

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

**Approved Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use/Development</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-TT/361	Proposed 2 Houses (New Territories Exempted Houses)	23.10.2015	(1), (2)
2	A/YL-TT/431	Proposed Houses	20.7.2018	(2), (3)

**Approval Condition(s):**

- (1) Submission and implementation of tree preservation and landscape proposal.
- (2) Submission and implementation of drainage proposal.
- (3) Submission and implementation of water supplies for firefighting and fire service installations proposal.

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use/Development</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason(s)</u></b>
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 (DLO/YL, LandsD) that the application site (the Site) has an area of about 580.6 m<sup>2</sup> 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. No additional government land is involved in the application. As per the A Book and land search records, the subject lot is an old schedule agricultural lot and is currently under the ownership of “LAM KWAI LIN” (the applicant). As per the land status plan, the Site is entirely surrounded by private lots and is not accessible by any public access on government land. The Site can only be accessed via a narrow village road at the north-eastern side of the Site. The lot owner has to apply to her department for a lease modification/land exchange to effect her proposal. However, there is no guarantee that the lease modification/land exchange application will be approved. Such application, if received by her department, will be considered by her department acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it 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;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the application is approved on the understanding that there is and will be no vehicular access to/from the Site;
- (c) to note the comments of the Director of Environmental Protection that sewage arising from the proposed house should be directed from the Site to nearby public sewer. In case of unavailability of public sewer, septic tank and soakaway system shall be adopted and its design and construction should 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” and are duly certified by an Authorized Person;
- (d) 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. The applicant is advised that the approval of the landscape proposal by the Board 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;
- (e) 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.;
- (f) 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;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation (B(P)R) 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 B(P)R 41D. It appears that the Site does not abut on a specified street with a minimum width of 4.5m. His comments on the proposed PR under B(P)R 19(3) which would be determined in building plan submission stage. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. Detailed checking of plans will be carried out upon formal submission of building plans; and
- (h) 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 neither environmental nuisance, pest infestation nor obstruction to the surrounding should be caused. Applicant should arrange its disposal properly at her own expenses for any waste generated from the Site. 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.