

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/I-PC/14

- Applicant** : Victory Fortune Limited represented by Lanbase Surveyors Limited
- Site** : Lots No. 194 RP and 197 RP in D.D. Peng Chau and adjoining Government Land, Peng Chau
- Site Area** : About 2,624m² (including Government Land (GL) of about 74m²)
- Lease** : (a) Old Schedule Agricultural Lots
(b) Restricted to agricultural use
(c) GL (about 74m² or 2.8%)
- Plan** : Approved Peng Chau Outline Zoning Plan (OZP) No. S/I-PC/12
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]
- Application** : Proposed Houses

1. The Proposal

- 1.1 The applicant seeks planning permission to develop ten 3-storey houses at the application site (the Site). The Site, which comprises mainly private land (97.2%) with minor encroachment onto GL (2.8%), falls within an area zoned “V” subject to a maximum BH of 3 storeys (8.23m) on the OZP No. S/I-PC/12 (**Plans A-1 to A-3**). According to the Notes of the OZP, ‘House (not elsewhere specified)’ is a Column 2 use within the “V” zone, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site comprises two portions (i.e. northern portion and southern portion), which is bisected by an existing footpath (**Drawing A-1**) and served by separate entrances. The applicant proposes to build ten 3-storey detached houses (i.e. H1 to H3 and H5 to H11) with individual gardens. The rest of the Site will be used for provision of internal access/landscaped area. The major development parameters of the proposed development are summarised as follows:

Site Area	About 2,624m ² (including GL of about 74m ² or 2.8%)
Total Gross Floor Area	About 1,968m ²
Plot Ratio (PR)	Not more than 0.75
Site Coverage	About 25%
BH	Not exceeding 8.23m
No. of Storeys	3
No. of Houses	10
No. of Units	10
Average Unit Size	196.8m ²

- 1.3 According to the tree survey/tree assessment submitted by the applicant, there are eighteen trees within the Site. Amongst which, six are proposed to be retained in-situ, three to be transplanted within the Site and nine to be felled (**Drawing A-4**). According to the proposal, each house will have a private garden. The greenery coverage of the whole development will be not less than 20%.
- 1.4 The Site is accessible via existing footpaths surrounding the Site which connect to Shing Ka Road and Peng Chau Ferry Pier (**Plans A-1 and A-2**). According to the Level of Service (LOS) assessment submitted by the applicant, all assessed footpaths will be operating satisfactorily during the peak hours¹. The site layout plan, floor plan, section plan and tree survey plan submitted by the applicant are at **Drawings A-1 to A-4**.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form and Supporting Planning Statement received on 2.8.2021 **(Appendix I)**
 - (b) Further information (FI) received on 22.11.2021* **(Appendix Ia)**
 - (c) FI received on 30.12.2021* **(Appendix Ib)**
 - (d) FI received on 24.1.2022* **(Appendix Ic)**
- * accepted but not exempted from publication and recounting requirements*
- 1.6 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) agreed on 24.9.2021 to defer making a decision on the application for two months to allow time for the applicant to prepare FI to address departmental comments. With the FIs received on 30.12.2021 and 24.1.2022, the application is scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 6 of the supporting planning statement at **Appendices I and Ia to Ic**, and summarised as follows:

¹ According to the LOS assessment, the overall peak periods for the mechanised trips are found to be around 09:00 – 10:00 in the morning, 12:00 – 13:00 at noon and 16:00 – 17:00 in the evening on weekdays; and 12:00 – 13:00 at noon and 16:00 – 17:00 in the evening on public holidays.

- (a) the proposed development is in line with the planning intention of the “V” zone for providing residential development in the existing village areas. The proposed houses comply with the development restriction (i.e. a maximum BH of 3 storeys) within the “V” zone;
- (b) the Site is situated in a residential area with Wai Tsai San Tsuen to its east and Tai Yat San Tsuen to its south. The proposed residential development is considered compatible with the surrounding land uses. Besides, the Site is currently occupied by a ruined landscape garden with some temporary structures. The proposal would help upgrade the existing environment;
- (c) the Site does not fall within any ‘Village Environs’ area. Land exchange can therefore be conducted to facilitate the proposed development within the “V” zone;
- (d) the small scale residential development will unlikely overstrain the capacity of the existing sewerage system. On-site septic tank and soak away pits would be provided in order to ensure that there would not be any odour and effluent nuisance to the neighbourhood;
- (e) storm water would be collected by the peripheral channels and properly discharged to the nearby stream course. Hence, no adverse drainage and sewerage impacts are anticipated. Adverse impacts on traffic, environmental and geotechnical aspects are also not anticipated; and
- (f) the proposal is in line with the government policy to increase housing supply.

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

The applicant is the sole ‘current land owner’. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owners Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPG PG-No. 31A) are not applicable.

4. Previous Application

The Site is not the subject of any previous application.

5. Similar Application

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

6. The Site and Its Surrounding Areas (Plans A-1 and A-2, photos on Plans A-3 to A-6)

6.1 The Site is:

- (a) located at Peng Chau South (**Plan A-1**), which is not within any recognized village. It is relatively flat, partly paved and partly occupied by trees, shrubs, and a mix of temporary uses, including open storage of construction materials, machinery, canoes and agricultural use (**Plan A-4**);
- (b) currently divided into two portions (i.e. northern portion and southern portion) by an existing footpath (**Plan A-2**); and
- (c) accessible via existing footpaths connecting to Shing Ka Road and Peng Chau Ferry Pier (**Plans A-1** and **Plan A-2**).

6.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character with natural vegetation, including trees, and shrubs. Low-rise residential buildings of 1-3 storeys can be found to the east, south, west and northwest of the Site;
- (b) to the north is Wai Tsai Street Sitting-Out Area, beyond which is a residential development (Far East Consortium Peng Chau Building);
- (c) to the immediate east of the Site is an existing footpath leading to Shing Ka Road and some vacant land with vegetation (i.e. trees and shrubs), beyond which is Wai Tsai Tsuen comprising mainly 3-storeys village houses;
- (d) to the south is Tai Yat San Tsuen with a cluster of 1-3 storeys village houses within the same “V” zone; and
- (e) to the immediate west is an existing footpath beyond which is a cluster of 1-3 storeys village houses within the same “V” zone. Further beyond is Shing Ka Road and San Ping Garden which comprises mainly 2-3 storeys village houses within another “V” zone.

7. Planning Intention

The planning intention of the “V” zone is primarily for the provision of land for the retention of the existing village areas.

8. Comments from Relevant Government Departments

8.1 The following government departments have been consulted and their comments on the application are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) the Site comprises private lots known as Lot No. 194 RP and Lot 197 RP in D.D. Peng Chau and unleased GL. The Lots are Old Schedule Agricultural

Lots demised for agricultural use under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. There is no guarantee of right of access to the Lots under lease. The applicant should make his own arrangement for acquiring access to the Site;

- (b) no permission is given for occupation of the GL (about 74m² as alleged by the applicant and subject to verification) included in the Site. Any occupation of GL without the Government's prior approval is not allowed. LandsD reserves the right to take necessary land control actions against the irregularities (if any) on GL;
- (c) there is no recognized village in Peng Chau under the Small House Policy. Hence, the Site is not located within any recognized village; and
- (d) the proposed development contravenes the existing lease conditions. If planning approval is given, the owner of the Lots shall apply to LandsD for a land exchange to implement the development proposal. There is no guarantee that the land exchange application, yet to be received and considered by LandsD, will be approved and DLO/Is, LandsD reserves his comment on the development proposal. The land exchange application will be considered by LandsD acting in the capacity as the landlord as its sole discretion. In the event that the land exchange application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, amongst other things, charging of premium and administrative fee.

Traffic

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

based on the LOS Assessment Report submitted by the applicant, she considers the LOS of footpaths in association with the proposed development acceptable and has no comment on the application from traffic engineering point of view.

8.1.3 Comments of the Chief Engineer/New Territories East, Highways Department (CHE/NT East, HyD):

- (a) based on HyD's maintenance experience, land transportation of heavy materials in Peng Chau is solely by means of village vehicles. The applicant shall demonstrate the technical feasibility to construct ten 3-storey detached houses at the Site from traffic and transport perspective; and
- (b) other detailed comments are at **Appendix II**.

Environment

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

- (a) no objection to the application from environmental and sewerage perspectives;

- (b) a Sewerage Impact Assessment (SIA) shall be submitted for her review should the application be approved by the Board; and
- (c) other detailed comments are at **Appendix II**.

Drainage

8.1.5 Comments of the Chief Engineer/Hong Kong and Islands, Drainage Services Department (CE/HK& I, DSD):

- (a) no adverse comments on the application;
- (b) it is noted that DEP has required the applicant to submit a SIA for her review. In this regard, it is suggested that an approval condition requiring the implementation of a sewerage connection proposal identified in the approved SIA to the satisfaction of Director of Drainage Services (D of DS) should be imposed;
- (c) to ensure that the proposed development at the Site will not cause adverse drainage impacts on the adjacent area, it is suggested that an approval condition requiring the applicant to submit and implement a drainage proposal to the satisfaction of D of DS should be imposed; and
- (d) other detailed comments are at **Appendix II**.

Landscape

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

- (a) no in-principle objection to the application from landscape planning perspective;
- (b) it appears that the existing tree T1 proposed to be retained may conflict with the entrance of the proposed development. The applicant is reminded to submit the proposed tree treatment to relevant department for approval;
- (c) considering that the trees affected are common native species and mostly crop trees, significant adverse impact on existing landscape resources arising from the proposed development is not anticipated; and
- (d) other detailed comments are at **Appendix II**.

Water Supply

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

- (a) the applicant is advised to make reference to 'Conditions of Working in vicinity of Waterworks Installation; and

- (b) other detailed comments are at **Appendix II**.

Building Matters

8.1.8 Comments of the Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department:

- (a) no in-principle objection under the Buildings Ordinance (BO) to the proposed use on the application site; and
- (b) other detailed comments are at **Appendix II**.

Fire Safety

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

- (a) no specific comment on the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of Fire Services Department; and
- (b) other detailed comments are at **Appendix II**.

8.2 The following government departments have no comment on the application:

- (a) Commissioner of Police;
- (b) Director of Food and Environmental Hygiene;
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (d) District Officer (Islands), Home Affairs Department.

9. Public Comments Received During Statutory Publication Periods

9.1 On 13.8.2021, 30.11.2021, 7.1.2022 and 8.2.2022, the application and FIs were published for public inspection. During the statutory publication periods, a total of 46 public comments, including 25 opposing comments from individuals and 21 comments providing views on the application from the Vice-chairman of Peng Chau Rural Committee and individuals, were received (**Appendix III**).

9.2 The major grounds of the public comments are summarised as follows:

Opposing comments

- (a) adverse noise, pedestrian flow and air ventilation impacts and potential risks related to fire and geological hazard, waste management, flooding and public safety;
- (b) negative social impacts due to the loss of local character and facilities to the community and the loss of greenery; and

- (c) not in line with the planning intention of the “V” zone and other agricultural policies.

Providing views

- (a) the Site is not suitable for house development. The proposed development would only benefit a few people;
- (b) the existing garden should be preserved for the nearby residents with recreational and educational purposes in promoting natural conservation; and
- (c) the Site should be developed for hostel, community or water sports centre use.

10. Planning Considerations and Assessments

- 10.1 There is no recognized village in Peng Chau. The planning intention of the “V” zone, where the Site is situated, is primarily for the provision of land for the retention of the existing village areas. The application is for the development of ten 3-storey houses with private gardens and provision of internal access/landscaped area within the Site. The proposal aims to make use of the available land resources within the village area to provide housing supply. The proposed ten 3-storey houses (not exceeding 8.23m) are very similar to New Territories Exempted Houses (NTEHs)² or the existing village houses in the surroundings. It is considered that the proposed houses are generally not in conflict with the planning intention of the “V” zone.
- 10.2 The proposed BH of 3 storeys (not exceeding 8.23m) of the houses complies with the BH restriction under the OZP. Given the small scale of development, and low-rise, low-density houses as proposed, the proposed development at the Site is considered not incompatible with the existing residential neighbourhood with mainly 1-3 storeys village houses in the surroundings, and the general rural character of the area. Besides, CTP/UD&L also advises that significant adverse impact on existing landscape resources arising from the proposed development is not anticipated.
- 10.3 Regarding pedestrian circulation, the applicant has submitted a LOS Assessment Report to demonstrate that adequate service level of existing footpath/access road could be maintained with the pedestrian flow induced by the proposed development. C for T considers that the LOS of footpaths is acceptable from traffic engineering point of view. Other government departments consulted, including EPD, DSD and FSD and DO, have no adverse comment on/no objection to the application.

² By calculation, it is estimated that the built over area of each proposed house is about 65.6m² which is slightly larger than that of a NTEH of 65.03m².

- 10.4 Regarding the public comments received including the opposing comments, the departmental comments in paragraph 8 above and the assessments in paragraphs 10.1 to 10.3 above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.3.2026, 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 design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the submission of Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) In relation to (b) above, the implementation of a sewerage connection proposal identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the submission and implementation of a 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 IV**.

- 11.3 There is no strong reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.

12.3 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.

13. Attachments

Appendix I	Application form with Supporting Planning Statement dated 2.8.2021
Appendix Ia	FI received on 22.11.2021
Appendix Ib	FI received on 30.12.2021
Appendix Ic	FI received on 24.1.2022
Appendix II	Detailed Departmental Comments
Appendix III	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Floor Plan
Drawing A-3	Section Plan
Drawing A-4	Tree Survey Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Unmanned Aerial Vehicle Photo
Plans A-5 and A-6	Site Photos

**PLANNING DEPARTMENT
MARCH 2022**