

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PN/79

- Applicant** : Mr. Kwok Yiu Tong represented by A-Tech Engineering Consultants Ltd.
- Site** : Lot 117 in D.D. 135 and Adjoining Government Land (GL), Sheung Pak Nai, Yuen Long, New Territories
- Site Area** : About 69.5m² (including GL of about 4.47m² or 6.4%)
- Lease** : Building lot held under New Grant No. 2648, and is restricted to:
(a) non-industrial purposes;
(b) shall not contain more than three storeys;
(c) shall not exceed a height of 7.62m (or 25 feet); and
(d) maximum built-over area of the lot shall not exceed 65.04m² (or 700 ft²)
- Plan** : Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan (OZP) No. S/YL-PN/9
- Zoning** : “Coastal Protection Area” (“CPA”)
[redevelopment of an existing house shall not be in excess of the plot ratio (PR), site coverage (SC) and height of the house in existence on the gazettal of the interim development permission area plan]
- Application** : Proposed Redevelopment of House (New Territories Exempted House), and Filling and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed redevelopment of house (New Territories Exempted House), and filling and excavation of land at the application site (the Site) (**Plan A-1**) zoned “CPA” on the OZP. According to the Notes for the “CPA” zone, ‘House (Redevelopment only)’, which is a Column 2 use, as well as filling and excavation of land require planning permission from the Town Planning Board (the Board).
- 1.2 The Site is accessible from Nim Wan Road via a local track. According to the applicant, majority of the Site is a building lot held under New Grant No. 2648. The existing village house (**Plans A-4a and A-4b**) at the Site is a New Territories Exempted House (NTEH) completed in 1980¹. According to the surveyed floor plan submitted by the applicant (**Drawings A-8 to A-10**), the existing NTEH has a gross floor area (GFA), PR, SC and building height (BH) of 120.26m², 1.85, 72.3% and 7.62m (three-storey) respectively.

¹ Before the gazettal of the Sheung Pak Nai and Ha Pak Nai Interim Development Permission Area Plan No. IDPA/YL-PN/1 on 14.9.1990.

- 1.3 Under the current application, the applicant proposes to redevelop the existing NTEH into a new NTEH with the same development parameters. An underground septic tank would be provided at the northern side of the Site (**Drawing A-1**).
- 1.4 About 51.46m² (or 74%) of the Site (**Drawing A-2**) will be excavated and backfilled for about 1m to 1.2m in depth, so as to facilitate site formation for the proposed NTEH as well as construction of the underground septic tank.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 25.6.2024 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 9.7.2024 (**Appendix Ia**)
 - (c) Further Information (FI) received on 16.7.2024* (**Appendix Ib**)
 - (d) FI received on 7.8.2024* (**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 are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) The GFA, PR, BH and number of storey of the proposed development will not exceed those of the existing NTEH. the proposed development complies with the restrictions stipulated in the Notes for the “CPA” zone of the OZP;
- (b) the proposed development is for meeting the housing need of the applicant, which is in line with the intention of the Small House Policy; and
- (c) the proposed redevelopment will not cause adverse landscape impact.

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

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

4. Previous Application

The Site is not involved in any previous application.

5. Similar Application

There is no similar application for redevelopment of house within the same “CPA” zone.

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

6.1 The Site is:

- (a) erected with a 3-storey NTEH used for domestic use; and
- (b) is accessible from Nim Wan Road via a local track.

6.2 The surrounding areas are predominated by cultivated/fallow agricultural land, ponds and residential dwellings. Other uses such as open storage/storage yards, plant nursery and shrubland are also found in the vicinity of the Site. Some of the uses are suspected unauthorized developments subject to planning enforcement action.

7. Planning Intention

7.1 The “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted.

7.2 Filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

8. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The lot held under New Grant No. 2648 was granted on 22.3.1978 for building purpose with an area of about 65.04m² (or 700 ft²), 3 storeys and 7.62m in height.
- (b) Should planning approval be given to the subject application, and redevelopment application is received and due for processing, DLO/YL will consider the redevelopment application acting in the capacity as the landlord at its sole discretion. Any redevelopment application, if approved, would be subject to such terms and conditions including, among others, the payment of premium and/or

administrative fees may be imposed by LandsD.

Nature Conservation

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

As the proposed redevelopment of NTEH will maintain the same scale and serve the same purpose as the existing NTEH, he has no comment on the application from nature conservation perspective.

Environment

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

- (a) In view of small scale of the proposed development, the application alone is unlikely to cause major pollution.
- (b) The applicant should note his advisory comments in **Appendix III**.

Drainage

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

- (a) He has no objection in principle to the proposed application from drainage point of view.
- (b) Should the Town Planning Board consider that the application is acceptable from the planning point of view, a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

Fire Safety

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

- (a) He has no comment on the application.
- (b) The applicant shall take note of his advisory comments in **Appendix III**.

District Officer's Comments

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

His office has not received any feedback from locals.

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

- (a) Chief Building Surveyor/New Territories West, Buildings Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Engineer/Land Works, Civil Engineering and Development Department (CEDD);
- (d) Project Manager (West), CEDD;
- (e) Head of Geotechnical Engineering Office (H(GEO)), CEDD;
- (f) Chief Highway Engineer/New Territories West, Highways Department;
- (g) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (h) Commissioner for Transport; and
- (i) Commissioner of Police.

9. Public Comment Received During Statutory Publication Period

On 12.7.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix II**) objecting to the application mainly on the grounds that the proposed redevelopment may cause contamination and interfere with the visual context.

10. Planning Considerations and Assessments

10.1 The application is for proposed redevelopment of the existing NTEH on the Site to a three-storey NTEH, with filling and excavation works to facilitate the redevelopment. The plot ratio (about 1.85), site coverage (about 72.3%) and height (three storey and about 7.62m) of the proposed NTEH are the same as the existing NTEH. The Site falls within the “CPA” zone on the OZP (**Plan A-1**) and there is a general presumption against development within the “CPA” zone. Filling and excavation of land within the “CPA” zone also requires planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, while the proposed redevelopment of NTEH is not entirely in line with the planning intention of the “CPA” zone, according to DLO/YL, LandsD, the Site is a building lot held under New Grant No. 2648 and the existing house has been in existence since 1980. Also, DAFC and CE/MN of DSD have no objection to or no adverse comment on the application from nature conservation and drainage perspectives respectively. In view of the above, sympathetic consideration may be given to the application.

10.2 The Site is situated in the coastal area west of Nim Wan Road, which is predominated by cultivated/fallow agricultural land, ponds and low-rise residential dwellings. The Site is currently occupied by a NTEH built in the 1980s. The proposed redevelopment of the existing NTEH into a three-storey NTEH is considered not incompatible with the surrounding environment. In this regard, CTP/UD&L, PlanD has no comment on the application from landscape and visual points of view.

10.3 Other concerned government departments including DEP, C for T and D of FS have no objection to or no adverse comments on the application from environmental, traffic and fire safety perspectives respectively. As the requirements on provision of

drainage facilities can be dealt with during the land administration process when the redevelopment application is being considered by LandsD, no approval condition on such provision is recommended.

- 10.4 Regarding the public comment raising concerns for the application as stated in paragraph 9 above, the planning considerations and assessments in paragraphs 10.1 to 10.3 above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above, and having taken into account the public comment mentioned in paragraph 9 above, 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 **16.8.2028**, 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 There is no strong reason to recommend for rejection of the application.

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 applicant.

13. Attachments

Appendix I	Application Form received on 25.6.2024
Appendix Ia	SI received on 9.7.2024
Appendix Ib	FI received on 16.7.2024
Appendix Ic	FI received on 7.8.2024
Appendix II	Public Comment Received During Statutory Publication Period
Appendix III	Recommended Advisory Clauses
Drawing A-1	Block Plan
Drawing A-2	Land Filling and Excavation Plan
Drawing A-3	Vehicular Access Plan
Drawings A-4 to A-6	Floor Plans of Proposed NTEH
Drawing A-7	Elevation
Drawings A-8 to A-10	Surveyed Floor Plan of Existing Building
Plan A-1	Location Plan

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2024**