

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

**APPLICATION NO. A/NE-KTS/541**

- Applicant** : Chung Yick Tung Holding Limited represented by Vision Planning Consultants Limited
- Site** : Lot 1120 S.A (Part) in D.D. 92, Lots 408 S.B ss.1 S.A and 408 S.B ss.1 S.B in D.D. 94, Hang Tau Tai Po, Kwu Tung South, New Territories
- Site Area** : About 1,782.8m<sup>2</sup>
- Lease** : New Grant Agricultural Lots held under Tai Po New Grant No. 2491
- Plan** : Draft Kwu Tung South Outline Zoning Plan (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 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) and minor relaxation of the PR restriction may be considered by the Board on application based on individual merits. The Site is currently vacant with an abandoned single-storey structure at the west (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed development is divided into two portions (i.e. Site A and Site B) (**Drawing A-1**), each of 891.4m<sup>2</sup> in area. There will be one independent and self-contained two-storey house and one single-storey aboveground ancillary electrical and mechanical (E&M) cum guard room on each site, with a domestic gross floor area (GFA) of about 427.87m<sup>2</sup> each. Measuring from mean site formation level, all proposed structures will have an overall BH of not more than 9m which are within the stipulated BH restriction

of 3 storeys (9m). Two ancillary private parking spaces will be provided in each site, and each site will be served by a 4.5m wide independent run in/out on the western boundary of the Site connecting to Hang Tau Road via local roads. A 2.5m tall solid fence wall for greater level of security and privacy is proposed along the boundary of each site except for the setback areas described in paragraph 1.4 below.

- 1.3 The layout plan, floor plans, elevation plan and section plan submitted by the applicant are at **Drawings A-1 to A-7**. The major development parameters of the proposed development as a whole are as follows:

Major Development Parameters	Proposed Development
Total Site Area <sup>#</sup>	About 1,782.8m <sup>2</sup> (About 891.4 m <sup>2</sup> for each site)
Total GFA <sup>*</sup>	About 855.74m <sup>2</sup> (About 427.87m <sup>2</sup> for each site)
PR	Not more than 0.48 (+20%)
Maximum BH / Number of Storeys	9m / 2 storeys
Site Coverage	Not more than 29.5% (Same for the two sites)
No. of Blocks	4 (One House + One aboveground ancillary E&M cum Guard Room on each site)
Greenery Coverage	About 372m <sup>2</sup> (20.87%) (About 186m <sup>2</sup> for each site)
Parking Space for Private Car	4 (2 parking spaces on each site)

<sup>#</sup> The Site comprises two portions, i.e. Site A and Site B.

<sup>\*</sup> According to the applicant, the ancillary underground drainage, E&M Room, and sewage and fire services installation facilities will not be accountable for GFA calculations.

- 1.4 According to the applicant's submission, to offer opportunity to widen the section of local access road up to 6m-wide, a setback (about 60m<sup>2</sup> in total) with a width ranging from 0.7 to 2.5m (about) from the existing local access road along the western boundary of the Site is proposed. Besides, an additional setback area (about 59m<sup>2</sup> in total with a width ranging from 0.5m to 2.84m (about)) within the Site near the proposed run in/out is proposed for pedestrian movements (**Drawing A-1**). Both setback areas will be designed, constructed, maintained and managed by the applicant.
- 1.5 Since the Site is currently not served by any public sewer, an on-site underground sewage disposal system (including a septic tank and a soakaway pit) is proposed for each site to cater for the sewage disposal generated by the proposed development as an interim measure. An on-site stormwater collection system with underground stormwater storage tank with pump room as well as an on-site fire sprinkler system with underground fire sprinkler tank and pump room will also be provided for each site<sup>1</sup> (**Drawing A-2**).

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<sup>1</sup> As shown in **Drawing A-2**, these ancillary underground E&M facilities will be located 1m away from the proposed houses and will be served by cat ladders outside of the proposed houses.

- 1.6 According to the applicant, the proposed development will not involve any tree felling or transplanting works. A total greenery area of about 372m<sup>2</sup> (greenery coverage of about 20.87%) will be provided within the proposed development.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 7.8.2024 (Appendix I)
  - (b) Planning Statement received on 7.8.2024 with (Appendix Ia)  
Supplementary Information received on 15.8.2024  
incorporated
  - (c) Further Information (FI) received on 9.9.2024<sup>#</sup> (Appendix Ib)
  - (d) FI received on 25.9.2024<sup>#</sup> (Appendix Ic)  
*<sup>#</sup> accepted and 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 in the application form, planning statement with supplementary information and FI in **Appendices I to Ic** and can be 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 and firefighting issue is not anticipated. 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 of the Site within the same “R(D)” zone were respectively approved by the the Rural and New Town Planning Committee (the Committee) of the Board in 2019 and 2023.
- (c) The proposed setback areas (ranging from about 1.9m to 4.2m in total) from the existing local access road along the western boundary of the Site will offer an opportunity to widen this section of the road up to a width of 6m and act as an effective catalyst to improve local living environment of the area via local redevelopment projects.

## 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.

**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 five similar applications (No. A/NE-KTS/460, 466, 525, 528 and 538) for proposed house developments (with or without minor relaxation of development restrictions) previously approved by the Committee within the same “R(D)” zone in the vicinity of the Site. Applications No. A/NE-KTS/460 and A/NE-KTS/528 covering almost the same site for two proposed houses without minor relaxation of 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 from 0.4 to 0.48 and BH restriction from 3 storeys/9m to 3 storeys/10.5m was approved with conditions by the Committee 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. Applications No. A/NE-KTS/525 (for 42 proposed houses) and A/NE-KTS/538 (for one proposed house), both with minor relaxation of PR restriction from 0.4 to 0.48, were approved in 2023 and 2024 respectively on similar grounds as for application No. A/NE-KTS/466 mentioned above.
- 6.3 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 (Plan A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)**

7.1 The Site is:

- (a) covered with self-seeded grasses/vegetation and partly fenced off with a single-storey structure at the west; and
- (b) accessible from Hang Tau Road via local roads.

- 7.2 The surrounding areas are rural in character with mainly vacant lands as well as low-rise, low-density houses or residential structures of one or two storeys located to the immediate surrounding of the Site. To the northwest and southwest are a workshop and open storage yards (some without valid planning permissions). To the south is an open air car park ancillary to the residential development at “R(D)1” zone. A “Comprehensive Development Area” zone subject to a maximum domestic and non-domestic PR of 1.23 and 0.18 respectively and a maximum BH of 41mPD is located to the further east of the Site (**Plan A-2**).

## **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 three private lots namely Lot No. 1120 S.A (Part) in D.D. 92, Lot Nos. 408 S.B ss.1 S.A and 408 S.B ss.1 S.B, both in D.D. 94 are New Grant agricultural lots held under Tai Po New Grant No. 2491. No Government land is involved. No building of any description shall be erected on the lots. Also, no grant of access to the lots has been granted. Besides, the subject three private lots are subject to a Letter of Approval dated 12.1.1973 for the purposes of pigsty, agricultural storage and kitchen, etc. This office will take enforcement action for any breach, if detected;
- (b) 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 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 objection on the application;
- (b) the access road between Hang Tau Road and the Site is not managed by the Transport Department (TD);
- (c) TD considers the local widening works is not necessary for the subject application but will be beneficial to development of Kwu Tung South area if all adjacent land lot owners would have set back their development boundary to provide a widened access road connecting to Hang Tau Road;
- (d) TD will not take up the management role of the concerned road section as it is not linked with any public road managed by TD and the concerned road, even after widening, is not designed up to public road standard, e.g. substandard road drainage issue; and
- (e) detailed and advisory comments are set out at **Appendices III and V** respectively.

### 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 subject road is outside the maintenance purview of HyD and therefore he has no input on the proposed road widening work. HyD will only take over public roads for maintenance provided that TD agrees to manage them and they are designed and constructed up to HyD's standards.

## **Environment**

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

- (a) he has no objection to the proposed development and the minor relaxation of plot ratio restriction from environmental planning perspectives;
- (b) the proposed development is within unsewered area and surrounded by a cluster of similar house development in "R(D)" zone. There is an active brownfield in the vicinity of the proposed development. The applicant is advised to take note of any possible fixed plant nuisance to the proposed development;

- (c) should the application be approved, approval conditions should be stipulated requiring:
  - the submission of sewerage impact assessment and implementation of the suitable sewage treatment and disposal method(s) to the satisfaction of DEP;
  - the submission of noise impact assessment and implementation of the suitable noise mitigation measure(s) to the satisfaction of DEP; and
- (d) advisory comments are set out at **Appendix V**.

### **Drainage and Sewerage Aspects**

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

- (a) he has no objection to the application from public drainage viewpoint;
- (b) the Site is in an area where no DSD stormwater drain and no public sewerage connection is available;
- (c) should the application be approved, a condition should be included to request the applicant to implement the drainage proposal for the site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (d) 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” 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 of two two-storey houses (9m) with a PR of 0.48 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 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 16.8.2024, the Site is vacant with self-seeded grasses/vegetation. There is no existing tree within the Site. A total greenery area of about 372m<sup>2</sup> (about 20.87 % of site coverage of greenery) is proposed as shown on **Drawing A-3**. Adverse landscape impact on landscape resources and landscape character areas arising from the proposed 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 six structures are proposed (two main houses + two E&M-cum-guard rooms + two underground E&M utilities rooms) in the application, and before any new building works (including containers/ open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works 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; and
- (b) 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; and
- (b) 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):

the access road is not maintained by his office. His office will carry out ad hoc repairing works only where if necessary. Land management is out of HAD's purview.

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

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

### **10. Public Comments Received During Statutory Publication Period**

On 16.8.2024, the application was published for public inspection. During the statutory public inspection period, four public comments (one supporting, two objecting and one indicating no comment) were received. An individual supports the application mainly on the reasons that the proposed development is in line with planning intention of the "R(D)" zone and there are similar cases approved nearby. Two comments submitted by the Chairman of Sheung Shui District Rural Committee (SSDRC) and the Indigenous Inhabitant Representatives/Rural Representative of the nearby village of Hang Tau object to the application mainly on grounds that the proposed development would result in undesirable precedent, incompatible development with village-type development, and increased traffic load and flooding risk. The remaining one indicating no comment on the application is also submitted by the Chairman of SSDRC.

### **11. Planning Considerations and Assessments**

11.1 The application is for proposed development of two independent two-storey houses with underground and aboveground supporting facilities at the Site, and minor relaxation of PR restriction from 0.4 to 0.48 (+20%) for the proposed development. The Site falls within an area zoned "R(D)", 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 development is in line with the planning intention of the "R(D)" zone.

11.2 The Site is located within a rural environment with existing houses or domestic structures of one or two storeys and planned low-rise / low-density residential

clusters 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 three storeys (8.23m). Besides, there are several approved applications for similar house developments, for some of which the PR restriction has been relaxed from 0.4 to 0.48, in the vicinity of the Site. The proposed minor relaxation of PR restriction from 0.4 to 0.48 (+20%) would not result in increase in BH of the proposed houses that exceeds the BH restriction of 3 storey (9m) for the “R(D)” zone. Taking into account the existing and planned developments, CTP/UD&L of PlanD considers that the proposed development with the relaxed PR is not incompatible with the surrounding context and landscape character.

- 11.3 Other government departments consulted, including C for T, DEP, CE/MN of DSD and D of FS have no objection to/no adverse comment on the application from traffic, environmental, drainage, sewerage and fire safety perspectives. Regarding the applicant’s setback proposals for offering opportunity to widen a section of the local access road as mentioned in paragraph 1.4 above, C for T considers the suggested widening of local access road not necessary but beneficial to the local community. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.4 There are five similar applications (No. A/NE-KTS/460, 466, 525, 528 and 538) approved for house developments within the same “R(D)” zone in the vicinity of the Site and three of them (No. A/NE-KTS/466, 525 and 538) are with minor relaxation of PR restriction. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comments objecting to the application as detailed in paragraph 10 above, the departmental comments and planning considerations above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and taken into account the public comments as mentioned in paragraphs 10, PlanD 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 4.10.2028 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 measure(s) identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the 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 sewage 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**

<b>Appendix I</b>	Application Form received on 7.8.2024
<b>Appendix Ia</b>	Planning Statement with supplementary information received on 15.8.2024
<b>Appendix Ib</b>	FI received on 9.9.2024
<b>Appendix Ic</b>	FI received on 25.9.2024
<b>Appendix II</b>	Similar Applications within the same "R(D)" Zone in the Vicinity of the Site
<b>Appendix III</b>	Detailed Comments from Relevant Government Departments
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Recommended Advisory Clauses

<b>Drawing A-1</b>	Master Layout Plan
<b>Drawings A-2 to A-5</b>	Floor Plans
<b>Drawing A-6</b>	Elevation Plan
<b>Drawings A-7</b>	Section Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plans A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2024**