

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/477

- Applicants** : Wan Ip Industrial Limited and Sino-tech Industrial Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 1217 S.A RP and 1217 S.B RP in D.D. 104 and Adjoining Government Land (GL), Ngau Tam Mei, Yuen Long
- Site Area** : 1,565.36m² (about) (including GL of about 257m² (about 16.4%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/13
(*at the time of submission*)
- Approved Ngau Tam Mei OZP No. S/YL-NTM/14
(*currently in force*)
- [the zoning and development parameters of the application site (the Site) remain unchanged on the OZP No. S/YL-NTM/14]
- Zoning** : “Residential (Group D)” (“R(D)”) *[restricted to a maximum plot ratio (PR) of 0.2 and a maximum building height (BH) of 2 storeys (6m)]*
- Application** : Proposed Houses and Minor Relaxation of PR and BH Restrictions

1. The Proposal

- 1.1 The applicants seek planning permission for proposed houses development with minor relaxation of PR restriction from 0.2 to 0.24 (+20%) and BH restriction from 2 storeys (6m) to 2 storeys (7m) (+17% in terms of absolute BH) at the Site, which falls within an area zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP for “R(D)” zone, ‘House (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Minor relaxation of the PR and/or BH restrictions may be considered by the Board based on individual merits. The Site is currently vacant, covered with vegetation and scattered potted plants (**Plans A-2 and A-4a to A-4b**).

- 1.2 A major part of the Site is the subject of a previous application (No. A/YL-NTM/372) submitted by the current applicants for proposed houses approved by the Rural and New Town Planning Committee (the Committee) of the Board on 12.4.2019 (details at paragraph 5 below). Subsequently, the planning permission was extended until 12.4.2027 under application No. A/YL-NTM/372-1.
- 1.3 The proposed development comprises two houses with a total PR of 0.24 and total gross floor area (GFA) of 375.68m², as well as a BH of two storeys (7m). With a total population of 10 residents, a private open space with an area of about 642m² will be provided. Besides, the proposed development would require filling of land with a depth of about 0.6m for site formation purpose. The Master Layout Plan and associated floor plans, elevation and section plans, 3D illustration plans, as well as photomontages of the proposed development are at **Drawings A-1 to A-10**. A comparison of the major development parameters under the previously approved application No. A/YL-NTM/372 and the current application is tabulated below:

	Previous Application (A/YL-NTM/372) (A)	Current Application (A/YL-NTM/477) (B)	Difference (B) – (A)
Site Area (about)	1,364.5m ²	1,565.36m ²	+200.86m ² (+14.7%)
GFA (about)	272.9m ²	375.68 m ²	+102.78m ² (+37.7%)
PR (not more than)	0.2	0.24	+0.04 (+20%)
Site Coverage (about)	20%	22%	+2% (+10%)
Absolute BH (not more than)	4.5m	7m	+2.5m (+55.6%)
No. of Storeys	1	2	+1 storey
No. of Houses	2	2	No change
Average Unit Size (about)	about 136.45m ²	about 187.84m ²	+51.39m ² (+37.7%)
Car Parking Spaces	3	3	No change
Anticipated Completion Year	2023	2028	N/A

- 1.4 To mitigate the potential traffic noise impact from the nearby San Tin Highway on the proposed development (**Plans A-1 and A-3**), a solid fence wall with a minimum height of 1.8m is proposed along the Site boundary, except for the portion abutting the voluntary setback area along Chun Shin Road (to be elaborated in paragraph 1.5 below). In addition, the proposed development will adopt sliding doors and windows that are double-glazed or made with sound-absorbing materials.
- 1.5 In order to enhance the pedestrian walking environment, the proposed development will include a 1.4m voluntary setback with a total area of about 22m² within the Site along its northern boundary abutting Chun Shin Road (**Drawings A-1 and A-10**). According to the applicants, a public seating area with benches, planters and pavement which will open for public enjoyment 24 hours a day, on a voluntary basis, will be provided at the voluntary setback area. The voluntary setback area and the related facilities will be constructed and maintained by the applicants at

their own cost. Landscape features such as vertical greening and planters will also be installed on the solid fence wall along the periphery of the Site to further soften the edges of the proposed development.

1.6 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachments and Supplementary Information (SI) received on 15.8.2024 (**Appendix I**)
- (b) Further Information (FI) received on 4.12.2024* (**Appendix Ia**)
- (c) Further Information (FI) received on 5.2.2025* (**Appendix Ib**)
- (d) Further Information (FI) received on 24.3.2025* (**Appendix Ic**)

** accepted and exempted from the publication and recounting requirements*

1.7 On 4.10.2024 and 24.1.2025, the Committee of the Board agreed to defer making a decision on the application each for a period of two months as requested by the applicants.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form with SI and FIs at **Appendices I to Ic** and can be summarised as follows:

- (a) The proposed development is fully in line with the planning intention of “R(D)” zone and is considered compatible with the surrounding areas which are predominantly village houses and low-rise low-density residential development, as well as the approved temporary transitional housing development with a BH of about 13.35m (4 storeys) (**Plan A-2**). Besides, there is no non-conforming industrial or open storage uses in close vicinity. In this regard, the proposed minor relaxation of BH restriction from 6m to 7m and PR restriction from 0.2 to 0.24 under the current application is thus considered not excessive and compatible with the surrounding developments.
- (b) The proposed minor relaxation of PR and BH restrictions aim to cater for the proposed antique collection rooms for large-size oriental antique furniture on 1/F of the proposed development with a floor-to-floor height (FTFH) of 4m in order to ensure good air ventilation, preventing excessive exposure to humidity and odours absorption from domestic environment. Comparing with the previously approved scheme, the FTFH of the living rooms on G/F have been reduced from 4.5m to 3m to ensure that the proposed development will not result in substantial increase in BH. Besides, only a portion of the proposed development has a BH of 7m while the majority of the proposed development has a BH between 3m to 4.5m, which is well below the proposed BH restriction of 2 storeys (7m).
- (c) The proposed development would only require filling of land with a depth of about 0.6m for site formation purpose. No filling of pond and excavation of land will be required for the proposed development.
- (d) The proposed development will be carefully designed, featuring comprehensive indoor and outdoor landscape scenic that could enhance the overall environment.

The applicants will undertake extensive landscaping works at the Site to create a verdant and natural environment for the enjoyment of future occupants and to enhance the visual permeability. Besides, the applicants observed that there is currently limited seating area along Chun Shin Road, hence propose a public seating area with benches, planters and pavement within the 1.4m voluntary setback, which has a total area of about 22m², at the northern periphery of the Site to enhance the walking environment along Chun Shin Road. The public seating area will be open to public 24 hours a day for public enjoyment on a voluntary basis.

- (e) Majority of the Site was subject to a previously approved application for houses development submitted by the current applicants. However, due to changes in planning circumstances, including the approval of the temporary transitional housing to the east of the Site in 2022, the applicants identified that there is a piece of underutilised GL sandwiched between the Site and the adjoining transitional housing along Chun Shin Road. Hence, the applicants decided to seize the opportunity to unleash the development potential of the residual GL. This could fully utilise the long-wasted scarce land resources and provide a more comprehensive planning to the area.
- (f) To mitigate the potential traffic noise impact arising from the nearby San Tin Highway on the proposed development, a solid fence wall with minimum height of 1.8m is proposed along the boundary of the Site (except for the portion abutting the voluntary setback area along Chun Shin Road). In terms of building design, sliding doors and windows of the proposed development will be double-glazed or made with sound-absorbing materials to further enhance sound insulation. In addition, the 1/F of the proposed development will be used as proposed antique collection rooms and are not intended for long-term occupancy. The proposed houses will also incorporate void areas on the western side of the 1/F which is closer to San Tin Highway to further mitigate the potential traffic noise impact. The applicants are committed to adopt these noise mitigation measures should the current application be approved.
- (g) Considering the nature and scale of the proposed development, adverse environmental, drainage, sewerage, visual, landscape and traffic impacts are not anticipated. Landscape features such as vertical greening and planters will also be installed on the solid fence wall along the boundary of the Site to serve as a visual barrier. The driveway, supporting facilities and roadside planting are purposely proposed at the eastern portion of the Site to minimise potential nuisance to the adjoining transitional housing development. The Site is of low traffic volume given the relatively small scale with three parking spaces.

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

The applicants are the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) are not applicable.

4. Background

- 4.1 The Government is conducting a planning study on the Ngau Tam Mei area (i.e. the Land Use Review Study for the Ngau Tam Mei Area) (the NTM Review Study), which covers the Site. According to the Broad Land Use Concept Plan, the Site falls mainly within an area recommended for a comprehensive residential neighbourhood.
- 4.2 The Site is not subject to any active planning enforcement action.

5. Previous Applications

- 5.1 A major part of the Site is the subject of a previous application (No. A/YL-NTM/372) submitted by the same applicants for proposed houses, without minor relaxation of BH and/or PR restrictions, approved by the Committee of the Board on 12.4.2019 mainly on the considerations that the proposed development was in line with the planning intention of the “R(D)” zone; the proposed development was considered not incompatible with the surrounding environment; and concerned departments had no objection to or no comment on the application. The planning permission was valid until 12.4.2023. Subsequently, the planning permission was extended until 12.4.2027 under application No. A/YL-NTM/372-1. According to a recent site visit, the construction works for the approved application are yet to commence. According to the Buildings Department (BD), no approval of general building plan (GBP) for the proposed houses development had been obtained from the Building Authority (BA).
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 During the past five years, there was a similar application (No. A/YL-NTM/377) for proposed house, without minor relaxation of PR and/or BH restrictions, within the subject “R(D)” zone on the OZP. The application was approved by the Committee of the Board on 12.4.2019 mainly on the similar considerations as stated in paragraph 5.1 above. Subsequently, the planning permission was extended until 12.4.2027 under application No. A/YL-NTM/377-1.
- 6.2 Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan A-1**.
- 6.3 Besides, there is one similar application (No. A/YL-NTM/476) currently under processing for proposed minor relaxation of PR and BH restrictions for proposed flat and excavation of land within the same “R(D)” zone, with the same application site as the approved similar application (No. A/YL-NTM/377) as stated in paragraph 6.1 above. Its location is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

- 7.1 The Site is:

- (a) currently vacant, covered with vegetation and scattered potted plants; and
- (b) accessible via Chun Shin Road connecting to San Tam Road.

7.2 The surrounding areas are rural fringe in character predominated by existing residential structures to the further north and east (such as Yau Tam Mei Tsuen), planned low-rise residential developments including the temporary transitional housing approved under application No. A/YL-NTM/470 and a proposed house development approved under application No. A/YL-NTM/377, vegetated land and pond.

8. Planning Intention

The planning intention of the “R(D)” zone is 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 from the District Lands Officer/Yuen Long, Lands Department:

- (a) no objection to the application;
- (b) the Site comprises Lot Nos. 1217 S.A RP and 1217 S.B RP both in D.D. 104 and adjoining GL. Those private lots are old schedule agricultural lots held under Block Government Lease and no structure is allowed to be erected without the prior approval of the Government;
- (c) according to the records of Land Registry, the Lots are currently owned by the different owners. The ownership particulars of the Lots forming the Site have to be examined in details at the land exchange application stage, if applied;
- (d) the Site has an area of about 1,565.36m², including GL of about 257m², of which the actual site area, site boundaries of the Lots, lease details, etc. are subject to verification at land exchange application stage, if applied; and
- (e) advisory comments are at **Appendix IV**.

Traffic

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

- (a) no objection to the application from traffic engineering point of view; and
- (b) advisory comments are at **Appendix IV**.

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

- (a) no objection to the application;
- (b) the Site involves GL where is not maintained by HyD; and
- (c) advisory comments are at **Appendix IV**.

9.1.4 Comments from the Chief Engineer/Railway Development 2-2, Railway Development Office (CE/RD 2-2, RDO), HyD:

- (a) no adverse comment on the application; and
- (b) advisory comments are at **Appendix IV**.

Project Interface

9.1.5 Comments from the Chief Town Planner/ Studies and Research 1, Planning Department (CTP/SR1, PlanD):

the Site is located within the study area of the NTM Review Study and is in close proximity to the proposed Ngau Tam Mei Station of NOL Main Line. Given its strategic location being near the railway, the land use of the area as a whole is being comprehensively examined under the NTM Review Study. Approving the application would pre-empt the findings of the NTM Review Study.

9.1.6 Comments from the Project Manager (West), West Development Office, Civil Engineering and Development Department (PM(W), CEDD):

The subject planning application falls within the boundary of the NTM Review Study. According to the latest programme, the tentative construction commencement date of Ngau Tam Mei development is 2027.

Environment

9.1.7 Comments from the Director of Environmental Protection:

- (a) no objection to the application;

- (b) with the traffic noise mitigation measures proposed by the applicants, it is considered that adverse traffic noise impact from the nearby San Tin Highway is not anticipated;
- (c) there was no substantiated environmental complaint related to the Site in the past three years; and
- (d) advisory comments are at **Appendix IV**.

Urban Design and Visual

9.1.8 Comments from the Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD:

- (a) no adverse comment on the application from urban design and visual perspectives; and
- (b) the Site is situated in an area predominantly rural in character mainly surrounded by ponds, low-rise residential dwellings/structures, vacant/unused land with scattered storage use. In view of the scale of the proposed development of 2 storeys (7m), it is considered not incompatible with the existing surroundings.

9.1.9 Comments from the Director of Architectural Services (D of ArchS):

- (a) no comment from architectural and visual impact point of view; and
- (b) based on the photomontages provided (**Drawings A-9 to A-10**), the proposed development is considered to be compatible with the surrounding environment.

Landscape

9.1.10 Comments from the CTP/UD&L, PlanD:

- (a) no adverse comment on the application from landscape planning perspective; and
- (b) with reference to the aerial photo of October 2023, the Site is located in an area of rural fringe landscape character comprising village houses, open storages, temporary structures, scattered tree groups and a channelised river. With reference to the site photos (**Plans 4a to 4b**), the Site is covered by grasses/self-grown vegetation with some existing trees in planters within the Site. The proposed development is considered not incompatible with the landscape character of the surrounding environment. With the proposed voluntary setback, it is considered the landscape amenity and pedestrian environment could be enhanced from landscape planning point of view.

Drainage

- 9.1.11 Comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

no in-principle objection to the application from public drainage point of view.

Building Matters

- 9.1.12 Comments from the Chief Building Surveyor/New Territories West, BD:

- (a) no objection to the application; and
- (b) advisory comments are at **Appendix IV**.

Nature Conservation

- 9.1.13 Comments from the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) no comment on the application from nature conservation perspective; and
- (b) advisory comments are at **Appendix IV**.

Fire Safety

- 9.1.14 Comments from the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from the relevant licensing authority; and
- (c) the emergency vehicular access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6 Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations 41D which is administered by BD. Also, the EVA provision of the nearby buildings shall not be affected by the proposed development.

Electricity and Town Gas Safety

- 9.1.15 Comments from the Director of Electrical and Mechanical Services (DEMS):

- (a) no particular comment from electricity supply safety aspect and no adverse comment from town gas safety point of view;

- (b) it is noted that there is a high pressure underground town gas transmission pipeline running along San Tam Road in the vicinity of the Site. However, he considers that a Quantitative Risk Assessment is not a compulsory requirement having considered the population aggregation resulting from the proposed development; and
- (c) advisory comments are at **Appendix IV**.

District Officer's Comments

9.1.16 Comments from the District Officer (Yuen Long), Home Affairs Department:

local consultations were conducted by his officer and no comments were received upon close of consultation.

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

- (a) Chief Engineer/Construction, Water Supplies Department; and
- (b) Commissioner of Police.

10. Public Comments Received During the Statutory Publication Period

On 24.8.2024, the application was published for public inspection. During the statutory public inspection period, two public comments (**Appendix V**) were received. One of them is from the Chairman of the Yuen Long Town Centre & Rural East Area Committee without providing comment on the application, and another one is from the Hong Kong and China Gas Company Limited providing views on the close proximity of the Site to a high-pressure gas pipeline at San Tam Road.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed development for two two-storey houses and minor relaxation of PR and BH restrictions from 0.2 to 0.24 (+20%) and from 2 storeys (6m) to 2 storeys (7m) (+17% in terms of absolute BH) respectively at the Site on the OZP. According to the applicants, the proposed minor relaxation of PR and BH restrictions are for provision of adequate space and headroom for large antique furniture which can reach up to 4m in height on 1/F of the proposed houses. To minimise the increase in overall BH of the proposed houses even with the addition of one storey (1/F), the FTFH of G/F is proposed to be reduced from 4.5m to 3m as compared to that under the previously approved application.
- 11.2 The Site falls within an area zoned "R(D)", which is primarily intended for improvement and upgrading 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 and could help improve and upgrade the environment of the surrounding areas.

- 11.3 The proposed development is considered not incompatible with the surrounding areas which are of rural fringe character predominated by existing residential structures (including Yau Tam Mei Tsuen), planned residential developments, including a temporary transitional housing approved under application No. A/YL-NTM/470 with a BH of 4 storeys, vegetated land and ponds (Plan A-2). The applicants have also incorporated some design measures in the proposed development, including extensive landscaping at the Site to enhance visual amenity. In view of the scale of the proposed development of 2 storeys (7m) and that the proposed development is considered not incompatible with the landscape character of the surrounding environment, CTP/UD&L of PlanD has no adverse comment on the application from urban design, visual and landscape planning perspectives. Besides, D of ArchS states that the proposed development is considered to be compatible with the surrounding environment based on the submitted photomontages (**Drawings A-9** and **A-10**) and has no comment from architectural and visual impact point of view.
- 11.4 According to the Notes of the OZP for the “R(D)” zone, based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR and/or BH restrictions may be considered by the Board. Under the development proposal of the current application, the applicants have proposed a voluntary setback of 1.4m within the Site along its northern periphery to enhance the pedestrian walking environment. A public seating area with benches, planters and pavement will also be voluntarily provided within the setback area and opened for public enjoyment at all times. The setback area including the seating area will be constructed and maintained by the applicants at their own cost. In this regard, CTP/UD&L, PlanD considers that the proposed setback area could enhance the landscape amenity and pedestrian environment from landscape planning point of view. Considering that the proposed development in the proposed scale (i.e. a PR and BH of not more than 0.24 and 2 storeys (7m) respectively) is not incompatible with the surrounding areas and may bring some improvements to the local environment, the proposed minor relaxation of PR and BH is considered not unacceptable.
- 11.5 In order to mitigate the potential traffic noise impact on the proposed development, a solid fence wall with minimum height of 1.8m will be proposed along the boundary of the Site, except for the portion abutting the voluntary setback area along Chun Shin Road. Appropriate mitigation measures, including the use of double-glazed sliding doors and windows, as well as sound-absorbing materials will be incorporated in the detailed building design. In addition, the 1/F of the proposed development will be used for proposed antique collection rooms, which are not intended for long-term occupancy. Noting that adequate mitigation measures have been provided by the applicants to minimise such impact on the proposed development, DEP considered that adverse traffic noise impact from the nearby San Tin Highway is not anticipated and has no objection to the application from environmental planning perspective.
- 11.6 Other relevant government departments consulted including the DEMS, C for T, CHE/NTW of HyD, CE/MN of DSD and D of FS have no objection to or no adverse comment on the application. Considering the scale and nature of the proposed development and based on the planning assessments above, the proposed development with minor relaxation of PR and BH restrictions is unlikely to cause adverse traffic, drainage, sewerage and visual impacts on the surrounding areas.

- 11.7 While CTP/SR1 of PlanD considers that approval of the current application would pre-empt the findings of the ongoing NTM Review Study, detailed land use proposals for the area have yet to be ascertained at this stage and the consideration of the current Section 16 application shall be based on the provisions under the extant OZP. It should be noted that approval of 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 applicants will 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.
- 11.8 Regarding the public comments received during the statutory inspection period as stated in paragraph 10 above, the planning assessments in paragraphs 11.1 to 11.7 above and the departmental comments in paragraph 9 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comments mentioned in paragraph 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 28.3.2029, 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 IV**.
- 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 to support the proposed minor relaxation of building height and plot ratio restrictions.

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 applicants.

14. Attachments

Appendix I

Application Form with attachments and SI received on

	15.8.2024
Appendix Ia	FI received on 4.12.2024
Appendix Ib	FI received on 5.2.2025
Appendix Ic	FI received on 24.3.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Site Plan
Drawings A-2 to A-3	Floor Plans
Drawings A-4 to A-6	Elevation and Section Plans
Drawings A-7 to A-8	3D Illustration Plans of the Proposed Development
Drawings A-9 to A-10	Photomontages
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

PLANNING DEPARTMENT
MARCH 2025