

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/700

- Applicant** : Mr. CHUNG Cheuk Man represented by Mr. YEUNG Sun Chung
- Site** : Lot 949 RP in D.D. 8, Ping Long Village, Lam Tsuen, Tai Po, New Territories
- Site Area** : About 154.8m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
- Zonings** : “Village Type Development” (“V”) (about 62% of the Site)
“Agriculture” (“AGR”) (about 38% of the Site)
- Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposal

1.1 The applicant, an indigenous villager of Ping Long Village as confirmed by the respective Indigenous Inhabitant Representative, seeks planning permission to build an NTEH (Small House) on the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, whilst ‘House (NTEH only)’ is always permitted within the “V” zone, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ use is a Column 2 use within the “AGR” zone requiring planning permission from the Town Planning Board (the Board).

1.2 Details of the proposed Small House development are as follows:

Total Floor Area	:	195.09m ²
No. of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	65.03m ²

1.3 The uncovered area of the Site is proposed to be used as garden. Layout of the proposed Small House and the sewerage connection proposal are shown on **Drawings A-1** and **A-2** respectively.

- 1.4 The Site is the subject of a previous application (No. A/NE-LT/473) submitted by the same applicant for the same use, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 7.6.2013. The planning permission, approved to be extended for another four years in 2017, lapsed on 8.6.2021. Details of the previous application are given in paragraph 5 below. Compared with the previous application, major development parameters of the proposed Small House are generally the same under the current application except that the proposed Small House footprint is slightly shifted northward to provide a 1m-wide footpath for access to nearby houses (**Plan A-2a**).
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) application form with attachments received on 4.8.2021 (**Appendix I**)
 - (b) supplementary information received on 12.8.2021 providing replacement pages of the justifications and layout plan of the Small House footprint (**Appendix Ia**)
 - (c) further information (FI) received on 31.8.2021 providing a plan showing revised Small House footprint as agreed by the Lands Department (LandsD) (**Appendix Ib**)
(accepted and exempted from publication and recounting requirements)
 - (d) FI received on 16.9.2021 providing details on drainage and sewerage proposals previously submitted to the LandsD (**Appendix Ic**)
(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 stated in Appendix G of supplementary information at **Appendix Ia** are summarized as follows:

- (a) the applicant is an indigenous villager of Ping Long Village. The proposed Small House footprint falls largely within the “V” zone with only a small portion within the “AGR” zone;
- (b) the proposed development is compatible with the rural environment and would not be visually intrusive to the surrounding area. No tree felling and filling of land is required, and the proposed development would not cause adverse environmental impacts;
- (c) the proposed development could be connected to the existing public sewerage system adjoining the Site; and
- (d) the Site is subject to a previous application No. A/NE-LT/473 approved on 7.6.2013.

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

The applicant is the sole “current land owner” of the private lot. Detailed information would be deposited at the meeting for Member’s inspection.

4. **Assessment Criteria**

The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000. On 23.8.2002, criterion (i) which requires that the application site, if located within water gathering grounds (WGG), should be able to connected to the existing or planned sewerage system in the area was incorporated. The latest set of Interim Criteria with criterion (i) remained unchanged was promulgated on 7.9.2007 and is at **Appendix II**.

5. **Previous Application**

5.1 The Site is the subject of a previous application (No. A/NE-LT/473) submitted by the same applicant for the same use, which was approved with conditions by the Committee on 7.6.2013 mainly on considerations of complying with the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the village ‘environs’ (‘VE’); there was a general shortage of land within the “V” zone in meeting the Small House demand at the time of consideration; and the proposed Small House was able to be connected to the planned sewerage system in the vicinity. The planning permission was approved to be extended for another four years in 2017 and subsequently lapsed on 8.6.2021. Compared with the previous application, the development parameters are generally the same under the current application except that the proposed Small House footprint is slightly shifted northward to provide a 1m-wide footpath for access to nearby houses.

5.2 Details of the previous application are summarized at **Appendix III** and its location is shown on **Plans A-1** and **A-2a**.

6. **Similar Applications**

6.1 There are five similar applications for Small House development in the vicinity of the Site and within the same “AGR” zone since the first promulgation of the Interim Criteria on 24.11.2000, of which four were approved and one was rejected.

6.2 Of the approved cases, Application No. A/NE-LT/428 was approved with conditions by the Committee in 2011 mainly on considerations of complying with the Interim Criteria in that more than 50% of the proposed Small House footprint fell within ‘VE’; there was a general shortage of land in the “V” zone to meet the demand for Small House development at the time of consideration; and the proposed development was able to be connected to the planned sewerage system in the area. For Application No. A/NE-LT/676, it was approved in 2019 mainly on sympathetic consideration as the application site was subject to a previous approval (No. A/NE-LT/428). Two planning applications (No. A/NE-LT/595 and 598) were approved by the Committee in 2016 and 2017 respectively after the Board’s adoption of a more cautious approach in approving applications for Small House development in August

2015 mainly on the considerations that the application sites were surrounded by existing village houses and become residual lots.

- 6.3 Application No. A/NE-LT/427 was rejected by the Committee in 2011 mainly for the reasons of not complying with the Interim Criteria in that the proposed Small House footprint fell entirely outside the ‘VE’ and “V” zone; and the proposed Small House was not able to be connected to the existing or planned sewerage system.
- 6.4 Details of the above similar applications are summarized at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2a**.

7. The Site and Its Surrounding Areas (Plans A-1, A-2a and photos on Plans A-3 and A-4)

- 7.1 The Site is:
 - (a) vacant, partly paved and partly covered with weeds; and
 - (b) located at the north-western fringe of Ping Long Village.
- 7.2 The surrounding areas are predominantly rural in character with village houses, agricultural land and tree clusters. Lam Kam Road is about 10m to the west of the Site.

8. Planning Intentions

- 8.1 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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.
- 8.2 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

- 9.1 The application has been assessed against the assessment criteria in **Appendix II**. The assessment is summarized in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - Footprint of the Small House - Application site	95% 62%	5% 38%	- The remaining portions of the Site and the proposed Small House footprint fall within the “AGR” zone.
2.	Within ‘VE’? - Footprint of the Small House - Application site	95% 62%	5% 38%	- More than 50% of the Site and the proposed Small House footprint fall within the ‘VE’ of Ping Long. - The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) has no objection to the application.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	<u>Land Required</u> - Land required to meet Small House demand in Ping Long and Tai Om: about 6.43 ha (equivalent to 257 Small House sites). The outstanding Small House applications are 28 ¹ while the 10-year Small House demand forecast for the same villages is 229.
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<u>Land Available</u> - Land available to meet Small House demand within the “V” zone of the villages concerned: about 5.02 ha (equivalent to 200 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “AGR” zone?		✓	- The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural development point of view as the Site possesses potential for agricultural rehabilitation.
5.	Compatible with surrounding area/development?	✓		- The surrounding areas are predominantly rural in character mainly occupied with village houses, agricultural land and tree clusters.
6.	Within Water Gathering Ground (WGG)?	✓		- The Director of Environmental Protection (DEP) and the Chief Engineer/Construction, Water Supplies

¹ Among the 28 outstanding Small House applications, 20 of them fall within the “V” zone and 8 straddle or outside the “V” zone. For those 8 applications straddling or outside the “V” zone, 2 of them have obtained valid planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
7.	Sewerage impact?	✓		<p>Department (CE/C, WSD) have no objection to the application as the Site would be able to be connected to the public sewerage system.</p> <p>- Approval conditions on connection to public sewers and provision of protective measures to WGG are required.</p>
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire services installations and Emergency Vehicular Access (EVA)?		✓	<p>- The Director of Fire Services (D of FS) has no in-principle objection to the application.</p>
10.	Traffic impact?	✓		<p>- The Commissioner for Transport (C for T) considers the application only involves the development of one Small House can be tolerated on traffic grounds.</p>
11.	Drainage impact?	✓		<p>- The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no adverse comment on the application from public drainage viewpoint.</p> <p>- Approval condition on the submission and implementation of drainage proposal is required.</p>
12.	Landscape impact?		✓	<p>- The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from landscape planning perspective as significant adverse impact on existing landscape resources arising from the proposed development is not anticipated.</p>
13.	Local objections conveyed by DO?		✓	

9.2 Comments from the following Government departments have been incorporated in paragraph 9.1 above. Other detailed comments are at **Appendix V**.

- (a) DLO/TP, LandsD;
- (b) C for T;
- (c) DEP;
- (d) CTP/UD&L, PlanD;
- (e) CE/MN, DSD;
- (f) DAFC;
- (g) D of FS;
- (h) CE/C, WSD; and
- (i) Director of Electrical and Mechanical Services (DEMS).

9.3 The following Government departments have no comment on the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (b) District Officer (Tai Po), Home Affairs Department.

10. Public Comment Received During Statutory Publication Period (Appendix VI)

The application was published for public inspection. During the statutory publication period, one public comment was received from an individual objecting to the application mainly on the grounds of traffic congestion, environmental pollution and fire risks arising from the proposed development.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed Small House development at the Site falling within an area partly zoned “V” (about 62%) and partly zoned “AGR” (about 38%) on the OZP. The proposed development is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agricultural development point of view as there are active agricultural activities in the vicinity, agricultural infrastructure such as road access and water source is available, and the Site possesses potential for agricultural rehabilitation.
- 11.2 As the proposed Small House footprint falls largely within the ‘VE’ of Ping Long, DLO/TP of LandsD has no objection to the application. According to DLO/TP of LandsD’s records, the total number of outstanding Small House applications for Ping Long and Tai Om is 28 while the 10-year Small House demand forecast for the same villages is 229. Based on the latest estimate by the Planning Department, about 5.02 ha of land (equivalent to about 200 Small House sites) are available within the “V” zone concerned.
- 11.3 The Site, located at the north-western fringe of Ping Long Village, is partly paved and partly covered with weeds. The proposed Small House is not incompatible with the surrounding area which is predominantly rural in character comprising village

houses, agricultural land and tree clusters (**Plans A-2a and A-3**). CTP/UD&L of PlanD has no objection to the application from landscape planning point of view as significant adverse impact on existing landscape resources arising from the proposed development is not anticipated.

- 11.4 The Site falls within the upper indirect WGG. The applicant has proposed to connect the proposed Small House to the existing public sewerage system (**Plan A-2a**). DEP and CE/C of WSD have no objection to the application provided that the applicant shall connect the proposed Small House to the public sewer at his own cost and adequate space within the Site will be reserved for connection. C for T considers that the application only involves the development of one Small House can be tolerated on traffic grounds. Other relevant Government departments including CE/MN of DSD, D of FS and DO(TP) of HAD have no objection to or no adverse comment on the application.
- 11.5 Regarding the Interim Criteria (**Appendix II**), more than 50% of the proposed Small House footprint falls within the 'VE' of Ping Long and the proposed development located within WGG would be able to be connected to the public sewerage system (**Plan A-2a**). Whilst land available within the "V" zone (**Plan A-2b**) is insufficient to fully meet the future Small House demand of 257 Small Houses, such available land (about 5.02 ha or equivalent to 200 Small House sites) is capable to meet the 28 outstanding Small House applications. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development since August 2015. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. In this regard, it is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. Nevertheless, the Site is subject to a previous application (No. A/NE-LT/473) for Small House development submitted by the same applicant, which was approved by the Committee in 2013. Compared with the previous application, major development parameters are generally the same under the current application except that the proposed Small House footprint is slightly shifted northward to provide a 1m-wide footpath for access to nearby houses (**Plan A-2a**). Moreover, as advised by DLO/TP of LandsD, the Small House grant application has been approved pending the execution of land grant documents. The planning permission, approved to be extended for another four years in 2017, has lapsed in June 2021 and hence a new planning application is required. In view of the above, sympathetic consideration could be given to the current application.
- 11.6 There are five similar applications in the vicinity of the Site and within the same "AGR" zone. Among the four approved cases, Application No. A/NE-LT/428 was approved before the Board's adoption of a more cautious approach in approving applications for Small House development in August 2015, and application No. A/NE-LT/676 with previous approval (No. A/NE-LT/428) was approved in 2019 mainly on sympathetic consideration. Two applications (No. A/NE-LT/595 and 598) were approved in 2016 and 2017 respectively mainly on the considerations that the application sites were surrounded by existing village houses and become residual lots. For the rejected application (No. A/NE-LT/427), it was rejected by the Committee in 2011 mainly on the grounds of not complying with the Interim Criteria in that the proposed Small House footprint fell entirely outside the 'VE' and "V"

zone and the proposed Small House was not able to be connected to the public sewerage system. The planning circumstances of the current application are similar to the approved application No. A/NE-LT/676 which was covered by previous planning approval.

- 11.7 Regarding the public comment objecting to the application as detailed in paragraph 10 above, comments of Government departments and the planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 **24.9.2025**, 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 and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the proposed development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/ fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention; and
 - (b) land is still available within the "V" zone of Ping Long and Tai Om Villages which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development

within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

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 conditions and advisory clauses, 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 and attachments received on 4.8.2021
Appendix Ia	Supplementary information received on 12.8.2021
Appendix Ib	FI received on 31.8.2021
Appendix Ic	FI received on 16.9.2021
Appendix II	Relevant Revised Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (promulgated on 7.9.2007)
Appendix III	Previous application
Appendix IV	Similar applications
Appendix V	Detailed comments from relevant Government departments
Appendix VI	Public comment
Appendix VII	Recommended advisory clauses
Drawing A-1	Site plan submitted by the applicant
Drawing A-2	Sewerage connection proposal submitted by the applicant
Plan A-1	Location plan
Plan A-2a	Site plan
Plan A-2b	Estimated amount of land available for Small House development within “V” zone
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**