

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

**APPLICATION NO. A/NE-MUP/156**

- Applicant** : Mr. CHEUNG Chan Lam represented by Honest Land Surveys Company
- Site** : Lot 661 S.C ss.1 in D.D. 37, Man Uk Pin Village, Sha Tau Kok, New Territories
- Site Area** : 19.2 m<sup>2</sup> (about)
- Lease** : Block Government Lease (with an area of 0.01 acre recorded as “house”)
- Plan** : Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
- Zoning** : Government, Institution or Community (“G/IC”)
- Application** : Proposed House (New Territories Exempted House (NTEH))

**1. The Proposal**

- 1.1 The applicant, owner of the application site (the Site), seeks planning permission to build a house (NTEH) at the Site, which falls within an area zoned “G/IC” on the approved Man Uk Pin OZP No. S/NE-MUP/11 (**Plan A-1**). According to the Notes of the OZP, ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ within the “G/IC” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 Details of the proposed NTEH are as follows:
- |                   |                       |
|-------------------|-----------------------|
| Total Floor Area  | : 57.6 m <sup>2</sup> |
| Number of Storeys | : 3                   |
| Building Height   | : 8.23 m              |
| Roofed Over Area  | : 19.2 m <sup>2</sup> |
- 1.3 Layout of the proposed NTEH (including septic tank) is shown on **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted the application form with attachment (**Appendix I**) which was received by the Board on 22.10.2020.

**2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in part 8 of the application form at **Appendix I**. They can be summarized as follows:

- (a) the Site is an Old Scheduled House Lot. The applicant, being the registered owner of the Site, has the legal right to build house on the subject lot in accordance with the lease;
- (b) the applicant submitted a redevelopment application to Lands Department (LandsD) and has been waiting for LandsD's reply;
- (c) the proposed development is a small scale development;
- (d) the proposed development is not incompatible with the surrounding environment; and
- (e) the applicant is willing to comply with any approval conditions as imposed by the Board.

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

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

**4. Assessment Criteria**

The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000 and had been amended four times on 30.3.2001, 23.8.2002, 21.3.2003 and 7.9.2007. The latest set of Interim Criteria, which was promulgated on 7.9.2007, is at **Appendix II**.

**5. Previous Application**

There is no previous application for the Site.

**6. Similar Application**

There is no similar application in the same "G/IC" zone in the vicinity of the Site in the Man Uk Pin area.

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

7.1 The Site is:

- (a) mainly covered by wild grass and trees (**Plan A-4**);
- (b) located to the east of the existing village cluster of Man Uk Pin Village;
- (c) located close to the eastern boundary of the "G/IC" zone (**Plan A-1**); and
- (d) inaccessible by local road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) surrounded by vegetated area and tree groups;
- (b) to the immediate east is fallow agricultural land and to the south-east is a shrine;
- (c) to the immediate west is the derelict Man Wo Public School site which is a vacant school premises on Government land and subject to a Short Term Tenancy (STT) application for proposed village office for Man Uk Pin Village which was approved by LandsD in 2018 (**Plan A-2**); and
- (d) to the further south-west is existing Man Uk Pin Children's Playground.

## 8. **Planning Intention**

The planning intention of the "G/IC" zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

## 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/North, Lands Department (DLO/N, LandsD):

- (a) the Site is an Old Schedule House Lot with 0.01 acre described as "house" attached to the Block Government Lease;
- (b) the Site falls within 'VE' of Man Uk Pin Village (**Plan A-1**), and is not covered by any Modification of Tenancy or Building Licence;
- (c) the proposed house could be regarded as NTEH under Cap. 121;
- (d) no adverse comment on the proposed domestic GFA, BH and roofed over area for the NTEH as proposed by the applicant;
- (e) there is a STT application No. NX 1719 for proposed village office for Man Uk Pin Village within the derelict Man Wo Public School site, which was approved by District Lands Office/North, LandsD on 2.12.2018; and
- (a) there is no guarantee that the redevelopment application will be approved. If approved, it will be subject to such terms and conditions as imposed by LandsD.

## **Traffic**

### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) in general, he has reservation on the application. Such type of development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, he considers that the application only involves development of one house can be tolerated on traffic grounds.

## **Environment**

### 9.1.3 Comments of the Director of Environmental Protection (DEP):

he has no objection to the planning application. In view of the small population and nature of the proposed development, septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the EPD” and are duly certified by an Authorized Person (AP).

## **Nature Conservation**

### 9.1.4 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

the Site is currently overgrown with herbaceous plants of common species with some trees of common species located near the Site. She has no comment on the application from nature conservation point of view.

## **Landscape**

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

- (a) she has no comment on the application from landscape point of view as the Site falls within a non-landscape sensitive zone;
- (b) the Site is situated within the densely vegetated area. Since information on the existing landscape resources, the proposed landscape treatment and access path to the Site are not provided in the planning application, the potential landscape impact arising from the proposed development cannot be reasonably ascertained; and
- (c) it is noted that there is no major public frontage along the site boundary. Should the application be approved, it is considered not necessary to impose a landscape condition.

### **Drainage**

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent areas. In their submission, the applicant requires assessing and identifying the project's potential drainage impacts and demonstrate in their submission with the implementation of necessary mitigation measures, the project will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development; and
- (c) the Site is in an area where no public sewerage connection is available.

### **Fire Safety**

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

- (a) no in-principle objection to the application; and
- (b) the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

### **District Officer's Comments**

9.1.8 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) he has no comment on the application; and
- (b) he has consulted the locals regarding the application. The Chairman of Sha Tau Kok District Rural Committee, the Indigenous Inhabitant representation and the Resident Representative of Man Uk Pin and the incumbent North District Council member of subject constituency have no comment on the application.

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

- (a) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD);
- (b) Director of Social Welfare (DSW);
- (c) Secretary for Education (SED);
- (d) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

## **10. Public Comments Received During Statutory Publication Period (Appendix III)**

On 30.10.2020, the application was published for public inspection. During the statutory public inspection period, three public comments were received. The Chairman of Sheung Shui Rural Committee indicates no comment on the application. A North District Council member objects to the application that the Site within “G/IC” zone should not be used for private development and an individual objects the application on the grounds that land is still available within the “V” zone of Man Uk Pin Village; the approval would set an undesirable precedent for applications of such small scale NTEH development in the area and the use of septic tank would cause environmental impact.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for a proposed NTEH development at the Site zoned “G/IC” on the OZP. The “G/IC” zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It comprises the existing Man Uk Pin Children’s Playground and the derelict Man Wo Public School. The vacant school premises of derelict Man Wo Public School to the west of the Site is subject to a STT application which was approved by LandsD in 2018 for proposed village office for Man Uk Pin Village (**Plan A-2**). There are currently no other planned Government, institution or community facilities within the zone. While the proposed development is not entirely in line with the planning intention of the “G/IC” zone, the proposed NTEH development is considered small in scale on private land located close to the eastern boundary of the “G/IC” zone. Approval of the application would not jeopardise the future provision of Government, institution or community facilities.
- 11.2 The Site, located to the east of the village proper of Man Uk Pin Village, is covered with grass and trees groups (**Plans A-3 and A-4**). The surrounding areas are predominantly rural in character with a mix of village houses, children’s playground, active/fallow agricultural land and tree groups (**Plans A-2 and A-3**). CTP/UD&L of PlanD has no comment on the application from landscape point of view as the Site falls within a non-landscape sensitive zone. The proposed NTEH is considered not incompatible with the surrounding area.
- 11.3 Furthermore, there is an exceptional circumstance which merits sympathetic consideration of the application in that the Site has building status. As advised by DLO/N, LandsD, the Site is an Old Schedule House Lot under Block Government Lease demised for house use, and the proposed house could be regarded as NTEH under Cap. 121. She has no objection to the total domestic GFA of 57.6m<sup>2</sup>, BH of 3 storeys (8.23m) and roofed over area of 19.2m<sup>2</sup> for the NTEH as proposed by the applicant. It has been the existing practice of the Board to take into account building status under the lease in considering planning application for house development. As each application would be considered on its individual merits, the approval of the subject application would unlikely set an undesirable precedent for similar applications within the “G/IC” zone.
- 11.4 C for T has general reservation on the application but considers that the application involving development of one NTEH only can be tolerated on traffic grounds. Other relevant Government departments including DEP, CE/C of WSD, CHE/NTE of HyD, DEMS, PM(N) of CEDD, DAFC and D of FS have no objection to or adverse comment on the application.

- 11.5 There is no previous planning application at the Site and no similar application for house development falling within the same “G/IC” zone.
- 11.6 Regarding the adverse public comments as detailed in paragraph 10 above, Government departments’ comments and planning assessments above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, 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 18.12.2024, 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 conditions of approval and advisory clauses are suggested for Members’ reference:

### Approval Conditions

- (a) 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; and
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

### Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:
- the proposed development is not in line with the planning intention of the “G/IC” zone which is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. There is no strong planning justification in the submission for a departure from the planning intention.

## **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(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

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

**14. Attachments**

<b>Appendix I</b>	Application Form with Attachment received on 22.10.2020
<b>Appendix II</b>	Relevant revised Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (promulgated on 7.9.2007)
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2020**