

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

APPLICATION NO. A/YL-HTF/1145

- Applicant** : Winning Vast Limited represented by PlanPlus Consultancy Limited
- Site** : Lot 182 S.B in D.D.128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 2,550m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Residential (Group D)” (“R(D)”)
[Restricted to a maximum plot ratio of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
- Application** : Proposed House and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed house and associated excavation of land at the application site (the Site). The Site falls within an area zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP for “R(D)” zone, both ‘House (not elsewhere specified)’, which is a Column 2 use, and excavation of land require planning permission from the Town Planning Board (the Board). The Site is currently partly vacant and partly occupied by vacant structures (**Plans A-2, A-4a and 4b**).
- 1.2 According to the applicant, the proposed development comprises an 1-storey house with two 1-storey ancillary blocks for potable water pump room, security and guard room, and E&M facilities. The uncovered area of the Site will be used for open space/landscaped area, swimming pool and vehicular access. Septic tank and soakaway system will be used for sewage disposal. The entire site (i.e. about 2,550m²) will be excavated with a depth of about 2m for site formation for the proposed house and swimming pool. Proposed site plan, floor plans/sections, landscape plan and vehicular access plan submitted by the applicant are at **Drawings A-1 to A-6** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	about 2,550m ²
Plot Ratio (PR)[^]	not more than 0.2
Gross Floor Area (GFA)[^]	about 508m ²
No. of Blocks	3 (1 house and 2 ancillary blocks)
Building Height (BH) - House - Ancillary Blocks	not more than 6m (1 storey) not more than 3m (1 storey)
Site Coverage	about 23.1%
Private Open Space	about 1,960m ²
No. of Parking Spaces	2 parking spaces for private cars
Estimated Population	9

[^] Excluded PR and GFA for ancillary uses (including potable water pump room, security and guard room, and E&M facilities with a total GFA of about 95m²) which are assumed to be disregarded

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

- (a) Application Form received on 7.11.2022 (Appendix I)
- (b) Further Information (FI) received on 14.9.2023 providing (Appendix Ia)
a consolidated Planning Statement
[accepted and exempted from publication and recounting requirements]

(The Planning Statement and replacement pages received on 7.11.2022, Supplementary Information received on 10.11.2022 as well as FIs received on 29.12.2022, 3.2.2023, 16.3.2023, 17.3.2023, 5.7.2023 and 11.8.2023¹ were superseded and not attached)

1.5 On 23.12.2022 and 5.5.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application as requested by the applicant for two months respectively.

2. **Justifications from the Applicant**

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

- (a) The proposal is in line with the planning intention of the “R(D)” zone in that it would phase out non-conforming and obsolete uses within the zone.
- (b) The proposed development is compatible with the surrounding environment. Through enhancement of building design and incorporation of landscape treatments, no adverse visual impact is anticipated.
- (c) The proposed development is small in scale and the proposed excavation of land is for necessary site formation works. Based on the findings of the Traffic Review, Drainage

¹ The FI received on 29.12.2022 was accepted and exempted from publication and recounting requirements. The remaining FIs were accepted but not exempted from publication and recounting requirements.

Impact Assessment, Sewerage Impact Assessment and Environmental Assessment, insurmountable traffic, drainage, sewerage and environmental impacts are not anticipated.

- (d) The proposed development is in line with the Government's policy to increase housing supply.

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

4.1 The Government announced the Northern Metropolis Development Strategy in October 2021. One of the recommendations is to explore expansion of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) to cover Lau Fau Shan and Tsim Bei Tsui and to examine the development potential in the areas stretching from Lau Fau Shan to Pak Nai. The Site is within the study area covered by the "Land Use Review Study for Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas – Feasibility Study" (the Land Use Review Study) jointly commissioned by the Civil Engineering and Development Department (CEDD) and the Planning Department (PlanD) (**Plan A-1**). The Land Use Review Study commenced in August 2022 and is tentatively scheduled for completion in 2024. The Site falls within the southwestern portion of the study area, outside the HSK/HT NDA.

4.2 The Site is currently not subject to any planning enforcement action.

5. Previous Applications

The Site is involved in three previously approved applications (No. A/YL-HTF/1101, 1109 and 1138) for temporary recyclable collection centre uses, the considerations of which are not relevant to the current application. Details of the previous applications are summarised at **Appendix II** and the locations are shown on **Plan A-1**.

6. Similar Application

There is a similar application (No. A/YL-HT/725) for proposed low-density residential development (involving 14 houses) at a PR of 0.2 with minor relaxation of BH restriction within the same "R(D)" zone, which was approved with conditions by the Committee in 2012 mainly on considerations that the proposed development was in line with the planning intention of the "R(D)" zone; concerned departments had no adverse comment and approval conditions could be imposed to address departmental concerns. Details of the application are summarised at **Appendix II** and the location is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4b)

7.1 The Site is:

- (a) partly vacant and partly occupied by vacant structures; and

- (b) accessible via a local track leading from Kai Pak Ling Road and Fung Kong Tsuen Road.

7.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorized developments (UDs) subject to planning enforcement action:

- (a) to its north are vacant/unused land;
- (b) to its east and southeast are vacant/unused land and an open storage yard; and
- (c) to its south and west are warehouses (one of which is covered by valid planning permission under application No. A/YL-HTF/1138), open storage yards (one of which is covered by valid planning permission under application No. A/YL-HTF/1157) and a factory.

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 Bureau and Departments

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

Long-term Development

- 9.1.1 Comments of the Chief Town Planner/Technical Services, Planning Department (CTP/TS, PlanD):

- (a) the Land Use Review Study, commissioned jointly by CEDD and PlanD, has commenced since August 2022 for completion tentatively in 2024. The overall objectives of the Study are to delineate the areas with development potential, recommend suitable land uses and development scale with a view to formulating a Preliminary Outline Development Plan; and
- (b) the Site falls within the study area and is in close proximity to the proposed Lau Fau Shan Station of the Hong Kong – Shenzhen Western Rail Link (Hung Shui Kiu – Qianhai). Given its strategic location being near the railway, the area as a whole is being comprehensively examined under the Study with a view to identifying an appropriate land use and optimising the development potential. Approving the application with a PR not more than 0.2 and 1 storey would pre-empt the findings of the Study.

- 9.1.2 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

He has no comment on the application.

Land Administration

9.1.3 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises a lot held under Block Government Lease as an old scheduled lot for agricultural purposes. The actual site area, land status and land holding details of the lot under the application are subject to further verification when the land exchange application, if any, is submitted;
- (b) land exchange is required to implement the proposed development. However, there is no guarantee that the land exchange application will be approved by LandsD. Such application will be dealt with by LandsD acting in the capacity as the landlord at their sole discretion; and
- (c) in the event that the planning permission is given by the Board for the proposal, the applicant should be reminded of his advisory comments on land exchange at **Appendix III**.

Traffic

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

She has no comment on the application from traffic engineering point of view and her advisory comments are at **Appendix III**.

9.1.5 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

The proposed access arrangement should be commented by the Transport Department and his advisory comments are at **Appendix III**.

Environment

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

- (a) he has no objection to the application; and
- (b) approval condition on the submission of a Noise Impact Assessment (NIA) report for the master layout plan or general building plans to achieve full compliance with the relevant noise criteria and the implementation of the mitigation measures identified in the NIA is suggested to be imposed.

Drainage

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

- (a) he has no in-principle objection to the application from drainage point of view; and

- (b) should the Board consider that the application be acceptable from planning point of view, approval condition(s) should be stipulated requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to his satisfaction.

Fire Safety

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

He has no objection in principle to the proposal subject to water supplies for firefighting and fire service installations being provided to his satisfaction. His advisory comments are at **Appendix III**.

Geotechnical

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

He has no adverse comment on the application and his advisory comments are at **Appendix III**.

Archaeology

9.1.10 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

After reviewing the location and scope of the proposed works, he has no objection in principle to the application from the archaeological and built heritage conservation perspective. His advisory comments are at **Appendix III**.

District Officer's Comments

9.1.11 Comments of District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any locals' comment on the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (e) Commissioner of Police (C of P);
- (f) Director of Food and Environmental Hygiene (DFEH); and
- (g) Director of Electrical and Mechanical Services (DEMS).

10. Public Comments Received During Statutory Publication Periods

On 15.11.2022, 10.2.2023, 24.3.2023, 14.7.2023 and 18.8.2023 the application was published for public inspection. During the statutory public inspection periods, two public comments from individuals were received (**Appendices IV-1 and IV-2**) objecting to the application mainly on grounds of adverse traffic, environmental and fire safety impacts, and expressing concerns on the proposed excavation of land.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed house and associated excavation of land at the Site zoned “R(D)” on the OZP, which is intended primarily for improvement and upgrading of the 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. The proposed house with a PR of not more than 0.2 and a BH of one storey (not more than 6m) conforms with the development restrictions of the “R(D)” zone and is in line with the planning intention of the “R(D)” zone.
- 11.2 The proposed development is located in an area predominated by vacant/unused land, open storage yards and warehouses (some of which are covered by valid planning permission for temporary uses and some are suspected UD's subject to planning enforcement action) (**Plan A-2**). Approval of the application, in which the proposed development is in line with the planning intention of the “R(D)” zone, could encourage the phasing out of non-conforming uses and help improve/upgrade the surrounding areas.
- 11.3 Relevant government departments including the C for T, DEP, CE/MN, DSD and D of FS have no objection to or no adverse comment on the application. The proposed house and associated excavation of land will unlikely create adverse traffic, environmental, drainage and fire safety impacts on the surroundings. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.4 While CTP/TS, PlanD considers that approving the current application would pre-empt the findings of the ongoing Land Use Review Study, detailed land use proposals for the area have yet to be ascertained at this stage and the consideration of the current s.16 planning application shall be based on the provisions under the extant OZP. It should be noted that approving the application would not pre-empt the Board from amending the OZP including the land use and development restrictions of the Site in the future. Should the application be approved, the applicant should be advised that the Site may be required for implementation of government project(s) in the future and there is no guarantee on the approval of the land exchange application and implementation of the current proposal.
- 11.5 There is one similar application (No. A/YL-HT/725) involving house developments with a PR of 0.2 within the same “R(D)” zone approved by the Committee in 2012 mainly on considerations that the proposed development was in line with the planning intention of the “R(D)” zone; concerned departments had no adverse comment and approval conditions could be imposed to address departmental concerns. Approval of the current application is in line with the previous decision of the Committee.

- 11.6 Two public comments were received during the statutory publication periods objecting to and expressing concerns on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 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 comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, the permission shall be valid until **22.9.2027**, 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 following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a Noise Impact Assessment and implementation of 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 provision of water supplies for firefighting and fire service installations 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 III**.

- 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 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
Appendix Ia
Appendix II

Application Form received on 7.11.2022
FI received on 14.9.2023 (Consolidated Report)
Previous and Similar Applications

Appendix III
Appendices IV-1 and IV-2

Advisory Clauses
Public Comments

Drawing A-1
Drawings A-2 to A-4
Drawing A-5
Drawing A-6
Plan A-1
Plan A-2
Plan A-3
Plans A-4a and A-4b

Site Plan
Floor Plans/Section
Landscape Plan
Vehicular Access Plan
Location Plan
Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
SEPTEMBER 2023