

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/H17/144

<u>Applicant</u>	: Blue Water Group Management Limited represented by KTA Planning Limited
<u>Site</u>	: 66 Deep Water Bay Road, Shouson Hill, Hong Kong
<u>Site Area</u>	: About 2,043.869m ²
<u>Lease</u>	: Rural Building Lot (RBL) No. 573 <ul style="list-style-type: none">- restricted for residential purpose- permitted maximum gross floor area (GFA) of 1,532.89m² and site coverage (SC) of 25%
<u>Plan</u>	: Approved Shouson Hill and Repulse Bay Outline Zoning Plan (OZP) No. S/H17/13
<u>Zoning</u>	: “Residential (Group C)3” (“R(C)3”) ¹ <ul style="list-style-type: none">- maximum 3 storeys in addition to 1 storey of carport, or the height of the existing building, whichever is the greater- maximum plot ratio (PR) and SC shall be limited to 0.75 and 25% respectively for residential development with 3 storeys used for domestic purposes²
<u>Application</u>	: Proposed Minor Relaxation of SC Restriction for Permitted ‘House’ Use

1. **The Proposal**

1.1 The applicant seeks planning permission for minor relaxation of SC restriction from 25% to not more than 37% for a proposed residential development at 66 Deep Water Bay Road, Shouson Hill (the Site), which is zoned “R(C)3” on the OZP (**Plans A-1 and A-2**). According to the Notes for the “R(C)3” zone, ‘House’ is a Column 1 use which is always permitted. Minor relaxation of SC restriction may be considered by the Town Planning Board (the Board) based on individual merits of a development or redevelopment proposal.

¹ About 69m² (3%) of the application site encroaches upon “Green Belt” (“GB”) zone which could be regarded as minor boundary adjustment according to the covering Notes of the OZP.

² According to the Notes of the OZP, in determining the maximum PR and SC, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker’s office, or caretaker’s quarters and recreational facilities for use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.

1.2 The proposed residential development comprises two houses with three storeys above a common storey for carport and E&M facilities³. Residents' recreational facilities, including an outdoor garden, an outdoor swimming pools, a gym room and an indoor pool, are located on the G/F, 1/F and 2/F of House 1. The floor plans, section plans, photomontages and landscape drawings of the proposed development are shown on **Drawings A-1 to A-19**. The major development parameters of the proposed scheme are as below:

Site Area	About 2,043.869m ²
PR	About 0.75
Total Gross Floor Area (GFA) ⁽¹⁾	About 1,532.902m ²
- House 1 ⁽²⁾	- about 1,370m ²
- House 2 ⁽²⁾	- about 162m ²
SC ⁽¹⁾	Not more than 37%
No. of Storeys	3 storeys on top of 1 storey of carport ⁽³⁾
Building Height (BH)	104.5mPD at main roof ⁽⁴⁾⁽⁵⁾
No. of Houses	2
Car Parking Spaces	4 ⁽⁶⁾

Notes:

- (1) Assuming GFA/SC concessions and exemptions (such as car parking spaces, lobby, E&M plant rooms, water tanks/pump rooms, and balconies etc.) which are subject to the Building Authority's (BA) approval at the building plan submission stage.
- (2) According to the applicant, House 1 is proposed to serve as the owner's family residence, while House 2 is intended to serve as a guest house providing short-stay accommodation for the owner's visiting relatives and friends.
- (3) The rooftop structure of House 2 has a height of 3.15m. In accordance with Joint Practice Note No. 5, roof-top ancillary structures for buildings with a height not more than 30m that exceed 3m would be counted towards the building height. In this regard, the BH of House 2 is 3 storeys.
- (4) The proposed floor-to-floor height of the residential floors (G/F to 2/F for House 1; and G/F to 1/F for House 2) is 4.5m.
- (5) The absolute BH of House 1 and House 2 up to the main roof level are 18m and 16.5m respectively.
- (6) Including 1 no. of shared disabled car parking space.

1.3 According to the applicant, while the PR and BH of the proposed development will follow the restrictions stipulated on the OZP, the proposed relaxation of SC restriction aims to allow design flexibility for adopting sensible building heights and a terraced design to visually integrate with its surroundings and enhance the aesthetic coherence of the neighbourhood as detailed in paragraph 2(b) below (**Drawings A-7, A-8, A-10, A-14 and A-15**). To minimize visual bulk, a 2m-wide setback at carport level with planters is proposed at the southern part of the Site facing Deep Water Bay (**Drawings A-2, A-12 and A-15**). Besides, planters, edge plantings and vertical greening will be provided on the B/F, G/F, 1/F, 2/F and R/F (**Drawings A-11 to A-13**), and an overall greenery ratio of not less than 20% will be achieved. Five dead trees on-site are proposed to be felled, with five new heavy standard trees (Diameter at Breast Height of 80mm to 150mm) planted as 1:1 compensation.

³ The applicant confirms in the Supplementary Planning Statement and further information dated 28.11.2025 that the predominant use of the carport level (i.e. with not less than 50% of the carport level area) will be for car parking use, including car parking spaces and associated uses such as driveways and ramps.

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

- (a) Application Form received on 23.10.2025 **(Appendix I)**
- (b) Supplementary Planning Statement (SPS) **(Appendix Ia)**
- (c) Supplementary Information (SI) received on 27.10.2025 **(Appendix Ib)**
- (d) Further Information (FI) received on 28.11.2025* **(Appendix Ic)**
- (e) FI received on 19.12.2025# **(Appendix Id)**
- (f) FI received on 22.12.2025# **(Appendix Ie)**

*accepted but not exempted from the publication and recounting requirement

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2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the SPS and FIs at **Appendices Ia** and **Ic** to **Ie** respectively, and summarised as follows:

- (a) The proposed development is in line with the planning intention of the “R(C)” zone for low-rise and low-density residential developments. The proposed PR of 0.75 and BH of three domestic storeys over a one-level carport are permitted as of right under the “R(C)3” zone. The proposed SC of not more than 37% does not exceed the maximum permissible level of SC relaxation as agreed by the Board (i.e. 50%) for development located within Residential Density Zone 3 (details in paragraph 4 below). Also, the proposed minor relaxation of the SC restriction would not jeopardize the intentions for imposing various development restrictions on the “R(C)” zone, including (i) preserving the existing amenities and characters of the area; (ii) preserving significant public views; (iii) avoiding overburdening the access road system; and (iv) avoiding excessive development;
- (b) the relaxation of the SC restriction will allow considerable design flexibility for the incorporation of a terraced building design with stepped building height descending from Shouson Hill towards Deep Water Bay. By responding to the existing topographical features, the proposed development with a PR of 0.75 and a BH of 104.5mPD, similar to the existing residential development, will continue to respect the skyline while remaining in keeping with the rural residential character of the surrounding setting. By responding positively to the existing setting and enhancing the aesthetic coherence of the area, the proposed development has also adopted an interesting built form, a creative articulation of building edges, and a façade setback. The larger footprint at the G/F has allowed a gradual reduction of the footprint at the 1/F and 2/F, with SC of about 29% and 15% respectively. Ample greenery at multiple levels has been proposed to soften the building bulk and enhance visual integration, particularly along the building edges fronting onto a low-rise residential cluster to the southeast. With the introduction of a special landscape treatment at the basement façade, featuring a 2m-wide setback for landscape planting, the perceived building bulk can also be reduced. The photomontages and findings of the Visual Impact Assessment (VIA) reveal that the proposed development would result in negligible visual changes from the chosen public viewpoints (**Drawings A-16 to 19**);

- (c) the proposed development has been carefully designed to largely reduce the existing lower-cut platform for the basement carport, requiring only minimal additional excavation and back-filling. Such a design would significantly reduce any possible geotechnical, landscape, and ecological impacts on the surrounding hillside environment. In addition, the use of timber materials on the outdoor terraces and extensive greenery would help the proposed development blend with the existing natural environment;
- (d) various technical assessments covering tree preservation and compensation, traffic, environmental, drainage, sewerage, and geotechnical aspects have been conducted, and they concluded that the proposed development is technically feasible without posing negative impacts on the surrounding environment; and
- (e) a number of planning applications for minor relaxation of the SC restriction in the “R(C)” zone within the same OZP were approved by the Metro Planning Committee (the Committee) of the Board since 2000. Approval of this application will be consistent with the Board’s previous decisions.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consent of the “current land owner”. Detailed information would be deposited at the meeting for Member’s inspection.

4. Town Planning Board’s General Guidelines

On 24.3.2000, the Board agreed, as a general guideline, to adopt the relaxation of the maximum domestic SC to 66.6% and 50% respectively for sites falling within Residential Zone 2 and Residential Zone 3 Areas in the Metro and New Town areas and to 40% for sites in the rural areas and those falling within Residential Zone 4 Area in the New Towns. While it has been considered inappropriate to allow a blanket relaxation of SC in the Shouson Hill & Repulse Bay areas having regard to the site characteristics and other considerations in these areas, applications which satisfy the following criteria and which are considered acceptable to the concerned government departments will be favourably considered by the Board:

- (a) the relaxation of SC restriction does not exceed the maximum permissible levels adopted by the Board;
- (b) the relaxation is solely for the purpose of design flexibility;
- (c) other development parameters including PR/GFA and BH do not exceed the stated restrictions on statutory plan; and
- (d) the resultant SC does not exceed the level permissible under the Building (Planning) Regulations (B(P)R).

5. **Previous Application**

There is no previous application in respect of the Site.

6. **Similar Applications**

There were 26 similar applications for relaxation of SC restriction to allow design flexibility in the Shouson Hill & Repulse Bay areas after the Board agreed to adopt the relaxation of the maximum domestic SC in March 2000. All of them were approved with or without condition(s) by the Committee mainly on the grounds as outlined in paragraph 4 above and had no adverse impacts on the surrounding area. A summary of these applications (excluding subsequent minor amendment applications) is at **Appendix II** for Members' reference.

7. **The Site and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-4a and A-4b)**

7.1 The Site is:

- (a) located at the southeastern part of Shouson Hill;
- (b) currently occupied by six houses with carports on the G/F;
- (c) accessible via a local access road leading to Deep Water Bay Road.

7.2 The surrounding areas have the following characteristics:

- (a) hilly slopes covered with natural vegetation overlooking Deep Water Bay;
- (b) to the east, southeast and north are low-rise, low-density residential developments;
- (c) to the further east and southeast are Hong Kong Golf Club and Deep Water Bay Beach; and
- (d) to the further south downhill are Island Road and the Mills & Chung Path (a coastal trail along Deep Water Bay).

8. **Planning Intention**

8.1 The “R(C)” zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

8.2 According to the Explanatory Statement (ES) of the OZP, developments under this zoning are subject to BH control as well as SC and PR restrictions. These

restrictions are closely based on those imposed administratively by the Government in the Special Control Areas and are intended:

- (a) to preserve the existing amenities and characters of the Area;
- (b) to preserve significant public views;
- (c) to avoid overburdening the access road system; and
- (d) to avoid excessive development.

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

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD):

- (a) the Site falls within RBL 573 ('the Lot'), which is held under Government Lease dated 16.4.1968 as varied by a Deed of Variation dated 9.5.1988, and is restricted for private residential purposes. The permitted maximum GFA and SC under lease are 1,532.89m² and 25% of the area of the Lot respectively. The proposed development with a SC of not more than 37% (i.e. exceeding 25%), a total GFA of 1,532.902m² (i.e. exceeding 1,532.89m²) and a carport at basement not directly under the building(s) will be in breach of the lease restrictions;
- (b) she reserves her comments on the detailed design of the proposed development, which will be considered during the building plan submission stage; and
- (c) if the application is approved by the Board, the registered owner of the Lot is required to apply for a lease modification for implementation of the proposed development. If the application for lease modification is approved by LandsD in the capacity of a landlord, it will be subject to such terms and conditions, including payment of premium and administrative fee, as may be imposed by LandsD at its absolute discretion.

Urban Design and Visual

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

- (a) no objection to the application from visual impact perspective; and
- (b) the Site is located in Shouson Hill to the northwest of Deep Water Bay Beach. The surrounding area is characterised by 2 to 4-storey houses within the ‘R(C)3’ zones. The proposed minor relaxation of SC does not involve additional BH beyond that permitted in the OZP. According to the VIA (Appendix 4 in **Appendix Ia**), the visual impact of the proposed development is rated negligible as compared with the existing condition. The proposed development has incorporated terraced architectural style and adopted landscape treatment such as edge plantings and vertical greening, which may promote visual interest and amenity. The VIA concludes that the proposed minor relaxation will not cause significant adverse impact in visual context.

9.1.3 Comments of the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD):

- (a) no comment from architectural and visual impact points of view; and
- (b) based on the FI submitted by the applicant (**Appendix Ic**), it is noted that the façade of the basement carport is proposed to be setback by 2m for accommodating a continuous planter strip. This landscape measure appears to mitigate the visual bulk of the basement structure in the revised photomontage for Viewpoint 2 (**Drawing A-17**). It is also noted that other departments have no comments on the overall bulk of the proposed development. Furthermore, the applicant has confirmed that the issues of soil filling and design of retaining structure (i.e. stilting issue) will comply with relevant guidelines including LandsD’s Practice Notes for Design, Disposition and Height Clause under the lease, and the applicant will submit the detail design of the proposed development to relevant departments for approval.

Landscape

9.1.4 Comments of CTP/UD&L, PlanD

- (a) no adverse comments on the application from landscape planning perspective;
- (b) based on the aerial photo of 2022, the Site is located in an area of Residential Urban Fringe landscape character surrounded by dense woodlands and low-rise residential buildings. The proposed development is considered not incompatible with its surrounding environment; and

- (c) approval of the application does not imply approval of the greenery coverage requirements under Building Department (BD)'s Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152 and/or under lease. The applicant is reminded to submit separate greenery coverage calculation to BD/LandsD for approval. The applicant should also approach relevant department(s) direct to obtain the necessary approval for any proposed tree preservation/removal scheme.

Building Matters

9.1.5 Comments of the Chief Building Surveyor/Hong Kong West, BD (CBS/HKW, BD):

- (a) he has no in-principle objection under the Buildings Ordinance (BO) to the proposed minor relaxation of SC, provided that the proposal should be in all aspects complied with the BO and allied legislation thereunder. If applicable, attention should be particularly drawn to the requirements of PNAP APP-151 and APP-152 for granting GFA concessions;
- (b) the void in House 1 with a floor-to-floor height of about 6m for 'Formal Living' on G/F may be acceptable under PNAP APP-2, provided that the 'structure and E&M zone' as indicated in the floor plans is not more than 1m in height;
- (c) barrier free access and facilities including accessible parking space should be provided in accordance with B(P)R 72 and the Design Manual: Barrier Free Access 2008 (2025 Edition); and
- (d) detailed comments under the BO will be provided upon building plan submission.

Geotechnical

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

- (a) no in-principle objection to the application; and
- (b) the applicant is committed to undertake a Natural Terrain Hazard Study (NTHS), and to implement necessary hazard mitigation measures, if necessary, as part of the proposed development in the Geotechnical Planning Review Report (GPRR) (Appendix 8 in **Appendix Ia**). As such, it is recommended to include an approval condition requiring the applicant to submit a NTHS and implement the hazard mitigation measures recommended therein, as part of the proposed development.

Fire Services

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

- (a) no specific comment to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of D of FS. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (b) the emergency vehicular access (EVA) provision in the proposed development shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the BA.
- (c) in case of any deficiencies for the provision of EVA, enhanced fire safety requirements will be required on a case-by-case basis. These provisions may include a sprinkler system with fast response type sprinkler heads, pressurization of the staircase or natural venting of the staircase and an enhanced size of the water tank for the sprinkler system tank as well as the fire hydrant/hose reel system tank, etc.

Others

9.1.8 Comments of the Commissioner of Police:

- (a) during the works period, noise and nuisance caused to nearby residents should be minimised;
- (b) all works must comply with the laws and regulations of the Hong Kong Special Administrative Region;
- (c) the safety of pedestrians at all times should be ensured;
- (d) the proposed development should not cause congestion or obstruction to traffic, including illegal parking in nearby areas; and
- (e) the security of the site should be maintained and unauthorized access should be prevented.

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

- (a) Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD);
- (b) Director of Environmental Protection (DEP);
- (c) Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD);
- (d) Commissioner for Transport (C for T);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (f) District Officer (Southern), Home Affairs Department.

10. Public Comments Received During Statutory Publication Periods

During the statutory public inspection periods, two public comments submitted by the same individual were received (**Appendix III**), mainly expressing concerns that the podium of the proposed development would have a strong wall effect and would induce strong negative visual impact. It is risible to claim that the proposed development would have less visual impact than the existing residential blocks, it would be larger and taller. The approval of the application would set an undesirable precedent and affect the current character of the district.

11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission for minor relaxation of SC restriction from 25% to not more than 37% for a proposed residential development with 2 houses of 3 storeys over 1 storey of carport within the “R(C)3” zone. ‘House’ use is always permitted within the said zone. The proposed minor relaxation of the SC restriction would not jeopardize the intentions for imposing the development restrictions on the “R(C)” zone, including (i) preserving the existing amenities and characters of the area; (ii) preserving significant public views; (iii) avoiding overburdening the access road system; and (iv) avoiding excessive development, as detailed below.
- 11.2 According to the applicant, the proposed minor relaxation of the SC restriction is to allow more design flexibility for the proposed houses at the Site. The relaxed SC would allow a terraced building design with stepped building profile which aligns with the ridgeline of Shouson Hill (**Drawings A-14 and A-15**) and the descending height profile from Shouson Hill towards Deep Water Bay (**Drawings A-7, A-8 and A-10**). As revealed by the photomontages submitted by the applicant (**Drawings A-16 to A-19**), the visual impact induced by the proposed minor relaxation of SC is negligible. With the incorporation of terraced architectural style and adoption of landscape treatment such as setback, edge plantings and vertical greening which may promote visual interest and amenity, CTP/UD&L, PlanD considers that significant adverse visual impact from the proposed development is not anticipated.
- 11.3 The Site falls within Residential Zone 3 in accordance with the Hong Kong Planning Standards and Guidelines. The proposed development with the relaxed SC is considered not incompatible with the character of surrounding areas which is a low-rise, low-density residential neighbourhood. The proposed minor relaxation of SC restriction from 25% to not more than 37% is mainly intended to cater for design flexibility, and does not exceed the maximum permissible level adopted by the Board (i.e. 50% for sites falling within Residential Zone 3). The proposed PR of 0.75 and BH of 3 storeys over 1 storey of carport comply with the development restrictions stipulated under the OZP. CBS/HKW, BD has no in-principle objection to the application. In view of the above, the application is considered generally in line with the criteria set out in the Board’s general guidelines for SC relaxation as mentioned in paragraph 4 above.

11.4 The proposed development with the increased SC but no change in GFA would not cause adverse traffic, environmental, drainage, sewerage, and geotechnical impacts to the surrounding neighbourhood. Relevant departments consulted including C for T, DEP, CE/HK&I, DSD and H(GEO), CEDD have no objection to or no adverse comment on the application. To address the potential geotechnical impact, approval condition requiring the applicant to submit a NTHS and implement the mitigation measures identified therein is recommended in paragraph 12.2 below.

11.5 Since 2000, the Committee has approved a total of 26 similar applications for minor relaxation of SC in the Shouson Hill and Repulse Bay area mainly on the considerations that the applications were generally in line with the criteria set out in the Board's guidelines as outlined in paragraph 4 above and had no adverse impacts on the surrounding areas. Approval of the subject application is not inconsistent with previous decisions of the Committee.

11.6 Regarding the public comments, the planning assessment in paragraphs 11.1 to 11.5 and departmental comments in paragraphs 9.1.2 and 9.1.3 above are relevant.

12. Planning Department's Views

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

12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 23.1.2030, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following approval condition and advisory clauses are suggested for Members' reference:

Approval Condition

the submission of a Natural Terrain Hazard Study and implementation of any necessary hazard mitigation measures to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board.

Advisory Clauses

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

12.3 There is no strong reason to recommend rejection of the application.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

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

14. Attachments

Appendix I	Application Form received on 23.10.2025
Appendix Ia	SPS
Appendix Ib	SI received on 27.10.2025
Appendix Ic	FI received on 28.11.2025
Appendix Id	FI received on 19.12.2025
Appendix Ie	FI received on 22.12.2025
Appendix II	Similar Applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawings A-1 to A-10	Floor Plans and Section Plans
Drawings A-11 to A-13	Landscape Drawings
Drawings A-14 to A-19	Photomontages
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

PLANNING DEPARTMENT
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