

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/538

Applicant : Chung Yick Tung Holding Limited represented by Vision Planning Consultants Limited

Site : Lots No. 407 S.A ss. 2 S.A and 408 S.B ss.1 RP in D.D.94, Hang Tau Tai Po, Kwu Tung South, Sheung Shui, New Territories

Site Area : About 1,018m²

Lease : Block Government Lease (demised for agriculture use)

Plan : Draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/21
(*currently in force*)

Approved Kwu Tung South OZP No. S/NE-KTS/20
(*at the time of submission*)

[The zoning and development restrictions of the application site remain unchanged on OZP No. S/NE-KTS/21]

Zoning : “Residential (Group D)” (“R(D)”)

[Restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m)]

Application : Proposed House Development and Minor Relaxation of PR Restriction

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed house development on the application site (the Site) with minor relaxation of PR restriction from 0.4 to 0.48 (+20%). The Site falls within an area zoned “R(D)” on the draft Kwu Tung South OZP No. S/NE-KTS/21 (**Plan A-1**). According to the Notes of the OZP, ‘House (not elsewhere specified)’ requires planning permission from the Town Planning Board (the Board). Minor relaxation of the PR restriction may be considered by the Board on application based on individual merits. The Site is currently vacant (**Plans A-2 to A-4**).

- 1.2 According to the applicant, the proposed development comprises two building structures, including one 2-storey house near the middle of the Site, and one single storey aboveground ancillary electrical and mechanical (E&M) and guard room at the north-western corner, with a total domestic gross floor area (GFA) of 488.64m². Measuring from mean site formation level, all proposed building structures with one or two storeys will not have overall BH more than 9m which are within relevant restrictions of a maximum 3 storeys (9m) stipulated under the OZP. Two ancillary private parking spaces will also be provided to the east of the aboveground E&M and guard room. The Site has a 4.5m wide egress/ingress on the west which connects to Hang Tau Road via local roads. A 2.5m tall solid fence wall for providing better and greater level of security and privacy during operational phase is proposed along the boundary of the Site, except for the setbacks described in paragraph 1.5 below. The proposed development is tentatively scheduled for completion in 2027.
- 1.3 The master layout plan, floor plans and section plans submitted by the applicant are at **Drawings A-1 to A-7**.
- 1.4 The major development parameters of the proposed development are as follows:

Site Area	1,018m ²
Total GFA*	488.64 m ²
PR	Not more than 0.48 (+20%)
Maximum BH / Number of Storeys	9m / 2 storeys
Site Coverage	Not more than 28.8%
No. of Blocks	2 (Main House + aboveground ancillary E&M and Guard Room)
Greenery Coverage	206m ² (20.236%)
Parking Space - private cars	2

* According to the application, the ancillary underground drainage and fire services installation facilities, and G/F E&M facilities will not be accountable for GFA calculations.

- 1.5 According to the applicant's submission, to offer opportunity to widen the section of local access road up to 6m-wide, a boundary setback (about 26m²) with width ranging from 0.7m to 1.9m from the existing local access road along the western boundary of the Site is proposed as a planning merit. Besides, an additional setback area (about 28m²) within the Site near the proposed run in/out is proposed to facilitate safe vehicular and pedestrian movements to/from the proposed house development (**Drawing A-1**). Both setback areas will be designed, constructed, maintained and managed by the applicant.
- 1.6 Since the Site is not currently served by any public sewer, an on-site sewage disposal system (including provision of a septic tank with a soakaway pit system) is proposed within the Site near the proposed run in/out to cater for the sewage disposal generated by the proposed development. An on-site stormwater collection system with underground stormwater storage tank/pump room in the

middle of the Site as well as an on-site fire sprinkler system with underground fire sprinkler tank and pump room near the proposed house¹ are also proposed (**Drawing A-2**).

- 1.7 According to the applicant, the proposed development will not involve any tree felling and tree transplant works. Total greenery area of 206m² (greenery coverage of about 20.236%) will be provided within the proposed development.
- 1.8 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 3.5.2024 (Appendix I)
 - (b) Planning Statement (Appendix Ia)
 - (c) Further Information (FI) received on 11.6.2024[#] (Appendix Ib)
 - (d) FI received on 26.6.2024[#] (Appendix Ic)
 - (e) FI received on 22.7.2024[#] (Appendix Id)
 - (f) FI received on 31.7.2024[#] (Appendix Ie)
[#] accepted and exempted from publication and recounting
- 1.9 On 21.6.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicants' request to defer making a decision.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendix Ia**. They are summarised as follows:

- (a) The proposed increase in PR by 20% (from 0.4 to 0.48) is minor in nature and will not result in any adverse visual, traffic, sewerage and drainage impacts on the local area. The number of storeys and BH of the proposed development fully comply with the Notes of the OZP.
- (b) Two similar applications (No. A/NE-KTS/466 and A/NE-KTS/525) for proposed residential development (house) with minor relaxation of PR to 0.48 in the vicinity within the same "R(D)" zone were approved by the Committee in 2019 and 2023.
- (c) The proposed setback areas (ranging from about 0.7m to 1.9m) from the existing local access road along the western boundary of the Site offer an opportunity to widen this section of the road up to 6m and is a planning gain to the local community.

¹ According to **Drawing A-2**, these ancillary underground E&M facilities will be located 1m away from the proposed house and will be served by cat ladders outside of the proposed house.

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

The applicant is one of the “current land owners”. In respect of other “current land owners”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining other owners’ consent in written submission. Detailed information would be deposited at the meeting for Member’s inspection.

4. **Background**

The Site is not subject to any active enforcement action.

5. **Previous Application**

There is no previous application involving the Site.

6. **Similar Applications**

- 6.1 There are 4 similar applications (No. A/NE-KTS/460, 466, 525 and 528) for proposed house developments (with and without minor relaxation of development restrictions) within the same “R(D)” zone. Applications No. A/NE-KTS/460 and A/NE-KTS/528 covering the same site submitted by the same applicant for 2 proposed houses without any minor relaxation on the development restrictions were approved with conditions by the Committee in 2018 and 2023 respectively on the considerations that the proposed development was in line with the planning intention and compatible with the surrounding environment; and there would have no adverse impacts to the surrounding areas.
- 6.2 Application No. A/NE-KTS/466 for 19 proposed houses with minor relaxation of PR restriction to 0.48 and BH restriction to 3 storeys/10.5m was approved with conditions in 2019 mainly on the considerations that the proposed development was in line with the planning intention; compatible with the surrounding environment; and there were planning and design merits for the proposed minor relaxation, such as improvement works for road and pedestrian facilities. Application No. A/NE-KTS/525 for 42 proposed houses with minor relaxation of PR restriction to 0.48 was approved in 2023 on similar grounds as mentioned above. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

7. **The Site and its Surrounding Areas** (Plans A-2, aerial photo on **Plan A-3** and site photos on **Plans A-4a** and **A-4b**)

7.1 The Site is:

- (a) vacant and partly fenced off; and

- (b) accessible from Hang Tau Road via local roads.

7.2 The surrounding areas are rural in character intermixed with vacant land to the immediate north, southeast and west; low-rise, low-density houses or domestic structures of 1 to 2 storeys to the east and north; and open-air car park, workshops and open storage yards to the further south, southwest and northwest.

8. Planning Intention

The “R(D)” zone is intended 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.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) the Site comprises 2 private lots namely Lot Nos. 407 S.A ss.2 S.A and 408 S.B ss.1 RP, both in D.D. 94. No Government land is involved. Lot No. 407 S.A ss.2 S.A in D.D. 94 is held under Block Government Lease and demised as “Padi” for agricultural purposes, whereas Lot No. 408 S.B ss.1 RP in D.D. 94 is a New Grant agricultural lot held under Tai Po New Grant No. 2491. No structure is allowed to be erected without the prior approval of the Government. No grant of access to the lots has been granted. Besides, there is a Letter of Approval dated 12.1.1973 for the purposes of pigsty, agricultural storage and kitchen for both private lots;
- (b) should the planning application be approved, the lot owner should apply to the LandsD for a land exchange for implementation of the approved planning scheme. Such application will be considered by the 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 as considered appropriate including but not limited to the payment of administrative fee and premium; and
- (c) detailed and advisory comments are set out at **Appendices III and V** respectively.

Traffic

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

- (a) he has no comments on the application from a traffic engineering point of view on the basis that the additional traffic generated by the proposed development is not expected to be significant;
- (b) the road section fronting the Site is just about 25m long. Widening such a short section of access road would only bring insignificant traffic benefits to the road users in the community; and
- (c) the existing access road outside the Site is not managed by the Transport Department. The management responsibility for this road, whether it will be widened or not, should remain unchanged.
- (d) advisory comments are set out at **Appendix V**.

9.1.3 Comments of the Chief Highway Engineer/New Territories East, HyD (CHE/NTE, HyD):

- (a) he has no comment on the application; and
- (b) the existing access road leading to the Site from Hang Tau Road is not a public road that is managed by TD and maintained by HyD.

Environment

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

- (a) he has no objection to the proposed house and the minor relaxation of PR restriction from environmental planning perspective.
- (b) The proposed house is within unsewered area and surrounded by a cluster of similar housing development in the "R(D)" zone. There is an active brownfield operation in the vicinity to the proposed house (around 40m away from the southern boundary of the Site). The applicant is advised to take note of any possible fixed plant noise nuisance to the proposed house.
- (c) no environmental complaint concerning the Site received in the past three years; and
- (d) should the application be approved, approval conditions should be stipulated requiring the submission of sewage impact assessment and implementation of the suitable sewage treatment and disposal method(s) to the satisfaction of DEP; and the submission of noise

impact assessment and implementation of the suitable noise mitigation measure(s) (if necessary) to the satisfaction of DEP.

- (e) advisory comments are set out at **Appendix V**.

Drainage and Sewerage Aspects

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

- (a) he has no objection to the application;
- (b) the Site is in an area where no DSD stormwater drain and no public sewerage connection is available;
- (c) he has no comment on the new location of the underground stormwater/fire sprinkler tanks/pump rooms as shown in the FI received on 31.7.2024;
- (d) if the applications are approved, approval condition to request the applicant to submit and implement a drainage proposal for the Site should be included to ensure that the proposed land use will not cause adverse drainage impact to the adjacent area; and
- (e) advisory comments are set out at **Appendix V**.

Urban Design and Landscape

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

Urban Design and Visual

- (a) the Site falls within a planned low-density low-rise residential cluster in Hang Tau Tai Po, including the subject “R(D)” zone, “Comprehensive Development Area” (“CDA”) zone subject to a maximum domestic and non-domestic PR of 1.23 and 0.18 respectively and a maximum BH of 41mPD and “Village Type Development” zone subject to a maximum BH of 3 storeys (8.23m). The proposed development is considered not incompatible with the surrounding context.

Landscape

- (b) she has no objection to the application from landscape planning perspective;
- (c) the Site is situated in an area of rural fringe landscape character comprising of low-rise residential developments, village houses, river, greenery areas/tree groups, open storages/warehouses and

vacant lands. The proposed development is not incompatible with the surrounding landscape character; and

- (d) with reference to site photos taken on 10.5.2024, the Site is vacant with self-seeded grasses/vegetation. There is no existing tree within the Site. A total greenery area of about 206m² (about 20.2% of site coverage of greenery) is proposed and shown on **Drawing A-3**. Adverse landscape impact on landscape resources and landscape character areas arising from the proposed house development and minor relaxation of plot ratio is not anticipated.

Building Matter

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

- (a) it is noted that 2 aboveground structures are proposed in the application. Before carrying out any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) on the Site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (b) the headroom of domestic buildings may be accepted by BD refer to para. 5 of Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-005;
- (c) the underground E&M facilities and water tanks may be considered as a storey under the Buildings Ordinance; and
- (d) advisory comments are set out at **Appendix V**.

Fire Safety

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

- (a) he has no specific comment on the proposal;
- (b) he has no specific comment on the new location of the underground stormwater/fire sprinkler tanks/pump rooms as shown in the FI received on 31.7.2024; and
- (c) advisory comments are set out at **Appendix V**.

District Officer's Comments

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

- (a) the concerned access road is under HAD's purview, in which HAD will only be responsible for ad-hoc maintenance. He is not in position to comment the land management which is out of his purview;
- (b) one North District Council (NDC) member supported the application; and
- (c) the Chairman of Sheung Shui District Rural Committee, two Indigenous Inhabitant Representatives and the Resident Representative of Hang Tau, the Chairlady of Fung Shui Area Committee and five NDC members had no comment on the application; and 17 NDC members did not reply by deadline.

9.2 The following government departments have no objection to/no comment on the application:

- (a) Project Manager/North, Civil Engineering and Development Department (CEDD);
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Head of Geotechnical Engineering Office, CEDD;
- (d) Director of Electrical and Mechanical Services; and
- (e) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

On 10.5.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix IV**) which offered no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for the proposed development comprising one 2-storey house, one single storey aboveground ancillary E&M and guard room as well as underground E&M utilities with minor relaxation of PR restriction from 0.4 to 0.48 (+20%). The Site falls within "R(D)" zone, which is primarily intended 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 house use is in line with the planning intention of the "R(D)" zone.

- 11.2 The Site is located within a rural environment where existing houses or domestic structures of 1 to 2 storeys and planned low-rise / low-density residential clusters are located in the vicinity. To the further east of the Site is a “Comprehensive Development Area” zone subject to a maximum domestic PR of 1.23 and a maximum BH of 41mPD, and to the further south is a “Village Type Development” zone subject to a maximum BH of 3 storeys (8.23m). The proposed minor relaxation of PR restriction from 0.4 to 0.48 (+20%) would not lead to the BH of the proposed house exceeding the BH restriction of 3 storey (9m) under the “R(D)” zone. CTP/UD&L, PlanD considers that the proposed house is not incompatible with the surrounding environment.
- 11.3 The amount of GFA to be generated from the proposed minor relaxation of PR restriction is 81.44m² only, which is not significant in scale. The applicant also proposes a boundary setback with width ranging from 0.7m to 1.9m from the existing local access road along the western boundary of the Site (**Drawing A-1**), though C for T considered the resultant traffic benefits may be insignificant.
- 11.4 Concerned government departments consulted, including C for T, DEP, CE/MN, DSD, CTP/UD&L, PlanD, D of FS and DO/N, HAD have no objection to/no adverse comment on the application. Significant adverse traffic, environmental, drainage, sewerage, visual and landscape impacts arising from the proposal are not expected. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.5 There are four similar applications (No. A/NE-KTS/460, 466, 525 and 528) approved for house developments within the same “R(D)” zone. Two of the applications (No. A/NE-KTS/466 and A/NE-KTS/525) also included minor relaxation of PR restriction. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 During the statutory public inspection period, one public comment indicating no comment, and one supporting comment as conveyed by DO/N of HAD, were received.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and taken into account the public comments and the local views conveyed by DO/N of HAD as mentioned in paragraphs 10 and 9.1.9 respectively, 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 16.8.2028 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’ consideration:

Approval Conditions

- (a) the submission of a noise impact assessment and implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection 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; and
- (c) the submission of a sewerage impact assessment and implementation of sewerage treatment and disposal method(s) identified therein to the satisfaction of the of the Director of Drainage Services and the Director of Environmental Protection or of the Town Planning Board.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

there is no strong planning justification in the submission for minor relaxation of the plot ratio restriction.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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 received on 3.5.2024
Appendix Ia	Planning Statement
Appendix Ib	FI received on 11.6.2024
Appendix Ic	FI received on 26.6.2024
Appendix Id	FI received on 22.7.2024
Appendix Ie	FI received on 31.7.2024
Appendix II	Similar Applications within the same "R(D)" Zone in the Vicinity of the Site

Appendix III	Detailed Comments from Relevant Government Departments
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan
Drawings A-2 to A-5	Floor Plans
Drawings A-6 and A-7	Section Plans
Plan A-1	Location Plan with Similar Applications
Plans A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2024**