

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/528

<u>Applicant</u>	Art Dragon Enterprises Limited represented by Llewelyn-Davies Hong Kong Ltd
<u>Site</u>	Lots 344B S.2 RP in D.D.94 and Adjoining Government Land, Kwu Tung South, New Territories
<u>Site Area</u>	1,295.8m ² (about) (including about 248.8m ² of Government Land (GL) (about 19.2%))
<u>Lease</u>	New Grant for agricultural use
<u>Plan</u>	Approved Kwu Tung South (KTS) Outline Zoning Plan (OZP) No. S/NE-KTS/18 at the time of submission of the application Draft KTS OZP No. S/NE-KTS/19 currently in force
<u>Zoning</u>	“Residential (Group D)” (“R(D)”) [‘Flat’ and ‘House’ (except ‘New Territories Exempted House’ (NTEH)) uses restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m)]
<u>Application</u>	Proposed Houses

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed house development. The Site falls within an area zoned “R(D)” on the draft KTS OZP No. S/NE-KTS/19. According to the Notes of the OZP for the “R(D)” zone, ‘House (other than Redevelopment; Addition, Alteration and/or Modification to existing house)’ requires planning permission from the Town Planning Board (the Board). There is one vacant 2-storey structure at the Site which will be demolished when the house development is implemented.
- 1.2 According to the applicant’s submission, the application is for development of two 2-storey (9m) houses with PR of 0.4 and site coverage (SC) of 34.6% on the Site. The Site is accessible by vehicles via Hang Tau Road (**Plans A-1 and A-2**). The block/floor/section/comparison plans of the proposed house

development are at **Drawings A-1 to A-6**.

- 1.3 The Site is the subject of a previous application (No. A/NE-KTS/460) submitted by the same applicant of the current application for the same use but with larger site area owing to inclusion of an additional strip of GL within the same “R(D)” zone. Application No. A/NE-KTS/460 was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 21.12.2018. The major development parameters of the current application and the previously approved application are summarised as follows:

	Application No. A/NE-KTS/460 (Previous Application) (a)	Application No. A/NE-KTS/528 (Current Application) (b)	Difference (b) – (a)
Site Area (m ²)	1,178 (about)	1,295.8 (about)	+117.8 (+10%)
PR	0.4	0.4	-
GFA (m ²)	471.2 (about)	518.32 (about)	47.12 (+10%)
SC	34.6%	34.6%	-
BH	2 storeys / 9 m	2 storeys / 9 m	-
Number of blocks	2	2	-
Number of units	2	2	-
Average unit size (m ²)	235.6 (about)	259.16 (about)	+23.56 (+10%)
Car Parking Spaces ¹	4	4	-

- 1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on (Appendix I)
21.4.2023
- (b) Supplementary Planning Statement (SPS) (Appendix Ia)
- (c) Further Information (FI) received on 7.6.2023[#] (Appendix Ib)
[#]exempted from publication and recounting

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the SPS and FI at **Appendices Ia and Ib** respectively. They are summarised as follows:

¹ According to applicant’s submission, the proposed carports are not accountable to plot ratio calculation, but are accountable to site coverage calculation.

- (a) The proposed increase in site area resulting in a 10% increase in GFA (+47.12m²) is due to the suggestion of inclusion of a strip of unallocated GL to the east (**Plan A-2**) at land exchange stage. The proposed inclusion of unattended GL could help better utilisation of land resources.
- (b) As compared with the previously approved scheme, the proposed scheme only involves minimal increase in GFA and minor changes in building bulk. Such minor increase in GFA could be absorbed into the original bulk of the houses through reshuffling of internal layout and reducing the space originally occupied by electrical and mechanical (E&M) facilities. There is no change to the number of units and population. The technical reports submitted under the previously approved scheme are thus applicable and no adverse impacts from the proposed scheme is anticipated.
- (c) Some approval conditions of the previously approved scheme have been partially complied with. As the proposed scheme does not involve substantial change in development parameters, it is anticipated that similar approval conditions would be imposed. The applicant is confident to comply with approval conditions for the proposed scheme.

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

The applicant is the sole “current land owners” of the private land within the Site. For the portion of GL, 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) are not applicable. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Application

The Site is the subject of a previous application (No. A/NE-KTS/460) submitted by the same applicant under the current application for the same use. The application was approved with conditions by the Committee on 21.12.2018 on the grounds that the proposed house development was in line with the planning intention of “R(D)” zone; the proposed development was compatible with the surrounding environment; and concerned departments had no objection to/adverse comment on the application. Details of the application are summarised at **Appendix II** and the location is shown on **Plan A-1**.

5. Similar Application

There is no similar application for house development within the same “R(D)” zone.

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

6.1 The Site is:

- (a) fenced off and occupied by a vacant structure;
- (b) with a strip of GL; and
- (c) is accessible via Hang Tau Road.

6.2 The surrounding areas have the following characteristics:

- (a) to the northeast and east are Beas River Country Club, a pond and Hong Kong Golf Club;
- (b) to the north and northwest are Beas River Country Club's sewerage treatment station, Drainage Services Department Hang Tau Sewage Pumping Station and some domestic structures;
- (c) to the west are some domestic structures; and
- (d) to the south and southwest are some single domestic structures and to the further south is the Hang Tau "Village Type Development" ("V") zone.

7. Planning Intention

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.

8. Comments from Relevant Government Departments

8.1 The following government departments have been consulted and their views are summarised as follows:

Land Administration

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

- (a) the Site consists of Lot 344B S.2 RP in D.D. 94 and some adjoining GL of around 248.8m²;
- (b) according to G.N. No. S 169 in 1926, the parent lot (i.e. Lot 344B in DD. 94) was sold on 21.7.1926 as an agricultural land. According to the Land Registry's record, a building license (No. 880/58) was issued for the subject Lot 344B S.2 R.P. in D.D. 94, allowing a building area of 675 s.f.; and

- (c) should the subject planning application be approved, the lot owner should apply to LandsD for a land exchange for implementation of the approved planning scheme. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including but not limited to the payment of an administrative fee and premium as the government sees fit.

Traffic

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

since the additional traffic generated by the proposed development is not expected to be significant, he considers that this application can be tolerated on traffic grounds.

Environment

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

he has no objection to the application subject to the imposition of approval condition of Noise Impact Assessment (NIA) as follows:

the submission of a NIA and implementation of mitigation measures identified therein to the satisfaction of the DEP or of the Board.

Landscape

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

she has no comment from landscape planning perspective. Should the application be approved, a condition requiring the submission and implementation of a landscape proposal is required.

Drainage

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

he has no objection in principle to the application from public drainage point of view, subject to the below conditions:

- (i) if the application is approved, approval condition to request the applicant to submit and implement a drainage proposal for the Site should be included to ensure that the development will not cause adverse

drainage impact to the adjacent area;

- (ii) it is noted that the Site is proposed to be connected to the existing public sewerage network. Approval condition to request the applicants to submit and implement a sewerage connection proposal should be included; and
- (iii) details comments will be provided upon receipt of the drainage and sewerage proposal, for instance, sewer connection pipes should have size of at least 200mm diameter and the terminal manholes should be located with the lot as near to the lot boundary as possible.

Building Matters

8.1.6 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) if the existing structures are erected on leased land without approval of BD (not being a NTEH), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (b) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (c) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO; and
- (d) detailed consideration will be made at the building plan submission stage.

Fire Safety

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

- (a) he has no comment on the application subject to water supplies for fire fighting and fire service installations being provided to the satisfaction of his Department;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and

- (c) the emergency vehicular access (EVA) provision shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.

District Officer's Comments

- 8.1.8 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The incumbent North District Councilor of subject Constituency, the Chairman of Sheung Shui District Rural Committee, the Chairman of Fung Shui Area Committee, two Indigenous Inhabitant Representatives and the Resident Representative of Hang Tau had no comment.

- 8.2 The following government departments have no objection to/no comment on the application. Their advisory comments, if any, are at **Appendix III**:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Commissioner of Police (C of P);
- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) Director of Agriculture, Fisheries and Conservation (DAFC).

9. Public Comments

The application was published for public inspection. During the statutory public inspection period, two public comments were received from two individuals (**Appendix IV**). One individual objects to grant additional public land for a private housing development. Another individual indicates no comment on the application.

10. Planning Considerations and Assessments

- 10.1 The application is for development of two proposed houses at the Site zoned "R(D)" on the OZP. There is one vacant structure at the Site. 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, and also for low-rise, low-density residential developments subject to planning permission from the Board. The proposed development, which involves redevelopment of the existing structure on site for house development, is in line with the planning intention of the "R(D)" zone. The proposed development with a proposed PR of 0.4 and BH of 2 storeys (9 m) conforms to the development restrictions (a maximum PR of 0.4 and a maximum BH of 3 storeys (9m)) of the "R(D)" zone.

- 10.2 The Site is located in a rural environment with Beas River Country Club to the east and mainly village houses in the vicinity. The proposed two 2-storey houses development is compatible with the surrounding environment.
- 10.3 As compared with the previously approved scheme under application No. A/NE-KTS/460, the proposed scheme under the current application involves changes in site area (+117.8 m² or +10%) and GFA (i.e. +47.12m² or +10%) owing to inclusion of additional GL. The proposed amendments have no significant impact on the overall design of the proposed house development which is generally the same as the approved scheme. According to the applicant's submission, the additional GFA could be absorbed into the proposed building bulk of the previously approved scheme such that no additional impact assessments would need to be conducted again (**Drawing A-6**). The proposed amendment is considered minor and there is no impact on the major development parameters, including PR and BH, and noise mitigation measures.
- 10.4 Concerned government departments consulted, including the DEP, C for T, CE/MN, DSD and D of FS, have no adverse comment on the application. For landscape impact, significant landscape impact is not anticipated and CTP/UD&L, PlanD has no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 11.2 below.
- 10.5 Regarding the public comments on the application as detailed in paragraph 9 above, government departments' comments and planning assessments above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comments as mentioned in paragraph 9 above, 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 9.6.2027, 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 approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;

- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission and implementation of a sewerage connection proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the submission and implementation of fire service installations proposal and water supplies for fire-fighting to the satisfaction of Director of Fire Services or of the Town Planning Board; and
- (e) the submission of a Noise Impact Assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

Advisory clauses

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

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 period of which the permission should be valid.
- 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 attachments received on 21.4.2023
Appendix Ia	Supplementary planning statement
Appendix Ib	FI received on 7.6.2023
Appendix II	Previous application
Appendix III	Recommended advisory clauses
Appendix IV	Public comments
Drawings A-1 to A-5	Block/floor/section plans
Drawing A-6	Comparison of the house blockings
Plan A-1	Location plan
Plan A-2	Site plan

Plan A-3

Aerial photo

Plans A-4a to A-4c

Site photos

**PLANNING DEPARTMENT
JUNE 2023**