

## Detailed Justifications

### The Application Site and Zoning

1. The Application Site (the Site) is located at the western fringe of Nam Hing Lei. It falls within an area zoned Village Type Development" ("V") on the Shek Kong Outline Zoning Plan (OZP) (**Plan 1**). According to the Notes of the "V" zone, filling and excavation of land require planning permission from the Town Planning Board (the Board).
2. The Site is currently vacant and largely covered with weeds and climbers (**Plan 5a**).

### Background

3. The Site forms part of a withdrawn application (no. A/YL-SK/391). The difference from the current application is that an eastbound section of road running along the Government land to the north of Lots 143 S.A ss.1, 143 S.A RP, 142 RP and 142 S.A is deleted due to i) encroachment on a mitigation woodland managed by AFCD; and ii) conflict with other house development proposal on the 'G' land.

### The Proposal

4. The applicant seeks planning permission for filling and excavation of land for provision of a vehicular access to facilitate the construction of Small Houses within the subject "V" zone. The road proposal is as follows:
  - (a) The proposed vehicular access varies in width from about 3.5m to 6m (**Plan 3**). The gradient is approximately between 1:12 to 1:41 (**Plan 6**). The Site will be filled with concrete to a maximum of about 1.2m (**Plan 7**) to form the road surface.
  - (b) The Site is accessible via Ko Sheung Road. A new run-in/run-out will be provided to the satisfaction of TD and HyD in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114 (**Appendices Ib & Ic**). A temporary run-in/run-out of 8m wide was already approved in-principle by TD in late August 2024 (**Appendix Ia**) and constructed with approval from concerned Government departments<sup>1</sup>. Similar run-in/run-out in the vicinity has been constructed under application no. A/YL-SK/306, which was approved by RNTPC on 11.6.2021 (**Appendix II & Photo 3 of Plan 5b**). The applicant would submit a run-in/out proposal for approval by TD and HyD upon approval of the application.

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<sup>1</sup> The proposed 6m wide run-in would overlap with the existing 8m wide temporary run-in. The temporary run-in was constructed in March 2025 with excavation permit obtained from concerned Government departments prior to commencement of works. However, PlanD recently advised that such excavation works also require planning permission from the Board. Hence, the applicant also seeks to regularize the excavation of the run-in/run-out area under the current application. Furthermore, the colored blue area outside the application site (as shown on the plan in Appendix Ia) is overtaken by event and would not be pursued.

- (c) The maximum depth of filling of about 1.2m occurs near the proposed road bend and an existing catchpit (red spot on **Plan 7**) where the proposed road level and existing ground level are 27.9mPD and 26.7mPD respectively. The minimum depth of filling of about 0.01m occurs to the immediate east of Point A1 in the Longitudinal Section (**Plan 6**). The maximum depth of excavation at the run-in/run-out area is about 0.12m (**Plan 4**).
- (d) Upon completion, the vehicular access would be handed over to the Government. The applicant would maintain and repair such paved way and everything forming portion of or pertaining to it to the satisfaction of LandsD. DLO/YL has no adverse comment on this aspect under the withdrawn application no. A/YL-SK/391.

### **Justifications**

#### **5. The justifications are summarized as follows:**

- (a) One of the planning intention of “V” zone is to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The provision of vehicular access as an essential supporting infrastructure is generally not in conflict with such planning intention.
- (b) According to past aerial photos (**Plan 2**), the Site was provided with footway access and should not be blocked upon completion of the public drainage channel to the north. Vehicular access should be allowed to serve the village type developments within the “V” zone.
- (c) Similar applications (A/YL-SK/346 and A/YL-SK/376) for filling of land for site formation of Small Houses in the vicinity of the Site were approved by RNTPC on 24.11.2023 and 14.3.2025 respectively.
- (d) The proposed filling and excavation of land for vehicular access for permitted Small House developments are not incompatible with the surrounding areas, which are predominated by village houses, low-rise residential structures, car park, fallow agricultural land and vacant/unused land. Besides, the eventual formed road surface will have a site level similar to those of the approved applications A/YL-SK/346 and A/YL-SK/376 (i.e. 28.4mPD).
- (e) The proposed vehicular access is to serve a few Small House developments along it and the traffic generated is not significant. The proposed road is mainly to serve the proposed Small Houses at Lot 143 S.B ss.1 and 143 S.B RP approved under applications no. SK/346 and SK/376 respectively. **Appendix III** just estimates the maximum possible traffic generated in the long term. There are still no known Small House proposals on Lots 143 S.A RP/143 S.A ss.1<sup>2</sup> and 143 S.B ss.2.

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<sup>2</sup> One Small House is assumed to straddle on these two lots due to their smaller size.



- (f) In commenting the application no. A/YL-SK/346, C for T advises that construction of Small Houses in the later stage might result in forming roads and/or run-ins permanently on unallocated Government land without approvals from any departments (unauthorized run-ins), which could lead to public complaints and traffic concerns. The proposal can provide a proper vehicular access under the scrutiny of relevant Government departments via the planning application system and serves to deter the proliferation of unauthorized run-ins.

#### Railway Reserve

- (g) The Site falls within or is close to the railway protection boundary of the existing railways (Express Rail Link) which has been fully commissioned. MTR Corporation Limited would be consulted on the proposed land filling operation.

#### Drainage

- (h) Adequate drainage facilities would be provided to drain surface runoff accrued at the Site and those from adjacent areas (**Appendix IV**). No adverse drainage impact is envisaged. The proposed U-channels outside the Application Site have been approved under Application No. SK/346. The concerned applicant would submit proposal to fulfill the approval condition on drainage to the satisfaction of DSD.

#### Environmental

- (i) The applicant would follow the good engineering practice set out in “Recommended Pollution Control Clauses for Construction Contracts” and the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs). Besides, adequate supporting facilities would be provided for proper collection, treatment and disposal of waste/wastewater generated.

#### Landscape Consideration

- (j) There would be minor encroachment on the mitigation woodland or planting area managed by AFCDD near the proposed run-in/run-out area. However, it should be noted that the continuity of this mitigation woodland was already disrupted with significant vegetation removed due to the construction of Ko Sheung Road and its associated footpath, roadside slope and toe-slope drains (**Plan 5d**). Furthermore, according to the aerial photo of February 2020, the subject mitigation planting area near the Site was again disturbed possibly by other Government projects (**Inset of Plan 5d**). Nevertheless, the applicant would undertake to avoid disturbing the mitigation planting area, in particular during the land filling activity, in order to preserve and protect the vegetation therein.
- (k) Apart from groundcover plant of *Bidens pilsa* (鬼針草), the Site is now largely covered with weeds and climbers (**Plan 5a**). A few *Leucaena leucocephala* (銀合歡) found in the vicinity of the public catchpit to the north of the proposed run-in are outside the Site and would not be affected. Significant adverse landscape impact arising from the proposed development is not envisaged.

6. To conclude, the proposed vehicular access is generally not in conflict with the planning intention of the “V” zone, and no traffic, environmental, drainage and landscape impacts are envisaged. In view that it can facilitate the proposed Small House developments in the subject “V” zone, favourable consideration may be given to the application.