

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TP/690

- Applicant** : Billion Global Limited represented by Prudential Surveyors International Limited
- Site** : Lot 454 in D.D. 34, Kon Hang, Tai Po, New Territories
- Site Area** : About 65.03m²
- Lease** : Lot held under New Grant (NG) No. 11220, and is restricted to:
- (a) ‘non-industrial’ purpose;
 - (b) shall not contain more than two and a half storeys;
 - (c) shall not exceed a height of 25 feet (about 7.62m);
 - (d) the maximum built-over area (BOA) shall not exceed 700ft² (about 65.03m²); and
 - (e) not more than 3 small balconies and one canopy to be permitted to project over and above Government land (GL)¹
- Plan** : Approved Tai Po Outline Zoning Plan (OZP) No. S/TP/30
- Zoning** : “Residential (Group C) 8” (“R(C)8”)
- [a maximum plot ratio (PR) of 1.5 and a maximum building height (BH) of 120mPD]
- Application** : Proposed Minor Relaxation of Plot Ratio (PR) Restriction for Permitted House (New Territories Exempted House (NTEH))

1. The Proposal

- 1.1 The applicant, owner of the application site (the Site), seeks planning permission for proposed minor relaxation of PR restriction for one permitted house (NTEH) (**Plan A-1**). According to the Notes of the OZP, ‘House’ including NTEH is a Column 1 use always permitted within the “R(C)8” zone, subject to a maximum PR of 1.5 and BH of 120mPD. As the proposed redevelopment with PR of 3 exceeds the PR restriction of 1.5 as stipulated on the OZP, planning permission for minor relaxation of the PR restriction is

¹ The GL is under possession by the owner of Tai Po Town Lot (TPTL) 241 for management and maintenance before re-delivery to the Government on demand.

required from the Town Planning Board (the Board).

- 1.2 The Site is a lot held under NG No. 11220. According to the applicant, the Site is currently occupied by a NTEH built in the late 1970s. The applicant proposes to redevelop the 2.5-storey NTEH into a 3-storey NTEH with the same BOA, resulting in a higher PR of 3 in excess of the PR restriction. Details of the proposed NTEH and a comparison with the OZP restrictions are as follows:

Development Parameters	OZP Restrictions (a)	Existing House (for information only)	Proposed Scheme (b)	Difference (b) – (a)
Site Area (m ²)	-	65.03		-
BOA (m ²)	-	65.03		-
Gross Floor Area (m ²)	-	162.58	195.09	-
PR	1.5	2.5	3	+1.5 (+100%)
BH (mPD)	120	103.29 (7.62m on a formation level of 95.67mPD)	102.48 (8.23m on a formation level of 94.25mPD)	-17.52 (-14.6%)
No. of Storeys	-	2.5	3	-

- 1.3 The proposed redevelopment will involve excavation of land (about 65.03m² of about 1.42m in depth) mainly for site formation. The Site is surrounded by a residential development site at Tai Po Town Lot (TPTL) 241 which is under construction (**Plan A-2a**). According to the applicant, the owner of TPTL 241 will provide right of way and enable sewerage connection upon completion of the proposed NTEH. No carparking space or loading/ unloading bay will be provided at the Site. Layout of the proposed NTEH and its section are shown in **Drawings A-1** and **A-2**.
- 1.4 The Site is the subject of two previous applications (No. A/TP/95 and 483) (**Plan A-2b**). Details of the previous applications are set out in paragraph 4 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and Supplementary Information received on 22.8.2023 and 30.8.2023 **(Appendix I)**
 - (b) Planning Statement received on 22.8.2023 and 30.8.2023 **(Appendix Ia)**
 - (c) Further Information (FI) received on 6.10.2023* **(Appendix Ib)**
- (* accepted and exempted from publication requirements)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application as detailed in the Planning Statement and FI at **Appendices Ia** and **Ib** are summarized as follows:

- (a) the proposed NTEH redevelopment is compatible with the surroundings in terms of scale and character of the area. The building bulk is small in scale as compared with the adjoining residential development under construction with a proposed BH of up to 120mPD;
- (b) the proposed NTEH will not involve tree felling and no landscape impact is envisaged. No adverse environmental, traffic, water supply, land filling, drainage, sewerage and slope safety impacts are anticipated; and
- (c) the applicant has liaised and confirmed with the owner of TPTL 241 to enable connection of the proposed NTEH to the sewerage system of the residential development at TPTL 241 (**Plan A-2a**). It would ensure sufficient capacity to cater for the sewage generated from the proposed NTEH to discharge through the newly constructed sewerage system of TPTL 241. The owner of TPTL 241 will be responsible for the construction cost of the drainage and sewerage system for the proposed NTEH.

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. Previous Applications

- 4.1 The Site is the subject of two previous applications (No. A/TP/95 and 483), with the former one approved and the latter rejected on the then “Green Belt” (“GB”) zone. Application No. A/TP/95 was for residential development by extending the roof of 2/F of the building, with the same site area as the current application. It was submitted by a different applicant and approved by the Committee on 5.2.1993. The planning approval lapsed in 1995. Whereas, the application No. A/TP/483 was for two houses involving a larger site area (2,684m²) submitted by the same applicant of the current one which was rejected by the Committee on 28.1.2011. The planning circumstances of these applications are not relevant to the subject application in that the previous applications were on the then “GB” zone.
- 4.2 Details of the previous applications are summarized at **Appendix II** and the locations are shown on **Plan A-2b**.

5. Similar Application

There is no similar application for proposed minor relaxation of development restrictions for permitted house (NTEH) within the same “R(C)8” zone.

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

6.1 The Site is:

- (a) located in a valley to the west of Tai Po Road;
- (b) currently wholly occupied by a 2.5-storey NTEH built in the 1970s;
- (c) surrounded by a private residential development site at TPTL 241 under construction within the same “R(C)8” zone, which comprise houses with BH ranging from 102.95mPD to 106.45mPD (3 to 4 storeys) and towers of 120mPD (8 to 9 storeys) according to the latest approved general building plan; and
- (d) accessible via a footpath to its northeast connecting to Tai Po Road.

6.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character;
- (b) to the north of the Site is a stream and some temporary structures; and
- (c) to the south and west of the Site is another private residential development site at TPTL 234 under construction within the same “R(C)8” zone (**Plan A-2a**), which is currently partly vegetated and partly occupied by houses, vacant and temporary structures of 1 to 3 storeys.

7. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

8. Comments from Relevant Government Departments

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

Land Administration

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

- (a) the lot is held under NG No. 11220 dated 15.12.1976 for “non-industrial” purpose. According to SC. No. 5(a) of the NG, only a 2.5-storeys building with 700ft² (i.e. about 65.03m²) in BOA and 25 feet in height is allowed. Besides, not more than 3 small balconies and one canopy as specified under S.C. No. 6 would be

permitted to project over and above GL. The proposed redevelopment was in breach of lease restriction;

- (b) redevelopment application was received by DLO/TP in May 2023 to redevelop the lot into a 3-storey, 8.23m height NTEH. DLO/TP is currently processing the said redevelopment application; and
- (c) the applicant should note the advisory comments as detailed in **Appendix III**.

Environment

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

- (a) there is no public sewer connection available in the vicinity of the proposed redevelopment. He has no objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the NTEH to the sewerage system of development at TPTL 241 as proposed by the applicant and reserve adequate land for the sewer connection work; and
- (b) the applicant should note the advisory comments as detailed in **Appendix III**.

Drainage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) no existing/ planned DSD's stormwater and sewerage facilities would be affected by the proposed development at the moment; and
- (c) the applicant should note the advisory comments as detailed in **Appendix III**.

Landscape

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

- the Site involves redevelopment of NTEH and the Site falls within "R(C)8" zone, which is a non-landscape sensitive zoning. No significant landscape impact arising from the proposed redevelopment is anticipated.

Fire Safety

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

- (a) no in-principle objection to the application provided that the proposed house would not encroach on any existing emergency vehicular access (EVA) or planned EVA under application in accordance with LandsD's record; and
- (b) the applicant should note the advisory comments as detailed in **Appendix III**.

8.2 The following government departments have no objection to or no comment on the application:

- (a) Commissioner for Transport (C for T);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (f) Project Manager/North, CEDD (PM/N, CEDD);
- (g) District Officer/Tai Po, Home Affairs Department (DO/TP, HAD); and
- (h) Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD).

9. Public Comments Received During Statutory Publication Period

On 1.9.2023, the application was published for public inspection. During the statutory public inspection periods, no public comment was received.

10. Planning Considerations and Assessments

- 10.1 The Site is currently occupied by a NTEH built in the late 1970s before designation of "R(C)8" zone subject to PR restriction of 1.5. The application is for the proposed minor relaxation of PR from 1.5 to 3 (+100%) to facilitate the redevelopment of a permitted 3-storey NTEH with the same BOA to meet the prevailing standard. As advised by DLO/TP of LandsD, the Site falls on a lot held under NG No. 11220 for "non-industrial" purpose. The Site is zoned "R(C)8" which is intended primarily for low-rise, low-density residential developments. 'House' including NTEH use is always permitted for the "R(C)8" zone and the proposed redevelopment is in line with the planning intention of the "R(C)8" zone.
- 10.2 The Site is situated in the valley of the Kon Hang area and west of Tai Po Road. The Site is also surrounded by a low-rise and low-density residential development at TPTL 241 which is under construction in the "R(C)8" zone involving houses and towers with BHs ranging from 3 to 9 storeys (up to

120mPD). The proposed redevelopment is considered compatible with the surrounding environment. As the Site falls within “R(C)8” zone which is a non-landscape sensitive zoning, CTP/UD&L of PlanD considers that no significant landscape impact arising from the proposed redevelopment is anticipated.

- 10.3 The applicant has proposed to connect the permitted NTEH to the sewerage system to be constructed by the owner of adjoining TPTL 241. DEP has no objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the NTEH to the sewerage system of development at TPTL 241 as proposed by the applicant and reserve adequate land for the sewer connection work. Other relevant government departments including CE/MN of DSD, C for T, D of FS, CHE/NTE of HyD and H(GEO), CEDD have no objection to/ no comment on the application on technical aspects. Taking into account the special circumstances mentioned in paragraph 10.1 above, the site context and no adverse comments of concerned departments on landscape and other technical aspects, sympathetic consideration could be given in favour of the proposed minor relaxation of PR to facilitate the redevelopment of a permitted NTEH at the Site.
- 10.4 The planning circumstances of the previous applications are not relevant to the subject application for minor relaxation of PR for permitted NTEH in that the previous applications were on the then “GB” zone. There is no similar application within the same “R(C)8” zone for proposed minor relaxation of development restrictions for permitted house (NTEH).

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 13.10.2027, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The recommended advisory clauses are attached at **Appendix III**.
- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member’s reference:
- there is no strong planning justification in the submission for the proposed minor relaxation of plot ratio restriction.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be

attached to the permission, and the date when the validity of the permission should expire.

- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

13. Attachments

Appendix I	Application form and supplementary information received on 22.8.2023 and 30.8.2023
Appendix Ia	Planning statement received on 22.8.2023 and 30.8.2023
Appendix Ib	FI received on 6.10.2023
Appendix II	Previous applications
Appendix III	Advisory clauses
Drawings A-1 and A-2	Layout plan and section submitted by the applicant
Plan A-1	Location plan
Plans A-2a and A-2b	Site plans
Plan A-3	Aerial photo
Plans A-4a to A-4c	Site photos

**PLANNING DEPARTMENT
OCTOBER 2023**