

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/299

- Applicant** : Treasure Target Limited represented by Mr. KWOK Chi Man Clement
- Site** : Various Lots in D.D. 124, Tin Sum, Yuen Long, New Territories
- Site Area** : About 6,850 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Filling of Land for 33 Permitted Houses (New Territories Exempted Houses – Small Houses)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed filling of land for 33 permitted houses (New Territories Exempted Houses (NTEHs) – Small Houses (SHs)) at the application site (the Site) (**Plan A-1**). The Site falls within the “V” zone on the OZP. According to the Notes of the OZP, ‘House (NTEH only)’ is always permitted within “V” zone. However, any filling of land, including that to effect a permitted use, requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by some temporary structures and partly vacant (**Plans A-4a and 4b**).
- 1.2 The Site is currently accessible via Tin Ha Road and vehicular access cum emergency vehicular access (EVA) will be provided within to the future NTEHs (**Drawing A-3**). The proposed land filling is of about 1m or lower so as to raise the site level ranging from about 10.5mPD to 11.1mPD (**Drawings A-6a and 6b**). According to the applicant, about 80% of the Site has already been filled and about 20% of the Site needs to be filled (**Drawing A-5**). The layout plan of the future NTEHs, section plans of the proposed land filling, drainage plan and vehicular access plans submitted by the applicant are at **Drawings A-1 to A-6b**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with annex and plans received on 15.3.2021 (**Appendix I**)

- (b) Supplementary Information (SI) received on 18.3.2021 providing clarification on background information **(Appendix Ia)**
- (c) Further Information (FI) received on 31.3.2021 responding to department comments **(Appendix Ib)**
- (d) FI received on 16.4.2021 responding to department comments with vehicular access plan, drainage plan, section plans for land filling **(Appendix Ic)**
[(c) and (d) exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Ic**. They can be summarized as follows:

- (a) The Site comprises 94 lots and no Government land is involved. The proposed land filling of Site is for the permitted NTEHs – SHs development.
- (b) The existing site formation level is various amongst 94 lots, therefore land filling of the Site to the same site formation level is required. The maximum depth for land filling will be about 1m.
- (c) Part of the Site (about 80%) has been filled as the applicant was not aware that land filling in “V” zone for permitted NTEHs requires planning approval from the Board. The application is made to rectify the previous land filling work and to properly guide the required work.
- (d) About 200 trips of dump trucks to and from the Site over 20 days are required. The transportation will be carried out during non-peak hours in the day time with an average of 2 trips per hour. It is expected that no significant traffic impact would be generated to the surroundings.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by publishing notice on newspapers and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to planning enforcement action.

5. Previous Application

Part of the Site is involved in a previous application (No. A/HSK/164) for utility installation for private project (electricity transformer room) and excavation of land which was

approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 19.7.2019. Details of the application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

There is no similar application within the subject “V” zone on the OZP.

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

7.1 The Site is:

- (a) occupied by some temporary structures and partly vacant; and
- (b) accessible to Tin Ha Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north are residential dwellings in Tin Sum Tsuen and a temple (香光精舍);
- (b) to the east is Tin Ha Road. Further across the road are some warehouses;
- (c) to its south and southwest are an open storage yards of construction materials, warehouse and some vacant land; and
- (d) to its immediate west are some warehouses, storage, some vacant land and some residential dwellings.

8. Planning Intention

8.1 The planning intention of the “V” zone is to designate both existing recognized 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.

8.2 As filling of land may cause adverse drainage impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

9.1. The following Government departments have been consulted and their views on the application received are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises 94 Old Schedule Agricultural Lots (OSALs) all in D.D.124 held under the Block Government Lease and do not have building status.
- (b) The Site falls within “V” zone encircling Tin Sun Tsuen, which is a recognized village (RV). However, the Village Environs Boundary (VEB) of Tin Sum Tsuen has yet been defined, consideration may be given to a SH application for a site within the “V” zone encircling the RV. It must be stressed that DLO/YL’s approval to SH grant is subject to all criteria being met and all relevant factors being considered. Any SH application, 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 LandsD.
- (c) No SH applications are under processing and approved within the Site.
- (d) No lease modification / land exchange application in relation to development at the Site was approved / being under processing.
- (e) Portion of the Site is subject to 2 Modification of Tenancy together with Letter of Approval Nos. M196 and M2559 for the purpose of accommodation, kitchen, chicken sheds, latrine and pigsty. Besides, a minor portion of the Site is covered by a Short Term Waiver No. STW 5119 with Building Plan submission for the proposed utility installation for private project (electricity transformer room) at Lot 2009 RP (now sub-divided into Lots 2009 S.B, 2009 S.C, 2009 S.D and 2009 RP).

Traffic

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

- (a) He has no adverse comments on the application from traffic engineering view point.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by Transport Department (TD).
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Ha Road.

Environment

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

- (a) He has no objection to the application.
- (b) The applicant is reminded that it is the applicant's responsibility to comply with all relevant environmental legislations during construction and operation of the project. The applicant is also advised to follow the Recommended Pollution Control Clauses for Construction Contracts (https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.html) to minimize the environmental impacts during the construction stage.
- (c) For the proposed 33 houses development, the applicant is also advised that public sewerage system is available nearby for connection.

Drainage

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

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, he would suggest that a condition should be stipulated requiring the applicant to submit a drainage proposal including flood mitigation measures, to implement and maintain the proposed drainage facilities to the satisfaction of his Division. The flood mitigation measures should be completed upon the completion of land filling works.
- (c) The applicant should be reminded of the detailed comments in **Appendix IV**.

Water Supplies

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

- (a) He has no objection to the application.
- (b) The applicant should be reminded of the detailed comments in **Appendix IV**.

Landscape

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

- (a) He has no objection to the application from landscape planning perspective.
- (b) The applicant should be reminded of the detailed comments in **Appendix IV**.

Building Matters

- 9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
- (a) There is no record of approval by the Building Authority for the existing structures at the Site.
 - (b) The applicant should be reminded of the detailed comments in **Appendix IV**.

Fire Safety

- 9.1.9 Comments of the Director of Fire Services (D of FS):
- (a) He has no objection in principle to the application subject to access to emergency vehicles, water supplies and fire services installations (FSIs) being provided to his satisfaction.
 - (b) Detailed fire safety requirements for NTEH will be formulated upon receipt of formal application referred by LandsD.
 - (c) The applicant should be reminded of the detailed comments in **Appendix IV**.

District Officer's Comments

- 9.1.10 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):
- (a) He has no comment on the application from departmental point of view.
 - (b) His office has not received any comment from the locals on the application.

9.2. The following Government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD);
- (c) Chief Engineer/Land Works, CEDD (CE/LW, CEDD); and
- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD).

10. Public Comments Received During Statutory Publication Period

On 23.3.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received. One of the commenters objected to the application on reasons that the development will increase traffic flow and cause congestion, environmental pollution and fire risk, affecting the villagers' safety and quality of life, whereas the other commenter queried whether the application is for a villa development (**Appendices III-1 and 2**).

11. Planning Considerations and Assessment

- 11.1 The application is for proposed filling of land for 33 permitted houses (NTEHs only) at a site zoned “V” on the OZP, which is primarily intended for development of SH by indigenous villagers. Whilst ‘House (NTEH) only’ is always permitted within the “V” zone, filling of land within “V” zone is subject to planning permission as it may cause adverse drainage impacts on the adjacent areas. In this regard, CE/MN of DSD has no objection in principle to the application from a drainage point of view.
- 11.2 The proposed land filling is about 1m or lower so as to raise the site level ranging from about 10.5mPD to 11.1mPD to facilitate the development of SH/NTEH on the Site. Compared with the general level of the surrounding area between +9.5mPD and +11.4mPD, it is considered that the proposed level of land filling is not excessive and can maintain a comparable site formation level to the surrounding areas.
- 11.3 Other relevant Government departments, including DEP, C for T and CTP/UD&L of PlanD, have no objection to or no adverse comment on the application. It is expected that the proposed filling of land would not have any significant environmental, traffic and landscape impacts to the surrounding areas.
- 11.4 Part of the Site is involved in a previously approved application for utility installation for private project (electricity transformer room) and excavation of land to support future SH development at the Site, which was approved with conditions by the Committee in 2019 (**Plan A-1**).
- 11.5 There are two public comments received on the application during the statutory publication period as summarized in paragraph 10 above. The planning considerations and assessments in the above paragraphs are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **14.5.2025**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of drainage proposal including drainage mitigation measures before commencement of any further land filling works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of drainage proposal including drainage mitigation measures upon completion of all the land filling works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (c) if any of the above planning conditions (a) or (b) is not complied before commencement or upon completion of the land filling works, respectively, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory clauses

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

12.3 There is no strong reason to reject the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with annex and plans received on 15.3.2021
Appendix Ia	SI received on 18.3.2021 providing clarification on background information
Appendix Ib	FI received on 31.3.2021
Appendix Ic	FI received on 16.4.2021
Appendix II	Previous Application Covering the Site
Appendices III-1 to 2	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Vehicular Access cum EVA Route within the Site
Drawing A-4	Proposed Drainage Plan
Drawing A-5	Proposed Site Formation Plan
Drawings A-6a to 6b	Section Plans of Land Filling
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
MAY 2021**