

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/442

<u>Applicant</u>	: Ms. LAM Kwai Lin represented by PlanPlus Consultancy
<u>Site</u>	: Lot 4117 in D.D. 116, Tai Tong, Yuen Long, New Territories
<u>Site Area</u>	: 580.6 m ² (about)
<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>	: “Residential (Group D)” (“R(D)”) [No development, including redevelopment for ‘Flat’ and ‘House’ (except ‘New Territories Exempted House’ (NTEH)) uses, shall result in a development in excess of a maximum plot ratio (PR) of 0.4 and maximum building height (BH) of 3 storeys (9m)]
<u>Application</u>	: Proposed Houses

1. The Proposal

- 1.1 The applicant seeks planning permission to build two houses on the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘House (not elsewhere specified)’ is a Column 2 use under the “R(D)” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and overgrown with some shrubs/weed. The Site is not subject to any previous planning application.
- 1.2 The Site is accessible by an existing footpath leading from Tai Shu Ha Road East (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the uncovered area of the Site (about 465.8m²) will be used for private open space purpose (**Drawing A-2**). In order to provide design flexibility and convenience for future residents, a kitchen is proposed on both ground floor and first floor of each house (**Drawings A-3, A-4, A-6 and A-7**). No filling of land is required to effect the proposed development. The applicant also proposed to erect two underground cesspools (one for each private garden) to treat the effluent. The access arrangement plan, site layout with disposition of building blocks and floor plans submitted by the applicant are shown on **Drawings A-1 to A-8**.

1.3 The major development parameters of the application are summarized as follows:

Site Area	580.6 m ² (about)
Number of Houses (No. of Flats)	2 (Not more than 4 flats)
Gross Floor Area (GFA)	229.6m ² (about)
PR	0.395
Site Coverage (Covered Area)	19.77% (114.8 m ² (about))
BH	not exceeding 6.8m
No. of Storey	2
Private Open Space	465.8m ²

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

- (a) Application Form received on 6.8.2018 **(Appendix I)**
- (b) Further Information received on 18.9.2018 clarifying that filling of land is not involved; two underground cesspools are proposed; and the uncovered area is designated as private open space **(Appendix Ia)**
- (c) Further Information received on 27.9.2018 clarifying not more than 4 flats are proposed **(Appendix Ib)**

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 9 of the Application Form at **Appendix I** and the Further Information at **Appendices Ia and Ib**. They can be summarized as follows:

- (a) The development, which comprises two houses of 2 storeys (6.8m) with PR of 0.395 conformed with the development restrictions of the “R(D)” zone. The proposed small-scale residential development is considered in line with the planning intention of the “R(D)” zone which is intended for low-rise and low-density residential developments.
- (b) The proposed development is considered compatible with its surrounding rural township environment. It is not anticipated that the proposed development will induce any adverse visual impact.
- (c) The proposed development is not anticipated to generate adverse impacts on infrastructure, environmental, traffic and landscape aspects. The applicant is willing to submit and implement a landscape proposal (with tree preservation proposal) and a drainage proposal under approval condition.
- (d) A similar application (Application No. A/YL-TT/361) for proposed two houses (New Territories Exempted House) is found at the immediate north-east of the Site and was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 23.10.2015. Having considered the proposed

development is similar to that of the approved application, it should also be favorably considered by the Board.

- (e) In order to provide design flexibility and convenience for future residents, a kitchen is proposed on both ground floor and first floor of each house.

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

The applicant is the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to planning enforcement action.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Applications

- 6.1 There were 4 similar applications (No. A/YL-TT/16, 17, 361 and 431) for proposed houses and NTEHs in the same “R(D)” zone. Details of the applications are summarized in **Appendix II** and the locations of the sites are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-TT/16 and 17 for residential developments of three NTEHs/ five 3-storey houses respectively were submitted under the then draft Tai Tong OZP No. S/YL-TT/1 where developments within the “R(D)” zone were subject to a maximum plot ratio of 0.2, maximum BH of 2 storeys (6m) and maximum site coverage of 20%. These applications were rejected by the Committee on 20.12.1996 and 2.5.1997 respectively on the grounds that, amongst others, there was no information in the submission to demonstrate that the proposed developments were for NTEH and the proposed development intensity (PR of 0.4, SC of 32.1% and BH of 3 storeys (8.23m)) was excessive.
- 6.3 Applications No. A/YL-TT/361 and 431 for proposed two NTEHs/six one-storey houses were approved with conditions by the Committee on 23.10.2015 and 20.7.2018 respectively, mainly on the grounds that the proposed developments were in line with the planning intention of the “R(D)” zone; they were not incompatible with the surrounding areas; and adverse impacts were not anticipated.

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

- 7.1 The Site is:

- (a) accessible via a footpath leading from Tai Shu Ha Road East to its west (**Plan A-2**);
- (b) fenced off; and
- (c) currently vacant and overgrown with some shrubs/weed.

7.2 The surrounding areas have the following characteristics:

- (a) rural in character predominated by residential structures intermixed with fallow/cultivated agricultural land, storage/open storage yards, orchards, unused/vacant land and vacant structures;
- (b) to its immediate north is a piece of unused land;
- (c) to its immediate east and west are residential structures;
- (d) to its northeast, southeast and immediate south are fallow/cultivated agricultural land;
- (e) except for a warehouse to its further southwest and an open storage yard to its further northwest that may be tolerated under the Town Planning Ordinance, the other storage/open storage yards in its vicinity are suspected unauthorized development subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site has an area of about 580.6 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. No additional government land is involved in the application.

- (b) 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).
- (c) 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.
- (d) If the application is approved by the Board, 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.
- (e) 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.
- (f) The Site does not encroach onto any village ‘environs’ boundary and is not subject to the Shek Kong Airfield Height Restriction.

Traffic

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

Since no vehicular access to the site and car parking space is proposed, he has no comment on the application.

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

It is noted that no vehicular access is proposed or to be granted under the application. He has no comment from highways maintenance point of view. If the application is approved, it is approved on the understanding that there is and will be no vehicular access to/from the Site.

Environment

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

- (a) The applicant seeks planning permission for two two-storey houses at the Site which falls within an area zoned “R(D)” on the Tai Tong OZP. He understands that the applicant proposed to erect underground cesspools (one for each private garden) to treat the effluent.
- (b) 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.

Urban Design and Landscape

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

Urban Design

The Site falls within an area zoned “R(D)” on the approved Tai Tong OZP No. S/YL-TT/16. The application seeks planning approval for two two-storey houses (BH of 6.8m to PR of 0.395) at the Site. Given the proposed PR and the BH of the proposed houses development are in line with the stipulations of the OZP, she has no comment on the application from visual viewpoint.

Landscape

- (a) The Site, which is located to the west of Tai Shu Ha Road East lies in an area zoned “R(D)”. The current application seeks planning permission for two houses (about 6.8m high).
- (b) With reference to the site photos (**Plan A-4**) and aerial photo of 2018, the Site is observed to be vegetated by shrubs. The Site is situated in an area of rural landscape character. The proposed use is not incompatible with the planned landscape character. Hence, she has no objection to the application from the landscape planning perspective.
- (c) In consideration that the proposed use is in line with the OZP, the landscape condition is opined not required. However, the applicant may wish to take this opportunity to enhance the greenery of the vicinity.
- (d) 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.

Drainage

- 9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (a) He has no in-principle objection to the proposed development from the public drainage point of view.
 - (b) Should the Board consider the application is acceptable from the planning point of view, approval conditions requiring the submission of a drainage proposal and implementation of the drainage proposal to the satisfactions of the Director of Drainage Services or of the Board should be stipulated.
 - (c) The applicant is also 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.

Fire Safety

- 9.1.7 Comments of the Director of Fire Services (D of FS):
- (a) He has no objection in principle to the proposal subject to fire service installations being provided to his satisfaction.
 - (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
 - (c) Furthermore, 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.

Building Matters

- 9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
- (a) 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.

- (b) It appears that the Site does not abut on a specified street with a minimum width of 4.5m. Thus, he reserves his comments on the proposed PR under B(P)R 19(3) which would be determined in building plan submission stage.
- (c) 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.
- (d) Detailed checking of plans will be carried out upon formal submission of building plans.

Other

9.1.9 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) 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.
- (b) The applicant should arrange its disposal properly at her own expenses for any waste generated from the Site.
- (c) 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.

District Officer's Comments

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

The local consultation was completed 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 comments/ no in-principle objection on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);

- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

On 14.8.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 4.9.2018, two public comments (**Appendices III-1 and III-2**) objecting to the application were received from a district councilor and a resident of Tai Kei Leng Tsuen. The district councilor objected on the grounds that the proposed development will worsen the flooding in Tai Kei Leng Tsuen (**Appendix III-1**). A resident of Tai Kei Leng Tsuen objected on the grounds that the Site is not connected by public road (**Appendix III-2**).

11. Planning Considerations and Assessments

- 11.1 The subject application is for the proposed development of two houses at a site zoned “R(D)” on the OZP. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of the existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and also for low-rise, low-density residential developments subject to planning permission from the Board. According to the Remarks of the OZP, no development including redevelopment within the “R(D)” zone for ‘Flat’ and ‘House’ (except ‘New Territories Exempted House’) uses shall result in a development and/or redevelopment in excess of a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m). For the subject application, the development intensity of the proposed development, with a PR of 0.395, site coverage of 19.77% and BH of not exceeding 6.8m (2 storeys), conforms with the development restrictions stipulated in the Remarks of the “R(D)” zone. As such, the proposed development is in line with the planning intention of the “R(D)” zone.
- 11.2 The proposed development comprising two houses, each of 2 storeys (not exceeding 6.8m high) with a total floor area of about 229.6m² is of a relatively small scale. It is considered not incompatible with the surrounding area which is rural in character predominated by residential structures and intermixed with fallow/cultivated agricultural land, storage/open storage yards, orchards, unused/vacant land and vacant structures (**Plans A-1 to A-4**).
- 11.3 There is no adverse comment on the application from concerned government departments including DLO/YL of LandsD, DAFC, CTP/UD&L of PlanD, C for T, CHE/NTW of HyD, CE/MN of DSD and DEP. Relevant approval conditions are also recommended in paragraph 12.2 below to address the technical concerns of departments. In view of the above, the proposed development is not anticipated to generate adverse impacts on traffic, environmental and infrastructural aspects on the surrounding areas.
- 11.4 Given that the Committee has approved two similar applications (No. A/YL-TT/361 and 431) for proposed two NTEHs/six houses to the northeast and further northwest of the Site respectively within the subject “R(D)” zone, approval

of the subject application is also in line with the Committee's previous decision.

- 11.5 There are 2 public comments (**Appendices III-1 and III-2**) received during the statutory publication period raising objection to the application that the proposed development will worsen the flooding in Tai Kei Leng Tsuen and the Site is not connected by public road. The planning considerations and assessments in paragraph 11.1 to 11.4 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, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, the permission shall be valid until 5.10.2022, 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 and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of a fire service installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

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

- 12.3 There is no strong reason to recommend rejection of the application.

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 be expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 6.8.2018
Appendix Ia	Further Information received on 18.9.2018 clarifying that filling of land is not involved; two underground cesspools are proposed; and the uncovered area is designated as private open space
Appendix Ib	Further Information received on 27.9.2018 clarifying not more than 4 flats are proposed
Appendix II	Similar applications within the same “R(D)” zone
Appendices III-1 and III-2	Public comments received during statutory publication period
Appendix IV	Recommended advisory clauses
Drawing A-1	Access Arrangement Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Ground Level Floor Plan of House A
Drawing A-4	First Level Floor Plan of House A
Drawing A-5	Roof Level Floor Plan of House A
Drawing A-6	Ground Level Floor Plan of House B
Drawing A-7	First Level Floor Plan of House B
Drawing A-8	Roof Level Floor Plan of House B
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2018**