

Previous Applications Covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s) / Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/274*	Proposed Utility Installation for Private Project (Electricity Package Substation) and Excavation of Land	23.12.2010	(1), (2)
2	A/YL-TT/317*	Proposed Utility Installation for Private Project (Electricity Package Substation) and Excavation of Land	3.1.2014	(1), (2)
3	A/YL-TT/377	Temporary Public Vehicle Park (Private Cars and Van-type Light Goods Vehicles) for a Period of 3 Years	13.5.2016 2.9.2016 (Review on condition restricting the operation hours of the subject site)	(1), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12)

* The site straddles the “R(D)” and “V” zones on the Tai Tong OZP. The approved scheme of Application No. A/YL-TT/274 and A/YL-TT/317 were not implemented and the planning permission lapsed on 24.12.2014 and 4.1.2018 respectively.

Approval Condition(s):

- (1) Submission and implementation of landscape proposal.
- (2) Submission and implementation of water supplies for fire-fighting, emergency vehicular access and fire service installations proposal.
- (3) Only private cars and van-type light goods vehicles not exceeding 1.9 tonnes permitted gross vehicle weight as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to enter/be parked on the Site.
- (4) A notice should be posted at a prominent location of the site at all times to indicate that only private cars and van-type light goods vehicles not exceeding 1.9 tonnes permitted gross vehicle weight as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to enter/be parked on the Site.
- (5) No vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the Site.
- (6) No vehicle repairing, dismantling, car beauty or other workshop activities are allowed on the Site.
- (7) No open storage activity is allowed on the Site.
- (8) No vehicle is allowed to queue back to or reverse onto/from public road.
- (9) Provision of boundary fence on the Site.
- (10) Submission and implementation of revised drainage proposal and maintenance of implemented drainage facilities.
- (11) Revocation of planning approval if any of the conditions is not complied with at any time or by the specified date.
- (12) Reinstatement of the Site to an amenity area upon the expiry of the planning permission.

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)
2	A/YL-TT/431	Proposed Houses	20.7.2018	(2), (3)
3	A/YL-TT/442	Proposed Houses	5.10.2018	(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

	<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 “R(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 1,671.2 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 subject application. As per the A Book and land search records, all private lots in the Site are old schedule agricultural lots. All the private lots are currently under the ownership of the applicant. As per the land status plan, the Site is almost entirely surrounded by private lots and only Lot No. 3339 S.H RP in D.D. 116 abuts Government land at the southeastern side of the Site. On the other hand, it was noted that part of the Site (including portion of Lot No. 3339 S.L. RP, portion of Lot 3339 S.K. RP and portion of 3339 S.J RP, etc.) is being used as an existing village road purpose. Subject to further verification and survey, part of the Site may have encroached onto the Village Environs (VE) Boundary of the Nga Yiu Tau Village. Land within VE is primarily reserved for development of New Territories Exmpted House by indigenous villager under the New Territories Small House Policy. Hence, non-NTEH land exchanges/ modification would not normally be entertained within defined VE or Village Type Development zones even planning permission is given by the Board. The lot owner has to apply to her department for a lease modification/land exchange. 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 Commissioner for Transport, Transport Department 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 that his department does not and will not maintain any access connecting the Site and Tai Shu Ha Road East. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads/ drains;
- (d) to note the comments of the Director of Environmental Protection that 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 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;
- (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 (EVA) 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 (BD);
- (g) to note the comments of the Chief Building Surveyor/New Territories West, 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 EVA shall be provided for all the buildings to be erected on the Site in accordance with the requirements under the B(P)R 41D. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the 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 under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (h) to note the comments of the Director of Food and Environmental Hygiene that 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
- (i) 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.