

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/323

- Applicant:** Mr. LI Chi Hang represented by Thomas Tsang Surveyors Limited
- Site:** Lot 1798 in D.D. 244, Ho Chung, Sai Kung, New Territories
- Site Area:** 174.8m²
- Lease:** Old Schedule Agricultural Lot held under Block Government Lease
- Plan :** Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zonings:** “Village Type Development” (“V”) (about 80.4m² or 46%)
Area shown as ‘Road’ (about 94.4m² or 54%)
- Application:** Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

1.1 The applicant seeks planning permission to build one NTEH (Small House) at the application site (the Site) (**Plan A-1**). The Site falls partly within an area shown as ‘Road’ (about 54%) and partly within area zoned as “V” (about 46%) on the OZP. According to the Notes of the OZP, whilst ‘House (NTEH) only’ is always permitted within the “V” zone, all uses or developments within area shown as ‘Road’ require planning permission from the Town Planning Board (the Board).

1.2 Major development parameters of the proposed Small House are as follows:

Roofed over area	65.03m ²
Total floor area	195.09m ²
No. of Storeys	3
Building Height	8.23m

1.3 The site plan and the drainage plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.4 In support of the application, the applicant has submitted the application form with attachments which was received on 22.9.2020 at **Appendix I**.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in a statement attached to the application form at **Appendix I**. They can be summarized as follows:

- (a) the applicant is an indigenous villager of Ho Chung Village and has submitted a Small House application to Sai Kung District Lands Office on 17.11.2014 for the adjacent Lot 1797 in D.D. 244. As Lot 1797 was affected by proposed road improvement works project and was required to be resumed, the Small House application site has been shifted to the current Site;
- (b) the proposed Small House will not jeopardize the road project and will make good use of village land to resolve housing shortage of villagers of Ho Chung;
- (c) the Site is generally flat and has no geotechnical issue. Stormwater will be discharged into a public drain and foul water will be discharged to adjoining public sewage system which is under construction; and
- (d) the proposed development is compatible with the rural environment and visually not intrusive to the surroundings. Small Houses within the Ho Chung 'Village Environ' ('VE') are found nearby.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner" of the land. Detailed information would be deposited at the meeting for Members' inspection.

4. Assessment Criteria

The set of interim criteria for assessing planning application for NTEH/Small House development in the New Territories (the Interim Criteria) was first promulgated on 24.11.2000. The latest set of Interim Criteria promulgated on 7.9.2007 is at **Appendix II**.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar application for NTEH/ Small House in areas shown as 'Road' on the OZP since the Interim Criteria was revised on 7.9.2007.

7. The Site and its Surrounding Areas (Plans A-1, A-2a and A-2b and photos on Plans A-3, A-4a and A-4b)

7.1 The Site is:

- (a) slightly sloped and covered with shrubs and undergrowth;
- (b) located entirely within the 'VE' of Ho Chung and Ho Chung Site of Archaeological Interest (SAI); and
- (c) located to the west of Ho Chung North Road, which is being constructed under Hiram's Highway Improvement Stage 1 (HH1) Project.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate northwest are some three-storey village houses and to the further north is an area zoned "Residential (Group D)" occupied by a mix of vegetated area, temporary structures and village houses;
- (b) to the east across Ho Chung North Road is an area zoned "Residential (Group E)" ("R(E)") mainly occupied by the former Asia Television Limited studio;
- (c) to the south across Ho Chung Road and Ho Chung River are village houses within "V" zone; and
- (d) to the west are some village house clusters and the village proper of Ho Chung.

8. Planning Intention

8.1 The planning intention of the "V" zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

8.2 The area shown as 'Road' is to reserve land for the provision of an access road from Hiram's Highway to Ho Chung area as part of the HH1 Project for improvement of accessibility in Ho Chung area.

9. Comments from Relevant Government Departments

9.1 The application has been assessed against the assessment criteria in **Appendix II**. The assessment of the application is summarized in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	<p>Within “V” zone?</p> <p>- Footprint of the NTEH/Small House</p> <p>- Application site</p>	<p>32%</p> <p>46%</p>	<p>68%</p> <p>54%</p>	<p>Part of the Site and the footprint of the proposed Small House fall within an area shown as ‘Road’ on the OZP.</p>
2.	<p>Within ‘VE’?</p> <p>- Footprint of the NTEH/ Small House</p> <p>- Application site</p>	<p>100%</p> <p>100%</p>		<ul style="list-style-type: none"> • The Site and the Small House footprint fall entirely within the ‘VE’ of Ho Chung, Sai Kung Heung. • District Lands Officer/ Sai Kung, Lands Department (DLO/SK, LandsD) has no objection to the application.
3.	<p>Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?</p>		✓	<p><u>Land Required</u></p> <ul style="list-style-type: none"> • Land required to meet Small House demand: about 14.56 ha (equivalent to 583 Small House sites). The outstanding Small House applications are 103* while the 10-year Small House demand forecast is 480.
	<p>Sufficient land in “V” zone to meet outstanding Small House applications?</p>	✓		<p><u>Land Available</u></p> <ul style="list-style-type: none"> • Land available to meet Small House demand: about 3.18 ha (equivalent to 127 Small House sites) (Plan A-2b).

* Among the 103 outstanding Small House applications, 52 of them fall within the “V” zone and 51 of them are outside the “V” zone, 25 of which were covered by valid planning permissions.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
4.	Compatible with the planning intention of the area shown as 'Road'?		✓	The area shown as 'Road' is to reserve land for the provision of an access road from Hiram's Highway to Ho Chung area as part of the HH1 Project for improvement of accessibility in Ho Chung area. Nevertheless, the Chief Engineer 5/Major Works, Major Works Project Management Office, Highways Department (CE5/MW, MWPMO, HyD) advises that the Site is outside the site boundary of the HH1 Project and no interface issue is anticipated.
5.	Compatible with surrounding area/development?	✓		The Site is located at the eastern edge of Ho Chung Village. Village house clusters are found to the west and south of the Site (Plans A-1 and A-2a).
6.	Within WGG?		✓	Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.
7.	Encroachment onto planned road networks and public works boundaries?		✓	It does not encroach onto any existing and planned roads and public works boundaries. Commissioner for Transport (C for T), Project Manager (East), Civil Engineering and Development Department (PM(E), CEDD), Chief Highway Engineer/ New Territories East, HyD (CHE/NTE, HyD) and CE5/MW, MWPMO, HyD have not indicated any planned road at the Site.
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	Director of Fire Services (D of FS) has no objection in principle to the application.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
9.	Traffic Impact?	✓		C for T has reservation on the application as the Site is partly situated within area shown as 'Road'. Such type of Small House development should be confined within "V" zone as far as possible. Although the application only involves development of a Small House and it is considered that the application can be tolerated on traffic grounds, approval of such application will set an undesirable precedent case for similar applications in the future.
10.	Drainage Impact?		✓	Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) has no adverse comments on the application.
11.	Sewerage Impact?		✓	DEP and CE/MS, DSD have no adverse comments on the application.
12.	Landscaping Impact?		✓	Chief Town Planner/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from landscape planning perspective.
13.	Geotechnical Impact?		✓	Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no comment on the application.
14.	Local objection conveyed by DO?		✓	District Officer (Sai Kung) (DO(SK), HAD) has no comment on the application.

9.2 Comments from the following government departments have been incorporated in the above paragraph. Other comments are at **Appendix III**.

- (a) DLO/SK, LandsD;
- (b) CE/C, WSD;
- (c) D of FS;
- (d) C for T;
- (e) PM(E), CEDD;
- (f) CHE/NTE, HyD;
- (g) CE5/MW, MWPMO, HyD;
- (h) CE/MS, DSD;
- (i) DEP;
- (j) CTP/UD&L, PlanD;
- (k) DO(SK), HAD; and
- (l) H(GEO), CEDD.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer (Works), Home Affairs Department (CE(W), HAD);
- (c) Executive Secretary (Antiquities and Monuments) of Antiquities and Monuments Office, Development Bureau (ES(AM) of AMO, DEVB); and
- (d) Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (CBS/NTE2 & Rail, BD).

10. Public Comments Received During Statutory Publication Period

On 29.9.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 20.10.2020, three comments were received including one from Sai Kung Ho Chung Village Committee (西貢蠓涌村務委員會) and two from individuals which were sent to DLO/SK, LandsD and referred to the Board (**Appendix IV**). The grounds of objection include conflict with the planning intention of the area shown as 'Road'; jeopardizing road reserve which is beneficial for the whole village; no previous approvals in area shown as 'Road'; abuse of the Small House policy; land disputes may hinder construction of the Small House; and affecting property price of nearby buildings.

11. Planning Considerations and Assessments

11.1 The application is for a proposed Small House development at the Site which straddles an area zoned "V" (about 46%) and an area shown as 'Road' (about 54%) on the OZP. The area shown as 'Road' is to reserve land for the provision of an access road from Hiram's Highway to Ho Chung area as part of the HH1 Project for improvement of accessibility in Ho Chung area. The road concerned (i.e. Ho Chung North Road) is being implemented under the HH1 Project, which is anticipated to be completed by end 2020. According to CE5/MW, MWPMO, HyD, the Site does not encroach onto the boundary of the HH1 Project (**Plan A-2a**). Whilst C for T has reservation on the application since the Site is partly

situated within area shown as 'Road', both C for T and CHE/NTE, HyD advise that there is no record of any planned road at the Site. Thus, the application would not jeopardize any planned road. While the new access road (Ho Chung North Road) is near completion, opportunity will be taken to amend the OZP to reflect the as-built roads as appropriate in due course.

- 11.2 Regarding the Interim Criteria (**Appendix II**), according to DLO/SK, LandsD's record, the total number of outstanding Small House applications for Ho Chung is 103 while the 10-year Small House demand forecast is 480. Based on the latest estimate by the Planning Department, about 3.18 ha (equivalent to 127 Small House sites) are available within the "V" zone concerned. While land available within the "V" zone is insufficient to meet the future Small House demand, land is available within the "V" zone to meet the outstanding 103 Small House applications. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development in recent years. Amongst others, in considering whether there is a general shortage of land in meeting Small house demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. As such, it is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. However, the Site is sandwiched between a nearly completed new road under the HH1 Project and existing village houses. About 46% of the Site and 32% of the footprint of the proposed Small House fall within the "V" zone. In view of its proximity to the village cluster, sympathetic consideration may be given to the application.
- 11.3 The Site is located within Ho Chung 'VE' and Ho Chung SAI. Small House clusters are found to the west and the south of the Site across Ho Chung River, and to the east of the Site are areas zoned "R(E)" intended for low-density residential developments (**Plans A-2a and A-2b**). The proposed development is not incompatible with the surrounding environment and no significant changes or disturbance to the existing landscape character is anticipated. CTP/UD&L, PlanD has no objection to the application from landscape planning perspective. Besides, the proposed Small House generally complies with the Interim Criteria (**Appendix II**) in that it is not anticipated to result in adverse drainage, sewerage, environmental, geotechnical, and archaeological and heritage impact on the surrounding areas. Concerned departments including CE/MS, DSD, DEP, H(GEO) of CEDD and ES(AM) of AMO, DEVB have no adverse comments or objection to the application. C for T advises that the application only involves the development of a Small House and she considered that it can be tolerated on traffic grounds.
- 11.4 Regarding the public comment concerning the application on the grounds as detailed in paragraph 10 above, government departments' comments and planning assessments in paragraphs 11.1 to 11.3 above are relevant. Comments related to Small House policy is a land administration matter and land dispute issues would need to be resolved by the applicant at implementation stage.

12. Planning Department's View

12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment 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 20.11.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval Condition

the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Member's reference:

land is still available within the "V" zone of Ho Chung for Small House development. It is considered more appropriate to concentrate the proposed Small House within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructure and services.

13. Decision Sought

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

13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form with attachments received on 22.9.2020
Appendix II	Relevant Revised Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (promulgated on 7.9.2007)

Appendix III	Comments from relevant government departments
Appendix IV	Public Comment
Appendix V	Advisory Clauses
Drawing A-1	Site Plan Submitted by the Applicant
Drawing A-2	Drainage Plan Submitted by the Applicant
Plan A-1	Location Plan
Plan A-2a & A-2b	Site Plans
Plan A-3	Aerial Photo
Plan A-4a & A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2020**