

MPC Paper No. A/H18/88  
For Consideration by the  
Metro Planning Committee  
on 28.1.2022

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

**APPLICATION NO. A/H18/88**

- Applicant** : Dragon Sun Enterprises Limited represented by Townland Consultants Limited
- Site** : 19 Tai Tam Road, Stanley, Hong Kong
- Site Area** : 436.13m<sup>2</sup> **836.13m<sup>2</sup>**
- Lease** : Rural Building Lot (RBL) No. 619, which is subject to:  
(a) restriction for residential purpose and special approval of the Government to the design of the exterior elevations and the disposition and height; and  
(b) no restriction on gross floor area (GFA) and site coverage (SC) under the lease.
- Plan** : Approved Tai Tam and Shek O Outline Zoning Plan (OZP) No. S/H18/10
- Zoning** : “Residential (Group C) 5” (“R(C)5”)  
(a) maximum 7 storeys over 1 storey of carports or the height of the existing building, whichever is the greater; and  
(b) maximum plot ratio (PR) and SC shall be limited to 1.4 and 20% respectively for residential development with 7 storeys for domestic purposes.
- Application** : Proposed Minor Relaxation of SC Restriction for Permitted ‘Flat’ Use

**1. The Proposal**

- 1.1 The applicant seeks planning permission for minor relaxation of SC restriction from 20% to 25% for a proposed residential redevelopment at 19 Tai Tam Road, Stanley (the Site). The proposed scheme involves a 8-storey residential building with a PR of 1.4 and SC of 25%. The location of the Site is shown on **Plans A-1 and A-2**.
- 1.2 The major development parameters of the proposed scheme are as below:

Site Area	about 836.13 m <sup>2</sup>
PR <sup>(1)</sup>	1.4
GFA	about 1,170.5 m <sup>2</sup>
SC <sup>(1)</sup>	Not more than 25%

No. of Storeys <sup>(2)</sup>	7 storeys for domestic purposes (i.e. G/F to 6/F) with carports, plant rooms and recreational facilities at LG/F to 1/F
Building Height (BH) <sup>(3)</sup>	+71.15mPD
No. of Units	7
Car Parking Spaces	8 (including 1 disabled car parking space)
Light Goods Vehicle Loading/ Unloading Spaces	1

Notes:

- (1) According to the Notes of the OZP, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded from the GFA and SC calculation.
- (2) According to the applicant, the proposed studio flat at G/F and flat unit at 1/F are GFA accountable and hence would be counted towards storeys for domestic purpose.
- (3) According to the applicant, the absolute BH between LG/F and roof level is 30m with a BH above ground of 26.5m.

1.3 The proposed development comprises 7 flat units each at G/F to 6/F with carports, plant rooms and recreational facilities at LG/F to 1/F as well as a swimming pool and greenery area at 2/F. Stepped roof levels are proposed with balconies from 2/F to 6/F. The applicant proposes to lower the site formation level from +44.5mPD to +41.15mPD for the proposed scheme, resulting in the BH of +71.15mPD which is less than that of the existing building, and to have a setback of the residential tower above 1/F with 17.4m from the site boundary facing Tai Tam Road to minimise the building bulk when viewed from Tai Tam Road. According to the applicant, the existing retaining wall between the Site and the adjacent building situated on the pedestrian footpath of Tai Tam Road would be demolished. The floor plans, section plans and photomontages of the proposed development submitted by the applicant are shown in **Drawings A-1 to A-9**.

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

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|---|---------------|
| (a) Application form received on 15.12.2021   | (Appendix I)  |
| (b) Supplementary Planning Statement (SPS)  | (Appendix Ia) |
| (c) Further Information (FI) dated 12.1.2022,<br>17.1.2022 and 18.1.2022 <sup>#</sup> | (Appendix Ib) |
| (d) Email dated 24.1.2022 <sup>#</sup>  | (Appendix Ic) |

<sup>#</sup>accepted and exempted from publication and recounting requirement

## 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 the FI at **Appendix Ib**. They are summarised as follows:

- (a) the proposal is in line with the planning intention of the "R(C)5" zone for low-rise and low-density residential development. The proposed development

has a maximum PR of 1.40 and 7 domestic storeys as permitted under the “R(C)5” zone. The proposed SC does not exceed the maximum permissible level of SC stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) (i.e. 50% for R3 zone) and Building (Planning) Regulations (B(P)R) (i.e. 49% for Class A site with BH less than 27m);

- (b) the proposed minor relaxation of SC restriction will allow more design flexibility in terms of recess in building profile and incorporation of balconies to maximise natural sunlight penetration. The proposed SC of 25% allows GFA allocation to be shifted from the uppermost floor (i.e. 2/F and above) to lower floors. It also enables a stepped design at the south-eastern end of the proposed development where there is a setback at 2/F and above from the site boundary of 17.4m;
- (c) while the application is not seeking any increase in the permitted BH and PR, restriction, it is proposed to lower the existing site level from about +44.5mPD to +41.15mPD, resulting in reduction of the overall BH in terms of mPD by 3.35m and setback from the site boundary, which appears less bulky than the existing building. It is designed to marry in with the existing topography whilst maintaining the maximum domestic BH of 7 storeys permitted under OZP. The overall bulk will be visually minimised further by proposed on-site landscaping including greenery area;
- (d) the proposed development will not result in any adverse visual impact on the surrounding area. As illustrated in the photomontages (**Drawings A-7 to A-9**), the development scale is compatible with the adjacent residential developments and the visual impact caused by the proposed development is negligible. Moreover, the proposed development at the Site is partially screened by its adjoining building at 21 Tai Tam Road. With the proposed redevelopment, the extension of boundary wall between the Site and 21 Tai Tam Road will be removed. Both the pedestrians’ view and safety can be enhanced;
- (e) with other design features such as setback at 2/F and above as well as further setback at 6/F, the use of the LG/F for car parking space and the provision of greenery area and outdoor swimming pool at 2/F, the proposed development will better blend in with the adjacent low-rise residential development and green environment behind;
- (f) the proposed residential redevelopment will have no adverse impact on the road network or other infrastructural provision, and the submitted Geotechnical Planning Review Report (GPRR) concluded that there is no adverse impact on the surrounding area caused by the proposed site formation work at the Site; and
- (g) a total of 8 planning applications for minor relaxation of SC restriction have been approved by the Board since 1992. This application for minor relaxation of the SC restriction is not unprecedented.

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

The applicant is the sole “current land owner”. Detailed information will be deposited at the meeting for Members’ 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. Whilst it has been considered inappropriate to allow a blanket relaxation of SC in the Tai Tam and Shek O area having regard to the site characteristics and other considerations in the area, applications which satisfy the following criteria and which are considered acceptable to the concerned Government departments will be 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 B(P)R.

#### **5. Previous Application**

There is no previous application in respect of the Site.

#### **6. Similar Applications**

There were a total of 9 similar applications for minor relaxation of SC restriction in the Tai Tam and Shek O area that had been considered by the Committee or the Board on review after the Board agreed to adopt the relaxation of the maximum domestic SC in March 2000. Out of the 9 similar applications, 8 were approved with conditions in accordance with the Board's guidelines as outlined in paragraph 4 above. The remaining application No. A/H18/62 for minor relaxation of PR (from 0.75 to 0.9) and SC (from 25% to 33%) restrictions were rejected by the Committee on 15.10.2010 for the reason that there were insufficient merits to justify the proposed relaxation of PR and SC restrictions for the proposed development<sup>1</sup>. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

#### **7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and photos on Plans A-4 to A-5)**

7.1 The Site is:

- (a) currently occupied by a 7-storey residential development above a storey of

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<sup>1</sup> The applicant subsequently submitted a s.16 application (No. A/H18/65) at the same site for minor relaxation of PR (from 0.75 to 0.9) and SC (from 25% to 34.1%) which was approved with conditions by the Committee on 4.3.2011.

carports which was built in 1995; and

- (b) accessible via Tai Tam Road to the south of the Site.

7.2 The surrounding areas have the following characteristics:

- (a) to the northwest is vegetated slope and Tai Tam Country Park;
- (b) to the southwest and northeast along Tai Tam Road are clusters of low-rise and low-density residential developments facing Tai Tam Bay; and
- (c) to the further south is the Hairpin Beach and low-rise residential developments at Stanley.

## **8. Planning Intention**

The “R(C)5” zone is intended primarily for low-rise and low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

## **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:

### **Urban Design and Visual Aspects**

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

the Site is situated at the foothill near Tai Tam Country Park overlooking Tai Tam Bay to the southeast. It is mainly surrounded by low-rise, low-density residential developments. According to the assessment conducted by the applicant, as compared with the existing condition, the proposed development will not impose any adverse visual impact on the surrounding areas.

9.1.2 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) no comment from architectural and visual impact point of view; and
- (b) the proposed minor relaxation of SC restriction from 20% to 25% does not have significant visual impact to adjacent developments.

### **Landscape Aspect**

#### 9.1.3 Comments of CTP/UD&L, PlanD:

- (a) based on aerial photo of 2021 and with reference to Section 2.3 of the Planning Statement, the Site is situated in an area of residential urban fringe landscape character surrounded by existing low-rise residential buildings and dense vegetation. The Site is currently occupied by an 7-storey domestic storey over 1 storey of carports. According to the FI dated 12.1.2022 (**Appendix Ib**), the proposed development and the related geotechnical works would be limited to area within the site boundary. Existing landscape resources outside the Site, in particular the area zoned “GB”, would not be affected. The proposed development is considered not incompatible with the landscape character of its surroundings; and
- (b) the applicant is advised that approval of the application does not imply approval of tree works, if any, such as pruning, transplanting and felling. Tree removal applications should be submitted direct to relevant authorities for approval.

### **Building Aspect**

#### 9.1.4 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD):

- (a) no objection in-principle to the application;
- (b) the proposed SC does not exceed SC specified in the First Schedule of B(P)R; and
- (c) detailed comments under the Buildings Ordinance on the development will be provided when the building plans are submitted to his department for approval.

### **Geotechnical Aspect**

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

- (a) no in-principle geotechnical objection to the application; and
- (b) it is noted in the revised GPRR that the applicant is committed to undertake a Natural Terrain Hazard Study (NTHS), and provide necessary hazard mitigation measures as part of the proposed development. As such, it is recommended to include an approval condition to require submission of a NTHS and implementation of any necessary hazard mitigation measures as part of the proposed development.

**Environmental Aspect**

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

- (a) no in-principle objection to the application;
- (b) it is noted that the Site is near Tai Tam Road which is a primary distributor road. Based on our preliminary review, the flat units of the future development facing Tai Tam Road may be subject to traffic noise impact exceeding the relevant traffic noise criterion in the HKPSG. As such, approval condition on submission of a Noise Impact Assessment (NIA) and implementation of mitigation measures identified therein would be required to address the potential traffic noise impact; and
- (c) since the proposal will involve demolition of the existing building at the site and excavation works for provision of basement level, the applicant is advised to minimise the generation of construction and demolition (C&D) materials, and reuse and recycle the C&D materials on-site as far as possible.

**Traffic Aspect**

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

no objection to the application subject to the provision of internal transport facilities to be complied with the requirements of HKPSG.

9.1.8 Comments of the Commissioner of Police (C of P):

- (a) no specific traffic comment on the application; and
- (b) it is advised that the proposal should not cause adverse traffic obstruction in or beyond the site of work and each temporary traffic arrangement involving works on footpath and/or carriageway has to be submitted to the Police for appropriate comment, if any.

**Fire Services Aspect**

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

- (a) no in-principle objection 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 vehicle access (EVA) provision in the captioned work shall comply with the standard as stipulated in

Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D which is administered by BD. Also, the EVA provision of the nearby buildings shall not be affected by the proposed work; and

- (c) should the proposed work affect any licensed premises in the area, such as petrol filling station or dangerous goods store, the consultant should make separate enquiry to Fire Services Department to ensure work feasibility.

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

- (a) District Lands Officer/Hong Kong West and South, Lands Department;
- (b) Chief Engineer/Development (2), Water Supplies Department;
- (c) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (d) Chief Highway Engineer/Hong Kong, Highways Department;
- (e) Director of Agriculture, Fisheries and Conservation;
- (f) Director of Electrical and Mechanical Services; and
- (g) District Officer (Southern), Home Affairs Department.

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

On 24.12.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment submitted by an individual was received (**Appendix III**), which mainly expressed the concern that the flat unit at G/F, which is beside the parking facilities, would have limited natural light and ventilation.

## **11. Planning Considerations and Assessment**

- 11.1 The application is to seek planning permission for minor relaxation of SC from 20% to 25% for a proposed residential redevelopment under the “R(C)5” zone. According to the applicant, the proposed development comprises 7 flat units each at G/F to 6/F with carports, plant rooms and recreational facilities at LG/F to 1/F as well as a swimming pool and greenery area at 2/F. The proposed minor relaxation of SC restriction is to allow more design flexibility for the proposed residential building at the Site.
- 11.2 According to the photomontages submitted by the applicant, the Site is not visually prominent from public viewpoints (**Drawings A-7 to A-9**) and the visual impact induced by the proposed minor relaxation of SC is insignificant. CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comment on the application from architectural and visual perspectives.
- 11.3 The proposed residential redevelopment with the relaxed SC is considered not incompatible with the character of surrounding areas which are predominantly low-rise residential developments. According to the HKPSG, the Site falls within Residential Zone 3. The proposed minor relaxation of SC restriction from 20% to 25% 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) and under the B(P)R (i.e. 49% for Class A site with BH less than 27m). CBS/HKE&H, BD has no objection in-principle to the application. The proposed PR of 1.4 and BH of 7 storeys above 1 storey of carports comply with the development restrictions stipulated under the OZP. To minimise the building bulk when viewed from Tai Tam Road, the applicant proposes to lower the site formation level from +44.5mPD to +41.15mPD, resulting in the reduction in BH by 3.35m as compared with the existing building and to provide a setback of residential building above 2/F and above from the site boundary facing Tai Tam Road. The retaining wall between the Site and the adjacent building is proposed to be removed. 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 resultant SC would not cause adverse traffic, environmental and geotechnical impacts to the surrounding neighbourhood. Relevant departments consulted including C for T, DEP and H(GEO), CEDD have no objection to or no adverse comment on the application. To address the potential traffic noise and geotechnical impacts, approval conditions to require the submission of NIA and NTHS and implementation of mitigation measures identified therein are recommended in paragraph 12.2 below.
- 11.5 Since 2000, the Committee has approved a total of 8 similar applications for minor relaxation of SC in the Tai Tam and Shek O area. The approval of the subject application is not inconsistent with previous decisions of the Committee.
- 11.6 Regarding the public comment pertaining to the limited natural light and ventilation, CBS/HKE&H, BD has no objection in-principle to the application and his comments in paragraph 9.1.4 above are relevant.

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

- 12.1 Based on the assessment made in paragraph 11 above, PlanD 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 28.1.2026, 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 conditions and advisory clauses are suggested for Members' reference:

### **Approval Conditions**

- (a) the submission of a Noise Impact Assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (b) 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 recommend 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 applicants.

**14. Attachments**

<b>Appendix I</b>	Application form received on 15.12.2021
<b>Appendix Ia</b>	SPS
<b>Appendix Ib</b>	FIs dated 12.1.2022, 17.1.2022 and 18.1.2022
<b>Appendix Ic</b>	Email dated 24.1.2022
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Public comment
<b>Appendix IV</b>	Advisory clauses
<b>Drawings A-1 to A-4</b>	Layout plans submitted by the applicant
<b>Drawings A-5 to A-6</b>	Section plans submitted by the applicant
<b>Drawings A-7 to A-9</b>	Photomontages submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4 to A-5</b>	Site photos