

TOWN PLANNING BOARD

**TPB Paper No. 10846
For Consideration by the
Town Planning Board on 8.7.2022**

DRAFT STANLEY OUTLINE ZONING PLAN NO. S/H19/15

**CONSIDERATION OF
REPRESENTATIONS NO. TPB/R/S/H19/15-1 TO 15
AND COMMENT NO. TPB/R/S/H19/15-C1**

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CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/H19/15-1 TO 15
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Subject of Representations (Amendment Item)	Representers (No. TPB/R/S/H19/15-)	Commenter (No. TPB/R/S/H19/15-)
<u>Item A</u> Rezoning of a piece of government land at Cape Road, South to Ma Hang Estate, Stanley from “Green Belt” (“GB”) to “Residential (Group B)” (“R(B)”) with stipulation of building height (BH) restriction.	Total: 15 <u>Oppose (15)</u> R1: Designing Hong Kong Limited R2: Mr Paul Zimmerman (Vice-chairman of Southern District Council (SDC)) R3 to R15: Individuals	Total: 1 <u>Support R4 (1)</u> C1: Individual (<i>i.e.</i> R3)

Note: The names of all representers and commenter are attached at **Annex IV**. Soft copy of their submissions is sent to the Town Planning Board Members via electronic means; and is also available for public inspection at the Town Planning Board’s website at https://www.info.gov.hk/tpb/en/whats_new/Website_S_H19_15.html and the Planning Enquiry Counters of the Planning Department (PlanD) in North Point and Sha Tin. A set of hard copy is deposited at the Town Planning Board Secretariat for Members’ inspection.

1. Introduction

- 1.1 On 19.11.2021, the draft Stanley Outline Zoning Plan (OZP) No. S/H19/15 (**Annex I**) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The Schedule of Amendments setting out the amendments incorporated in the OZP is at **Annex II** and the location of the amendment item is shown on **Plan H-1**.
- 1.2 During the two-month exhibition period, a total of 15 representations were received. On 28.1.2022, the representations were published for public comments, and in the first three weeks of the publication period, one comment was received.
- 1.3 On 8.4.2022, the Town Planning Board (the Board) agreed to consider all the representations and comment collectively in one group.
- 1.4 This paper is to provide the Board with information for consideration of the representations and comment. The list of representers and commenter is at **Annex IV**. The representers and commenter have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. **Background**

Proposed Private Housing Site at Cape Road, Stanley

- 2.1 According to the 2013 Policy Address (PA), the government would adopt a multi-pronged approach to build up land reserve with a view to meeting housing and other development needs. The review of “GB” sites (“GB” review) comprises two stages. The first stage of “GB” review mainly covered “GB” areas which were formed, deserted or devegetated, but possessed potential for residential development. The second stage of “GB” review covered “GB” zones in the fringe of built-up areas close to existing urban areas and new towns. Vegetated “GB” sites with a relatively lower buffer or conservation value and adjacent to existing transport and infrastructure facilities would be reviewed for housing purpose. Based on the second stage of “GB” review, a site at Cape Road, South to Ma Hang Estate, Stanley (the Site) has been identified for development of housing.
- 2.2 As announced in the 2014 PA, the government considered it is feasible to generally increase the maximum domestic plot ratios (PRs) currently permitted for selected “density zones” in the territory by around 20% as appropriate. The 2020 PA also reaffirmed the continuous adoption of a multi-pronged land supply strategy as recommended by the Task Force on Land Supply (TFLS). Whilst the government will press ahead with the eight land supply options worthy of priority study and implementation as recommended by TFLS, concurrently, the government still have to continue with the various ongoing land supply initiatives to increase and expedite housing land supply in the short-to-medium term, including the review on “GB” sites and vacant government land.
- 2.3 The amendments to the OZP (**Annex II**) involve rezoning of the Site from “GB” to “R(B)”, with maximum gross floor area (GFA) of 44,615m² and maximum BH of 85mPD for private housing development (**Amendment Item A**).

Amendments to the OZP

- 2.4 On 29.10.2021, the Metro Planning Committee (MPC) of the Board agreed that the amendments were suitable for exhibition under section 5 of the Ordinance. The relevant MPC Paper No. 7/21 is available at the Board’s website at https://www.info.gov.hk/tpb/en/meetings/MPC/Agenda/682_mpc_agenda.html and the extract of the minutes of the said MPC meeting is at **Annex V**. Accordingly, the OZP renumbered to S/H19/15 was gazetted on 19.11.2021.

3. **Local Consultation**

- 3.1 The Economy, Development and Planning Committee (EDPC) of SDC was consulted on the current OZP amendments on 21.9.2021. The EDPC did not support the proposed private residential development at the Site and objected to **Amendment Item A** on the grounds that the proposed development would induce adverse landscape and visual impacts; there was a doubt on the imperative need for rezoning the “GB” site for residential use; and the government should consider relocating the existing Ma Hang Prison for housing

development. PlanD's responses to the EDPC's concerns were recorded in the minutes of the EDPC meeting held on 21.9.2021 and an extract of the minutes is at **Annex III**.

- 3.2 On 19.11.2021, the draft OZP was gazetted for public inspection under section 5 of the Ordinance and SDC members were invited to submit views on the amendments in writing to the Secretary of the Board during the exhibition period of the draft OZP. One representation from the Vice-chairman of SDC was received.

4. **The Representation Site and its Surrounding Areas**

4.1 **The Representation Site (Plans H-1 to H-3) and its Surrounding Area**

- 4.1.1 The Site (about 2.42 ha) is a piece of government land abutting Cape Road at the northeast (**Plan H-2**) and is accessible via Cape Road leading to Carmel Road to the east and Chung Hom Kok Road to the west. The Site comprises mainly vegetated slopes (**Plan H-3**), descending from the highest point of about 65mPD at the west to about 35mPD at the southeast. The south-eastern corner of the Site was formed and currently used as a temporary public carpark governed under STT No. SHX-1331. Major development parameters of the proposed "R(B)" zone are as follows:

Zoning Area :	about 2.42ha
Development Site Area	about 2.17ha ⁽¹⁾
Maximum Domestic GFA	about 44,615m ²
PR	about 1.84
Maximum BH	85mPD
Estimated No. of Flats	about 637
Estimated Population	about 1,826
Social Welfare Facility	a 150-place Residential Care Home for the Elderly (RCHE) (about 4,210m ²) ⁽²⁾

- 4.1.2 To the immediate south, west and northwest of the Site are mainly vegetated slopes zoned "GB". There is a natural stream traversing the area to the south of the Site, flowing from the man-made slope adjacent to the Chung Hom Kok Fire Station to an underground nullah at the southern boundary of the Site. To the further south across the "GB" zone is a cluster of residential developments at Chung Hom Kok, which are zoned "Residential (Group C)" ("R(C)"). To the northeast across Cape Road is the Ma Hang Estate, which is zoned "Residential (Group A)3" ("R(A)3").

¹ According to the Civil Engineering and Development Department's (CEDD) preliminary assessment, it is considered technically feasible to have a platform level at 40mPD for the Site and the development site area would be about 2.17ha..

² According to the Notes of the OZP, any floor space that is constructed or intended for use solely as Government, Institution and Community (GIC) facilities, as required by the Government, may be disregarded.

4.2 Planning Intention

- 4.2.1 The “R(B)” zone is intended primarily for medium-density residential development where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

5. The Representations and Comment on Representations

5.1 Subject of Representations

- 5.1.1 There are a total of 15 representations, which are all opposing **Amendment Item A. R1** is submitted by Designing Hong Kong Limited, **R2** by Vice-Chairman of SDC and **R3** to **R15** by individuals. **R4** and **R5** also propose some amendments to the Plan, Notes and Explanatory Statement (ES) of the OZP.
- 5.1.2 The major grounds of representations, their proposals and PlanD’s responses in consultation with the relevant government bureaux/ departments, are at **Annex VI** and summarised in the paragraph 5.2 below.

5.2 Major Grounds/Proposals of Representations and Responses

5.2.1 *Role of “GB” Zone*

Major Grounds/Proposals	Representations
(1) The proposed housing development is against the planning intention of “GB” site. The Site is an extensive woodland which serves an important role as a buffer, and should not be included in the second stage of “GB” review.	R1 to R5 and R10 to R13
(2) The new development will cut off a large section of the Ma Hang Estate from any adjacent greenery and deprive those residents of their access to ‘green lungs’. It should be maintained as a landscape buffer under “GB” zone.	R5
(3) The Board should follow the ‘Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB-PG No. 10) to assess the amendment, having regard to the principles on the individual merits, exceptional circumstances and very strong planning grounds.	R4

Responses	
(a)	<p>In response to (1) and (2) above:</p> <p>To expedite housing land supply in the short-to-medium term, the government has been carrying out “GB” review since 2012 in two stages. In the first stage of “GB” review, areas zoned “GB” being devegetated, deserted or formed, were identified and reviewed. For the second stage, it covered “GB” zones in the fringe of built-up areas close to existing urban areas and new towns, and those vegetated “GB” sites with relatively less buffering effect and lower conservation value. The Site has been identified for private residential development and associated GIC facilities in the second stage of GB Review.</p> <p>The Site, which only takes up about 2.5% of the “GB” zone area in the Stanley OZP, is located at the fringe of the existing built-up areas in Stanley, adjacent to existing transport and infrastructure facilities, and has a relatively lower conservation value. The Site has met the site selection criteria for the second stage of “GB” review and is considered suitable for private residential development. Relevant technical assessments conducted has concluded that the proposed development parameters and scale of the housing development including the RCHE at the Site are technical feasible and compatible with surrounding areas. As such, it is considered suitable for rezoning the Site from “GB” to “R(B)” subject to maximum GFA of 44,615m².</p>
(b)	<p>In response to (3) above:</p> <p>TPB-PG No. 10 is to set out the assessment criteria for s.16 planning applications for development within “GB” zone. The amendments to the OZP do not involve any s.16 application and hence not applicable. However, due regard has been given to the technical feasibility, acceptability of possible impacts and compatibility with the surrounding areas. As mentioned in paragraph 5.2.1(a) above, the Site is suitable for private residential development in terms of site selection criteria, land use compatibility and technical feasibility.</p>

5.2.2 *Development Options for Increasing Housing Supply*

Major Grounds/Proposals	Representation
(1) There is a current trend of decrease in territorial population. It is doubted whether there is imperative need to rezone the Site for residential development and demand for private housing in the Stanley area. The proposed development for luxury housing could not help meeting the housing needs.	R3 to R5, R14
(2) The priority should be given to develop brownfield sites. There are alternative sites available for housing development (i.e. Ma Hang Prison) and	R1 to R5

<p>other government multi-pronged initiatives to increase housing supply.</p> <p><u>Proposals</u></p> <p>(3) It is suggested to revise the planning intention of “R(B)” zone to specify the provision of affordable public housing.</p> <p>(4) It is suggested to rezone the Site to “R(A)3” (the same zoning of adjacent Ma Hang Estate) for public housing development with remarks in the Notes that GIC facilities may be disregarded from GFA calculation.</p>	<p>R4</p> <p>R5</p>
<p><u>Responses</u></p>	
<p>(a) In responses to (1) and (2) above:</p> <p>There has been a persistent and acute demand for both public and private housing. According to the latest projection of TFLS, the projected total housing supply target for the 10-year period (from 2022-23 to 2031-32) is 430,000 units, whilst the private housing supply target is 129,000 units. The government has been adopting a multi-pronged approach to increase land supply progressively based on the land supply options as recommended by TFLS, including developing brownfield sites in the short to medium term, and New Development Areas and reclamation outside Victoria Harbour in the medium to long term. To meet the acute housing demand in the short to medium term, the immediate and effective way of augmenting land supply is to make more optimal use of developed areas in urban areas and land in the vicinity of infrastructure, with changing land use as one of the means. Notwithstanding the pursuit of other land supply measures, the Site based on the second stage of “GB” review is considered suitable for the proposed private housing development.</p> <p>As there is a need to maintain a healthy and stable development of private residential property market, the government will continue to increase both land and housing supply to meet demand of private housing. Regarding the possibility of relocating Ma Hang Prison for housing development, the Commissioner of Correctional Services advises that there is no relocation programme at this moment.</p> <p>(b) In response to (3) and (4) above:</p> <p>The Site is intended for private housing development. In general, type of housing would not normally be specified in the Notes for residential zones. As for the subject “R(A)3” zone under the OZP, the maximum GFA and BH stipulated in the Notes are mainly to reflect the development parameters of as-built Ma Hang Estate, and no exact type of housing development would be highlighted in the Notes. The “R(A)3” zoning and development intensity are not applicable to the subject site. The proposed revision of the planning intention of “R(B)” zone to</p>	

specify the provision of affordable housing and to rezone the Site to “R(A)3” for public housing is not justified.

5.2.3 *Development Intensity and BH*

Major Grounds/Proposals	Representation
(1) The proposed built form would create building bulk not currently evident elsewhere in Stanley. The proposed PR of 1.84 is excessive and not found in the Stanley area. Though it is the government policy directive to increase the maximum domestic PR currently permitted for selected density zones by 20%, there is no permitted PR for “GB” zone and the explanation for the proposed PR for the Site is required.	R4
(2) Development restrictions imposed on “R(B)” zone appear unclear and inconsistent as the large site reduction factor of 0.9 is not fully explained and the proposed development intensity does not preserve the existing character.	R4
(3) An indicative plan, drawings of the housing development and section plans are required to determine the appropriateness of the proposed development parameters of the proposed “R(B)” zone and to judge the likely visual impact.	R4
<u>Proposals</u>	
(4) The proposed RCHE, similar to residential use, would generate additional traffic. To address concerns over building density and visual impact, it is proposed to include the GFA of the proposed RCHE into the maximum GFA (i.e. 44,615m ²) for comprehensive planning assessment.	R4
(5) It is proposed to reduce the BH restriction from 85mPD to 75mPD to achieve visually compatible urban form, enhance visual quality, retain mountain backdrop and respect the character of neighbourhood, etc.	R4
Responses	
(a) In response to (1) to (2) above: The maximum domestic GFA for the Site has made reference to the compatible PR for low-rise developments of 12-storey in the Southern District, i.e. PR of about 2.1. To take forward the policy directive to maximise development potential of the housing land with a 20% increase of the domestic PR (paragraph 2.2 above refers), a PR of 2.5 is	

then proposed. Under the current practice, a site reduction factor of 0.9 is adopted for the development site area to exclude the future internal road within the Site. The GFA for housing development would be 44,615m² after deduction of the proposed RCHE which is 4,210m², making the PR equivalent to about 1.84 based on the zoning area of 2.42ha.

(b) In response to (3) above:

As mentioned in paragraph 5.2.1(a) above, the Site is suitable for private residential development in terms of site selection criteria, land use compatibility and technical feasibility. The Visual Appraisal (VA) has demonstrated that the proposed residential development at the Site are visually compatible with the existing building profile of the developments in the neighbourhood. Detailed layout of the development would be subject to the design of the future developer at the implementation stage.

(c) In response to (4) above:

According to the Traffic Impact Assessment (TIA) and VA, the proposed development at the Site comprising domestic GFA of 44,615m² and a 150-place RCHE of around 4,210m² would not cause unacceptable traffic impacts to the nearby junctions, and the cumulative visual impact arising from the proposed development is also acceptable. Under the prevailing practice, the proposed social welfare facilities as required by the government, which have been included for assessment, will be exempted from GFA calculation. As such, the proposed exemption of GFA calculation of social welfare facilities is considered appropriate.

(d) In response to (5) above:

The Site is sandwiched between the Ma Hang Estate and Chung Hom Kok residential area which are medium- and low-density residential developments respectively. Taking into account BHs of the immediate residential developments ranging from 75mPD to 84mPD to the north of the Site, and 61mPD to 101mPD to the further south at Chung Hom Kok (**Plans H-2** and **H-4**), the BH restriction of 85mPD of the Site is proposed, which is considered not incompatible with the existing developments in the surrounding area.

According to the VA and photomontages (**Plans H-5** to **H-10**), the proposed housing development with a BH restriction of 85mPD generally respects the mountain backdrop and would blend in with the surrounding developments. Chief Town Planner/ Urban Design and Landscape (CTP/UD&L) of PlanD has no adverse comment on the VA, as well as the proposed development at the Site from urban design perspective. As such, the proposed BH restriction of 85mPD for the Site is considered appropriate and there is no strong planning justification to lower the BH restriction to 75mPD.

5.2.4 *Traffic and Transportation*

Major Grounds	Representation
(1) The road network in Stanley and Chung Hom Kok is sub-standard and the traffic is always affected by traffic accidents. The proposed housing development would have adverse traffic impact towards the local road network.	R1, R2, R7 to R15
(2) The TIA, which mainly focus on residential traffic, is only a summary without elaboration of methodology and assessment, and its findings based on the weekend peak (i.e. noon to 1pm) instead of the average daily flow lack credibility.	R4
(3) The franchised-bus and mini-bus routes as quoted in the TIA are not accurate. It is not clear whether the existing public transport facilities would be sufficient to accommodate the increased population.	R5
(4) As there is insufficient car parking space during weekend in Stanley, a public car park should be provided at the Site.	R4
(5) There is no mention of the potential historic path leading from the northwest of the Site traversing the Site to meet trails joining Cape Road at Ma Hang Estate roundabout, which should be re-provisioned as part of the housing development.	R4
Responses	
<p>(a) In response to (1) above:</p> <p>According to the TIA, the proposed development at the Site would not cause unacceptable traffic impacts to the nearby junctions. The Commissioner for Transport (C for T) considers the TIA acceptable and no major road improvement works/mitigation measures will be required for the proposed development. According to TD's record, there is less than 10 traffic accidents in the past three years and the section of Cape Road concerned is not a traffic accident black spot.</p> <p>(b) In response to (2) and (3) above:</p> <p>The TIA attached to the MPC Paper No. 7/21 is based on the findings of the consultancy study commissioned by the Highways Department (HyD). The assessment and methodology of data collection basically followed the Transport Planning and Design Manual promulgated by TD. The junction capacity assessments were based on the weekday and weekend peak hour traffic flow of survey data. The weekend</p>	

peak hour traffic flow was worked out from a number of traffic surveys conducted between 11:30am and 5:30pm during weekend and the critical hour of weekend was noon to 1:00pm. The traffic analysis is based on the critical hour of the weekend to demonstrate the critical traffic condition. C for T has no adverse comment on the TIA.

As advised by C for T, there are a total 6 franchised bus routes (i.e. Nos. 6, 6X, 973 by Citybus and Nos. 63, 65, 66 by New World First Bus) and 4 minibus routes (i.e. Nos. 16A, 16M, 40/40X/N40, 52) operating along Cape Road⁽³⁾, which are the same as those quoted in the TIA attached to the MPC Paper No. 7/21. According to the TIA, the existing public transport facilities/capacities in the vicinity of the proposed housing development is considered sufficient to meet the public transport demand generated by the proposed housing development. TD will continue to closely monitor the passenger demand and liaise with public transport operators and introduce / strengthen the public transport services as appropriate in a timely manner to address any arising need for the new population intake.

(c) In response to (4) above:

As the Site is not located in close proximity to the major visitor attraction spots or shopping mall of Stanley, C for T advises that it is not suitable to provide public car parking spaces at the Site. C for T also advises that visitors who are driving to Stanley could park their vehicles at the Stanley Plaza or the existing roadside car parking spaces near the center of Stanley.

(d) In response to (5) above

While there is no record of any historic path within the Site, historic structures of the old paths near Stanley Gap Road, which are situated at a distance to the north of the Site, are identified and included in the "List of New Items for Grading Assessment" (Item No. N374). Under the prevailing grading mechanism, the Antiquities and Monuments Office (AMO) would conduct in-depth research on the heritage value of the structures in the list and submit the findings to the independent Historic Buildings Assessment Panel for consideration and grading assessment.

5.2.5 *Visual and Landscape Aspects*

Major Grounds/Proposals	Representation
(1) The proposed development at the Site would have visual impacts to surrounding residents. The proposed buildings would destroy the skyline	R2, R3, R5, R6

³ A total of 6 bus routes has excluded the special bus route No. 14 which has only 3 headways a day via Cape Road in the morning session; while the mini-bus routes Nos. 40, 40X and N40 which are operated under the same route but different service hours, are counted towards one route.

and views from Stanley and surrounding residences.	
(2) The VA is not independent nor impartial, and not all relevant vantage points (VP) such as local open space to the south of Lung Tak Court are included. The VPs of the VA comprising VP1, VP4 and VP6 are either randomly selected or not relevant. As for the visual impact from VP2, VP3 and VP5, the maximum BH of the proposed development would either breach the local ridgeline or exceed the height of the existing Ma Hang Estate. The conclusion of the VA for these VPs that significant adverse visual impact is not anticipated is not credible and not supported in the photomontages. The VA fails to properly evaluate the change in visual experience and how mitigation measures would reduce visual impact, and distinguish different types of receivers in Stanley with different visual sensitivity.	R4
(3) The VA is inadequate as there is no appraisal of visual impact from location at or adjacent to Ma Hang Estate and main view point over Stanley from Chung Hom Kok.	R5
(4) Housing development at the Site would cause large-scale clearance of vegetation and permanent destruction of the existing landscape and habitat. Together with the extensive slope stabilisation works, the proposed development would induce adverse landscape impact on Ma Hang Estate and residential developments at Chung Hom Kok.	R1 to R3
(5) It is questionable whether the landscape assessment portrays the proper landscape value of the “GB” zone. No details on tree felling or tree compensation are provided. The minimum tree compensation ratio of 1:1 is not credible and there is no assessment to ascertain that such tree compensation is practical. The effectiveness to address the landscape impact through the lease control is doubtful.	R4
(6) Felling of over 1,400 trees and plants would affect wildlife and slope stability.	R14
<u>Proposal</u>	
(7) It is proposed to stipulate a statutory requirement for adoption of podium-free design and stepped BH in the remarks of the OZP to minimise the	R5

visual bulk of the proposed development.	
Responses	
<p>(a) In response to (1) to (3) above:</p> <p>According to the VA, the six local VPs are selected to evaluate the overall visual impact of the proposed housing development taking into account the criteria such as visual sensitivity, local significance and accessibility, as well as other local and district planning considerations, etc. as set out in TPB-PG No. 41 – ‘Submission of Visual Impact Assessment for Planning Applications’. VP1, VP2, VP3, VP4, VP5 and VP6 representing the public view points at Stanley Plaza, Stanley promenade, Stanley bus terminal, Ma Hang Park, St. Stephen’s beach and planned open space at Chung Hom Kok Road respectively are accessible by the local residents or tourists and pronouncedly visible from viewers.</p> <p>As for the VP2, VP3 and VP5, the photomontages based on on-site photos reveal that the proposed development with BH of 85mPD would only slightly reduce the distant mountain and sky view, and the magnitude of visual change is considered slightly. The scale and BH of the future development at the Site are visually compatible with the existing building profile of the developments in the neighbourhood, and the cumulative visual impact of the existing and proposed residential developments is considered acceptable. The requirements under the Sustainable Building Design Guidelines (SBDG) (e.g. building separation and permeability) will be incorporated in the land sale conditions to avoid incompatible built-form and massive building bulk of the future development. CTP/UD&L has no comment on the VA.</p> <p>Regarding other VPs as proposed by the representers, according to TPB-PG No. 41, in the highly developed context of Hong Kong, it is not practical to protect private views without stifling development opportunity and balancing other relevant considerations. In the interest of the public, it is far more important to protect public views, particularly those easily accessible and popular to the public or tourists. It is considered appropriate to select the most affected VPs, from which the impact on sensitive public viewers arising from the proposed development can be assessed.</p> <p>(b) In response to (4) to (6) above,</p> <p>According to the pre-land sale tree survey conducted by the landscape consultant of LandsD, there are 1,442 trees on the Site including 159 dead trees. Appropriate 50% surveyed trees are found with defects such as leaning, dieback, dead branches, broken trunks etc.. There are about 236 trees identified with poor health condition. Most of the existing trees are of common species with no Registered Old and Valuable Trees found on the Site. According to the Landscape Assessment (LA) (Annex VII), with the rezoning of the Site for</p>	

housing development, removal of existing vegetation together with abundant existing trees is unavoidable and the upland countryside landscape character at the Site is irreversibly changed to a residential landscape. Sensible landscape treatments should be included in the residential development as well as associated site formation and infrastructure works, to ensure it is compatible with the surrounding landscape setting. Suitable landscaping and tree preservation clauses⁽⁴⁾ will be incorporated in the land sale conditions to preserve the existing trees as far as possible and minimise the impact arising from tree felling. Tree preservation and compensatory planting proposals as well as other necessary mitigation measures will be implemented by the future developer in accordance with Development Bureau (DEVB) Technical Circular (Works) No. 4/2020 on Tree Preservation and the Lands Administration Office Practice Note No. 2/2020 on Tree Preservation and Removal Proposal for Building Development in Private Projects - Compliance of Tree Preservation Clause under Lease, and that the greenery area with not less than 30% of the site area will be provided with reference to SBDG. DAFC and CTP/UD&L of PlanD have no adverse comment in this regard.

(c) In response to (7) above:

To further mitigate the potential visual impacts, the future developer is advised to minimise the visual bulk of the proposed development as much as possible, such as adoption of a podium-free design and a stepped BH, which has been reflected in the ES of the OZP. To allow adequate flexibility and forestall pre-empting the design of the future development, it is considered that the requirement of the maximum GFA and BH as stipulated in the OZP would provide sufficient statutory control on the scale and intensity of the future development at the Site commensurate with the local character of the surrounding areas. As such, stipulation of the statutory requirement for podium-free design and stepped BH in the Notes of the OZP is considered not necessary.

5.2.6 *Other Technical Aspects*

Major Grounds	Representation
(1) There is no preliminary assessments on environmental, drainage, sewerage and geotechnical aspects to support the rezoning proposal. The number and level of details of the technical assessments submitted are not sufficient.	R4

⁴ Trees on private land are protected by specific preservation clauses incorporated into land leases. Lot owner(s) has the responsibility to ensure that trees are not unnecessarily interfered with or removed without the prior written consent of the Director of Lands. In granting consent, the Director of Lands may impose such conditions as to transplanting and/or compensatory planting as he deems appropriate.

<p>(2) An increase in population due to the proposed development at the Site will place a pressure on local services and cause pollution in Stanley.</p> <p>(3) The technical feasibility of the platform at 40mPD is a competent opinion only and no relevant drawings are provided to ensure the practicality of such site formation level. Section plan as attached to the MPC Paper No. 7/21 presents the wrong impression of a future wide non-building gap between the proposed residential blocks and the existing “R(C)” housing. No traffic noise assessment has been submitted.</p>	<p>R6, R7</p> <p>R4</p>
<p>Response</p>	
<p>(a) In response to (1) to (3) above:</p> <p>As confirmed by the relevant departments, the proposed private residential development would not cause insurmountable problems on drainage, sewerage, geotechnical and environmental aspects as well as infrastructural capacity.</p> <p>Regarding the site formation works, CEDD considers that it is technically feasible to have a platform level at 40mPD for the Site. Whilst the actual site formation level would be subject to detailed site investigation by the future developer at the implementation stage, the requirement of the submission of detailed site investigation and natural terrain hazard study (NTHS) and the implementation of mitigation measures identified therein to the satisfaction of concerned departments will be incorporated in the land sale conditions.</p> <p>Director of Environmental Protection (DEP) advises that no insurmountable environmental problem is anticipated. To address the possible traffic noise impact, as part of the land sale condition, the future developer is still required to conduct Noise Impact Assessment (NIA) to identify proper design and measures required for the proposed development in compliance with relevant environmental regulations in the implementation stage. Besides, the future developer is required to carry out necessary technical assessments, including not limited to Drainage Impact Assessment (DIA) and Sewerage Impact Assessment (SIA) to assess potential technical issues, which will be incorporated into the land sale conditions.</p> <p>Plan 4 of the MPC Paper No. 7/21 (Plan H-4) is an indicative drawing to demonstrate that the proposed BH restriction of 85mPD for the Site is not incompatible with the existing developments in the surrounding area. The disposition and layout of the development at the Site would be subject to the detailed design of the future developer at the implementation stage.</p>	

Major Grounds/Proposals	Representation
<p><u>Proposals</u></p> <p>(1) It is proposed to impose a statutory requirement on submission of a layout plan for any development at the Site and to stipulate in the ES of the OZP to require the future developer to update all technical assessments under lease. The Board should not delegate or abdicate its decision-making on material considerations to relevant government departments under land sale conditions.</p> <p>(2) It is proposed to specify ‘House’ and ‘Flat’ uses under Column 2 of “R(B)” zone to require planning permission from the Board to ensure that the proposed development adequately meets all traffic, visual, landscape and other concerns.</p>	<p>R4</p> <p>R5</p>
<u>Responses</u>	
<p>(a) In response to (1) and (2) above:</p> <p>As confirmed by the relevant departments, there is no insurmountable technical problems in terms of traffic, landscape, visual, drainage, sewerage, geotechnical and environmental aspects for the proposed private housing development. In drawing up the land lease for a government sale site, any requirement on submission of relevant technical assessments including detailed site investigation, NTHS, NIA, DIA, SIA, etc. and implementation of mitigation measures identified therein, would be incorporated into the land sale conditions governing future developments within the “R(B)” zone. During the detailed design and construction stage, the future developer shall submit various technical assessments reports and implement the recommended measures under such reports, as required under lease, to the satisfaction of concerned departments.</p> <p>Given that the proposed private residential development resembles other ordinary residential developments governed under “R(B)” zone and the technical mitigation measures could be duly addressed via established mechanisms, there is no need to control the design and layout of the private residential development through the imposition of statutory requirement for submission of layout plan or seek planning permission for ‘House’ and ‘Flat’ use under the “R(B)” zone.</p>	

Major Grounds/Proposals	Representation
(1) Future residents of the proposed housing development will be required to bear the cost and responsibility for slope maintenance and repair.	R1, R2
<u>Proposal</u> (2) It is proposed to rezone the Site to “Government, Institution or Community” (“G/IC”) for the proposed RCHE and Community Care Services (CCS) and Child Care Centre (CCC) facilities to meet the shortfall in Stanley.	R5
Responses	
<p>(a) In response to (1) above:</p> <p>The slope maintenance and repair issues are not land-use planning matters. Regarding the future maintenance responsibility of the slope within the Site, it would be subject to actual design of the proposed development, lease conditions and clause of Deed of Mutual Covenant to be signed by future developers with owners.</p> <p>(b) In response to (2) above:</p> <p>Based on the finding of the second stage “GB” review, the Site is identified suitable for housing development with a view to meeting the acute housing demand in short to medium term. As confirmed by the relevant departments, no insurmountable technical problems would be envisaged for the proposed housing development at the Site.</p> <p>Based on Hong Kong Planning Standards and Guidelines (HKPSG), the existing and planned provision of GIC facilities are generally adequate to meet the demand of the overall planned population in the Stanley Planning Area, except for residential care homes for the elderly, community care services facilities and child care centres (Annex VIII). In response to SWD’s request, a 150-place RCHE shall be accommodated in the proposed housing development at the Site and hence there would be a surplus of 38 places for the provision of RCHE in the Stanley area in accordance with HKPSG. In applying the standards, the distribution of facilities, supply in different districts, service demand as a result of the population growth and demographic changes as well as the provision of different welfare facilities will be considered. As the HKPSG requirement for these facilities is a long-term goal, the actual provision would be subject to consideration of SWD in the planning and development process as appropriate.</p> <p>In view of the above and that ‘Social Welfare Facility’ use such as CCS, RCHE and CCC is always permitted under the “R(B)” zone, there is no strong planning justification to rezone the Site to “G/IC”.</p>	

5.3 Comment on Representations

5.3.1 There is one comment on representation submitted by individual (C1) supporting the objection against Item A raised by R4. C1 is also a representer (i.e. R3).

5.3.2 The major concerns raised by C1 are that there are many vacant private units and the loss of natural landscape habitat at the Site would affect the ecosystems. The responses to the representations in paragraphs 5.2.1 and 5.2.2 above are relevant.

6. Departmental Consultation

6.1 The following government bureaux/departments have been consulted and their comments have been incorporated in the above paragraphs, where appropriate:

- (a) AMO, DEVB;
- (b) C for T;
- (c) Chief Estate Surveyor/ Land Supply, LandsD;
- (d) Chief Highway Engineer/New Territories (Maintenance), HyD;
- (e) Commissioner of Correctional Services;
- (f) CTP/UD&L, PlanD;
- (g) DAFC;
- (h) DEP;
- (i) Director of Social Welfare; and
- (j) Head of Geotechnical Engineering Office (H(GEO)), CEDD.

6.2 The following government bureaux/departments have been consulted and they have no major comment on the representations and comments:

- (a) Chief Architect/Central Management Division 2, Architectural Services Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (d) Commissioner of Police;
- (e) Director of Electrical and Mechanical Services;
- (f) Director of Fire Services;
- (g) Director of Food and Environmental Hygiene;
- (h) Director of Health;
- (i) District Lands Officer/Hong Kong West & South, LandsD; and
- (j) District Officer (Southern), Home Affairs Department.

7. Planning Department's Views

7.1 Based on the assessments in paragraph 5 above, PlanD does not support representations R1 to R15 and considers that the OZP should not be amended to meet the representations for the following reasons:

- (a) The government has been adopting a multi-pronged approach to increase

housing land supply for both public and private housing including reviewing of “Green Belt” (“GB”) sites on an on-going basis. Taking into account that there is no insurmountable technical problems identified for the proposed housing development on traffic, landscape, visual, drainage, sewerage, geotechnical and environmental aspects, it is considered suitable for rezoning the representation site to “Residential (Group B)” (“R(B)”) for increasing the housing land supply (**R1 to R15**).

- (b) The Site is intended for private housing development. In general, type of housing would not normally be specified in the Notes for residential zones. The proposed revision of the planning intention of “R(B)” zone to specify the provision of affordable housing or to rezone the Site to “Residential (Group A) 3” for public housing is not justified (**R4 and R5**).
- (c) The proposed maximum gross floor area (GFA) of 44,615m² and building height (BH) restriction of 85mPD are considered compatible with the character of the surrounding medium-/low-rise residential developments. Relevant technical assessments have taken into account the proposed Residential Care Home for the Elderly at the representation site. The exemption of GFA calculation of social welfare facilities is appropriate (**R4**).
- (d) The proposed development at the representation site is visually compatible with the surrounding developments and the cumulative visual impact is considered acceptable. The future developer is advised to minimise the visual bulk of the proposed development through adoption of a podium-free design and a stepped BH, which has been reflected in the Explanatory Statement of the Outline Zoning Plan. Stipulation of the statutory requirement for podium-free design and stepped BH is not necessary (**R2 to R6**).
- (e) Given that the proposed residential development and development intensity are technically feasible, there is no need to control the design and layout of the future development through imposition of statutory requirement for submission of layout plan or seek planning permission for ‘House’ and ‘Flat’ use under the “R(B)” zone (**R4 and R5**).
- (f) The overall provision of Government, Institution and Community facilities in Stanley is generally adequate based on the Hong Kong Planning Standards and Guidelines /departments’ assessments. There is no strong planning justification to rezone the representation site to “Government, Institution or Community” (**R5**).

8. Decision Sought

- 8.1 The Board is invited to give consideration to the representations and the related comment taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendments to the draft OZP to meet/partially meet the representations.

- 8.2 Should the Board decide that no amendment should be made to the draft OZP to meet the representations, Members are also invited to agree that the draft OZP, together with their respective Notes and updated ES, are suitable for submission under section 8 of the Ordinance to the CE in C for approval.

9. Attachments

Annex I	Draft Stanley OZP No. S/H19/15 (Reduced Size)
Annex II	Schedule of Amendments to the Approved Stanley OZP No. S/H19/14
Annex III	Extract of the Minutes of EDPC of SDC Meeting on 21.9.2021
Annex IV	List of Representers (R1 to R15) and Commenter (C1) in respect of the draft Stanley OZP No. S/H19/15
Annex V	Extract of the Minutes of Meeting of the MPC of the Board held on 29.10.2021
Annex VI	Summary of Representations and Comment and Responses
Annex VII	Landscape Assessment
Annex VIII	Provision of Open Space and Major Community Facilities in Stanley Area
Plan H-1	Location Plan of Representations and Comment
Plans H-2 and H-3	Site Plan and Aerial Photo for Amendment Item A
Plan H-4	Indicative Section Plan appended in the MPC Paper No. 7/21
Plans H-5 to H-10	Photomontages for the Proposed Development (VP1 to VP6)

**PLANNING DEPARTMENT
JULY 2022**