

APPLICATION PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H19/85

- Applicants** : Allan Victoria Louise and Lucid Sky Limited represented by Townland Consultants Limited
- Site** : 1 Stanley Link Road, Stanley, Hong Kong
- Site Area** : 405m² (about)
- Lease** : Rural Building Lot (RBL) No. 1033, governed by the Conditions of Sale No. 11155 dated 19.12.1977 for a term of 75 years commencing from 19 December 1977, which is subject to:
- (a) not for any purpose other than private residential;
 - (b) not exceeding a total gross floor area (GFA) of 243m²;
 - (c) not exceeding a total roofed-over area of 30%;
 - (d) not containing more than 2 storeys; and
 - (e) no structure other than such structures including boundary walls and fences shall be erected within 3.05 metres of the north-eastern and south-eastern boundary of the lot.
- Plan** : Approved Stanley Outline Zoning Plan (OZP) No. S/H19/16
- Zoning** : “Residential (Group C)” (“R(C)”) *[(i) maximum 3 storeys in addition to 1 storey of carport, or the height of the existing building, whichever is the greater; (ii) maximum plot ratio (PR) and site coverage (SC) shall be limited to 0.75 and 25% respectively for residential development with 3 storeys used for domestic purposes¹; and (iii) minor relaxation of the SC restriction may be considered by the Town Planning Board (the Board) on application based on individual merits]*
- Application** : Proposed Minor Relaxation of SC Restriction for Permitted ‘Flat’ Use

1. The Proposal

- 1.1 The applicants seek planning permission for minor relaxation of SC restriction from 25% to 33% for a proposed residential redevelopment at 1 Stanley Link Road, Stanley (the Site), which is zoned “R(C)” on the OZP (**Plans A-1 and A-2**).

¹ 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 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.

According to the Notes for the “R(C)” zone, ‘Flat’ is a Column 1 use which is always permitted. Minor relaxation of SC restriction may be considered by the Board based on individual merits of a development or redevelopment proposal.

- 1.2 The proposed redevelopment includes a carport, sprinkler tank/pump room and lobby on G/F and residential units on 1/F to 3/F. Residents’ recreational facilities, including a swimming pool and a communal garden, are located on 1/F of the development. The floor plans, section plans, photomontages and landscape drawings of the proposed redevelopment submitted by the applicants are shown on **Drawings A-1 to A-16**. The major development parameters of the proposed scheme are as below:

Site Area	About 405m ²
PR	About 0.75
GFA ⁽¹⁾	About 303.75m ²
SC ⁽¹⁾	About 33%
No. of Storeys	3 storeys above 1 storey of carport ⁽²⁾
Building Height (BH)	About 23.1mPD at main roof ⁽³⁾
No. of Units	3
Car Parking Spaces	6 (including 3 private car parking spaces, 1 motorcycle parking space, 1 light goods vehicle parking space and 1 car parking space for the disabled)

Notes:

- (1) Assuming GFA/SC concessions and exemptions (including aboveground car parking spaces, lobby, E&M plant rooms, water tanks/pump rooms, balconies, etc.) which are subject to the Building Authority (BA)’s approval at the building plan submission stage.
- (2) The proposed floor-to-floor height of the residential floors (1/F to 3/F) is 3.5m.
- (3) The absolute BH of the proposed residential building up to main roof level is 15.05m.
- 1.3 According to the applicants, whilst the PR and BH of the proposed redevelopment will follow those restrictions stipulated on the OZP, the current relaxation of SC restriction is mainly for allowing design flexibility to adopt stepped building profile as detailed in paragraph 2(b) below (**Drawings A-6, A-7, A-15 and A-16**). To further minimise the building bulk when viewed from Stanley Link Road, the applicants propose to lower the site formation level from +8.3mPD (existing) to +8.05mPD (new) for the proposed redevelopment. Besides, periphery plantings will be provided on 1/F along the edge of the Site facing Stanley Link Road and an overall greenery ratio of approximately 20% will be achieved (**Drawings A-14 to A-16**). Two trees within the Site in poor condition are proposed to be felled and two new trees will be planted within the Site (i.e. a compensatory tree planting ratio of 1:1).
- 1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application Form received on 13.6.2024 (Appendix I)
- (b) Supplementary Planning Statement (SPS) (Appendix Ia)
- (c) Supplementary Information (SI) received on 19.6.2024 (Appendix Ib)

- (d) Further Information (FI) received on 23.7.2024[#] (Appendix Ic)
- (e) FI received on 24.7.2024[#] (Appendix Id)
[#]exempted from publication requirement

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the SPS and FI at **Appendices Ia and Ic**, which are summarised as follows:

- (a) The proposed redevelopment 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 one-level carport are permitted as of right under the “R(C)” zone. The proposed SC of 33% does not exceed the maximum permissible levels of SC relaxation as agreed by the Board (i.e. 50%) for developments located within the Residential Density Zone 3 (Details at paragraph 4 below).
- (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 allows GFA to be shifted to the lower level at 1/F, thereby allowing a stepped design of the proposed residential redevelopment where 2/F and above is setback from the main building line (**Drawings A-6, A-7, A-15 and A-16**). To minimise the building bulk, the site formation level will be reduced from +8.3mPD to +8.05mPD. The overall bulk will be visually further minimised by the proposed landscape treatment within the Site (**Drawings A-14 to A-16**).
- (c) As revealed in the photomontages (**Drawings A-8 to A-13**), the proposed residential redevelopment will not result in any adverse visual impact on the surrounding area as the Site is surrounded by developments of similar scale in the vicinity.
- (d) The proposed redevelopment will have the same development intensity as permitted under the approved OZP, and therefore there will be no adverse implications on the traffic and infrastructure in the area.
- (e) Six planning applications for minor relaxation of SC restriction in the “R(C)” zone within the same OZP have been approved by the Metro Planning Committee (the Committee) of the Board since 2002. Thus, this application is not unprecedented.

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

The applicants are the sole “current land owners”. 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. Whilst it has been considered inappropriate to allow a blanket relaxation of SC in the Stanley 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 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 six similar applications for minor relaxation of SC restriction in the Stanley area after the Board agreed to adopt the relaxation of the maximum domestic SC in March 2000. All of them were approved with conditions by the Committee mainly on the grounds 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 area. 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 and photos on Plan A-3)

7.1 The Site is:

- (a) currently occupied by a block of 2-storey development with residential use in the north wing and a kindergarten² in the south wing; and
- (b) accessible via Stanley Link Road.

7.2 The surrounding areas have the following characteristics:

- (a) generally low-rise and low-density residential in character intermixed with some Government, Institution or Community (GIC) uses;

² According to the applicant, the kindergarten has been in operation since 18.5.1988, before the first gazettal of the OZP on 27.5.1988.

- (b) to the immediate north and west of the Site is “R(C)” zone comprising Tai Tam Village with some low-density low-rise residential developments. To the further west across Hoi Fung Path are St. Teresa’s Kindergarten, St. Anne’s Catholic Church and Stanley Police Station;
- (c) to the east across Stanley Link Road is Stanley Main Beach; and
- (d) to the south across Stanley Link Road is The Hong Kong Sea School.

8. Planning Intention

- 8.1 The “R(C)” 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.
- 8.2 Development under this zoning are subject to BH as well as SC and PR restrictions. The restrictions are required to maintain the character and setting of Stanley. Based on the individual merits of a development or redevelopment proposal, minor relaxation of the restrictions may be considered by the Board. The purpose of this provision is to allow the Board to consider proposals for building layout and design which, whilst not strictly complying with the stated restrictions, meet the planning objectives. Thus, it is hoped to encourage designs which are adapted to the characteristics of particular sites.

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, RBL 1033, is governed by the Conditions of Sale No. 11155 dated 19.12.1977 (the Lease) for a term of 75 years commencing from 19 December 1977;
- (b) the Lease contains, inter alia, the following salient conditions:
 - (i) not for any purpose other than private residential.
 - (ii) building/ buildings to be erected on the lot shall not exceed a total GFA of 243m² and shall not exceed a total roofed-over area of 30% and contains not more than 2 storeys.
 - (iii) car parking spaces should be provided at the rate of not less than 2 cars per flat. Separate single storey car ports will be permitted and will not be taken into account for the calculation of maximum GFA or total roofed-over area.
 - (iv) no structure other than such structures including boundary walls and fences shall be erected within 3.05m of the north-eastern and south-eastern boundary of the lot.

- (v) no right of ingress or egress to or from the lot between the point X and X through Y; and
- (c) the planning application is for minor relaxation of SC restriction for a 4-storey residential building providing 3 apartments. The proposed development is in breach of the Lease conditions. In addition, it is noted from the applicants' responses in the FI (**Appendix Ic**) that a kindergarten is in operation at House A. The kindergarten is in breach of the existing Lease. If the subject application is approved by the Board, the lot owners will need to apply for lease modification for minor relaxation of SC restriction and, subject to the applicants' clarification on whether the kindergarten would be retained in the redevelopment of the Lot, the lease modification shall also include change of uses to permit the kindergarten³. If the application for lease modification is approved by LandsD in the capacity as the Landlord, it will be subject to such terms and conditions, as considered appropriate by LandsD at its sole discretion.

Urban Design and Visual Aspects

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

Urban Design and Visual

the Site is located near Stanley Main Beach and surrounded by low-rise residential development (1 to 4 storeys, up to about 27mPD), open space and GIC facilities such as The Hong Kong Sea School, St. Anne's Catholic Church & St. Teresa's Kindergarten and police station. According to the SPS, the proposed residential development is only visible from Viewpoint 1 (VP1) (viewed from Stanley Main Beach) out of the six selected VPs (**Drawings A-8 to A-13**). As compared to the existing condition and OZP compliant scheme, the visual impact of the proposed residential redevelopment is rated negligible. In view of the site context and the proposed minor relaxation of SC (+8%), significant visual impact on the surroundings is not anticipated.

Landscape

- (a) based on the aerial photo of December 2022, the Site is located in an area of Rural Township landscape character surrounded by low-rise residential buildings, schools, police station and water sports centres. Stanley Main Beach is located to the east of the Site. The proposed residential redevelopment is considered not incompatible with its surrounding environment;
- (b) according to the SPS and Landscape Proposal (LP), there are two existing trees of common species with defects within the Site which

³ The current application is for minor relaxation of SC restriction for permitted 'Flat' use. Based on the information submitted by the applicants, the proposed development is for 'Flat' use only. Kindergarten as a 'School' use is a Column 2 use within the "R(C)" zone, and requires a separate planning application.

are in direct conflict with the proposed works and are not suitable for transplanting. The two trees are proposed to be felled and compensated at a minimum tree planting ratio of 1:1 in terms of tree number. With reference to the LP, lawn, shrubs, climbers and small tree planting at 1/F are proposed to mitigate the landscape impact. Significant impact on existing landscape resources within the Site arising from the proposed residential redevelopment is not anticipated; and

- (c) approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicants are reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works.

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

- (a) based on the information provided, it is noted that the “R(C)” zone is subject to a maximum SC restriction of 25% for development with 3 storeys for domestic use. The SC of the proposed development is proposed to be relaxed from 25% to 33%, which is about 8% increase; and
- (b) according to the photomontages of the proposed development from VP1 to VP6 provided (**Drawings A-8 to A-13**), the proposed building appears to be compatible with the scale of the buildings in the existing site context. We have no particular comment from visual impact point of view, subject to PlanD’s view. However, the applicants may wish to consider the treatment/ articulation of the building facades in the design stage to blend in more harmoniously with the surrounding neighbourhood.

Traffic

9.1.4 Comments of Commissioner for Transport (C for T):

- (a) no objection to the application; and
- (b) it is noted that the proposed minor relaxation of SC does not involve any relaxation of maximum PR. He has no comment on the planning application from traffic engineering point of view.

Building Matters

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

- (a) there is no in-principle objection under the Buildings Ordinance to the planning application. The proposed development layout is different from the general building plans approved by the BA on 14.7.2023; and
- (b) he has the following comments on the new proposed development layout:

- (i) for the above ground private carpark at G/F, GFA concessions may be favourably considered subject to compliance with the criteria and satisfactory design under Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2 and APP-111 respectively; and
- (ii) detailed comments on the proposal can only be given at the building plan submission stage.

Environmental

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

- (a) no objection to the application;
- (b) it is noted from the SPS that a swimming pool will be constructed in the proposed redevelopment. Should the application be approved by the Board, approval conditions for submission of Sewerage Impact Assessment (SIA), and implementation of the mitigation measures identified therein, should be imposed; and
- (c) since the works would involve demolition of existing building and excavation for construction of new residential building, the applicants are advised to minimise the generation of construction and demolition (C&D) materials, reuse and recycle the C&D materials on-site as far as possible, and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development.

Drainage

9.1.7 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) the Site is fully paved already and there should be no additional impact due to the proposed residential redevelopment; and
- (b) SIA (or equivalent sewerage review) may be required to assess the potential sewerage impact and propose appropriate mitigation measures, if required. Such requirement should be subject to the DEP as the planning authority of sewerage infrastructure.

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

- (a) Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD);
- (b) Director of Fire Services (D of FS);
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (e) Commissioner of Police; and

- (f) District Officer (Southern), Home Affairs Department.

10. Public Comments Received During the Statutory Publication Period

On 21.6.2024, the application was published for public inspection. During the statutory public inspection period, which ended on 12.7.2024, three objecting comments from individuals were received (**Appendix III**). The major grounds of the objecting comments are summarised as below:

- (a) the road leading to the proposed redevelopment is heavily used by vehicles and pedestrians. The proposed redevelopment involving expansion may affect the road/pavement;
- (b) the proposed redevelopment will affect the character and amenity of Stanley; and
- (c) the proposed redevelopment is environmentally unfriendly and may produce construction waste, noise and dust particles which will affect the nearby secondary school, kindergarten and church.

11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission for minor relaxation of SC restriction from 25% to 33% for a proposed residential redevelopment with 3 storeys over 1 storey of carport under the “R(C)” zone. ‘Flat’ use is always permitted within the said zone.
- 11.2 According to the applicants, the proposed minor relaxation of the SC restriction is to allow design flexibility for the proposed redevelopment. The relaxed SC would allow a stepped building profile, thereby reducing the visual mass from Stanley Link Road and Stanley Main Beach (**Drawings A-6, A-7 and A-8**). Landscape treatments are also proposed on 1/F to soften the visual mass of the development (**Drawings A-14 to A-16**). As revealed by the photomontages submitted by the applicants (**Drawings A-8 to A-13**), the proposed residential redevelopment is only visible from Stanley Main Beach (VP1) out of the six selected public VP. CTP/UD&L, PlanD considers that the visual impact of the proposed residential redevelopment is negligible. CA/ASC, ArchSD also considers that the proposed development is compatible with the scale of the developments in the surrounding area.
- 11.3 The Site falls within Residential Zone 3 in accordance with the Hong Kong Planning Standards and Guidelines. The proposed residential redevelopment with the relaxed SC is considered not incompatible with the character of surrounding areas which are predominately low-rise residential development. The proposed minor relaxation of SC restriction from 25% to 33% 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/HKE&H, BD has no objection in-principle 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 residential redevelopment with the increased SC but no change in GFA would not cause adverse traffic, environmental and geotechnical impacts to the surrounding neighbourhood. Relevant departments consulted including C for T, CHE/HK, HyD, and H(GEO), CEDD have no adverse comment on the application. To address comments of DEP and CE/HK&I, DSD on the potential sewerage impact arising from the proposed residential redevelopment, approval conditions requiring the applicants to submit a SIA and implement the mitigation measures identified therein are recommended in paragraph 12.2 below.
- 11.5 Since 2000, the Committee has approved six similar applications for minor relaxation of SC in the Stanley area 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 area. Approval of the current application is consistent with the previous decision of the Committee.
- 11.6 As regards the public comments, the proposed redevelopment will confine within the lot owned by the applicants and will not encroach upon any road adjacent to the Site. C for T advises that as the proposed minor relaxation of SC does not involve any relaxation of PR restriction, the potential traffic impact to the nearby road network is considered minimal. Regarding the concern on potential environmental nuisance during construction, DEP advises the applicants shall comply with relevant pollution control ordinances and regulations during the construction works and his comments in paragraph 9 above are relevant. As for the impact on the character and amenity of Stanley, comments of CTP/UD&L, PlanD and CA/ASC, ArchSD in paragraph 9 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 2.8.2028, 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 Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in approval condition (a) above to the satisfaction of the Director of Drainage Services 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 applicants.

14. Attachments

Appendix I	Application Form received on 13.6.2024
Appendix Ia	SPS
Appendix Ib	SI received on 19.6.2024
Appendix Ic	FI received on 23.7.2024
Appendix Id	FI received on 24.7.2024
Appendix II	Similar Applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawings A-1 to A-7	Floor Plans and Section Plans
Drawings A-8 to A-13	Photomontages
Drawings A-14 to A-16	Landscape Drawings
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos

**PLANNING DEPARTMENT
AUGUST 2024**