

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TP/678

- Applicant** : Ms. LEUNG WONG Kit Ling represented by Chih Design Limited
- Site** : Lot 2087 in D.D. 6, Pun Chun Yuen Road, Tai Po, N.T.
- Site Area** : 2,280m² (about)
- Lease** : Private lot held under New Grant No. 12549
- restricted for non-industrial purposes and the development of two buildings of not more than 3 storeys, a height of 8.23m and a total gross floor area (GFA) of 366m²; and the maximum roofed-over-area (ROA) of each building shall not exceed 61m²
- Plan** : Draft Tai Po Outline Zoning Plan (OZP) No. S/TP/29
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed House (Redevelopment)

1. The Proposal

- 1.1 The applicant, owner of the application site (the Site), seeks planning permission to rebuild two existing 3-storey houses into a single 2-storey house with a total GFA of 380m² and a building height of 7.45m. The Site comprises a New Grant lot which falls within an area zoned “GB” on the draft Tai Po OZP No. S/TP/29 (**Plan A-1**). According to the Notes of the OZP, ‘House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House only)’ within the “GB” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the development parameters of the proposed house under the current application are identical to a previous scheme (Application No. A/TP/664) approved by the Rural and New Town Planning Committee (the Committee) on 31.5.2019, except that the previously proposed two car parking spaces are deleted in the current application. The floor plans and section plan of the proposed redevelopment are at **Drawings A-1 to A-4**. Part of the open area of the Site will be landscaped and the existing swimming pool will be retained. The Schematic Landscape Master Plan and Schematic Perspective Plan are at **Drawings A-5 and A-6** respectively.

- 1.3 The Site is the subject of six previous applications (No. A/TP/516, 530, 539, 548, 661 and 664) submitted by the applicant's late husband. Details of these previous applications are provided in paragraph 5 below. Major development parameters of the existing development, the latest approved scheme (No. A/TP/664) and the current application are as follows:

	Existing Development	Latest Approved Scheme (A/TP/664) (a)	Current Application (A/TP/678) (b)	Difference (b) – (a)
Site Area	2,280m ²	2,280m ²	2,280m ²	No change
Total GFA	398m ² (including 32m ² balcony/ canopy)	380m ² (including 32m ² balcony/ canopy)	380m ² (including 32m ² balcony/ canopy)	No change
Plot Ratio	0.175	0.167	0.167	No change
Site Coverage	5.8%	8.7%	8.7%	No change
Building Height	8.23m	7.45m	7.45m	No change
No. of Storeys	3	2	2	No change
No. of House(s)	2	1	1	No change
No. of Parking Spaces	Nil	2	Nil	-2

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

- (a) application form received on 15.9.2021 **(Appendix I)**
- (b) supplementary planning statement **(Appendix Ia)**
- (c) further information (FI) received on 16.12.2021 **(Appendix Ib)** providing clarifications (*exempted from publication and recounting requirements*)

- 1.5 On 12.11.2021, the Committee agreed to the applicant's request to defer making a decision on the application for two months to allow more time for the applicant to address departmental comments. The latest FI was received on 16.12.2021 and 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 as detailed in Part 10 of the application form, the planning statement and FI at **Appendices I, Ia and Ib** respectively are summarized as follows:

- (a) a similar proposal was approved on 31.5.2019 under Application No. A/TP/664. At the building plan submission stage, the existing vehicular access to the Site through Pun Chun Yuen Road was found to be encroaching onto other private lots, and hence vehicular access to the Site could not be guaranteed to fulfil building regulations. In response, the applicant proposed an alternative access route (for pedestrian only) and to delete the two car parking spaces originally proposed in the approved scheme, which will be incorporated in building plan submission. The applicant advises that the proposed development is a single family house and she will find other means of transportation to/from the house in future on her own accord;
- (b) although the proposed deletion of two car parking spaces could be regarded as Class B amendment to the previously approved Application No. A/TP/664 under the Town Planning Board Guidelines No. 36B, and application under section 16A of the Town Planning Ordinance can be considered by the Director of Planning under delegated authority of the Board, such application could only be submitted by the original applicant of Application No. A/TP/664. Since the original applicant, i.e. the current applicant's husband, has deceased in late 2019, a fresh section 16 planning application to the Board is required; and
- (c) the current proposed development is identical to the previously approved scheme except for the deletion of two open-air car parking spaces. Moreover, there is no change in the planning circumstances and the surrounding areas since the previous approval was obtained in 2019.

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. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ is relevant to this application. The relevant criteria include:

- (a) an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas. With the exception of New Territories Exempted Houses, a plot ratio up to 0.4 for residential development may be permitted;
- (b) redevelopment of existing residential development will generally be permitted up to the intensity of the existing development; and
- (c) the design and layout of any proposed development should be compatible with the surrounding areas. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment.

5. Previous Applications

- 5.1 The Site is the subject of six previous applications (No. A/TP/516, 530, 539, 548, 661 and 664), all submitted by the applicant's husband, with five approved and one rejected.
- 5.2 Application No. A/TP/530 was rejected by the Board on review on 23.8.2013 mainly on the grounds of not complying with the TPB-PG No. 10 in that the proposed development intensity would exceed that of the existing development, and that approval of the application would set an undesirable precedent for similar developments within the "GB" zone. For the five cases approved between 2012 and 2019, the planning permissions for three applications (No. A/TP/516, 539 and 548) have already lapsed whereas the remaining two applications (No. A/TP/661 and 664) are still valid.
- 5.3 Application No. A/TP/661 for a 3-storey single house with a GFA of 398m² (including 32m² balcony/canopy), a building height of 9m and a site coverage of 5.8%, which was identical to the previously approved scheme (No. A/TP/539), was approved with conditions by the Committee on 18.1.2019 mainly on the grounds that the proposed redevelopment was basically in compliance with TPB-PG No. 10 in which redevelopment of existing residential development would generally be permitted up to the intensity of the existing development. That planning permission is still valid until 18.1.2023.
- 5.4 Application No. A/TP/664 for a 2-storey single house with a GFA of 380m² (including 32m² balcony/canopy), a building height of 7.45m and a site coverage of 8.7%, which was identical to the previously approved scheme (No. A/TP/548), was approved with conditions by the Committee on 31.5.2019 on the same grounds of A/TP/661. That planning permission is still valid until 31.5.2023. The current application is identical to this previous approved scheme (Application No. A/TP/664) except for the deletion of two car parking spaces.
- 5.5 Details of the above previous applications together with a summary of their development parameters are at **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

6. Similar Applications

There is no similar application for house redevelopment within the same "GB" zone.

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

- 7.1 The Site is:
- (a) fenced off and occupied by two existing 3-storey houses and a swimming pool; and

(b) accessible via Pun Chun Yuen Road.

7.2 To the east and the north across Pun Chun Yuen Road are village houses and temporary structures among trees and vegetation. To the south is a natural slope with lush trees and shrubs. To the immediate southwest is a private lot (Lot No. 1061 R.P.) owned by the applicant which is used as a landscaped garden. Tai Po Water Treatment Works is located about 200m away to the northwest.

8. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the subject lot with a site area of 2,280m² was granted by way of land exchange under New Grant No. 12549 dated 9.5.1991 for non-industrial purposes and subject to the following development restrictions:
 - restricted for the development of two buildings of not more than 3 storeys, not exceeding a height of 8.23m and a total GFA of 366m²;
 - the maximum ROA of each building shall not exceed 61m²;
 - 2 balconies and 1 canopy all projecting from the same side of each building for a distance of not more than 1.22m are excluded from GFA and ROA calculations and can project over the non-building area;
 - no structure other than boundary wall or fence shall be erected on the non-building area;
 - an open-air swimming pool is permitted within the designated area of the lot and excluded from GFA and ROA calculations; and
 - no guarantee of any right-of-way to the lot;

- (c) the proposed development contravenes the lease conditions. If planning approval is given by the Board, the applicant is required to apply for lease modification for implementation of the development proposal. However, there is no guarantee that such application will be approved. If it is approved by LandsD acting in its capacity as the landlord at its absolute discretion, it will be subject to such terms and conditions including, amongst others, payment of premium and administrative fee, as may be imposed by LandsD; and
- (d) site inspection revealed that boundary walls and fences of the subject lot are erected on the adjoining government land and there is unauthorised occupation of government land. Land control action will be taken according to priority.

Traffic

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

- no in-principle objection to the application as the application only involving development of one house can be tolerated on traffic grounds.

Environment

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

- (a) no objection to the application from environmental planning and chlorine risk points of view;
- (b) the Site falls outside water gathering grounds (WGG) and there is no existing or planned public sewerage available for connection;
- (c) septic tank and soakaway system is an acceptable means for collection, treatment and disposal of sewage provided that its design and construction follow the requirements of Practice Note for Professional Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person; and
- (d) although the Site falls within the consultation zones of Tai Po and Tai Po Tau Water Treatment Works and may bring about hazard to life concern due to chlorine storage, transport and usage, increase in population as a result of the redevelopment is not anticipated.

Landscape

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

- (a) no objection to the application from landscape planning perspective; and

- (b) the Site is located in an area of settled valleys landscape character surrounded by village houses, temporary structures, scattered tree groups and densely vegetated woodland to the southeast of the Site. The Site is hard paved with no significant sensitive landscape resources observed. In comparison with the previously approved application No. A/TP/664, there is no change in terms of development parameters and design of the proposed house in the current application, except the deletion of two car parking spaces. Significant adverse impact on existing landscape resources arising from the proposed redevelopment is not anticipated.

Drainage and Sewerage

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

- (i) no in-principle objection to the application from public drainage viewpoint;
- (ii) if the application is approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area;
- (iii) stormwater drainage proposal should demonstrate that stormwater drainage collection and disposal facilities of adequate flow capacity already exist/to be provided can deal with surface runoff within the lot or flow from adjacent areas including overland flow. The lot owner shall effect the necessary modification/upgrading works of downstream drainage system;
- (iv) provision of written consent(s) from relevant lot owner(s) and/or LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones outside the applicant's lot(s) or on government land, where required; and
- (v) there is no public sewer connection available in the vicinity of the proposed development. If the applicant proposes to dispose sewage through public sewerage system, the applicant should submit and implement a sewerage connection proposal to his satisfaction.

Building Matters

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

- (a) no objection to the application;
- (b) provision of car parking spaces is not required under the Buildings Ordinance (BO); and

- (c) the applicant should note his other comments under the BO at **Appendix IV**.

Fire Safety

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

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

Nature Conservation

9.1.8 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) no strong view on the application from nature conservation point of view; and
- (b) the Site is a piece of vacant land with two existing houses. There are two mature trees within the Site, including a *Cinnamomum camphora* (樟樹) at the western corner and a *Ficus microcarpa* (榕樹) at the northern corner. According to the applicant, no tree felling is required.

Geotechnical

9.1.9 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) no geotechnical comment on the application; and
- (b) it is noted that a number of registered features (Slopes No. 7NW-A/R55, 7NW-A/F48 and 7NW-A/C76) are located close to the Site. The applicant is reminded to submit necessary geotechnical submission to the relevant authority at a later stage.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

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

The application was published for public inspection. During the statutory public inspection period, one public comment was received. The commenter expresses concerns on global warming, possible use of the Site as columbarium, vegetation clearance in “GB” zone and “destroy first and build later”.

11. Planning Considerations and Assessments

- 11.1 The application is for the redevelopment of two existing 3-storey houses into a 2-storey single house with a GFA of 380m² at the Site falling within an area zoned “GB” on the OZP. The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Although the proposed development is not in line with the planning intention of “GB” zone, according to the TPB-PG No. 10, an application for new development within “GB” zone will only be considered in exceptional circumstances whereas redevelopment of existing residential development will generally be permitted up to the intensity of the existing development. As the subject site is a New Grant lot with building entitlement and the application is for house redevelopment with a total GFA not exceeding that of the existing houses, the application may be considered under exceptional circumstances.
- 11.2 The proposed development parameters under the current application are identical to the previous scheme (Application No. A/TP/664), which was approved by the Committee in 2019, except that the previously proposed two open-air car parking spaces are deleted. As explained by the applicant, sections of the existing vehicular access to the site (i.e. Pun Chun Yuen Road) encroach upon other private lots and hence is a non-guaranteed access under the BO. In the circumstances, the applicant proposes to delete the originally proposed two car parking spaces accordingly. As the application involves only development of one house, C for T has no objection to the application.
- 11.3 The Site is hard-paved and occupied by two existing houses and a swimming pool. The surrounding areas are predominantly rural in character with village houses of 3 storeys in height at most and temporary structures. The proposed development with a building height of 7.45m (2 storeys) is not incompatible with the surrounding environment. CTP/UD&L of PlanD has no objection to the application from landscape planning perspective as significant adverse impact on existing landscape resources arising from the proposed redevelopment is not anticipated. Other relevant Government departments consulted, including DLO/TP of LandsD, CBS/NTW of BD, D of FS, DEP, CE/MN of DSD and DAFC, have no objection to or adverse comments on the application.
- 11.4 Regarding the public comment raising concerns on the application as detailed in paragraph 10 above, it should be noted that the application, if approved, is for the redevelopment of a house. The approval of the application will not in any event imply that columbarium use would be permitted on the Site.

As for other aspects, 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 above, 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 28.1.2026, 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 submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

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

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 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 received on 15.9.2021
Appendix Ia	Planning statement
Appendix Ib	Further information received on 16.12.2021
Appendix II	Comparison table of development parameters submitted by the applicant
Appendix III	Previous applications
Appendix IV	Detailed comments of the Buildings Department
Appendix V	Public comment
Appendix VI	Recommended advisory clauses
Drawings A-1 to A-3	Floor plans
Drawing A-4	Section plan
Drawing A-5	Schematic landscape master plan
Drawing A-6	Schematic perspective plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JANUARY 2022**