

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H19/80

<u>Applicant</u>	Rostar Company Limited represented by Prudential Surveyors International Limited
<u>Site</u>	7 Stanley Market Road and 78 and 79 Stanley Main Street, Stanley (Stanley Lots (STL) 427 and 428 and Stanley Inland Lot (StIL) 124)
<u>Site Area</u>	About 523m ²
<u>Land Status</u> (Plan A-2)	<p>StIL 124</p> <ul style="list-style-type: none">- Condition of Lease Extension for a term of 50 years commencing from 1.10.2008- restricted to agricultural or garden purpose. No building or structure except boundary wall or fence is permitted- surrender the area shown as 'Pedestrian Precinct/Street' ('PP/S') on the Outline Zoning Plan (OZP) to the Government upon request (i.e. Pink Hatched Black Area)- tree preservation clause <p>STLs 427 and 428</p> <ul style="list-style-type: none">- Stanley Block Government Lease for a term of 999 years from 1894- 'building' subject to non-offensive trade restriction
<u>Plan</u>	<p>Draft Stanley OZP No. S/H19/13 (currently in force)</p> <p>Approved Stanley OZP No. S/H19/12 (in force at the time of submission. The zoning and development restrictions for the application site remain unchanged on the current OZP)</p>
<u>Zoning</u>	<p>"Commercial (1)" ("C(1)") (about 262m², 50%)</p> <ul style="list-style-type: none">- restricted to a maximum building height (BH) of 21 metres above the mean street level abutting the development site, or the height of the existing building, whichever is the greater; and- provision for application for minor relaxation of the BH restriction <p>An area shown as 'PP/S' (about 261m², 50%)</p>
<u>Application</u>	Proposed Minor Relaxation of BH Restriction for Permitted Commercial Development within "C(1)" Zone and Proposed 'Eating Place' and 'Shop and Services' Uses within an area shown as 'PP/S'

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed 7-storey commercial building for 'Eating Place' and 'Shop and Services' uses at 7 Stanley Market Road and 78 and 79 Stanley Main Street, Stanley (the Site) (**Plan A-1**). The Site falls within an area partly zoned "C(1)" (50%) and partly shown as 'PP/S' (50%) on the OZP. According to the Notes of the OZP, whilst 'Eating Place' and 'Shop and Services' uses within "C(1)" zone are always permitted, such uses within an area shown as 'PP/S' require planning permission from the Town Planning Board (the Board). Besides, as the proposed development with a BH of 30.7mPD (i.e. 25.34m above the mean street level of Stanley Main Street of 5.36mPD¹) exceeds the BH restriction of 21m (an increase of about 20.7%) as stipulated under "C(1)" zone on the OZP, planning permission from the Board for minor relaxation of BH restriction is also required.
- 1.2 The major development parameters of the proposed development are summarised below:

Site Area	About 523m ²
Total gross floor area (GFA)*	Not exceeding 1,660m ²
Plot Ratio (PR)	About 3.17
Site Coverage (SC)	About 53%
No. of Storeys	7
BH (main roof) [#]	30.7mPD
- From mean street level of Stanley Main Street (5.36mPD)	25.34m
No. of Private Car Parking Spaces	1
Loading/Unloading Bay	1

* Excluding plant room/back-of-house (about 61m²) on G/F and 1/F.

The height of roof-top structures amounts to 3m above the main roof of 30.7mPD.

- 1.3 According to the proposed scheme (**Plan A-9**), part of the 'PP/S' area abutting the Stanley Market Road would be occupied by the G/F of commercial facilities (about 35m²), a parking space and a loading/unloading space (42m²), which will be operated on a part-time basis from 7am to mid-night), and at-grade greenery at the northwest corner of the Site (90m²). The remaining 'PP/S' area will be for pedestrian footpath with varying widths (the narrowest is 1.5m). Part of the pedestrian footpath and the loading/unloading space (about 51m²) will also be underneath 2/F of the proposed commercial building with a head-room of about 8.6m (**Drawing A-9**). To facilitate preservation of an Old and Valuable Tree (OVT LCSD S/31) which is just outside the site boundary at the north-western side of the Site (**Plan A-9**), the applicant proposes to use the area underneath the crown of OVT as landscaped area, which also forms part of the overall about 30% greenery of the proposed development with at-grade greenery of 129.4m² (**Drawing A-12**). The

¹ The applicant has mistakenly assumed the mean street level of abutting road is 6.6mPD. However, the applicant has not rectified the discrepancy in the submission.

applicant also proposes to provide a public viewing deck at the roof level of the proposed development. In support of the proposed development, Traffic Impact Assessment (TIA), Visual Impact Assessment (VIA), Tree Pruning Proposal, Landscape Proposal, Sewerage Impact Assessment (SIA) and Public Survey Research Report are submitted. The layout plans, elevation plan, landscape plan, photomontage and greenery plan of the proposed development submitted by the applicant are at **Drawings A-1 to A-12**.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application form and letter received on 9.1.2020 (Appendix I)
- (b) SPS (Appendix Ia)
- (c) Supplementary Information received on 21.1.2020 (Appendix Ib)
- (d) Further Information (FI) dated 14.2.2020* (Appendix Ic)
- (e) FI dated 27.7.2020* (Appendix Id)
- (f) FI dated 10.9.2020# (Appendix Ie)
 - * *accepted and not exempted from publication and recounting requirement*
 - # *accepted and exempted from publication and recounting requirement*

1.5 The application was originally scheduled for consideration by the Metro Planning Committee (the Committee) of the Board on 29.5.2020. Upon the applicant's request, the Committee agreed on 29.5.2020 to defer making a decision on the application for two months to allow time for preparation of FI to address comments from government departments. As the applicant submitted FI on 27.7.2020, the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the SPS at **Appendix Ia** and FIs at **Appendices Ic** and **Id**. They can be summarized as follows:

Reinforcing the Identity of Stanley as a Tourist Attraction

- (a) The proposed development is in line with Government's initiative to promote Hong Kong as a world-class destination for leisure and business visitors. It will form a special point of interest, maintain its competitiveness with other destinations as well as to enhance its attractiveness to reinforce Stanley's identity as a major tourism town in Hong Kong;

Being Compliance with Statutory and Non-statutory Planning Requirements

- (b) the proposed development is generally in line with the planning intentions of the "C(1)" zone and the area shown as 'PP/S' on the OZP. The major portion of the

proposed development within the “C(1)” zone is always permitted under the OZP. While a small portion of the proposed development falls within an area shown as ‘PP/S’, a dedicated pedestrian walkway with landscape and amenity plantings for public use is proposed;

- (c) the proposed development complies with Explanatory Statement (ES) of the OZP that minor relaxation of the BH restriction may be considered to developments that adopt innovative design of the characteristics. As the proposed development is subject to development constraints, minor encroachment onto the area shown as ‘PP/S’ and relaxation of BH restriction are required. The proposed BH of 30.7mPD is compatible with the surroundings which preserves the low-rise and low-density character of the central bazaar market (**Drawing A-11**). In addition, an inclusive and innovative design, including stepped BH profile, building setback, more transparent building materials and landscaped area at pedestrian level, is adopted to create a physical and social landmark which will offer a quality gathering area and preserve the social collective memory. The roof top of the proposed development will be designated as a public viewing deck for people to enjoy the open view of Stanley at large, which would become a new attraction for the Old Stanley Market area. It also doubles as a small activity space for the employees / visitors. From urban design perspective, the proposed development is line with the requirements and recommendations as set out in the Urban Design Guidelines in Hong Kong Planning Standards and Guidelines (HKPSG). It will improve the overall streetscape and satisfy the visual and emotional perceptions of the pedestrians;

Enhancement of the Quality and Quantity of the area shown as ‘PP/S’

- (d) compared with the area shown as ‘PP/S’ on the OZP (i.e. 260m²), the proposal will provide more area for pedestrian precinct (i.e. 265m²) to improve the pedestrian circulation and connectivity along Stanley Market Road. Sufficient quality space will be provided to ensure proper protection of the OVT and two mature trees. Landscape area will be provided under the OVT to enhance the roadside visual amenity. A total greenery ratio of not less than 30% with at-grade greenery of no less than 150m² is proposed to provide a quality landscaped semi-public space at the cost of the applicant;
- (e) the area shown as ‘PP/S’ together with the adjoining land occupied by the hawker bazaar was planned and approved in 1994. However, the area including the adjoining site zoned as “Open Space” (**Plan A-2**) on the OZP has not been realised for the past 25 years and will not be possible for public enjoyment shortly under unstable political situation. In this regard, the proposed development acts as a quick solution to provide open space as needed to the local residents and visitors;
- (f) according to a public survey research conducted by the applicant, the public overwhelmingly supports for opening up the area underneath the OVT and the proposed public viewing deck. There is also a strong demand for eating places and shops in the area.

No Insurmountable Technical Impacts

- (g) the technical assessments and analysis including TIA, VIA, Urban Design Analysis, Streetscape Analysis and SIA are provided to address the departmental concerns and demonstrate that the proposed development would not cause any

insurmountable impacts on traffic, sewerage and visual aspects; and

Not Resulting in Undesirable Precedent Case

- (h) as applications for minor relaxation of BH of about 15% are not uncommon, the current application would unlikely to result in undesirable precedent case.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 One of the recommendations of the Stanley Planning Study Stage II, which was endorsed by the then Development Progress Committee and the Board on 8.4.1993 and 14.5.1993 respectively, was to replan the bazaar area at Stanley to allow orderly and regularized redevelopment and to pedestrianise the Stanley Old Town area for provision of a safe and convenient pedestrian network in the area. It was also aimed at enhancing the amenity and character of Stanley area. Most of the planning and land use proposals recommended were subsequently incorporated in the Stanley Old Town Area Layout Plan No. L/H19A/1 adopted on 22.5.1993. According to the Layout Plan, the subject ‘PP/S’ area was 8m in width, comprising a 3.5m wide lay-by and a 4.5m wide footpath (**Plan A-3**).
- 4.2 On 22.7.1994, the draft Stanley OZP No. S/H19/4 was gazetted, incorporating amendments, amongst others, the rezoning of the central bazaar area from “Government, Institution or Community” and “Commercial/Residential” to “C(1)”, “Open Space” and ‘PP/S’, with the Notes for the “C(1)” zone restricting the height of the commercial development to a maximum of 3 storeys (excluding basement(s)) and 15m above the mean street level abutting the development site or the existing building bulk, whichever is the greater.
- 4.3 During the exhibition of the draft OZP No. S/H19/4, there were two objections (No. 39 submitted by owner of the Site and No. 43 submitted by owner of STLs 422 to 426 (i.e. Villa Fiorelli)), amongst others, against the zoning and BH restriction of the “C(1)” zone, and proposed a maximum BH of 10 storeys. On 14.7.1995, upon preliminary consideration, the Board decided not to uphold both objections on the grounds that it was necessary to enhance the visual quality and to preserve the low-rise character of the Stanley central bazaar area. Allowing a 10-storey building on the site would defeat the intention to preserve the character of the central bazaar area as a low-rise shopping area.
- 4.4 Subsequently, these two objectors submitted FI and proposed to relax the maximum BH of the “C(1)” zone to 6 storeys and 21m. Objection No. 39 also proposed to extend the “C(1)” zoning boundary to cover their entire lots (i.e. StIL 124, the Site). The Board considered that, instead of number of storeys, the absolute BH would be a more appropriate reference to assess the visual impact of the development in the “C(1)” zone. On 18.7.1997, after

preliminary consideration of the objections, the Board decided to partially meet the objections by relaxing the maximum BH restriction of the “C(1)” zone to 21m (i.e. the current BH restriction). On 12.9.1997, after further consideration of the objections, the Board decided not to uphold the objector’s proposal to extend the “C(1)” zoning boundary mainly on the ground that a portion of the objector’s lots in the central bazaar area was needed to be rezoned for ‘PP/S’ for smooth and safe pedestrian circulation; the ‘PP/S’ area was 8m in width (with a 3.5m wide lay-by and 4.5m wide footpath) (**Plan A-3**) which also served as an emergency vehicular access (EVA) for firefighting purposes; and the proposed extension would create a narrow building canyon at the curved corner of the island site which was considered undesirable from urban design, visual impact and traffic points of view.

- 4.5 To implement the ‘PP/S’, opportunity was taken to impose lease condition to Condition of Lease Extension of StIL 124 in 2008, amongst others, requiring the owner of StIL 124 to surrender the area encroached onto the area shown as ‘PP/S’ on the OZP (i.e. Pink Hatched Black Area of StIL 124, **Plan A-2**) to the Government upon request, free of cost.

5. **Previous Application**

There is no previous application in respect of the Site. However, 5 planning applications were submitted by the same applicant with one in 2016 (No. A/H19/74), two in 2017 (Nos. A/H19/75 and A/H19/76) and two in 2018 (Nos. A/H19/77 and A/H19/78) for minor relaxation for BH restriction for permitted commercial development within “C(1)” zone and proposed commercial uses within an area shown as ‘PP/S’ similar to the current application. All these applications were subsequently withdrawn by the applicant before they were submitted to the Committee for consideration.

6. **Similar Applications**

- 6.1 There are 3 similar applications (No. A/H19/18, 24 and 28) covering three sites for commercial and residential uses within the area shown as ‘PP/S’ on the OZP. Applications No. A/H19/24 and 28 covering the same site were rejected by the Board on 29.5.1998 and 7.1.2000 respectively mainly for the reasons that the proposed development will frustrate the planning intention of the proposed pedestrian street, which is to enhance the provision of a safe and convenient pedestrian network for the area; and the approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would render implementation of the planned pedestrian networks impossible. Application No. A/H19/18 was approved with conditions by the Board on review on 16.6.1995 on sympathetic consideration in that, given the entire lot is situated in the ‘PP/S’ area, private property rights should not be jeopardized by the need to straighten a small section of an existing footpath in a back street. The designation of pedestrian street might cause planning blight.
- 6.2 There is no similar application for minor relaxation of BH restriction within the “C(1)” zone.

6.3 Details of the above similar applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-2, aerial photo on Plan A-4 and photos on Plans A-5 to A-8)

7.1 The Site is:

- (a) situated at the central and northern part of the central bazaar area;
- (b) the southern part of the Site is currently occupied by a number of temporary structures for retail uses. The northern part of the Site is vacant;
- (c) abutting and accessible via Stanley Main Street and Stanley Market Road; and
- (d) in close proximity to three mature trees including a registered OVT (LCSD OVT S/31). Whilst these mature trees are outside site boundary, their canopies are partly within the site boundary.

7.2 The surrounding areas have the following characteristics:

- (a) the central bazaar area at Stanley Old Town is a popular tourist spot. Most of the stalls in the central bazaar area are temporary structures selling tourist souvenirs, garments and other retail goods. Part-time Pedestrian Scheme is implemented at Stanley Main Street, Stanley Market Road and part of Stanley New Street during weekends and public holidays;
- (b) to the immediate southwest are two residential buildings, i.e. Villa Fiorelli (25.84mPD) and U-C Court (39.3mPD);
- (c) to the north across the Stanley Market Road are Stanley Municipal Services Building (4 storeys), Hong Kong Stanley Sports Association (2 storeys), residential buildings at 10 and 12 Stanley Market Road (4 storeys) and Stanley Market Road Sitting-out Area. The Hong Kong Stanley Sports Association, 10 and 12 Stanley Market Road are restricted to a maximum of 10 storeys under “Residential (Group A)1” (“R(A)1”) zone;
- (d) to the east across Stanley New Street is the Stanley Old Town restricted to a maximum of 6 storeys under “R(A)2” zone;
- (e) to the west across Stanley Market Road is an open space and some residential blocks which are restricted to a maximum of 10 storeys under “R(A)1” zone; and
- (f) to the southwest along the waterfront is the Stanley Promenade.

8. Planning Intentions

- 8.1 The planning intention of the “C(1)” zone is intended primarily for commercial development, which may include supermarket, shop, services and eating place of reasonable and compatible scale, functioning as the local and district shopping centres serving the local residents and the tourists in the Stanley area.
- 8.2 According to the ES of the Stanley OZP, it is the planning intention of the Board to keep the developments in Stanley in a low-rise form in order to preserve the existing character and the specific planning objectives of the Stanley OZP are, amongst others, to reinforce the existing attraction of Stanley as a residential, recreational and shopping area; and to improve pedestrian and vehicular circulation.
- 8.3 According to the ES of the OZP, redevelopment of the central bazaar area under “C(1)” zone has been constrained by the lack of satisfactory access for fire engines. The land use is drawn up in order to facilitate an orderly and regularized redevelopment. In order to preserve the low-rise and low-density character of Stanley in general and the character of the central bazaar area in particular, and to avoid overloading the limited and narrow local road network, a maximum BH restriction of not more than 21 metres above the mean street level abutting the development site is adopted. However, to avoid planning blight, existing development would be allowed to be redeveloped to its existing building bulk upon redevelopment. Commercial uses such as shop and services, and eating place are permitted as of right in the area. The central bazaar area would also be pedestrianised. Additionally, a loop road around the central bazaar area is proposed to alleviate the traffic problem of the Old Town area. In order to provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the BH restriction may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):
- (a) the Site comprised of 3 private lots, namely StIL124, STLs 427 and 428. The proposed commercial development including ‘Eating Place’ and ‘Shops and Services’ uses is a breach of the lease conditions and is not permissible under the respective leases governing the Site;
 - (b) in the event of implementation of the proposal, a lease

modification by way of land exchange would be required. As the land exchange would involve urban agriculture land, there is no guarantee that the land application would be processed by LandsD in the private capacity as agent of the landlord. LandsD would exercise its discretion in its landlord's right on whether land application involving urban agricultural lots would be entertained. Should the planning application be approved by the Board, the applicant should be reminded that there is no guarantee that the land exchange application will be processed even if the planning application is approved by the Board; and

- (c) the applicant is reminded that any interference and felling of existing trees and proposed planting of new trees, if any, on government land require prior approval from Government.

Traffic Aspect

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

- (a) the TIA submitted by the applicant is not acceptable;
- (b) it is noted that the minimum recommended through zone width of footpath in HKPSG for commercial use is 4.5m. As such, the HKPSG requirements is not fulfilled. Besides, a footpath of at least 2m width is required to provide a reasonably good environment for two-way flow by pedestrians and wheelchair users. If landscaping is provided on the footpath, it would reduce the effective width of the footpath and the pedestrian circulation would be affected;
- (c) under the part-time scheme, it would be difficult to control the parking space and lay-by outside the designated operating hours. As such, the applicant shall provide a full-time scheme for consideration; and
- (d) after reviewing the application and traffic conditions in the vicinity, it should be reiterated that upper bound of parking provision of HKPSG is required for this application. It is understood that there are major constraints within the Site, such as the tree protection zone of OVT, the 'PP/S' under the OZP, etc. However, as excess in traffic generation due to the development would lead to illegal parking and cause adverse traffic impact to the Stanley area, car parking provision should not be compromised.

Urban Design and Visual Aspects

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

- (a) by estimation, the proposed development will encroach about

51m² onto the area shown as 'PP/S' on upper floors and about 35m² on G/F. Contrary to the intention of pedestrianizing the central bazaar area, such encroachment on G/F would reduce the width of the area shown as 'PP/S' to about 1.5m at certain portion, thus affect pedestrian circulation. Furthermore, the car park and lay-by falling within the 'PP/S' area would undermine the quality of pedestrian environment;

- (b) judging from the VIA, the upper floors of the proposed development overhanging in the area shown as 'PP/S' may slightly affect its openness as compared to OZP compliant scheme. It is not certain how the use of more transparent building materials would be an effective mitigation measure to alleviate the visual bulkiness of the overhanging portion and the overall bulk of the development would remain the same;
- (c) discrepancy on the OZP compliance scheme is spotted from the photomontages. The maximum BH of the Site should be 26.36mPD given that the mean street level of the abut Stanley Main Street is 5.36mPD. Nevertheless, the BH of the adjoining residential buildings, namely Villa Fiorelli and U-C Court, are 25.84mPD and 39.3mPD respectively. The applicant is requested to rectify the misleading information in the VIA and relevant photomontages (**Drawing No. A-11**).

Tree Preservation and Landscape Aspect

9.1.4 Comments of CTP/UD&L, PlanD:

- (a) no objection to the application from landscape planning perspective;
- (b) with reference to the submitted information and aerial photo of 14.5.2019, the Site is currently vacant and some areas are occupied by temporary structures. Low to medium rise residential buildings are found in the vicinity. No vegetation is found within the site boundary. Further, one registered OVT and two mature trees are found next to Stanley Market Road and Stanley Main Street respectively in close proximity to the Site. Significant change or disturbances arising from the proposed development to the existing landscape character and resource are not anticipated;
- (c) having reviewed the submission, it is noted that the proposed building footprint is setback to avoid direct conflict with the adjacent registered OVT and the two mature trees though slight pruning of canopies of these trees is proposed. Further, landscape treatments such as shrub planting on G/F and edge planting along the balustrades are proposed to enhance the greenery facing to the street;

- (d) the applicant is reminded that any proposed tree work and construction works to take place within tree canopy drip line of the OVT, prior agreement with the Leisure and Cultural Services Department has be sought; and
- (e) should the Committee approve the application, it is suggested to impose approval condition on ‘submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board’.

9.1.5 Comments of the Director of Leisure and Cultural Services:

- (a) it is noted that the applicant stated that the proposed development would not encroach upon the Tree Protection Zone of the registered OVT (LCSD OVT S/31) (i.e. Tree T02) . However, the pruning proposal was based on the tree conditions in February 2019, the applicant should provide updated details on the proposed pruning at later stage as committed, while the pruning proposal should be planned on a need basis for healthy tree growing; and
- (b) for the pruning proposal regarding Trees T01 and T03, all pruning works should be performed by trained personnel and under proper supervision by experienced persons with expertise in arboriculture and tree care to ensure that it is done safely and properly.

Building Aspect

9.1.6 Comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department (BD):

- (a) no objection in-principle under the Buildings Ordinance (BO). Detailed comments on compliance with BO would be given upon formal building plans submission; and
- (b) the applicant is reminded to observe the pre-requisites and the sustainable building design guidelines as stipulated in PNAP APP-151 and 152 if GFA exemption is applied for the green/amenity features and non-mandatory / non-essential plant rooms. Besides, the applicant is required to justify the high headroom at G/F and accessible lift shall be provided.

Environmental Aspect

9.1.7 Comments of the Director of Environment Protection:

- (a) no objection to the application;
- (b) it is noted that the proposed development will be equipped with central air conditioning and will not rely on opened windows for ventilation;

- (c) the proposed uses are not polluting in nature and not incompatible with the surrounding environment;
- (d) the SIA submitted for the application is generally in order;
- (e) the applicant shall properly design the proposed 'Eating Place/Shop and Services' so as to ensure that the potential fixed source noise impact from the proposed uses would comply with the relevant HKPSG noise criteria;
- (f) the applicant shall follow the relevant guidelines issued by Environmental Protection Department (EPD) and BD (e.g. ProPECC PN 2/93 and Practice Note for Registered Contactors – Control of Environmental Nuisance from Construction Sites) to minimize the potential construction noise impact in the advisory clauses; and
- (g) the applicant shall observe the requirements related to oily fume and cooking odour emissions from restaurants and food business under Air Pollution Control Ordinance, and take appropriate measures to minimize these emissions from the proposed 'Eating Place' in order to prevent nuisance to the nearby sensitive receivers. The applicant could refer to EPD's "Pamphlet on Control of Oil Fume and Cooking Odour from Restaurants and Food Business" for details.

Drainage Aspect

- 9.1.8 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department:

for developments controlled under BO, drainage connection plans and details should be incorporated into drainage plans, and submitted together with the supporting hydraulic calculations to the Building Authority for approval.

Water Supplies Aspect

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

- (a) no objection to the application; and
- (b) there are some existing fresh water mains within the Site and are affected by the proposed development. Free access should be allowed for WSD as any time to carry out operation and maintenance of these water mains. In case the applicant considers that diversion of these water mains is required, the applicant should study the feasibility of diverting these water mains. If diversion is considered feasible, the applicant should submit proposal for WSD's consideration and approval. The water mains diversion work shall be carried out by the

applicant at his own cost to the satisfaction of WSD. WSD will only carry out the connection works to the existing network and the associated connection cost should be borne by the applicant. Moreover, a 3m wide Waterworks Reserve is proposed for water mains within the Site.

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

- (a) Commissioner for Tourism;
- (b) Chief Highways Engineer/Hong Kong, Highways Department;
- (c) Commissioner of Police;
- (d) Director of Agriculture, Fisheries and Conservation;
- (e) Director of Electrical and Mechanical Services;
- (f) Director of Food and Environmental Hygiene;
- (g) Director of Fire Services;
- (h) Chief Architect/Central Management Division 2, Architectural Services Department;
- (i) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (j) District Officer (Southern), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

10.1 On 21.1.2020, 25.2.2020 and 7.8.2020, the application and FIs were published for public inspection respectively. During the three statutory public inspection periods, a total of 22 opposing public comments were received including the chairman of Hong Kong Stanley Sports Association and 19 individuals (**Appendix III**).

10.2 The main grounds of the opposing public comments received are summarized as follows:

- (a) traffic and infrastructure capacity are incapable to support the proposed development with increasing traffic demand and influx of population in the area. Stanley is suffering from traffic congestion and influx of visitors which adversely affects residents' livelihood, especially during weekends and holidays. The northwest corner of the Site is a traffic blind spot where poses threats to pedestrian safety;
- (b) given there are excessive numbers of restaurant in Stanley, the applicant's claim to build a high-rise building for more restaurants to reinforce the identity of Stanley as tourist attraction is not reasonable. The opening of new retail shops will lead to a vicious competition among the new and traditional local shops which have already struggling for continuing their business;
- (c) the proposed development with a high-rise building will destroy the local character and uniqueness of Stanley which is regarded as a small leisure village without any need of large-scale or high-rise

development. Developments in Stanley should be maintained in low-rise in accordance with the planning intention of the Board to keep developments in low-rise and low-density in order to preserve the existing character;

- (d) the proposed development will ruin the openness and sky view of the surrounding area. The proposed 7-storey building overhanging the public passage is too bulky and inappropriate for the Site. It will bring adverse visual and environmental impacts on the surroundings. Given that the Site is partly urban agricultural land and government land, the proposed development is not compatible with the surroundings;
- (e) developments in the area shown as 'PP/S' should follow the OZP for pedestrianization and recreational facilities instead of encroaching onto the public space, road and pavement which deviates the objective of the plan;
- (f) the Site is in close proximity to small trees and abutting the canopy of a valuable old heritage tree in the corner, which is one of the few local landmarks remaining in Stanley as a historical place. There is also a heritage of Second World War bunker under the OVT with tree roots attached and intertwined with the wall of the bunker. The proposed development will damage the OVT and the bunker;
- (g) the Site is currently suffering from hygienic issue with rat infection and the proposed development will worsen the situation;
- (h) the proposed development will bring poor ventilation and the high-rise building will create a narrow canyon effect which increases the destructiveness of strong winds; and
- (i) the approval of the application will set an undesirable precedent to encourage proliferation of high-rise development at the Stanley area, and conversion of residential building to commercial uses.

11. Planning Considerations and Assessment

- 11.1 The application is to seek planning permission for (i) proposed 'Eating Place' and 'Shop and Services' uses within an area shown as 'PP/S' and (ii) proposed minor relaxation of BH restriction from 21m to 25.34m within "C(1)" zone for a proposed 7-storey commercial building at the central bazaar area in Stanley, which represents an increase of about 20% in BH. According to the proposed scheme, part of the area shown as 'PP/S' (i.e. 77m²) would be taken up by G/F of the proposed commercial building, car parking and loading/unloading space (**Drawing A-2** and **Plan A-9**).

The 'PP/S' area

- 11.2 Part of the Site falls within an area shown as 'PP/S' in the Stanley OZP. The 'PP/S' area is intended to improve and widen the existing pedestrian street for provision of a safe and convenient pedestrian network in the area. Hence, any proposed uses within the 'PP/S' area should not cause any adverse impact on or obstruction to the pedestrian circulation in the area. It should also be noted that under the lease, StIL 124 is restricted to agricultural or garden purpose (**Plan A-2**). The lot owner is required to surrender the Pink Hatched Black Area of StIL 124 (i.e. about 261m²) which falls within the area shown as 'PP/S' on the OZP to the Government free of cost upon request.
- 11.3 As the applicant's proposal would encroach onto the area shown as 'PP/S' (**Plan A-9**), CTP/UD&L advises that such encroachment on G/F would reduce the width of the area shown as 'PP/S' to about 1.5m at certain portion, thus affecting pedestrian circulation, which is contrary to the intention of pedestrianizing the central bazaar area. Besides, as mentioned in paragraph 1.3 above, the northwest portion of the concerned 'PP/S' area (underneath the crown of the OVT) would be designated for landscaped area (**Drawing A-12**). In this regard, C for T considers that the HKPSG and barrier free access requirements are not fulfilled, and that landscaping on footpath may reduce the effective width of pedestrian circulation. Hence, the proposed development would hinder the pedestrian circulation at Stanley and deviate from the intention of 'PP/S'. The applicant has therefore failed to demonstrate that the proposed development would not cause any adverse impact on the planned pedestrian circulation in the area. The approval of the subject application would frustrate the intention of designating the 'PP/S', which is to enhance the provision of a safe and convenient pedestrian network for the area.

Technical Considerations

- 11.4 According to the applicant, the Site is small and irregular in shape and hence there would only be 1 accessible parking and 1 loading/unloading bay to be provided at-grade, which would be located within the area shown as 'PP/S'. To minimize the impact on 'PP/S', a Traffic Management Plan is proposed by the applicant such that the accessible parking space and loading/unloading bay would only be operated on a part-time basis. However, C for T considers the proposed TIA and Traffic Management Plan not acceptable. As the excess traffic generated by the proposed development would lead to illegal parking and cause adverse traffic impact on the Stanley area, car parking provision of the proposed development should not be compromised. In this connection, C for T considers that a full-time car parking scheme in accordance with HKPSG requirement should be provided, as it would be difficult to control the parking space and loading/unloading space outside the designated operating hours under the part-time scheme. Should the provision of car parking and loading/unloading facilities be on a full-time basis, it would further reduce the area for the 'PP/S' and thus undermine its intention as set out in paragraph 11.2 above. Hence, the applicant has failed to demonstrate that the proposed development would not cause adverse traffic impacts on the surrounding area.

- 11.5 In terms of urban design, CTP/UD&L of PlanD advises that the proposed encroachment of 'PP/S' area by the proposed development may affect its openness as compared to the scheme conforming to OZP. As mentioned in paragraph 4 above, in considering the objections to the draft Stanley OZP No. S/H19/4 in 1997, one of the grounds that the Board did not agree to the objector's (i.e. lot owner of the Site) proposal to extend the "C(1)" zoning boundary to cover the subject 'PP/S' area was that the proposed extension would create a narrow building canyon at the curved corner of the island site which was considered undesirable from urban design and visual impact points of view. There is no strong justification provided by the applicant to deviate from the previous decision of the Board.

Minor Relaxation of BH Restriction

- 11.6 The BH restriction in "C(1)" zone is to preserve the low-rise and low-density character of Stanley in general and the character of the central bazaar area in particular, and to avoid overloading the limited and narrow local road network. While the resultant BH of the current scheme would still be lower than that of the adjacent residential development (i.e. U-C Court) (39.3mPD, i.e. 33.5m above mean street level) within the same "C(1)" zone, it would be higher than the BH of another existing development (i.e. Villa Fiorelli) with a BH of 25.84mPD which is still within the BH restriction of the "C(1)" zone. It should be noted that U-C Court was built before the BH restriction was imposed on the OZP on 22.7.1994 and hence, it may not be a relevant reference for considering the BH relaxation of the proposed development.
- 11.7 According to the proposed scheme, the applicant claims that the proposed development has a number of planning and design merits including a reserved area at the northwest corner of the Site for the preservation of OVT, as well as a public viewing deck at roof level. However, the registered OVT is protected under the existing mechanism and the proposed 'public viewing deck' at roof level is only accessible via internal circulation of the premises with a limited view over the Stanley. These design measures are limited in scope and may not be regarded as planning and design merits as claimed by the applicant. In this regard, the applicant has yet to demonstrate that there are any planning and design merits to justify the proposed 20% increase in BH for development within the "C(1)" zone.
- 11.8 As regards the adverse public comments, the assessment above and the departmental comments in paragraph 9 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, PlanD does not support the application for the following reasons:
- (a) the proposed development would frustrate the intention of designating part of the site as area shown as 'PP/S', which is to facilitate the provision of a safe and convenient pedestrian network for the area;

- (b) the applicant fails to demonstrate that the proposed development would not cause adverse traffic, pedestrian circulation and visual impacts on the surrounding area; and
- (c) the applicant fails to demonstrate strong planning and design merits to justify the proposed minor relaxation of the BH restriction within the “C(1)” zone.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.9.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the BH of the proposed development should not exceed 30.7mPD;
- (b) the setting back of ground floor of the proposed building for provision of a 4.5m wide footpath along the northern boundary of the site;
- (c) the submission and implementation of a traffic impact assessment and traffic management plan to the satisfaction of the Commissioner of Transport or of the Town Planning Board;
- (d) the design and provision of internal transport facilities to the satisfaction of the Commissioner of Transport or of the Town Planning Board;
- (e) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (f) the submission and implementation of tree preservation proposal for the registered OVT (LCSD OVT S/31) to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board.

Advisory Clauses

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

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

- 13.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

Attachments

Appendix I	Application form and letter received on 9.1.2020
Appendix Ia	SPS
Appendix Ib	Supplementary information dated 21.1.2020
Appendix Ic	FI dated 14.2.2020
Appendix Id	FI dated 27.7.2020
Appendix Ie	FI dated 10.9.2020
Appendix II	Similar applications in the 'PP/S' area in Stanley
Appendix III	Public comments
Appendix IV	Advisory clauses
Drawing A-1	Master layout plan submitted by the Applicant
Drawing A-2	Proposed parking and loading/unloading space submitted by the Applicant
Drawings A-3 to A-8	Floor plans submitted by the Applicant
Drawings A-9 to A-10	Elevation and landscape plan submitted by the Applicant
Drawing A-11	Photomontage submitted by the Applicant
Drawing A-12	Greenery plan submitted by the Applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Extract of Layout Plan
Plans A-5 to A-8	Site photos
Plan A-9	Area reserved for pedestrian circulation in accordance with the applicant's scheme

**PLANNING DEPARTMENT
SEPTEMBER 2020**