

**REVIEW OF APPLICATIONS NO. A/YL-KTS/759-761**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed House (New Territories Exempted House (NTEH) – Small House)  
in “Agriculture” Zone**

**Lots 191 S.B ss.2 and 192 S.E ss.1 in D.D. 113, Cheung Po, Kam Tin, Yuen Long**  
**(Planning Application No. A/YL-KTS/759)**

**Lot 191 S.B ss.3 in D.D. 113, Cheung Po, Kam Tin, Yuen Long**  
**(Planning Application No. A/YL-KTS/760)**

**Lots 191 S.B ss.4 and 191 S.C ss.1 in D.D. 113, Cheung Po, Kam Tin, Yuen Long**  
**(Planning Application No. A/YL-KTS/761)**

**1. Background**

- 1.1 On 24.10.2017, the applicants, Mr. TSANG Wo Ping (No. A/YL-KTS/759), Mr. TSANG Siu Ping (No. A/YL-KTS/760) and Mr. TSANG Wai Man (No. A/YL-KTS/761) all represented by Cheery Consultants Limited, sought planning permission to build a proposed House (NTEH - Small House) at each of the application sites (the Sites) under s.16 of the Town Planning Ordinance (the Ordinance). The Sites fall within an area zoned “Agriculture” (“AGR”) on the draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/14 (**Plan R-1a**). The Sites are currently vacant and are fallow agricultural land covered with vegetation (**Plan R-4**).
- 1.2 On 22.12.2017, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the applications and the reasons were:
- (a) the proposed Small House developments are not in line with the planning intention of the “AGR” zone which is to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
  - (b) land is still available within the “Village Type Development” (“V”) zone of Cheung Po and Tai Wo 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.

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

- (a) RNTPC Paper Nos. A/YL-KTS/759-761 (Annex A)
- (b) Extract of minutes of the RNTPC Meeting held on 22.12.2017 (Annex B)
- (c) Secretary of the Board's letters dated 12.1.2018 (Annexes C-1 to C-3)

## 2. Application for Review

On 24.1.2018, the applicants' representative applied, under section 17(1) of the Ordinance, for a review of the RNTPC's decision to reject the applications (Annex D). The applicants have not submitted any written representation in support of the review.

## 3. The Section 16 Application

The Site and Its Surrounding Areas (Plan R-2, aerial photos on Plan R-3 and site photos on Plan R-4)

3.1 The situation of the Sites and its surrounding areas at the time of the consideration of the s.16 applications by the RNTPC were described in paragraph 8 of Annex A. There has been no material change of the situation since then (Plan R-2).

3.2 The Sites:

- (a) are currently vacant and are fallow agricultural land covered with vegetation (Plan R-4);
- (b) are accessible to Kam Po Road via the residential development, Tourmaline Villa, located to the north (Plans R-2); and
- (c) fall within the village 'environ' ('VE') of Cheung Po Village.

3.3 The surrounding areas have the following characteristics:

- (a) Tourmaline Villa comprises 10 Small House developments (approved under Applications No. DPA/YL-KTS/43, A/YL-KTS/1 to 3, 5 to 10 from 1993 to 1995 respectively) are located to the immediately north of the Sites;
- (b) to the immediate east are residential dwellings;
- (c) to the northwest across Kam Po Road is the West Rail Pat Heung Maintenance Depot; and
- (d) to the immediately southwest of the Sites are fallow agriculture land.

### Planning Intention

3.4 There has been no change of planning intention of the "AGR" zone, which is mentioned in paragraph 9 of Annex A.

- 3.5 The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

#### Assessment Criteria

- 3.6 The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) (latest revision promulgated on 7.9.2007) relevant to the consideration of the s.16 application is still effective. The Interim Criteria are set out at Appendix II of **Annex A**.

#### Previous Applications

- 3.7 The previous applications at the time of consideration of the s.16 applications were mentioned in paragraph 6 of **Annex A**. Since then, no additional previous application is involved.
- 3.8 Each of the three sites was involved in 2 previous applications for a proposed NTEH (Small House) submitted by the same applicants under the current applications, i.e. No. A/YL-KTS/372 and 430 for A/YL-KTS/759, No. A/YL-KTS/373 and 429 for A/YL-KTS/760, and A/YL-KTS/374 and 428 for A/YL-KTS/761. Details of the applications are summarized in Appendix III of **Annex A** and its location is shown on **Plan R-1b**.
- 3.9 Applications No. A/YL-KTS/372 to 374 and No. A/YL-KTS/428 to 430 were rejected by the Board on review on 27.10.2006 and 12.12.2008 respectively. The applicants have subsequently lodged appeals for Application No. A/YL-KTS/372 to 374 against the Board’s decisions but were not accepted by the Town Planning Appeal Board as it was out of time.
- 3.10 All previous applications were rejected on the grounds that the proposed development were not in line with the planning intention of the “AGR” zone and the proposed developments did not comply with the interim criteria for assessing planning applications for NTEH/Small house development in that there was no shortage of land within the “V” zone of Cheung Po and Tai Wo at that time to meet the demand forecast for Small House development. Besides, there was insufficient information in the submission to demonstrate why suitable sites within the areas zoned “V” could not be made available for the proposed developments.
- 3.11 In considering the review applications No. A/YL-KTS/428 to 430, alongside with No. A/YL-KTS/431 to 436 for other sites covered by the same Town Planning Board paper, the Board requested Planning Department (PlanD) to carry out a review of the “V” zone for Cheung Po and Tai Wo in consultation with the concerned parties. However, it would be inappropriate to carry out a comprehensive review on the “V” zone before the completion of Small House Policy Review by the Development Bureau.

#### Similar Applications

- 3.12 There were 43 similar applications at the time of consideration of the s.16 applications as mentioned in paragraph 7 of **Annex A**. Since then, there are eleven additional

similar applications (No. A/YL-KTS/765-775) within the same “AGR” zone which were rejected by the RNTPC on 26.1.2018.

- 3.13 Among the total of 54 similar applications within the same “AGR” zones on the Kam Tin South OZP since the first promulgation of the Interim Criteria on 24.11.2000, 10 applications (No. A/YL-KTS/232, 280, 285, 325, 337, 346, 370, 476, 477 and 668) were approved/partially approved with conditions by the RNTPC or the Board on review and the other 44 applications (No. A/YL-KTS/238, 261, 348, 350, 375 to 378, 380, 381, 431 to 436, 565, 583, 626, 627, 654, 656, 658, 666, 673, 674, 686, 691, 692, 703, 716, 727, 744 and 765-775) were rejected by the RNTPC or the Board on review. Details of these applications are summarized in **Annex E** and their locations are shown on **Plan R-1**.

Approved Similar Applications: 10 cases

- 3.14 10 applications (Applications No. A/YL-KTS/232<sup>1</sup> and 285 entirely on “AGR” zone and No. A/YL-KTS/280, 325, 337, 346, 370, 476, 477 and 668 (all straddled “AGR” and “V” zones)) each for one NTEH (Small House) were approved by the RNTPC or the Board on review on 23.2.2001, 22.11.2002, 2.5.2003, 3.12.2004, 4.3.2005, 13.5.2005, 16.6.2006, 20.11.2009 (for both Applications No. A/YL-KTS/476 and 477) and 3.7.2015 respectively mainly on the considerations that the proposed developments were in line with the Interim Criteria as they fell entirely within the village ‘environs’ (‘VE’) of Yuen Kong San Tsuen/Yuen Kong Tsuen and/or with not less than 50% of the proposed NTEH footprint falls within the “V” zone; the proposed developments were compatible with the surrounding village settlements; there was a shortage of land within the “V” zone to meet the Small House demand; and relevant Government departments had no adverse comment.

Rejected Similar Applications: 44 cases

- 3.15 The 33 applications (No. A/YL-KTS/238, 261, 348, 350, 375 to 378, 380, 381, 431 to 436, 565, 583, 626, 627, 654, 656, 658, 666, 673, 674, 686, 691, 692, 703, 716, 727, 744) for proposed NTEH(s) (Small Houses) were rejected by the RNTPC or the Board on review on 22.12.2000, 11.1.2002, 27.5.2005, 10.6.2005, 27.10.2006 (for Applications No. A/YL-KTS/375, 376, 377, 378, 380, 381), 12.12.2008 (for Applications No. A/YL-KTS/431 to 436), 14.9.2012, 22.3.2013, 7.2.2014 (for both Applications No. A/YL-KTS/626 and 627), 2.1.2015 (for both Applications No. A/YL-KTS/654 and 656), 6.2.2015, 5.6.2015, 4.9.2015 (for both Applications No. A/YL-KTS/673 and 674), 8.1.2016, 19.2.2016, 4.3.2016, 27.5.2016, 14.10.2016, 3.2.2017, 28.7.2017 and 26.1.2018 (for Applications No. A/YL-KTS/765 to 775) respectively mainly on the grounds that the proposed developments did not comply with the Interim Criteria in that there was no shortage of land within the concerned “V” zones at that time or the proposed developments fell outside the “V” zones or outside/largely outside the ‘VE’; the proposed developments were not in line with the planning intention of the “AGR” zone; the proposed developments were incompatible with the surrounding area and would cause adverse impacts; the proposed developments were environmentally unacceptable and subject to risk hazard; and approval of the applications would set undesirable precedent.

<sup>1</sup> Application No. A/YL-KTS/232 was for the redevelopment of an existing two-storey house to a three-storey NTEH. Sympathetic consideration was given despite the site falls outside the ‘VE’ of the concerned village and the respective ‘V’ zone.

- 3.16 The remaining 11 applications (Applications No. A/YL-KTS/765-775) for proposed NTEH(s) (Small Houses) were rejected by the RNTPC on 26.1.2018 mainly on the grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; land is still available within the “V” zone of Cheung Po and Tai Wo which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed developments close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services; and there is insufficient information in the submission to demonstrate that the proposed developments would not be subject to noise impact.

#### **4. Comments from Relevant Government Departments**

- 4.1 Comments on the s.16 application made by relevant Government departments are stated in paragraph 10 and Appendix V of **Annex A**.
- 4.2 For the review application, the following Government department has been further consulted and his comments are summarized as follows:

##### **District Officer's Comments**

- 4.2.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):
- He has not received any comment from locals upon close of consultation and he has no particular comment on the applications.
- 4.3 The following Government departments have no further comments on the review application and maintain their previous views on the s.16 application as below:

##### **Land Administration**

- 4.3.1 Comment of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) The Sites are Old Schedule agricultural lot held under the Block Government Lease.
  - (b) The Sites fall within the village environs boundary (VEB) for Cheung Po.
  - (c) According to his records, the Sites are not under any Small House applications. Therefore, the indigenous villager's status and eligibility of the applicant would only be verified upon the receipt of the Small House application as well as when the application is due for processing.
  - (d) According to his records, the Sites are not covered by any Modification of Tenancy or Building Licence.
  - (e) The Sites fall within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures will not exceed the

relevant airfield height limit within SKAHRA.

- (f) The number of outstanding Small House applications of Cheung Po and Tai Wo are 67 and 57 respectively.
- (g) The 10-year forecast of Small House demand for Cheung Po is 180; for Tai Wo is 495. The 10-year forecast is provided by the Indigenous Inhabitant Representative of Cheung Po and Tai Wo and DLO/YL is unable to verify such information.
- (h) If a proposed Small House site is outside or more than 50% of it is outside the VEB of a recognized village and the “V” zone which encircles the recognized village, the concerned Small House application will be rejected under the New Territories (NT) Small House Policy even though the applicant is an indigenous villager who has successfully sought planning permission.
- (i) Should planning approval be given to the subject planning application, the registered lot owner should inform DLO/YL, LandsD. DLO/YL, LandsD will consider the Small House application (if apply) acting in the capacity as the landlord at its sole discretion in accordance with the NT Small House Policy when the application is due for processing. There is no guarantee that such application would be approved. Should the registered owners of the lots, after obtained planning approval, submit lease modification / land exchange application, DLO/YL, LandsD will consider his application acting in the capacity as the landlord and there is also no guarantee that such application would be approved. Besides, in general, application for NTEH development other than under Small House Policy will not be entertained. Any applications, if approved, would be subject to such terms and conditions, including, among others, the payment of premium and/or administrative fee, as may be imposed by the LandsD.

### **Traffic**

#### 4.3.2 Comments of the Commissioner for Transport (C for T) :

Considering there is no parking provision nor vehicular access to the lot, the induced traffic is minimal and he has no comment on the application.

#### 4.3.3 Comments of the Chief Highway Engineer/ NT West, Highways Department (CHE/NTW, HyD):

- (a) He has no comment from highways maintenance point of view and noted from the applications that no run-in/out and direct vehicular access to the Sites is proposed.
- (b) From Northern link’s perspective, the Sites fall within the Area of Influence (“AOI”) for the proposed Northern Link (“NOL”). Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI might be subject to railway noise

impact of the proposed NOL. Provided that the applicants are satisfied with the surrounding condition in respect of railway noise taking into account future operation of NOL, he has no in-principle objection to the applications from the development point of view of NOL.

- (c) From West Rail Line's perspective, the applicants shall address the rail noise impact arising from the West Rail taking into account its existing and future operations, and provide necessary noise mitigation measures for the subject development at the applicant's own cost.

### **Environment**

#### **4.3.2 Comments of the Director of Environmental Protection (DEP):**

In view of the small population and nature of the proposed development, septic tank and soakaway system is considered a suitable treatment system provided that its design and operation follows the requirements in EPD's Practice Note for Professional Person (ProPECC) PN 5/93 'Drainage Plans subject to Comment by the Environmental Protection Department', including percolation test and certification by Authorised Person.

### **Drainage**

#### **4.3.3 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) The applicants are reminded to maintain all 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..
- (c) Should the Board consider that the application is acceptable from the planning point of view, conditions should be stipulated in the approval letter requiring the applicant to submit a drainage proposal and to implement the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board.

### **Landscape**

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

- (a) He has some reservations to the application from the landscape planning point of view.
- (b) The Sites fall within an area zoned "AGR" on the draft Kam Tin South OZP No. S/YL-KTS/14. The landscape surrounding the Site is predominantly rural in character, comprising of agricultural land,

scattered tree groups and village houses. The proposed use is considered not incompatible with the surrounding landscape environment.

- (c) According to their site inspection photos taken on 9 November 2017, the Sites are currently vacant covered with wild grass. A young tree in fair condition (*Celtis sinensis*) is found at the east corner of application no. A/YL-KTS/759. With reference to the layout plan, the proposed Small House is in direct conflict with the existing tree and tree felling is necessary. However, the applicant mentioned no tree felling will be involved in the development and there is no provision for landscape mitigation within the Sites.
- (d) There is a canal running along the eastern boundary of the Sites. Potential land filling due to the proposed Small House is necessary and adverse landscape impact arising from the proposed land filling is expected.
- (e) Should the application be approved, in view that available space for quality landscape within the Sites are very limited, a landscape condition does not seem to be practical and is therefore not recommended.

### **Agriculture and Nature Conservation**

#### 4.3.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

The Sites are fallow lands which fall within the “AGR” zone. Having said that, the Sites are close to existing village house. As such, he has no strong view against the applications from agricultural and nature conservation points of view.

### **Fire Safety**

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

- (a) He has no objection to the proposal.
- (b) The applicant is reminded to follow the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ issued by LandsD.

### **Water Supply**

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

- (a) He has no objection to the application.
- (b) For provision of water supply to the development, the applicants may need to extend his/her 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 WSD's standards.

### **Building Matters**

- 4.3.8 Comments of the Chief Building Surveyor/NTW, Buildings Department (CBS/NTW, BD):
- (a) Noting that the building to be erected on the Site will be NTEH under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121), DLO/YL should be in a better position to comment on the application.
  - (b) In case DLO/YL decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH development, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details.
- 4.4 The following Government departments have no further comment on the review application and maintain their previous views of having no comment on the s.16 application as below:
- (a) Director of Electrical and Mechanical Services (DEMS);
  - (b) Commissioner of Police, (C of P); and
  - (c) Project Manager/New Territories West, Civil Engineering and Development Department (PM/W, CEDD).

## **5. Public Comments on the Review Application Received During Statutory Publication Period**

On 2.2.2018, the review application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 23.2.2018, a total of 3 public comments were received from Designing Hong Kong Limited, villagers and a member of the general public (**Annexes F-1 to F-3**). All commenters object to the review application mainly on the grounds that the review application should be rejected on the same reasons as the s16 applications; the proposed developments are not in line with the planning intention of the "AGR" zone; the proposed developments will affect the Fung Shui.

## **6. Planning Considerations and Assessments**

As the applicant has not submitted any written representation in support of the review, there is no major change in the previous planning considerations and assessments:

### *Planning Intention*

- 6.1 The Sites fall entirely within "AGR" zone (**Plan R-1a**). The proposed Small House developments are not in line with the planning intention of "AGR" zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural

purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention of the “AGR” zone.

### *Demand and Supply of land for Small House Development*

- 6.2 Based on DLO/YL, LandsD’s latest records, the total number of outstanding Small House applications for Cheung Po and Tai Wo is 124 (i.e. about 3.1 ha), while the 10-year Small House demand forecast for Cheung Po and Tai Wo is 675 (i.e. about 16.875 ha). According to the latest estimation by PlanD, about 14.01 ha (equivalent to about 560 Small House sites) of land are available within the “V” zones of Cheung Po and Tai Wo which is sufficient to meet the 124 outstanding Small House applications, but it cannot fully meet the 10-year Small House demand forecast in the long run.

### *Local Planning Context*

- 6.3 The Sites are currently vacant and are fallow agricultural land covered with vegetation. There is a modified watercourse running along the eastern boundary of the Sites. CTP/UD&L, PlanD has reservations on the application from landscape planning perspective. Although the proposed use is not incompatible with surrounding environment, potential land filling due to the proposed development is necessary and there would be adverse landscape impact arising from the proposed land filling. In addition, the proposed development for application No. A/YL-KTS/759 is in direct conflict with the existing tree and tree felling is necessary. Other government departments consulted, including CE/MN of DSD and D of FS, have no adverse comment on or no objection to the application.

### *Interim Criteria*

- 6.4 The Sites fall entirely within the ‘VE’ of Cheung Po. Although land available within the “V” zone is insufficient to meet the future Small House demand, it is noted that land (about 14.01 ha or equivalent to 560 Small House sites) is available within the “V” zone of Cheung Po and Tai Wo and is capable to meet the outstanding 124 Small House applications. It is considered more appropriate to concentrate Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

### *Previous Applications*

- 6.5 Previous applications No. A/YL-KTS/372 to 374 and 428 to 430 were rejected by the Board on review on 27.10.2006 and 12.12.2008 respectively on the grounds that the proposed development were not in line with the planning intention of the “AGR” zone and the proposed developments did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that there was no shortage of land within the “V” zone of Cheung Po and Tai Wo to meet the demand forecast for Small House development. Besides, there was insufficient information in the submission to demonstrate why suitable sites within the areas zoned “V” could not be made available for the proposed developments. There is no significant change in planning circumstances in the area to warrant a departure from the Board’s previous decision.

### *Similar Applications*

- 6.6 There were 10 similar applications (No. A/YL-KTS/232, 280, 285, 325, 337, 346, 370, 476, 477 and 668) approved with conditions by the RNTPC or the Board on review between 2001 and 2015 mainly on the consideration that the proposed developments were in line with the Interim Criteria as they fell entirely within the ‘VE’ of Yuen Kong San Tsuen/Yuen Kong Tsuen and/or with not less than 50% of the proposed NTEH footprint falls within the “V” zone (**Plan R-1a**).
- 6.7 There were 33 similar applications (No. A/YL-KTS/238, 261, 348, 350, 375 to 378, 380, 381, 431 to 436, 565, 583, 626, 627, 654, 656, 658, 666, 673, 674, 686, 691, 692, 703, 716, 727 and 744) at the time of consideration of the s.16 applications for Small House development rejected by the RNTPC or the Board on review between 2000 to 2017 (**Plan R-1a**). These Sites did not comply with the Interim Criteria mainly in that there was no shortage of land within the concerned “V” zones or the proposed developments fell outside the “V” zones or outside/largely outside the ‘VE’.
- 6.8 The Board has adopted a prudent approach in considering Small House application in recent years and considered more appropriate to concentrate the Small House development close to the village cluster/“V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. There are 11 applications (No. A/YL-KTS/765-775) located to the southwest of the Sites rejected by the RNTPC on 26.1.2018 mainly on the considerations that the proposed developments were not in line with the planning intention of the “AGR” zone; land is still available within the “V” zone of Cheung Po and Tai Wo which is primarily intended for Small House development; it is considered more appropriate to concentrate the proposed developments close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services; and there is insufficient information in the submission to demonstrate that the proposed developments would not be subject to noise impact. For the current applications, there is still land available in the “V” zone for Small House development. The approval of the application would result in further proliferation of Small House development in the “AGR” zone.

### *Public Comments*

- 6.9 Six public comments were received at the s.16 application stage objecting the applications. At the s.17 review stage, 3 public comments were received from Designing Hong Kong Limited, villagers and a member of the public (**Annexes F-1 to F-3**). All of them object to the applications mainly on the grounds the applications should be rejected on the same reasons as the s.16 applications; the proposed developments are not in line with the planning intention of the “AGR” zone; and the proposed developments will affect the Fung Shui of the nearby village. In this regard, relevant Government departments’ comments and planning assessment as stated above are relevant. There is no local objection as conveyed by DO(YL), HAD.

## 7. **Planning Department's Views**

- 7.1 Based on the assessment made in paragraph 6, and having taken into account the public comments mentioned in paragraph 5, and given that there is no change in the planning circumstances since the consideration of the subject applications by RNTPC on 22.12.2017, the Planning Department maintains its previous view of not supporting the review applications for the following reasons:
- (a) the proposed Small House developments are not in line with the planning intention of the “AGR” zone which is to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
  - (b) land is still available within the “Village Type Development” zone of Cheung Po and Tai Wo 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 infrastructure and services.
- 7.2 Alternatively, should the Board decide to approve the applications, it is suggested that the permission shall be valid until 13.4.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the 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 proposals to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

### Advisory Clauses

- 7.3 The recommended advisory clauses are attached at **Annex G**.

## 8. **Decision Sought**

- 8.1 The Board is invited to consider the applications for a review of the RNTPC's decision and decide whether to accede to the applications.
- 8.2 Should the Board decide to approve the review applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 8.3 Alternatively, should the Board decide to reject the review applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

## 9. **Attachments**

<b>Annex A</b>	RNTPC Paper No. A/YL-KTS/759-761
<b>Annex B</b>	Extract of minutes of the RNTPC meeting held on 22.12.2017
<b>Annexes C-1 to C-3</b>	Secretary of the Town Planning Board's letters dated 12.1.2018
<b>Annex D</b>	Applicant's letter dated 25.1.2018 applying for review
<b>Annex E</b>	Similar Applications in the same "V" zone on the OZP
<b>Annexes F-1 to F-3</b>	Public comments on the review applications
<b>Annex G</b>	Advisory Clauses
<b>Plans R-1a and R-1b</b>	Location Plan
<b>Plan R-2</b>	Site Plan
<b>Plan R-3</b>	Aerial Photo
<b>Plan R-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2018**



**TPB Paper No.10412  
for Consideration by  
the Town Planning Board  
on 13.4.2018**

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