

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/452

- Applicant** : Mr. YUEN Hon Wah represented by Lanbase Surveyors Limited
- Site** : Lots 3188, 3338, 3339 S.H ss. 1 to ss. 5, 3339 S.H RP(Part), 3339 S.I ss. 1 to ss. 10, 3339 S.I RP, 3339 S.J ss. 1 to ss. 9, 3339 S.J RP(Part), 3339 S.K ss. 1 to ss. 2, 3339 S.K ss. 3(Part), 3339 S.K ss.4, 3339 S.K ss.5(Part), 3339 S.K ss.6 to ss.11, 3339 S.K RP(Part), 3339 S.L ss. 1 to ss. 8 and 3339 S.L RP(Part) in D.D. 116, Nga Yiu Tau, Tai Tong, Yuen Long, New Territories
- Site Area** : 1,671.2 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
- Zoning** : “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)]
- Application** : Proposed Houses

1. The Proposal

- 1.1 The applicant seeks planning permission to develop four 3-storey detached/semi-detached houses on the application site (the Site) (**Plan A-1a**). 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 occupied for public vehicle park use largely covered by a valid planning permission under Application No. A/YL-TT/377.
- 1.2 The Site was involved in 3 previous applications (No. A/YL-TT/274, 317 and 377). Application No. A/YL-TT/377 for temporary public vehicle park (private cars and van-type light goods vehicle) was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of

the Board on 13.5.2016 until 13.5.2019 (**Plans A-1b, A-3 and A-4a**). A minor portion of the northern part of the Site was involved in Applications No. A/YL-TT/274 and 317 for utility installation for private project (electricity package substation) and excavation of land which were approved with conditions by the Committee of the Board on 23.12.2010 and 3.1.2014 respectively (**Plan A-1b**). The latter two approved schemes were not implemented and the planning permissions lapsed on 24.12.2014 and 4.1.2018 respectively. Details of the previous applications are at paragraph 5 below and **Appendix II**.

1.3 The Site is accessible from Tai Shu Ha Road East to its west via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed development would not involve excavation of land as the Site is on flat land. Besides, on-site septic tank and soakaway pits would be provided in order to minimize any odour and effluent nuisance to the neighbourhood. The master layout plan, the floor plans and the section plans submitted by the applicant are shown on **Drawings A-1 to A-7**.

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

Site Area	1,671.2 m ² (about)
Gross Floor Area (GFA)	668.48 m ² (about)
PR	0.4
Site Coverage	13.33%
BH	Not exceeding 9m
No. of storey	3
Number of Houses	2 Detached and 2 Semi-detached Houses
Parking spaces	12 (10 for residents and 2 for visitors)
Loading/Unloading Space	1 (for light goods vehicle)

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

- (a) Application Form received on 28.11.2018 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 6 of the Supplementary Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The proposed development is in line with the planning intention of the “R(D)” zone. The planning intention of the subject “R(D)” zone is not only primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, but also intended for low-rise, low-density residential developments.

The proposed 'House' use only involves four 3-storey buildings for residential use.

- (b) The proposed 3-storey residential houses do not exceed the development restrictions of the "R(D)" zone and should therefore be allowed on the Site.
- (c) The Site does not fall within any "Village Environ" area of the Nga Yiu Tau Village. Therefore, non-NTEH land exchanges can be conducted for facilitating the proposed development, which falls within "R(D)" zone.
- (d) The replacement of the existing public vehicle park by four residential houses with garden area would upgrade the existing environment.
- (e) It is in line with the Government Policy of increasing housing supply and the scarce and valuable land resources can be fully utilized.
- (f) Similar applications (for example Application No. A/YL-TT/273 and 284) were approved in the surrounding area under another "R(D)" zone on the same OZP, the proposed application should be acceptable.
- (g) The Site is located in a residential area in Tai Tong. It is situated in close proximity to a number of surrounding residential developments including Nga Yiu Tau, Elle Garden, Mandy Court and Tong Tau Po Tsuen. The proposed development is considered compatible with the surrounding land uses and building height of 2-3 storey houses. No adverse visual impact to the area is anticipated.
- (h) The traffic condition would be improved by virtue of the reduction in parked cars by the proposed development as the Site is currently being operated as a "Temporary Public Vehicle Park (Private Cars and Van-type Light Goods Vehicles)" under Planning Application No. A/YL-TT/377 for providing 28 car parking spaces. No adverse traffic impact is anticipated.
- (i) The proposal only involves a small scale residential development with four 3-storey houses. It is unlikely to overstrain the capacity of the existing sewerage system. On-site septic tank and soakaway pits would be provided in order to ensure that there would not be any odour and effluent nuisance to the neighbourhood. Storm water would be collected by the peripheral channels and properly discharged to the nearby stream course. Therefore, no adverse drainage and sewerage impact is anticipated.
- (j) The proposed development would not involve excavation of land as the Site is on flat land.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is currently not subject to any active enforcement action.

5. Previous Applications

- 5.1 The Site was involved in 3 previous applications (No. A/YL-TT/274, 317 and 377) for different uses by the same applicant on different parts of the Sites. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A1-b**.
- 5.2 A minor portion at the northern part of the Site was involved in two previous applications (No. A/YL-TT/274 and 317) for proposed utility installation for private project (electricity package substation) and excavation of land which were approved with conditions by the Committee of the Board on 23.12.2010 and 3.1.2014 mainly on considerations that the proposal would not be in conflict with the planning intentions of the “R(D)” and “V” zones; not incompatible with the surrounding land uses; and no adverse comments from relevant government departments were received. The approved schemes were not implemented and the planning permissions lapsed on 24.12.2014 and 4.1.2018 respectively.
- 5.3 The eastern and southern part of the Site was involved in a previous application (No. A/YL-TYST/377) for temporary public vehicle park (private cars and van-type light goods vehicles) for a period of 3 years which was approved by the Committee of the Board with conditions on 13.5.2016 mainly on considerations that the proposal was not incompatible with the surrounding land uses; and that significant environmental, traffic and drainage impacts on the surroundings were unlikely. On 16.6.2016, the applicant applied, under section 17(1) of the Town Planning Ordinance, for a review of the Committee’s decision to impose approval condition restricting the operation hours of the subject site under approval condition (a). The applicant sought to waive the restriction to allow vehicles be parked on site on a daily and 24-hour basis to cater for the needs of the local villagers/residents. The Board approved the s.17 review on 2.9.2016.

6. Similar Applications

- 6.1 There were 5 similar applications (No. A/YL-TT/16, 17, 361, 431 and 442) for proposed houses and NTEHs in the same “R(D)” zone. Details of the applications are summarized in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 Applications No. A/YL-TT/16 and 17 for residential developments of three NTEHs and 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 grounds of, amongst others, that there was no information in the submission to demonstrate that the

proposed development is for NTEH and the development intensity of the proposed development were excessive.

- 6.3 Applications No. A/YL-TT/361, 431 and 442 for proposed two NTEHs, six houses and two houses respectively were approved with conditions by the Committee of the Board on 23.10.2015, 20.7.2018 and 5.10.2018 respectively mainly on the grounds that the proposed development were in line with the planning intention of the “R(D)” zone; the proposed development were not incompatible with the surrounding areas; and adverse impacts were not anticipated.

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

7.1 The Site is:

- (a) located within the “R(D)” zone adjacent to the “V” zone covering Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen (**Plan A-1a**);
- (b) accessible from Tai Shu Ha Road East to its west via a local track (**Plan A-2**);
- (c) formed and partly hard paved;
- (d) currently occupied for public vehicle park use largely covered by valid planning permission under Application No. A/YL-TT/377; and
- (e) the western portion of the site is currently occupied for public vehicle park use without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) the surrounding areas mainly comprise of rural residential dwellings/structures intermixed with fallow/cultivated agricultural land, vacant land/structures, orchard, parking of vehicles and open storage yard;
- (b) residential dwellings of Nga Yiu Tau are located to the east and south of the Site within the “V” zone with the nearest one located to the immediate east (about 5m) segregated by a local track.
- (c) to the north and west of the Site within the “R(D)” zone are mainly fallow/cultivated agricultural land; and
- (d) parking of vehicles is found to the immediate south of the Site.

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 1671.2 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.
- (b) 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.
- (c) 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.
- (d) Subject to further verification and survey, part of the Site may have encroached onto the Village Environs Boundary “VEB” of the Nga Yiu Tau Village. Land within village environ is primarily reserved for development of NTEH by indigenous villager under the NT Small House Policy. Hence, non-NTEH land exchanges/ modification would not normally be entertained within defined VE or “V” zones even planning permission is given by the Board.
- (e) If the planning application is approved 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.

- (f) 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.
- (g) The Site is not subject to the Shek Kong Airfield Height Restriction.

Traffic

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

- (a) 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.
- (b) 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.
- (c) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.

9.1.3 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.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains.
- (c) His Department shall not be responsible for the maintenance of any access connecting the Site and Tai Shu Ha Road East.

Environment

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

Sewage arising from the proposed house should be directed from the Site to nearby public sewer. If septic tank and soakaway system is used in case of unavailability of public sewer, 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

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

Urban Design

- (a) The Site falls within “R(D)” zone of the OZP. According to the Notes of the OZP for “R(D)” zone, no development including redevelopment for “Flat” and “House” (except NTEH) uses shall result in a development and/or redevelopment in excess of maximum plot ratio (PR) of 0.4 and a maximum building height of 3 storeys (9m).
- (b) According to the planning statement, the proposed PR, building height and number of storeys of the detached and semi-detached houses would not exceed the restrictions as stipulated on the OZP. Thus, he has no comment from visual impact point of view.

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 acceptable from the planning point of view, approval conditions requiring the submission and implementation of the drainage proposal to the satisfaction 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 water supplies for firefighting and fire service installations be provided to the satisfaction of the Director of Fire Services or of the Board.

- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) 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) 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.
- (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 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.

Others

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 such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from such activity/operation, the applicant should arrange its disposal properly at their own expense.
- (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.

9.1.10 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

9.1.11 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 on the application:

- (a) Antiquities and Monuments Office of the Commissioner for Heritage’s Office (AMO)
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) 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); and
- (e) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

On 7.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 28.12.2018, a total of ten public comments (**Appendices IV-1 to IV-10**) were received. All ten commenters objected to the application mainly on grounds of traffic, environmental and drainage impacts as well as nuisance to local villagers. In particular, one of the comments submitted by a Yuen Long District Councillor (**Appendix IV-2**) objected to the application mainly on the grounds that the development would have adverse impact on local traffic, the applicant did not provide assessments or solutions on traffic, environmental, drainage, noise and visual impact, and the villagers were not consulted by the applicant. Another comment from the Village Representative of Nga Yiu Tau Tsuen (**Appendix IV-1**) also raised concern on traffic aspect and the potential conflicts with a temple and a village some 200m away from the Site (**Plan A-3**).

11. Planning Considerations and Assessments

- 11.1 The subject application is for the proposed development of four 3-storey detached and semi-detached 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 PR of 0.4 and a maximum BH of 3 storeys (9m). For the subject application, the development intensity of the proposed development, with a PR of 0.4, site coverage of 13.33% and BH of 3 storey (not exceeding 9m) conforms with the development restrictions of the “R(D)” zone. The proposed low-rise, low-density residential development is generally in line with the planning intention of the “R(D)” zone.
- 11.2 The proposed development comprising four detached and semi-detached houses, each of 3-storey (not exceeding 9m) with a total floor area of 668.48m² is of a relatively small scale. It is considered not incompatible with the surrounding areas which is rural in character predominated by residential structures of Nga Yiu Tau just opposite the Site intermixed with fallow/cultivated agricultural land, vacant land/structures and orchard (**Plans A-2 to A-4c**).
- 11.3 There is no adverse comment on the application from concerned government departments including C for T, DEP, CE/MN of DSD, CTP/UD&L of PlanD and H(GEO) of CEDD. Relevant approval conditions are also recommended in paragraph 12.2 below to address the technical concerns of the departments and relevant public comments, especially on traffic, drainage and environmental aspects. 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 three similar applications (No.

A/YL-TT/361, 431 and 442) for proposed houses to the northwest of the Site within the subject “R(D)” zone, approval of the subject application is also in line with the Committee’s previous decision.

- 11.5 Ten public comments (**Appendices IV-1 to IV-10**) were received during the statutory publication period of which all ten commenters objected to the application mainly on grounds of traffic, environmental and drainage impacts as well as nuisance to local villagers. Regarding the local concern on the potential conflict with a nearby temple (**Plans A-3**), the temple is located at a considerable distance away from the Site and would unlikely be affected by the proposed development. AMO has no adverse comment on the application. The above planning considerations and assessments in paragraph 11.1 to 11.4 are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 18.1.2023, 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 water supplies for firefighting and 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 V**.

- 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 period of which the permission should be valid.

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 28.11.2018
Appendix Ia	Supplementary Planning Statement
Appendix II	Previous Applications covering the Site
Appendix III	Similar Applications within the Same “R(D)” Zone
Appendices IV-1 to IV-10	Public Comments Received during Statutory Publication Period
Appendix V	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan
Drawing A-2	Ground Floor and First Floor Plan of Type ‘A’ Detached Houses
Drawing A-3	Second Floor, Roof and Section Plan of Type ‘A’ Detached Houses
Drawing A-4	Ground Floor and First Floor Plan of Type ‘B’ Detached Houses
Drawing A-5	Second Floor, Roof and Section Plan of Type ‘B’ Detached Houses
Drawing A-6	Ground Floor, First Floor and Second Floor Plan of Type ‘C’ Semi-detached Houses
Drawing A-7	Roof and Section Plan of Type ‘C’ Semi-detached Houses
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
JANUARY 2019**