7 and 5.9 above, the Government of Hong Kong and the TPB should encourage private housing suppliers to produce more higher head room housing units/apartments to meet the soaring market demand in the community where situations permit.

9. CONCLUSION

- 9.1 The present application aims to seek the permission of TPB for proposed minor relaxation of the building height (“**BH**”) and site coverage (“**SC**”) restrictions respectively from 18m to 21.4m and from 30% to 34% in gross site area (i.e. in the extent of **Area A + Area B**), **or**, to 37% if calculated based on the on-site “**R(C)1**” area (i.e. **Area A only**), and proposed filling and excavation of land (solely for the on-site “**GB**” area) to facilitate a new redevelopment scheme at the Subject Site, which falls partly within the “**R(C)1**” sub-area and partly within “**GB**” zone on the

- OZP. The required number of storeys (i.e. “5 storeys over one storey of carport”) will be remain unchanged in the present proposed development.
- 9.2 It is the intention of the Applicant to redevelop the Subject Site into an upmarket apartment with higher head room units to meet the soaring market demand so as to echo the Government policy objective for attracting and retaining talents to further strengthen Hong Kong’s economic growth.
- 9.3 The proposed development comprises two blocks of 5 storey residential buildings on top of one level of basement car park. All building construction works in association with the proposed development will be confined within the “R(C)1” sub-area, while the on-site “GB” area will be designated as landscape/tree planting area.
- 9.4 Upon completion by end 2027, the proposed development will provide a total of 14 higher head room apartments to serve the community needs. The overall resultant plot ratio of the present proposed development is 1.37 in the extent of **Area A + Area B** as shown in **Figure 2** above, **or**, 1.5 in **Area A** only.
- 9.5 It has been demonstrated that due to the cumulative uniqueness of the Subject Site, as outlined in 3.9 above, and having considered the nature of the proposed development, the present proposed increase levels of BH and SC are minor in nature; the proposed development has been proved compatible with its surrounding development character and natural setting; no significant adverse or unacceptable impact due to the proposed development on the local area with respect to traffic, water supply, sewerage or visual aspects is anticipated; and the proposed floor heights are not unreasonable when compared to those commonly adopted for higher head room buildings in the market.
- 9.6 The approval of this application will not set an undesirable precedent case for other applications in the area due to its uniqueness. It will be a “quick-win” project to respond to the Government’s policy objective.
- 9.7 In view of the above, we respectfully request Members of the TPB to give favourable consideration to and approve the present application so as to allow the Applicant to implement this “quick-win” project to meet the needs of the community.

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