

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/430

<u>Applicants</u>	:	Longwick Construction Engineering Co. Ltd. Represented by Leadtops Raymond Ltd
<u>Site</u>	:	Various Lots in D.D. 117, Tai Tong, Yuen Long, New Territories
<u>Site Area</u>	:	10,774.9m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
<u>Zoning</u>	:	“Village Type Development” (“V”) [Restricted to a maximum building height of 3 storeys (8.23 m)]
<u>Application</u>	:	Proposed Excavation of Land for 47 Permitted Houses (New Territories Exempted Houses - Small Houses)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed excavation of land for 47 permitted houses (New Territories Exempted Houses – Small Houses (NTEH)) at the application site (the Site) which falls within the “V” zone on the OZP (**Plan A-1**). According to the Notes for the “V” zone on the OZP, ‘House (NTEH only)’ is a Column 1 use which is always permitted. Any excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 or uses/developments always permitted under the covering Notes, requires planning permission from the Town Planning Board (the Board). The Site is partly vacant and partly for parking of vehicles and trailers (**Plan A-2**).
- 1.2 According to the applicant, the current planning application is for excavation of land only¹, and the development parameters of the proposal are as follows:

¹ According to the Notes of the Tai Tong OZP, filling of land in “V” zone does not require planning permission.

Site area	10,774.9m ²
Area of land filling	About 8,930m ² (82%)
Area of land excavation	About 1,880m ² (18%)
Proposed height of land filling	0.51m (average) About 2m (maximum)
Proposed depth of land excavation	0.91m (average) About 2.5m (maximum)
Proposed site formation level	+15.5mPD

The tentative cut and fill area plan, the sections, the drainage proposal, the revised emergency vehicular access (EVA) route plan, and the proposed layout plan for the NTEH development are at **Drawings A-1 to A-5** respectively.

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

- (a) Application Form received on 13.4.2018 **(Appendix I)**
- (b) Further Information received on 26.4.2018 providing a replacement page of the application **(Appendix Ia)**
- (c) Further Information dated 11.5.2018 responding to GEO, CEDD's comments with a new section **(Appendix Ib)**
- (d) Further Information dated 14.5.2018 responding to TD's comments **(Appendix Ic)**
- (e) Further Information dated 14.5.2018 responding to GEO, CEDD's comments and providing a new drainage proposal **(Appendix Id)**
- (f) Further Information dated 24.5.2018 responding to GEO, CEDD's comments **(Appendix Ie)**
- (g) Further Information dated 24.5.2018 responding to EPD's comments **(Appendix If)**
- (h) Further Information dated 24.5.2018 responding to CTP/UD&L, PlanD's comments **(Appendix Ig)**
- (i) Further Information dated 24.5.2018 responding to CHE/NTE, HyD's comments **(Appendix Ih)**
- (j) Further Information dated 28.5.2018 providing a revised EVA route plan **(Appendix Ii)**
- (k) Copies of the tentative cut and fill area plan, the sections, the drainage proposal, and the proposed EVA route plan (superseded by Drawing A-4) in original A1 size **(Appendix Ij)**

2. Justifications from the Applicants

The justifications put forth by the applicant in support of the application are detailed at **Appendices I and Ia to Ih**. They can be summarized as follows:

- (a) The current application relates to the first stage of a private development

proposal under the NTEH regime which involves filling and excavation of land and the installation of a surface water drainage system to collect and divert the rainwater within the Site to a designated discharge point. Excavation work is required to lay the underground pipes of the proposed drainage system. This is a measure to reduce the risk of flooding in the Site and surrounding area.

- (b) Within the NTEH development, an access road connecting the Site and public traffic network will be constructed to comply with the Buildings Ordinance and other statutory requirements.
- (c) Tree preservation work will be carried out according to the Tree Survey Report for D.D. 117 Tai Tong dated March 2018 (Attachment 4 of **Appendix I**).
- (d) Kiu Hing Road is adjacent to the Site. It is anticipated that the site work under the current application will not have any adverse impact on the traffic condition around the Site.
- (e) Wheel washing facility will be deployed to prevent dirt being carried out of the Site. Temporary barrier will be set up to prevent any unauthorized entry.
- (f) The departmental concerns over geotechnical, sewage, landscape and vehicular access arrangement will be addressed in due course during the building plan submission and/or NTEH permit application stages.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining consent of 35 “current land owner(s)”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Part of the Site is subject to planning enforcement action against an unauthorized development (UD) involving use for place for parking of vehicles. Enforcement Notice (EN) was issued on 17.5.2018 to the concerned parties requiring discontinuance of the UD. If the requirement was not complied upon the expiry of the EN on 17.8.2018, prosecution action would be taken against the notice recipients.

5. Previous Application

- 5.1 The Site was involved in one previous application (No. A/YL-TT/352). Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

5.2 Application No. A/YL-TT/352 for temporary public vehicle park for private cars and light goods vehicles was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 21.8.2015. However, the planning permission was revoked on 21.5.2016 due to non-compliance with approval conditions.

6. **Similar Application**

There is no similar application within the same “V” zone on the OZP.

7. **The Site and Its Surrounding Areas (Plans A-1 to A-4d)**

7.1 The Site is:

- (a) accessible from Kiu Hing Road to its northeast;
- (b) mostly paved with dirt or concrete;
- (c) situated on a slope where the gradient increases gradually from the northwest of the Site (about +14.9mPD) to the southeast of the Site (about +18.0mPD); and
- (d) partly vacant and partly used for parking of vehicles and trailers.

7.2 The surrounding areas have the following characteristics:

- (a) predominately residential intermixed with warehouse, open storage, vacant structures, graves, pond, fallow agricultural land and unused land;
- (b) residential structures, including some NTEHs, are found to the northeast, southeast and northwest of the Site; and
- (c) the site levels to the northeast and southwest of the Site are generally lower than the proposed site level (+15.5mPD) with the lowest level at about +13.0mPD.

8. **Planning Intention**

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 re-provisioning 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. Selected commercial and community uses serving the needs of the

villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application and public comment are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) Her office has received 22 small house applications (Houses No. 2, 5 to 11, 15 and 16, 19 to 22, 25 and 26, 30, 32, 35 and 36, 39, and 56 on **Drawing A-5**) within the Site which are at departmental circulation stage.
- (b) As regards those small house applications currently under processing, her department acting in the capacity of the landlord will consider the applications respectively submitted by the lot owners should planning approval be given to the subject planning application. There is however no guarantee that such applications will be approved. If such approvals are granted, they will be subject to such terms and conditions including among others, the payment of administrative fee, etc. as imposed by her office.
- (c) No application by private lot owners concerned for construction of vehicular access over unallocated government land is received by her office. If such application is received, her office will consult other departments for comments as appropriate.
- (d) She has the following comments on the public comments from land administrative point of view:
 - (i) Public comments at **Appendices III-4 and III-8** – if planning permission is given to the subject planning application and upon the receipt of an application to construct a small house at the Site from the registered owner, the applicant's eligibility for small house grant under the Small House Policy will be examined in processing the application.
 - (ii) Public comment at **Appendix III-5** – she has no comment on the public comment. Nevertheless, she has observed that the area suggested by the

commenter for alternative access falls within private lots.

Drainage

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

- (a) He has no objection in principle to the proposed development.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a Drainage Impact Assessment Report and the implementation and maintenance of the drainage proposal for the development to his satisfaction or of the Board should be stipulated.

Environment

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

- (a) He understands that the applicant seeks planning permission for the proposed filling of land and excavation of land for 47 permitted houses (NTEH) at an area zoned “V” on the OZP. According to the OZP, “House (New Territories Exempted House only)” is always permitted in “V” zone.
- (b) Given the scale of the proposed land filling and excavation, he would like to remind that it is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures. The applicant is advised to adopt appropriate pollution control measures/good practices set out in the following guidance notes with a view to minimize environmental nuisances to nearby sensitive receivers during the construction period:-
 - (i) Recommended Pollution Control Clauses for Construction Contracts (http://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html);
 - (ii) ProPECC PN 2/93 “Noise from Construction Activities – Non-statutory Controls” (http://www.epd.gov.hk/epd/sites/default/files/epd/english/resources_publications/files/pn93_2.pdf); and
 - (iii) ProPECC PN 1/94 “Construction Site Drainage”

(http://www.epd.gov.hk/epd/sites/default/files/epd/english/resources_pub/publications/files/pn94_1.pdf).

- (c) With respect to section 4.2 of the justifications (**Appendix Ia**), it should be noted that it is inappropriate to divert unpolluted surface water/rain water to public sewerage system. In addition, it is advised that the permitted houses should be connected to public sewerage if it is available as this is the most efficient and safe means for sewage collection and disposal. The developer(s) should carry out Sewerage Impact Assessment (SIA) and seek DSD's comments on the connection point and alignment of sewer.

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

- (a) He has no in-principle objection to the application.
- (b) It is noted from **Drawing A-1** that the site area coloured red is defined as "Excavation Area more than 2.5m (max) Average less than 1.0m, Type 2" in the Legend. The applicant should further clarify:
 - (i) the meaning of "Excavation Area more the 2.5m (max)"; and
 - (ii) the area where envisaged excavation and filling will involve formation of slope steeper than 30 degree or higher than 1.5m, or retaining wall higher than 1.5m.
- (c) It is also indicated on **Drawings A-1 and A-2** that the site areas coloured red and purple would involve formation of new slope and retaining structures (geotechnical features) with height greater than 1.5m. With formation of such geotechnical features, the nearby land lots would become unable to fulfil the conditions required under criteria for issue of Certificate of Exemption (CoE) in respect of site formation works for NTEH as laid down in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) No. App-56. In this respect, some houses may not be eligible for the issue of CoE in respect of site formation works. The applicant is reminded that detailed design of site formation works associated with the development of those houses should be separately submitted to the Buildings Department for approval as required under the Buildings Ordinance.

Traffic

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

- (a) The applicant's proposed run-in/out will connect with Kiu Hing Road via an access road or path. The location abutting Kiu Hing Road, which is at the road bend, is with sight distance of less than 60 m with respect to the traffic from Tai Tong Road heading to the direction of Tai Tong Shan Road. The applicant is advised to address this issue at the building plan submission and/or Small House application stages, and to take appropriate traffic management measures where appropriate.
- (b) The applicant should clarify whether any car parking and loading/unloading spaces will be proposed within the NTEH development.
- (c) The comments from DLO/YL should be sought on whether the application by private lot owners for construction of vehicular access over unallocated government land will be involved and considered for the NTEH development from land administrative perspective.
- (d) The applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

9.1.6 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by the Transport Department (TD).
- (b) If the proposed run-in is agreed by TD, the applicant should provide the run in/out at the access point in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (d) His department shall not be responsible for the maintenance of any access connecting the Site and nearby public road.
- (e) It should be noted that the part of the “access” connecting the proposed “EVA” and Kiu Hing Road and the associated slope and retaining structure are not and will not be maintained by his department.

Landscape

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

- (a) Having reviewed the submitted further information (**Appendices Ia to Ih**), she has no in-principle objection to the application from the landscape planning perspective and have the following advisory remarks:
 - (i) In consideration of the large site area and proposed felling of existing trees, the applicant may wish to take this opportunity to enhance the overall greenery and landscape of the vicinity.
 - (ii) The applicant is advised that approval of the application does not imply the approval for tree works such as pruning, transplanting and felling under lease. Tree work applications should be submitted direct to DLO for approval.
- (b) Should the Board approve this application, in consideration of the site context and nature of developing independent small houses (without any communal area being designated) it would be impractical to impose a landscape condition.

Conservation

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

- (a) Noting that the Site is paved and disturbed, he has no adverse comment on the application from nature conservation point of view.
- (b) Should the application be approved, the applicant should be advised to adopt good site practices and implement water pollution control measures as necessary to avoid affecting the stream course and pond to the north/northeast of the Site.

Water Supply

9.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) Regarding public comments related to water supply, adequate residual water pressure is measured in the fire hydrant in the vicinity of the Site as per site inspection.
- (b) It is also advised that no complaint on inadequate pressure of

water supply near the Site was received in the recent past.

Fire Safety

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

- (a) He has no specific comment on the application.
- (b) The applicant is advised to follow New Territories Exempted Houses – A Guide to Fire Safety Requirements issued by LandsD.

Building Matters

9.1.11 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Site formation works and drainage works are building works under the control of the Buildings Ordinance (BO). Before any new site formation and/or drainage works are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed site formation and/or drainage works in accordance with the BO.
- (b) Notwithstanding the above, the Director of Lands may issue a certificate of exemption prior to approval and consent of the BA in respect of site formation and/or drainage works in the New Territories under the Buildings Ordinance (Application to the New Territories) Ordinance. The applicants may approach the DLO/YL, LandsD or seek AP's advice for details.

Others

9.1.12 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any

underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

9.1.13 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

The local consultation was completed on 15.5.2018 and his office has not received any comments from the village representatives in the vicinity regarding the application.

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

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (b) Commissioner of Police (C of P).

10. Public Comments Received During Statutory Publication Period

10.1 On 24.4.2018, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 15.5.2015, 10 public comments were received (**Appendices III-1 to III-10**).

10.2 One commenter (**Appendix III-1**) supports the application for reasons of efficient use of land, boosting local economy, alleviate housing shortage, and improving amenity.

10.3 7 commenters object to the application mainly for the following reasons:

- (a) Lack of sewerage facilities at the Site and its vicinity (**Appendices III-2 and III-6**);
- (b) Exacerbating the already congested traffic in the area (**Appendices III-2, III-4, III-5, III-6 and III-7**);
- (c) Exacerbating drainage issues of the nearby low-lying areas (**Appendices III-3, III-6 and III-7**);
- (d) Suspected violation of “ding” rights (**Appendices III-4 and III-8**);
- (e) Blockage of existing access to adjacent lots (**Appendix III-5**); and
- (f) Overloading of the water supply system along Tai Tong Road (**Appendix III-6**).

10.4 Two commenters (**Appendices III-9 and III-10**) provide views with regards to rural land uses and urge the Government to improve the facilities in the vicinity.

11. Planning Considerations and Assessments

- 11.1 The proposed filling of land and excavation of land involves a total area of about 10,774.9m² (including about 1,880m² (18%) for land excavation that requires planning permission from the Board). The proposed site formation works would form the site level at +15.5mPD to facilitate the construction of 47 Small Houses, which is subject to the approval by LandsD. DLO/YL, LandsD advises that her office has received 22 Small House applications within the Site, which are being processed.
- 11.2 The Site falls within “V” zone on the OZP where Small House is a Column 1 use which is always permitted. However, the Notes of the OZP also stipulates that any excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 or uses/developments always permitted under the covering Notes, requires planning permission from the Board.
- 11.3 The level of the Site ranges between about +14.9mPD and about +18.0mPD whilst the general level of the surrounding area is between about +13.0mPD and +18.0mPD. The applicant proposes land filling and excavation to form the site at 15.5mPD in order to reduce the risk of flooding in the Site and the surrounding area. In this regard, CE/MN, DSD has no objection in principle to the application and considers that approval conditions should be imposed to address their requirements on the drainage aspect. Should the application be approved, approval conditions on the submission and implementation of drainage proposal are recommended to be imposed (see approval conditions (a) and (b) in paragraph 12.2 below). The maintenance of drainage facilities would be addressed under the Small House grants.
- 11.4 For such scale of site formation works, building plan submission would be required and concerns on slope stability and structure of retaining walls would be addressed at building plan submission stage. In this regard, H(GEO) has no in-principle objection. Other relevant government departments, including the DEP, CEDD, C for T, CHE/NTW, HyD, D of FS and CTP/UD&L, PlanD, also have no objection to or no adverse comment on the application. DEP’s comment on the sewage impact, as well as C for T’s and CHE/NTW, HyDs comments on vehicular access and traffic aspects are related to the Small House development which is not the subject of the current application. Should the application be approved, the applicant will be advised of these departmental comments.
- 11.5 There are 10 public comments received during the statutory publication period as summarized in paragraph 10 above. As regards the concern over land administration, traffic, environmental, sewerage and water supplies aspects, they are not related to the current application for land excavation. For the concern of blockage of existing access to adjacent lots, DLO/YL, LandsD comments that the area suggested by the commenter for alternative access falls within private lots. For the concern over the drainage issue, the planning

considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment 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 1.6.2022, 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 also suggested for Members' reference:

Approval conditions

- (a) the submission of a Drainage Impact Assessment (DIA) before commencement of the land excavation works to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the mitigation measures proposed in the DIA for the development upon completion of the land excavation works to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) if any of the above planning conditions (a) or (b) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory clauses

The recommended advisory clauses are attached 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 applicant fails to demonstrate that the proposed development would not cause adverse drainage and geotechnical impacts.

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 applicant.

14. Attachments

Appendix I	Application Form received on 13.4.2018
Appendix Ia	Further Information received on 26.4.2018 providing a replacement page of the application
Appendix Ib	Further Information dated 11.5.2018 responding to GEO, CEDD's comments with a new section
Appendix Ic	Further Information dated 14.5.2018 responding to TD's comments
Appendix Id	Further Information dated 14.5.2018 responding to GEO, CEDD's comments and providing a new drainage proposal
Appendix Ie	Further Information dated 14.5.2018 providing a new EVA route plan
Appendix If	Further Information dated 24.5.2018 responding to EPD's comments
Appendix Ig	Further Information dated 24.5.2018 responding to CTP/UD&L, PlanD's comments
Appendix Ih	Further Information dated 24.5.2018 responding to CHE/NTE, HyD's comments
Appendix Ii	Further Information dated 28.5.2018 providing a revised EVA route plan
Appendix Ij	Copies of the tentative cut and fill area plan, the sections, the drainage proposal, and the proposed EVA route plan (superseded by Drawing A-4) in original A1 size
Appendix II	Previous Application covering the Site
Appendices III-1 to III-10	Public Comments Received During Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Tentative Cut and Fill Area Plan
Drawing A-2	Sections
Drawing A-3	Drainage Proposal
Drawing A-4	Revised EVA Route Plan
Drawing A-5	Proposed layout plan for the NTEH development
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
JUNE 2018**