

RNTPC Paper No. A/NE-KTS/461A and 462A
For Consideration by the
Rural and New Town Planning Committee
on 17.5.2019

**FURTHER CONSIDERATION OF APPLICATIONS No. A/NE-KTS/461 and 462
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**Proposed House (New Territories Exempted House – Small House)
in “Residential (Group D)” and “Village Type Development” Zones
Lots 409 S.AI (A/NE-KTS461) and 409 S.AJ (A/NE-KTS462) in D.D. 94,
Hang Tau Tai Po, Kwu Tung South, New Territories**

1. Background

- 1.1 On 24.10.2018, the applicants, Mr. LI Yik Fung (the applicant of A/NE-KTS/461) and Mr. LI Wong Sun (the applicant of A/NE-KTS/462) represented by Lawson David & Sung Surveyors Limited, submitted the subject two applications seeking permission to build a house (New Territories Exempted House (NTEH) – Small House (SH)) each on the application sites (the Sites) in Hang Tau Village, Sheung Shui (Plan FA-1 and Drawings A-1 and A-2 in Annex F-I). Both Sites fall mainly within “Residential (Group D)” (“R(D)”) zone with a small part within “Village Type Development” (“V”) zone (9% and 4% respectively) on the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/16. The Sites are immediately adjacent to the “V” zone of Hang Tau and are currently occupied by open storage use. The Sites and the proposed houses are 100% within village ‘environs’ (‘VE’) of Hang Tau.
- 1.2 On 4.1.2019, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) considered the applications. During the deliberation, some members opined that approval of the applications might upgrade the area with better utilization for higher development intensity. However, noting that there was sufficient land in the “V” zone to meet the outstanding SH applications and the adjacent lots of the Sites in the same “R(D)” zone within the ‘VE’ had been carved out into numerous small lots likely for NTEH (SH) development (Plan FA-2), some members raised concerns on setting precedents for similar applications for NTEH (SH) development which had a higher development intensity than the permissible plot ratio of 0.4 for other ‘House’ development in the “R(D)” zone. Moreover, SH to be built in a very dense manner would not help improving the living environment. After deliberation, members considered it cautious to have a comprehensive picture on the areas of “R(D)” zone which overlapped with ‘VE’ of the recognised villages in rural areas so that the

implication on other applications of similar nature could be better assessed. After deliberation, the Committee agreed to defer a decision on the application pending provision of the said information by the Planning Department (PlanD). Extract of the minutes of the meeting is at **Annex F-II**.

1.3 For Members' reference, the following documents are attached:

- (a) RNTPC Paper No. A/NE-KTS/461 and 462 (Annex F-I)
- (b) Extract of Minutes of the Committee's Meeting (Annex F-II)
held on 4.1.2019

2. Land within "R(D)" Zone and 'VE' as well as Similar Applications

2.1 After checking the statutory plans in rural areas, it is found that there is a total of about 17.2 ha of land zoned "R(D)", which also falls in the current 'VE' of recognized villages¹. They fall within 11 OZPs, with their breakdown at **Annex F-III** and locations shown on Plan FA-3a to 3c. For the subject "R(D)" zone in Hang Tau Village, about 1.46 ha of land falls both in "R(D)" zone and 'VE' (Plan FA-2).

2.2 An analysis has been conducted on the similar applications of SH within this 17.2 ha of land in both "R(D)" zone and 'VE' since the first promulgation of Interim Criteria for Consideration of Application for NTEH/SH in New Territories (the Interim Criteria) (i.e. 24.11.2000 to 30.4.2019) (**Annex F-IV**). There are a total of 10 similar applications for SH on 4 OZPs (i.e. Shek Kong, Nam Sang Wai², Ho Chung and Tong Yan San Tsuen), with 7 applications approved and 3 rejected, and none of them in the subject "R(D)" zone in Kwu Tung South. The 7 approved applications were approved between 2005 and 2014 because sympathetic/favourable consideration was given in accordance with the Interim Criteria as there was general shortage of land in the "V" zone to meet the SH demand. All these applications were approved before the adoption of the more cautious approach by the Board since 14.8.2015. For the 3 rejected applications, 2 were rejected in 2003 as there was no general shortage of land in the "V" zone to meet the SH demand despite that the footprints of the proposed SHs were entirely within the 'VE' of the recognized villages. The remaining one was rejected in 2010 as less than 50% of the proposed SHs was within "V" zone or 'VE'. No sympathetic or favourable consideration could be given to these 3 applications under the Interim Criteria. In sum, the decision on these 10 similar applications was made mainly on the basis of the criteria of the Interim Criteria.

¹ The 'VE' boundaries of recognised villages are based on the latest information of the Lands Department (LandsD), which is subject to change.

² The 'VE' boundaries of the relevant recognized villages on Shek Kong and Nam Sang Wai OZPs relevant at the time of consideration of these applications were subsequently deleted and are not included in the current 'VE' boundaries information of LandsD.

3. Planning Considerations and Assessments

- 3.1 The Committee's concerns as mentioned in paragraph 1.2 above were mainly on whether the approval of the applications would set precedents for similar SH applications and whether the proposed SHs under the subject applications would result in a more dense living environment in the "R(D)" zone. Hence, members requested for a comprehensive picture on the areas of "R(D)" zone which overlapped with 'VE' of recognized villages. The requested information and relevant similar applications are provided in paragraph 2 above. For the subject "R(D)" zone in Hang Tau Tai Po, there is about 1.46 ha of land falling within both "R(D)" zone and 'VE', and no planning permission for SH was previously granted by the Board in this area under the "R(D)" zoning. Having considered the information, the updated planning considerations and assessments for the subject applications are elaborated below.
- 3.2 The applications are each for a proposed SH at the Sites which are mainly within "R(D)" zone with a small part within "V" zone (about 9% and 4% respectively). 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. The Sites are currently used as open storage. The proposed developments will help phase out the existing open storage use and are generally in line with the planning intention in this aspect.
- 3.3 The Sites are located to the immediate northwest of the village cluster of Hang Tau Village. The proposed SHs are compatible with surrounding environment and landscape character which is rural in nature with village houses to the east and south (Plan A-2a in Annex F-I). There is no existing tree within the Sites and the Sites have been formed. The proposed SHs are not anticipated to cause adverse drainage, sewerage and environmental impacts on the surrounding areas. Government departments consulted, including Chief Engineer/Mainland North, Drainage Services Department, Director of Environmental Protection and Chief Town Planner/Urban Design and Landscape, PlanD have no adverse comment on the applications. The Commissioner for Transport (C for T) has reservation on the applications due to setting of undesirable precedents resulting in cumulative adverse traffic impact, but considers that the applications only involving construction of two SHs can be tolerated.
- 3.4 According to the latest information from District Land Officer/North, LandsD, the total number of outstanding SH applications for Hang Tau Village is 54. As provided by the Indigenous Inhabitant Representatives of Hang Tau, the 10-year SH demand forecast for the Village is about 3,200. Based on the latest estimate by PlanD, about 4.42 ha (or equivalent to about 176 SH sites)

of land is available within the "V" zone of Hang Tau Village (Plan FA-4). There is sufficient land available within the "V" zone to meet the outstanding SH applications though it cannot fully meet the 10-year SH demand.

- 3.5 Notwithstanding the planning intention of the "R(D)" zone for improvement and upgrading of existing temporary structures, the applications are for SH development for which the Board has prepared the Interim Criteria setting out the major criteria in considering the SH application. The consideration of the subject applications should therefore be focus on the Interim Criteria. According to the Interim Criteria (Appendix II in Annex F-I), sympathetic consideration may be given if not less than 50% of the proposed SH footprint falls within the 'VE' of a recognized village and there is a general shortage of land in meeting the demand for SH development in the "V" zone of the village. For the subject applications, 100% of the footprints of the proposed SHs fall within the 'VE' of Hang Tau (Plan FA-1) and land available within the "V" zone is sufficient to meet the outstanding SH applications but not the forecasted 10-year SH demand. In recent years, the Board has adopted a more cautious approach in considering applications for SH developments. In considering whether there is a general shortage of land in meeting SH demand, more weighting has been put on the number of outstanding SH applications provided by the LandsD. As land is available within the "V" zone to meet the outstanding 54 SH applications, it is considered more appropriate to concentrate the proposed SH developments within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructures and services. As revealed in the research information in paragraph 2.2, the Board's consideration of 10 similar applications in "R(D)" zone on OZPs within 'VE' general follows the Interim Criteria. In this regard, it is considered that sympathetic consideration should not be given to the subject applications.
- 3.6 There is no previous SH application on the Sites and no similar application in the same "R(D)" zone. It is noted that the private land in the subject area within the "R(D)" zone and 'VE' have been carved out into small lots (Plan FA-2) with size fitting about 40 SH developments. It is very likely that approval of the subject applications would set precedents for similar applications for SH in this area. The cumulative effect of approving such applications would lead to adverse traffic impact on the surrounding areas.
- 3.7 Of the 5 public comments received as stated in paragraph 11 of Annex F-I, one commenter raises concern on the lack of orderly planning and sewerage facilities. In this regard, relevant Government departments' comments and planning assessments as stated in paragraphs 3.2 and 3.3 above are relevant.

4. Planning Department's Views

4.1 Based on the assessments made in paragraph 3, the PlanD does not support the applications for the following reasons:

- (a) land is still available within the "Village Type Development" zone of Hang Tau Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (b) approval of the application would set an undesirable precedent for similar applications within the "R(D)" zone. The approval of similar applications would result in adverse cumulative traffic impacts on the surrounding areas.

4.2 Alternatively, should the Committee decide to approve the applications, it is suggested that the permissions shall be valid until 17.5.2023, and after the said date, the permissions shall cease to have effect unless before the said date, the developments permitted are commenced or the permissions are renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Annex F-V**.

5. Decision Sought

- 5.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 5.2 Should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

- 5.3 Alternatively, should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the date when the validity of the permissions should expire.

6. Attachments

Annex F-I	RNTPC Paper No. A/NE-KTS/461 and 462
Annex F-II	Extract of Minutes of the Committee's Meeting held on 4.1.2019
Annex F-III	Land within Both 'R(D)' Zone and Current 'VE' of Recognized Villages
Annex F-IV	Applications of NTEH (SH) in both 'R(D)' Zone and 'VE' Since the First Promulgation of the Interim Criteria (24.11.2000 to 30.4.2019)
Annex F-V	Advisory Clauses
Plan FA-1	Location Plan
Plan FA-2	Site Plan
Plan FA-3a to 3c	Land within Both 'R(D)' Zone and Current 'VE' of Recognized Villages
Plan FA-4	Estimated Amount of Land Available for Small House Development within the 'V' Zone

PLANNING DEPARTMENT
MAY 2019

RNTPC Paper No. A/NE-KTS/461 and 462
 For Consideration by the
 Rural and New Town Planning
 Committee on 4.1.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/NE-KTS/461 and 462

Applicants : Mr. LI Yik Fung (Application No. A/NE-KTS/461)
 Mr. LI Wong Sun (Application No. A/NE-KTS/462)

Both represented by Lawson David & Sung Surveyors Limited

Sites : Lot 409 S.AI (Application No. A/NE-KTS/461)
 Lot 409 S.AJ (Application No. A/NE-KTS/462)

Both in D.D.94, Hang Tau Tai Po, Kwu Tung South, New Territories

Site Areas : 102 m² (about) (Application No. A/NE-KTS/461)
 100 m² (about) (Application No. A/NE-KTS/462)

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/16

<u>Zonings</u>	Application No.	Zoning	
	A/NE-KTS/461	"R(D)" (about 91%)	"V" (about 9%)
	A/NE-KTS/462	"R(D)" (about 96%)	"V" (about 4%)

"R(D)": "Residential (Group D)"

restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m) except New Territories Exempted House (NTEH)

"V": "Village Type Development"

Application : Proposed House (NTEH — Small House)

1. The Proposals

1.1 The applicants who claim to be indigenous villagers¹ of Hang Tau Village seek

¹ As advised by the District Lands Officer/North, Lands Department (DLO/N, LandsD), the eligibility of the applicants for Small House concessionary grant has yet to be ascertained.

planning permission to build a house (NTEH - Small House) on each of the application sites (the Sites) in Hang Tau Village, Sheung Shui. Both Sites fall mainly within "R(D)" zone with a small part within "V" zone on the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/16 (**Plans A-1 and A-2a**). The Sites are currently used for open storage (**Plan A-4**). According to the Notes of the OZP, the proposed new houses in "R(D)" zone requires planning permission from the Town Planning Board (the Board).

- 1.2 Layout of each proposed house are at **Drawings A-1 and A-2** and the major development parameters of each house are as follows:

Covered Area	: 65.03 m ²
Total Gross Floor Area	: 195.09 m ²
Number of Storeys	: 3
Building Height	: 8.23m

The applicants have indicated that the uncovered area of the Sites will be used as garden for enjoyment of the residents. Underground septic tanks will be provided.

- 1.3 In support of the applications, the applicants have submitted the following documents:

- | | |
|------------------------------------------------------------------------------------------|---------------|
| (a) Application Form with letter received on 6.11.2018
(Application No. A/NE-KTS/461) | (Appendix Ia) |
| (b) Supplementary Planning Statement
(Application No. A/NE-KTS/461) | (Appendix Ib) |
| (c) Application Form with letter received on 6.11.2018
(Application No. A/NE-KTS/462) | (Appendix Ic) |
| (d) Supplementary Planning Statement
(Application No. A/NE-KTS/462) | (Appendix Id) |

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the applications are detailed in the supplementary planning statements at **Appendices Ib and Id**. They are summarized as follows:

- (a) The Sites fall entirely within the 'Village Environ' ('VE') of Hang Tau Village and the proposed NTEHs are in line with the Small House Policy.
- (b) The Sites are at the northern fringe of Hang Tau Village and fall largely within "R(D)" zone. Small house clusters are located to the immediate east and south of the Sites. The proposed NTEHs are considered compatible with the low-rise village neighbourhood in the area and blend in well with the surrounding environment in visual context.

- (c) According to “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories”, sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the ‘VE’ of a recognised village. The proposed developments warrant sympathetic consideration from the Board.
- (d) The proposed developments satisfy the keen Small House demand in Hang Tau Village.
- (e) There is a shortage of land for Small House development in “V” zone as some of the land within “V” zone are not owned by indigenous villagers. One land owner of a business operation that falls within the “V” zone has rejected to sell the lots to the indigenous villagers despite Village Representative’s request.
- (f) The proposed Small House developments will phase out the non-conforming existing open storage use on the Sites.
- (g) There will be no adverse visual, landscape, traffic and sewage impacts on the surrounding areas. Also, no parking spaces are proposed.

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

The applicants are the sole “current land owner” of their respective site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Assessment Criteria

The latest set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), which was promulgated on 7.9.2007, is at **Appendix II**.

5. Background

The current open storage use on the Sites would be subject to planning enforcement action.

6. Previous Applications

- 6.1 There are 3 previous applications (No. A/NE-KTS/31, A/NE-KTS/81 and A/NE-KTS/208) covering the Sites and their adjoining larger areas. The applications were considered by the Rural and New Town Planning Committee (the Committee) when the area was zoned “Recreation” (“REC”)². Details of the

² The area was zoned “REC” on the previous Kwu Tung South OZPs, and was rezoned to “R(D)” on 24.3.2017.

previous applications are summarized at **Appendix III** and their locations are shown on **Plans A-1 and A-2b**.

- 6.2 Application No. A/NE-KTS/31 for proposed hotel with recreation facilities was rejected by the Committee on 15.12.1995 mainly for reasons of being not in line with the planning intention of the then "REC" zone; excessive scale and development intensity in a rural setting; adverse traffic impacts; interface problems between the existing industrial activities and the proposed hotel development; and inappropriate sewage treatment standards for the proposed development.
- 6.3 Application No. A/NE-KTS/81 for proposed holiday camp with sports training facilities was approved on review by the Board on 19.3.1999 mainly on the grounds of being in line with the planning intention of the then "REC" zone; no adverse traffic impact; compatible with the surrounding areas; meeting the demand for various recreational uses; and bringing about environment improvement to the site and the surrounding areas. The approved development had not been implemented and the planning permission lapsed on 20.3.2008.
- 6.4 Application No. A/NE-KTS/208 for proposed elderly home was rejected by the Committee on 27.5.2005 mainly for reasons of being not in line with the planning intention of the then "REC" zone; excessive height and development intensity; possible traffic and water quality impacts; and setting an undesirable precedent.

7. Similar Application

There is no similar application for house (NTEH - Small House) in the "R(D)" zone of the OZP.

8. The Sites and Their Surrounding Areas (Plan A-2a and aerial photo on Plan A-3 and site photos on Plan A-4)

8.1 The Sites are:

- (a) generally flat, currently used as open storage for metal frames;
- (b) located to the immediate northwest of the village cluster of Hang Tau Village and falls entirely within the 'VE' of Hang Tau; and
- (c) accessible via an existing local track at its eastern side.

8.2 The surrounding area is predominantly rural in nature with village houses and open storage uses, with the following characteristics:

- (a) to the south are mainly village houses in the "V" zone of Hang Tau village;

(b) to the east is Serenity Garden — a residential development with a number of Small Houses; and

(c) to the north and northwest is open storages and domestic structures.

9. Planning Intention

9.1 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.

9.2 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

10.1 The applications have been assessed against the assessment criteria in Appendix II. The assessment is summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - Footprints of the proposed Small Houses - Sites A/NE-KTS/461 A/NE-KTS/462	- 9% 4%	100% 91% 96%	- The Sites of the proposed Small Houses fall largely within “R(D)” zone, with a small portion in “V” zone. Their footprints are entirely within “R(D)” zone.
2.	Within ‘VE’? - Footprints of the proposed Small Houses	100%	-	- DLO/N, LandsD has advised that both Sites fall entirely within the ‘VE’ of Hang Tau.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	The Sites	100%	-	
3.	Sufficient land in "V" zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?		✓	- Land required to meet Small House demand in Hang Tau Village: about 81.3 ha (equivalent to about 3,253 Small House sites). The outstanding Small House applications for Hang Tau Village are 53 ³ while the 10-year Small House demand forecast for the same village is about 3,200.
	Sufficient land in "V" zone to meet outstanding Small House applications? (Plan A-2c)	✓		- Land available to meet the Small House demand within the "V" zone of the village concerned: about 4.41 ha (equivalent to about 176 Small House sites).
4.	Compatible with the planning intention of "R(D)" zone?	✓		
5.	Compatible with surrounding area/development?	✓		- The Sites are located in an area predominantly rural in nature with village houses to the east and southeast.
6.	Within Water Gathering Grounds (WGGs)?		✓	
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	- The Director of Fire Services (D of FS) has no in-principle objection to the application. Detailed fire safety requirements will be formulated upon receipt of formal application referred by the LandsD.

³ Among the 53 outstanding Small House applications, 25 of them fall within the "V" zone and 28 straddle or outside the "V" zone. For those 28 applications straddling or outside the "V" zone, 3 are with planning approval from the Board and 2 are under the current applications.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
9.	Traffic impact?		✓	- The Commissioner for Transport (C for T) has reservation on the applications due to setting undesirable precedent resulting in cumulative adverse traffic impact, but considers that the applications only involving construction of two Small Houses can be tolerated.
10.	Drainage impact?		✓	- The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications and advised that approval condition requiring submission and implementation of drainage proposal be imposed should the applications be approved.
11.	Sewerage impact?		✓	- The Director of Environmental Protection (DEP) has advised that in view of the small-scale nature of the proposed developments, the applications alone are unlikely to cause major pollution. - Septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage.
12.	Landscaping impact?		✓	- No significant landscape impact is envisaged. - In view that there is inadequate space for landscaping around the proposed houses, landscape condition is therefore impracticable.
13.	Local objections conveyed by District Officer (North) (DO(N))?		✓	- The Chairman of the Sheung Shui District Rural Committee (SSDRC), the North District Council (NDC) members of subject constituency, the Indigenous Inhabitant Representatives (IIRs) and the Resident Representative (RR) of Hang Tau have no comment on the applications.

10.2 Comments from the following Government departments have been incorporated in paragraph 10.1 above. Their other detailed comments, if any, are at **Appendix IV**.

- (a) DLO/N, LandsD;
- (b) CE/MN, DSD;
- (c) DEP;
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (f) D of FS;
- (g) C for T; and
- (h) DO (N), Home Affairs Department.

10.3 The following Government departments have no comment on the applications:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (b) Project Manager (North), Civil Engineering and Development Department (PM(E), CEDD).

11. **Public Comments Received During Statutory Publication Period**

On 16.11.2018, the applications were published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 7.12.2018, a total of 5 public comments on both applications from members of the general public were received. Two comments supported both applications as they would facilitate villagers in need (**Appendices Va and Vb**). Two comments indicate no comment on both applications (**Appendices Vc and Vd**). The remaining comment has raised concerns on the lack of orderly planning and sewerage facilities (**Appendix Ve**).

12. **Planning Considerations and Assessments**

12.1 The applications are for proposed houses (NTEHs - Small Houses) at the Sites which are mainly within "R(D)" zone with a small part in "V" zone. The proposed houses will phase out the existing open storage use on the Sites and are generally in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of 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.

12.2 According to DLO/N, LandsD, the total number of outstanding Small House applications for Hang Tau Village is 53. As provided by the IIR of Hang Tau, the 10-year Small House demand forecast for the Village is about 3,200. Based on the latest estimate by PlanD, about 4.41 ha (or equivalent to about 176 Small House sites)

of land is available within the "V" zone of Hang Tau Village (Plan A-2c). There is sufficient land available within the "V" zone to meet the outstanding Small House applications though it cannot fully meet the 10-year Small House demand.

- 12.3 The Sites are currently used as open storage. It is located to the immediate northwest of the village cluster of Hang Tau Village. The proposed houses are compatible with surrounding environment and landscape character which is rural in nature with village houses to the east and south. Taking into account that the Sites and the area to the west are currently used as open storages, the proposed developments would drive future changes to phase out the current open storage use through redevelopment into planned residential use. There is no existing tree within the Sites and the Sites have been formed. The proposed houses are not anticipated to cause adverse traffic, drainage, sewerage and environmental impacts on the surrounding area. Government departments consulted, including C for T, CE/MN, DSD, DEP and CTP/UD&L, PlanD, have no adverse comment on or no objection to the applications.
- 12.4 Regarding the Interim Criteria (Appendix II), 100% of the footprints of the proposed Small Houses fall within the 'VE' of Hang Tau (Plan A-1) and land available within the "V" zone is insufficient to meet the future Small House demand. However, land is available within the "V" zone to meet the outstanding 53 Small House applications. In recent years, the Board has adopted a more cautious approach in considering applications for Small House developments. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. Nevertheless, the proposed houses are located in a residential zoning of "R(D)", in close proximity to the village cluster of Hang Tau Village and fall within the 'VE' of Hang Tau. The proposed developments would phase out the existing open storage use on sites which is generally in line with planning intention of the "R(D)" zone. Therefore, sympathetic consideration may be given to the applications.
- 12.5 Of the 5 public comments received, one commenter raises concern on the lack of orderly planning and sewerage facilities. In this regard, relevant Government departments' comments and planning assessments as stated in paragraphs 12.1 to 12.4 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the local views and public comments mentioned in paragraphs 10.1 and 11, the PlanD has no objection to the applications.
- 13.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid until 4.1.2023. And after the said date, the permissions shall cease to have effect unless before the said date, the developments permitted are

commenced or the permissions are renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix VI**.

- 13.3 Alternatively, should the Committee decide to reject the applications, the following reason for rejection is suggested for Member's reference:

land is still available within the "Village Type Development" ("V") zone of Hang Tau Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

14. Decision Sought

- 14.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permissions.
- 14.2 Should the Committee decide to approve the applications, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permissions, and the date when the validity of the permissions should expire.
- 14.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

15. Attachments

Appendix Ia	Application Form with letter of 6.11.2018 (Application No. A/NE-KTS/461)
Appendix Ib	Supplementary Planning Statement (Application No. A/NE-KTS/461)
Appendix Ic	Application Form with letter of 6.11.2018 (Application No. A/NE-KTS/462)

Appendix Id	Supplementary Planning Statement (Application No. A/NE-KTS/462)
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Applications
Appendix IV	Detailed Comments from Relevant Government Departments
Appendices Va to Ve	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Proposed Layout Plan (Application No. A/NE-KTS/461)
Drawing A-2	Proposed Layout Plan (Application No. A/NE-KTS/462)
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Site Plan of the Previous Applications
Plans A-2c	Estimated Amount of Land Available for Small House Development within the "V" Zone
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
JANUARY 2019

**Relevant Interim Criteria for Consideration of Application for
New Territories Exempted House (NTEH)/Small House in New Territories
(promulgated on 7.9.2007)**

- (a) sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the village 'environs' ('VE') of a recognized village and there is a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the village;
- (b) if more than 50% of the proposed NTEH/Small House footprint is located outside the 'VE', favourable consideration could be given if not less than 50% of the proposed NTEH/Small House footprint falls within the "V" zone, provided that there is a general shortage of land in meeting the demand for Small House development in the "V" zone and the other criteria can be satisfied;
- (c) development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances (e.g. the application site has a building status under the lease, or approving the application could help achieve certain planning objectives such as phasing out of obnoxious but legal existing uses);
- (d) application for NTEH/Small House with previous planning permission lapsed will be considered on its own merits. In general, proposed development which is not in line with the criteria would normally not be allowed. However, sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the site is an infill site among existing NTEHs/Small Houses, the processing of the Small House grant is already at an advance stage;
- (e) if an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
- (f) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (g) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (h) the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant Government departments;
- (i) the proposed development, if located within water gathering grounds, should be able to be connected to existing or planned sewerage system in the area except under very

special circumstances (e.g. the application site has a building status under the lease or the applicant can demonstrate that the water quality within water gathering grounds will not be affected by the proposed development*);

- (j) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
- (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.

*i.e. The applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

Previous Applications

Approved Application

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-KTS/81	Holiday Camp with Sports Training Facilities	19.3.1999 (Lapsed on 20.3.2008)	A1 to A6

Note: The application site was zoned "Recreation" ("REC") when the application was considered by the Committee.

Approval Conditions

- A1 The submission and implementation of improvement works in respect of the access road from the application site to the Hang Tau Road
- A2 The provision of sewage treatment and disposal facilities
- A3 The submission of soil contamination assessment and the implementation of mitigation measures
- A4 The provision of fire safety installations to the development
- A5 The provision of drainage facilities
- A6 The submission and implementation of landscaping proposals

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-KTS/31	Hotel with Recreation Facilities	15.12.1995	R1 to R6
A/NE-KTS/208	Elderly Home	27.5.2005	R7 to R10

Note: The application sites were zoned "Recreation" ("REC") when the applications were considered by the Committee.

Reject Reasons

- R1 The proposed hotel development is not in line with the planning intention of the "REC" zone
- R2 The scale and intensity of the proposed hotel development with a plot ratio of 0.99 and a building height of 7 storeys are excessive in a rural setting
- R3 The proposed hotel development will aggravate the traffic condition of the existing Hang Tau Road and the adjoining access road to the site which are substandard, do not have footpaths and will pose safety hazards to both motorists and pedestrians
- R4 The road improvements to Hang Tau Road and the adjoining access road to the site as proposed by the applicant (viz. 3.5m wide carriageway with a 1.2m to 1.5m footpath on one side and some passing bays) are considered inadequate to cater for the proposed hotel development
- R5 There are interface problems between the existing industrial activities and the proposed hotel development and such aspect have not been addressed in the environmental impact assessment submitted
- R6 The sewage treatment standards as proposed by the applicant are considered not appropriate, in particular nitrification and disinfection of the effluent are required to minimize the discharges
- R7 The proposed development was not in line with the planning intention of "REC" zone. No strong justification had been provided in the submission for a departure from the planning intention
- R8 The proposed intensity and height of the elderly home were considered excessive within the "REC" zone
- R9 Insufficient information had been provided in the submission to demonstrate that the proposed development would not have adverse traffic and water quality impacts on the surrounding areas
- R10 The approval of the application would set an undesirable precedent for other similar applications within the "REC" zone which would result in a cumulative loss of areas for recreational purpose

Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Sites fall entirely within the Village 'Environ' ('VE') of Hang Tau Village;
- (b) the applicants claimed themselves as indigenous villagers of Hang Tau Village. Their eligibility for Small House concessionary grant has yet to be ascertained;
- (c) the Sites are not covered by any Modification of Tenancy / Building Licence;
- (d) the Sites are Old Schedule Agricultural lots;
- (e) the number of outstanding Small House applications in Hang Tau Village is 53. As provided by the Indigenous Inhabitant Representative of Hang Tau on 31.5.2017, the number of 10-year Small House demand for the whole Hang Tau Village is between 2,900 and 3,200; and
- (f) the Small House applications were received on 12.1.2018.

2. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no objection to the applications from public drainage viewpoint; and
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area.

3. Environment

3.1 Comments of the CE/MN, DSD:

the Sites are in an area where no public sewerage connection is available.

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

- (a) in view of the small-scale nature of the proposed developments, the applications alone is unlikely to cause major pollution; and

- (b) 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 the 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.

4. **Water Supply**

Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the applications; and
- (b) for provision of water supply to the development, the applicants may need to extend their inside services to the nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his standards.

5. **Landscape**

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

- (a) no significant landscape impact is envisaged within the Sites and the Sites are not within a landscape sensitive zoning and area; and
- (b) in view that there is inadequate space for landscaping around the proposed houses, landscape condition is therefore impracticable.

6. **Fire Safety**

Comments of the Director of Fire Services (D of FS):

he has no in-principle objection to the applications. The applicants are reminded to observe 'New Territories Exempted Houses - A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by the LandsD.

7. **Traffic**

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

- (a) he has reservation on the applications and advises that the Small House developments should be confined within the "Village Type Development" ("V") zone as far as possible. Although additional traffic generated by the proposed developments are not expected to be significant, such type of developments outside the "V" zone, if permitted, will set undesirable precedent cases for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and

-
- (b) notwithstanding the above, the applications only involve construction of 2 Small Houses. He considers that the applications can be tolerated unless they are rejected on other grounds.

Advisory Clauses

- (a) if provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works;
- (b) 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 the 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;
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standard; and
- (d) to note the comments of the Director of Fire Services to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by the Lands Department.

Extract of Minutes of RNTPC's meeting held on 4.1.2019

Agenda Items 15 and 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/461 Proposed House (New Territories Exempted House - Small House) in
"Residential (Group D)" and "Village Type Development" Zones, Lot
409 S.AI in D.D. 94, Hang Tau Tai Po, Kwu Tung South

(RNTPC Paper No. A/NE-KTS/461 and 462)

A/NE-KTS/462 Proposed House (New Territories Exempted House - Small House) in
"Residential (Group D)" and "Village Type Development" Zones, Lot
409 S.AJ in D.D. 94, Hang Tau Tai Po, Kwu Tung South

(RNTPC Paper No. A/NE-KTS/461 and 462)

57. The Committee agreed that the two s.16 applications could be considered together as they were similar in the nature, and the application sites (the Sites) were adjoining one another and falling within the same "Residential (Group D)" ("R(D)") and "Village Type Development" ("V") zones.

Presentation and Question Sessions

58. Ms S.H. Lam, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;

- (b) the proposed houses (New Territories Exempted Houses (NTEHs)- Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, five public comments were received on both applications from members of the general public. Two comments supported both applications, two comments indicated no comment on both applications and the remaining comment had raised concerns on the applications. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. The proposed houses (NTEH/Small Houses) would phase out the existing open storage use on the Sites and were generally in line with the planning intention of the "R(D)" zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and was also intended for low-rise, low-density residential developments. The proposed houses were compatible with the surrounding environmental and landscape character which was rural in nature. The proposed houses were not anticipated to cause adverse traffic, drainage, sewerage and environmental impacts on the surrounding area. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, the whole footprints of the proposed Small Houses fell within the village 'environs' ('VE') of Hang Tau and land available within the "V" zone was insufficient to meet the future Small House demand, but could meet the outstanding Small House applications. Sympathetic consideration might be given to the applications. Regarding the public comments received, the comments of government departments and

planning assessments above were relevant.

59. Members raised the following questions:

- (a) the number of applications approved within the same “R(D)” zone for Small House Development and the development intensity of “R(D)” zone;
- (b) whether the Serenity Garden to the east of the Site were NTEHs; and
- (c) why expansion of Small House development to the adjacent “R(D)” zone was considered acceptable.

60. Ms S.H. Lam, STP/FSYLE, made the following responses:

- (a) the existing “R(D)” zone was formerly zoned “Recreation” (“REC”) before 2017. There was no similar application for Small House development but two applications for proposed houses (non-NTEH) within the same “R(D)” zone had been approved. For the development intensity of “R(D)” zone, according to the Notes of the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/16, the maximum plot ratio restriction for ‘House’ was 0.4 but it was not applicable to NTEH development;
- (b) Serenity Garden were NTEHs which fell within the “R(D)1” zone. According to the Notes of the “R(D)1” zone, any building development should be located in the southern area and no building development (except ancillary structures) was permitted in the northern part which should be designated as a landscaped area with ancillary car parking and utility installations; and
- (c) “R(D)” zone was intended for low-rise and low-density development. As the Sites were immediately adjacent to the “V” zone and within the ‘VE’, the proposed developments could meet the Small House demand as well as the planning intention to phase out the open storage in the area.

Deliberation Session

61. Noting that the Sites were immediately adjacent to the “V” zone and within ‘VE’, while there was sufficient land available within the “V” zone to meet the outstanding Small House applications, some Members were concerned that approval of the application would set a precedent for similar applications of NTEH/Small House development which had higher development intensity than the permissible plot ratio of 0.4 for ‘House’ in the “R(D)” zone. In addition, according to Figure 2 of the planning statement in Appendix 1d of the Paper, the lot index plan indicated that the adjacent lots of the Sites had been carved out and it was likely that many more similar applications would be invited within the same “R(D)” zone if the current applications were approved.

62. In response to Members’ enquiry, Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department (LandsD) clarified that land within ‘VE’ was primarily reserved for Small House development. Under the current land administrative policy, unless with building entitlement, LandsD would normally not approve the land grant application for non-Small House development on an agricultural lot within ‘VE’.

63. The Chairman stated that the planning intention of “R(D)” zone was to improve and upgrade the existing temporary structures in the rural area through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments. It was noted that over the years the phasing out of temporary structures through redevelopment was not very effective as the permitted development intensity of the said zone was low, which had not given much incentive for redevelopment. A Member added that “R(D)” zone was a dynamic zone with a view to displacing the undesirable land uses in the area, and approving the developments might positively upgrade the area as well as better utilise the Sites with higher development intensity. Another Member echoed this view and supplemented that the Government might consider increasing the development intensity of the area if infrastructural support was available.

64. A Member opined that allowing Small House development within “R(D)” zone as a tool to upgrade the area might not be desirable as Small House would be built in a very dense manner which would not help improve the living environment.

65. A Member said that it would be more cautious for the Committee to have a comprehensive picture on the areas of "R(D)" zone which overlapped with 'VE' of the recognized villages in the rural areas before making a decision on the applications. Other Members agreed that more information should be provided so that the Committee could better assess the implications on other applications of similar nature if the current applications were approved.

66. After deliberation, the Committee decided to defer making a decision on the applications pending the provision of information by PlanD on the areas zoned "R(D)" and falling within 'VE' of the recognized villages in the rural areas.

Land within Both "R(D)" Zone and Current 'VE' of Recognized Villages@

OZP Name	OZP No.	"R(D)" Zone within 'VE'	
		Total area (ha)	No. of Applications for NTEH (Small House) considered by TPB since 24.11.2000 [#])
Kwu Tung South	S/NE-KTS/16	1.46	0*
Ngau Tam Mei	S/YL-NTM/12	1.95	0
Mai Po & Fairview Park	S/YL-MP/6	0.34	0
Kam Tin South	S/YL-KTS/15	7.57	0
Tai Tong	S/YL-TT/16	0.19	0
Tong Yan San Tsuen	S/YL-TYST/12	0.51	2
Yim Tin Tsai and Ma Shi Chau	S/NE-YTT/2	0.90	0
Pak Kong and Sha Kok Mei	S/SK-PK/11	0.31	0
Ho Chung	S/SK-HC/11	0.17	2
Tseng Lan Shue	S/SK-TLS/8	2.33	0
Mui Wo Fringe	S/I-MWF/10	1.50	0
Total :		17.23	4⁺

@ The information of 'VE' of recognized village is based on Lands Department's (LandsD's) current information. It is noted that 'VEs' were found covering Shek Kong and Nam San Wai, Yuen Long in LandsD's previous information, but the concerned 'VEs' no longer exist in LandsD's current information.

The first promulgation of Interim Criteria for Consideration of Application for NTEH/ Small House in New Territories.

* Two deferred cases are not included for analysis.

+ There are 4 applications in Shek Kong and 2 in Nam San Wai that were within 'VE' when the applications were considered by the TPB, but they are currently no longer covered by 'VE'.

**Applications for NTEH (Small House) on land within both “R(D)” zone and ‘VE’
Since the first promulgation of the Interim Criteria
(24.11.2000 to 30.4.2019)**

A. Overview

- There are 10 s.16 applications for NTEH (Small House) falling within both “R(D)” zone and ‘VE’¹ considered by the Town Planning Board (the TPB) since the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) first promulgated by the Town Planning Board (TPB) on 24.11.2000. The 10 applications are located in 4 areas, i.e. 2 in Ho Chung, 2 in Tong Yan San Tsuen, 4 in Shek Kong and 2 in Nam Sang Wai². Of them, 7 were approved and 3 were rejected. All the 10 applications were considered before the adoption of the more cautious approach by the TPB since 14.8.2015.

B. 7 Approved Applications

- The 7 approved applications generally in line with the Interim Criteria as summarized below:

Application No. (Decision Date)	Footprint of Small House in			Sympathetic/ Favourable consideration under Interim Criteria ?
	“R(D)”	‘VE’	General Shortage of land in “V” zone	
A/YL-SK/139 (14.3.2007)	100%	100%	✓ (insufficient land for 10-year demand but adequate to meet the outstanding Small House applications)	Y
A/YL-SK/140 (14.3.2007)		91%		
A/YL-SK/141 (14.3.2007)		100%		
A/YL-SK/198 (3.1.2014)		67.2%		

¹ Including also those partly in “V” zone and/or partly in ‘VE’.

² Due to updating of ‘VE’ information by Lands Department, the 4 applications in Shek Kong and 2 applications in Nam San Wai are now no longer in ‘VE’.

Application No. (Decision Date)	Footprint of Small House in			Sympathetic/ Favourable consideration under Interim Criteria ?
	"R(D)"	'VE'	General Shortage of land in "V" zone	
A/YL-TYST/298 (25.11.2005)	50% (50% in "V")	50%	✓ (insufficient land for 10-year demand. No information on outstanding Small House applications.)	Y
A/SK-HC/177 (5.3.2010)	77% (23% in "V")	100%	✓ (insufficient land for 10-year demand but adequate to meet the outstanding Small House applications)	Y
A/SK-HC/234 (13.6.2014)	Involve the same site			

C. 3 Rejected Applications

3. The 3 rejected applications did not in line with the Interim Criteria as summarised below:

Application No. (Decision Date)	Footprint of Small House in			Sympathetic/ Favourable consideration under Interim Criteria ?
	"R(D)"	'VE'	General Shortage of land in "V" zone	
A/YL-NSW/136 (21.11.2003)	100%	100%	×	N
A/YL-NSW/138 (21.11.2003)		100%		
A/YL-TYST/483 (24.9.2010)	About 50% (about 12.3% in "V")	12.3%	✓ (insufficient land for 10-year demand but adequate to meet the outstanding Small House applications)	N

Advisory Clauses

- (a) if provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works;
- (b) 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 the 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;
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standard; and
- (d) to note the comments of the Director of Fire Services to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by the Lands Department.

Agenda Items 19 and 20

Further Consideration of Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/461 Proposed House (New Territories Exempted House - Small House) in
"Residential (Group D)" and "Village Type Development" Zones, Lot
409 S.AI in D.D. 94, Hang Tau Tai Po, Kwu Tung South

A/NE-KTS/462 Proposed House (New Territories Exempted House - Small House) in
"Residential (Group D)" and "Village Type Development" Zones, Lot
409 S.AJ in D.D. 94, Hang Tau Tai Po, Kwu Tung South
(RNTPC Paper No. A/NE-KTS/461A and 462A)

74. The Committee agreed that the two applications could be considered together as they were similar in nature and the application sites were adjoining one another and falling within the same "Residential (Group D)" ("R(D)") and "Village Type Development" ("V") zones.

Presentation and Question Sessions

75. Ms S.H. Lam, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the application – on 4.1.2019, noting that there was sufficient land in the "V" zone to meet the outstanding Small House (SH) applications and the adjacent lots of the sites in the same "R(D)" zone within the village 'environ' ('VE') had been carved out into numerous small lots likely for SH developments, some Members raised concerns on setting precedents for similar application for SH development which had a higher development intensity than the permissible plot ratio of 0.4 for other 'House' development in the "R(D)" zone. The Committee decided to defer making a decision on the applications pending having a comprehensive picture on the areas of "R(D)" zone which overlapped with 'VE' of the recognized village in rural areas so that implications on other applications of similar nature could be better assessed and the Planning

Department (PlanD) was tasked to provide the required information;

- (b) land within "R(D)" zone and 'VE' and similar applications – it was found that a total of about 17.23 ha of land was zoned "R(D)" which also fell within the current 'VE' of recognized villages in 11 Outline Zoning Plans (OZPs). For the subject "R(D)" zone in Hang Tau Village, about 1.46ha of land fell both in "R(D)" zone and 'VE'. Since the first promulgation of the Interim Criteria for Consideration of Application for NTEH/SH in New Territories (the Interim Criteria), 10 planning applications for SH development with the said situation were identified in 4 OZPs, among which seven applications were approved, and three applications were rejected. The seven applications were approved mainly on the consideration that there was general shortage of land in the "V" zone. Besides, the decisions of these 10 similar applications were made before the adoption of a more cautious approach by the Town Planning Board in August 2015. For the subject "R(D)" zone in Hang Tau Tai Po, no planning application for SH development had ever been approved. Details of the land zoned "R(D)" which also fell in 'VE' were set out in Annex F-III of the Paper;
- (c) PlanD's views – PlanD did not support the applications based on the assessments set out in paragraph 3 of the Paper. Regarding the Interim Criteria, sympathetic consideration might be given if not less than 50% of the proposed SH footprint fell within 'VE' and there was a general shortage of land in meeting the demand for SH development in the "V" zone. Since the adoption of the cautious approach in considering applications for SH developments, more weighting had been put on the number of outstanding SH applications in considering whether there was a general shortage of land in meeting SH demand. According to the latest information from District Lands Officer/North, Lands Department, the total number of outstanding SH applications for Hang Tau Village was 54, and about 4.42 ha of land (equivalent to about 176 SH sites) was available within the "V" zone. As land was still available within the "V" zone, it was considered more appropriate to concentrate the proposed SH

developments within the “V” zone.

76. Members had no question on the application.

Deliberation Session

77. In relation to a Member’s observation on the implication of the planning circumstances mentioned in paragraph 3.6 of the Paper, the Committee noted that approval of the current applications would set precedents for similar applications for SH development in the same “R(D)” zone. As private land in the subject “R(D)” zone had been carved out into small lots which might be sufficient for about 40 SH developments, the cumulative effect of approving such large number of applications would lead to adverse traffic impact on the surrounding areas.

78. The Chairman remarked that the Committee’s decision on the current applications would have implications in considering other SH applications located in residential zones.

79. After deliberation, the Committee decided to reject the applications. The reasons for each of the applications were :

- “(a) land is still available within the “Village Type Development” zone of Hang Tau Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (b) approval of the application would set an undesirable precedent for similar applications within the “Residential (Group D)” zone. The approval of similar applications would result in adverse cumulative traffic impacts on the surrounding areas.”

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

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By Post & Fax (2524 0355)

電話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-KTS/461

31 May 2019

Lawson David & Sung Surveyors Ltd.
Room 1601, South China Building
1-3 Wyndham Street
Central, Hong Kong
(Attn: Cannis Lee)

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)
in "Residential (Group D)" and "Village Type Development" Zones,
Lot 409 S.AI in D.D. 94, Hang Tau Tai Po, Kwu Tung South**

I refer to my letter to you dated 6.5.2019.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) land is still available within the "Village Type Development" zone of Hang Tau Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (b) approval of the application would set an undesirable precedent for similar applications within the "Residential (Group D)" zone. The approval of similar applications would result in adverse cumulative traffic impacts on the surrounding areas.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 17.5.2019 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 21.6.2019). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. S.H. Lam of Fanling, Sheung Shui & Yuen Long East District Planning Office at 2158 6138.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳真 Fax: 2877 0245 / 2522 8426

By Post & Fax (2524.0355)

電話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-KTS/462

31 May 2019

Lawson David & Sung Surveyors Ltd.
Room 1601, South China Building
1-3 Wyndham Street
Central, Hong Kong
(Attn: Cannis Lee)

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)
in "Residential (Group D)" and "Village Type Development" Zones,
Lot 409 S.AJ in D.D. 94, Hang Tau Tai Po, Kwu Tung South**

I refer to my letter to you dated 6.5.2019.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) land is still available within the "Village Type Development" zone of Hang Tau Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services; and
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Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

Advisory Clauses

- (a) if provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works;
- (b) 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 the 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;
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standard; and
- (d) to note the comments of the Director of Fire Services to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by the Lands Department.

