

Similar Applications within the Subject "R(D)" Zone on the OZP

Approved Application

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-TT/361	Proposed 2 Houses (New Territories Exempted Houses)	23.10.2015	(1), (2)

Approval Condition(s):

- (1) Submission and implementation of tree preservation and landscape proposal.
- (2) Submission and implementation of drainage proposal.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/16*	Residential Development of 3 New Territories Exempted Houses (NTEHs)	20.12.1996	(1), (2), (3), (4)
2	A/YL-TT/17*	Residential Development of Five 3-storey Houses containing 15 Units	2.5.1997	(5), (6), (7), (8)

* The sites were zoned "R(D)" on the then draft Tai Tong OZP No. S/YL-TT/1 where developments within the "R(D)" zone were subject to development restrictions of maximum plot ratio of 0.2, maximum building height of 2 storeys (6m) and maximum site coverage of 20%.

Rejection Reason(s):

- (1) The proposed development is not in line with the planning intention of "R(D)" zone which is to improve and upgrade the existing domestic accommodation largely in temporary structures within the zone.
- (2) There was no information in the submission to demonstrate that the proposed development is for New Territories Exempted Houses (NTEHs) within the meaning of NTEH defined in the general Notes of the draft Tai Tong Outline Zoning Plan No. S/YL-TT/1 and thus there is no justification for exceeding the development restrictions in the "R(D)" zone.

- (3) The intensity and building height of the proposed development as houses with a plot ratio of 0.964, a site coverage of 32.1% and a building height of three storeys (8.23m) in the "R(D)" zone were excessive. The exceedance in development restrictions was not considered minor.
- (4) Approval of the proposed development will set an undesirable precedent for similar applications leading to adverse cumulative effects on the environment and infrastructural provision in the area.
- (5) The intensity and building height of the proposed development with a plot ratio of 0.4 and a building height of three storeys (9m) in the "Residential (Group D)" zone was excessive.
- (6) The proposed development representing a 100% increase in plot ratio and 50% increase in building height over the development restriction for house (other than NTEH) development under the OZP could not be considered to be minor. Under section 16(4) of the Town Planning Ordinance, the Board may grant permission only to the extent shown or provided for or specified in the OZP. As the relevant OZP only provides for application for minor relaxation of the maximum development restrictions, the Board cannot grant planning permission to the application.
- (7) The scale of the proposed development was not compatible with the village type developments in the surrounding area.
- (8) There was insufficient information in the submission to demonstrate that the proposed development will not have any adverse traffic and drainage impacts on the surrounding areas.

Advisory clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the application site (“the Site”) has an area of about 1,531 m² quoted by the applicant which should be subject to further verification and survey. In case of any discrepancy in site areas found, the respective proposed development parameters will have to be revised accordingly. As per the A Book and land search records, all private lots in the Site are old schedule agricultural lots. The two private lots are currently under separate ownership and each lot is held by one of the two applicants. The applicant has to apply for a land exchange/lease modification to implement the planning scheme if approved by the Board. However, there is no guarantee that the land exchange/lease modification proposal will be acceded to. Such application will be dealt with by her department acting in the capacity as the landlord at their discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by her department. Any requirement for submission of technical assessments such as Traffic Impact Assessment, Environmental Assessment, Sewage Impact Assessment and Drainage Impact Assessment, etc., should be subject to comments of relevant departments. The proposed tree felling/preservation/transplanting as stated in para. 3 of P.3 and para. 7 at P.7 of the Supplementary Planning Statement (**Appendix Ia of this RNTPC Paper**) should be subject to separate application to be submitted for formal approval upon implementation of the development proposal;
- (b) to note the comments of the Commissioner for Transport, Transport Department (C for T, TD) that 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. The land status of the access road/path/track leading to the Site from Tai Shu Ha Road East shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that his department does not and will not maintain any access connecting the Site and Long Ho Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note the comments of the Director of Environmental Protection that with respect to the applicant’s proposal to provide septic tank and soakaway system, sewage discharge should be directed to nearby public sewer. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of his department’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”. The design drawings and calculations including the soil percolation test results and minimum clearance requirements, etc. should be certified by an Authorized Person and submitted to the Building Authority for approval during the drainage plan submission stage;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant may wish to take this opportunity to enhance the greenery of the vicinity in particularly the western boundary (with frontage to the local track) and the northern boundary (facing Long Ha Road) adjoining the planned “Open Space” zone. The applicant is advised that the approval of the landscape proposal by the TPB under S.16 application does not imply the approval of tree works such as pruning, transplanting and

felling under lease. Tree work application should be submitted direct to DLO/YL, LandsD for approval;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded to maintain all the drainage facilities on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplied Department that existing water mains as shown on **Plan A-2 of this RNTPC Paper** will be affected. A Waterworks Reserve within 1.5 metres from the centerline of the water mains shall be provided to his department. No structure shall be built or materials stored within this Waterworks Reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the plan. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The Emergency Vehicular Access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the permitted maximum plot ratio and site coverage of a site are depended on the proposed building height and the site classification under Building (Planning) Regulation. He noted that the Site is not Class A, B or C site which does not abut a specified street, the development intensity should be determined under Building (Planning) Regulation 19(3) during plan submission stage. The Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided for all the buildings to be erected on the site in accordance with the requirements under the Building (Planning) Regulation 41D. Before any new building works are to be carried out on the application site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any proposed use under the captioned application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
- (j) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant is reminded that the Site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any new development at the proposed area, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced

geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the Site. The applicant is also reminded to submit the works to the Buildings Department for approval as required under the provisions of the Buildings Ordinance;

- (k) to note the comments of the Director of Food and Environmental Hygiene that no Food and Environmental Hygiene Department's facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such activity/operation, the applicant should arrange its disposal properly at their own expense. Proper licence/permit issued by her department is required if there is any catering service/activities regulated by her under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that 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.