

RNTPC Paper No. A/YL-PS/656  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 1.6.2022

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

**APPLICATION NO. A/YL-PS/656**

- Applicant** : Mr. Tang Ping On and Mr. Tang Ping Tsuen represented by DeSPACE (International) Limited
- Site** : Lots 318 s.B RP and 318 s.B ss.1 in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 340 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Village Type Development” (“V”)  
*[restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Filling and Excavation of Land for Permitted Houses (New Territories Exempted Houses)

**1. The Proposal**

- 1.1 The applicants seek planning permission for filling and excavation of land for two permitted houses (New Territories Exempted Houses) (NTEHs) at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” on the OZP. According to the Notes for “V” zone on the OZP, ‘House (NTEH only)’ is a Column 1 use which is always permitted. However, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 uses/developments always permitted under covering Notes, requires planning permission from the Town Planning Board (the Board). The Site is currently vacant with vegetation (**Plans A-2 and A-4**).
- 1.2 The area of filling and excavation of land is about 144m<sup>2</sup>, and the depth of excavation and thickness of back filling are both about 1m to 1.5m. According to the applicant, the Site is accessible via a track leading to Ping Shan Nam Pak Road (**Plans A-2 and A-3**). The layout plan and section of the proposed filling and excavation works submitted by the applicant are at **Drawings A-1 to A-2**.

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

- |     |  |               |
|-----|--|---------------|
| (a) | Application form received on 21.2.2022         | (Appendix I)  |
| (b) | Planning Statement                             | (Appendix Ia) |
| (c) | Further Information (FI) received on 11.4.2022 | (Appendix Ib) |
| (d) | FI received on 3.5.2022                        | (Appendix Ic) |
| (e) | FI received on 18.5.2022                       | (Appendix Id) |
| (f) | FI received on 20.5.2022                       | (Appendix Ie) |
| (g) | FI received on 23.5.2022                       | (Appendix If) |
| (h) | FI received on 24.5.2022                       | (Appendix Ig) |

*[(c) to (h) are exempted from publication and recounting]*

1.4 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 1.4.2022 for consideration of the application has been re-scheduled, and the Board agreed to defer consideration of this application. The application is now scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicants**

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

- (a) The Site falls entirely within the “V” zone and the Village Environs (VE) of Hang Tau Tsuen, Hang Mei Tsuen and Sheung Cheung Wai. The proposed excavation and filling of land is for the necessary site formation works to facilitate the development of two NTEHs, which are always permitted in “V” zone. In this connection, it is in line with the planning intention of “V” zone.
- (b) The proposed development would not generate any adverse impact as the Site entirely within the “V” zone and the surrounding areas are already disturbed in nature. The Site is currently vacant and covered by vegetation. There are no ponds or any valuable natural resources at or adjacent to the Site. As there is a 4m high steep slope located immediately to the west and southwest of the Site, site formation works involving filling and excavation of land is therefore required. The proposed site formation works for two NTEHs would result in more or less the same site level.
- (c) The applicants will fully comply with the relevant environmental regulations and guidelines in carrying out the construction works. The applicants are willing to minimise the environmental impact and nuisance generated by the proposed excavation and filling of land. Trips generated by the construction vehicles would be limited given the nature and scale of the proposal.

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

The applicants are the sole “current land owners” of the lots. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is not subject to planning enforcement action.

### **5. Previous Application**

There is no previous application at the Site.

### **6. Similar Applications**

6.1 There are two similar applications (No. A/YL-PS/355 and 644) for filling and excavation of land for development of NTEHs within the same “V” zone on the OZP. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6.2 Application No. A/YL-PS/355 for filling and excavation of land for development of 7 NTEHs was approved with conditions on 21.10.2011, mainly on considerations that the development was in line with the planning intention of the “V” zone and no adverse comment from relevant government departments and/or public was received. However, only part of the site was filled and only two NTEHs had been completed; and the permission lapsed on 22.10.2015. Subsequently, the same applicant submitted another application No. A/YL-PS/644, covering part of the application site of No. A/YL-PS/355 (**Plan A-1**). The Committee approved application No. A/YL-PS/644 on 24.9.2021 on considerations that the development was in line with the planning intention of the “V” zone, no adverse comment from relevant government departments, and granting permission was in line with the previous decision of the Committee.

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

7.1 The Site is:

- (a) currently vacant with vegetation (**Plans A-2 to A-4**);
- (b) accessible via a local track leading from Ping Shan Nam Pak Road (**Plans A-2 and A-3**);
- (c) located entirely within the VE of Hang Tau Tsuen, Hang Mei Tsuen and Sheung Cheung Wai (**Plan A-1**); and
- (d) located within the Sheung Cheung Wai Site of Archaeological Interest (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) predominantly village houses and vacant/unused land intermixed with brownfield operations, some of which are suspected unauthorised developments (**Plans A-2 and A-3**); and
- (b) to the south is Yeung Hau Temple which is a Grade 3 historic building and forms part of the Ping Shan Heritage Trail.

## **8. Planning Intention**

- 8.1 The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses (SHs) by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.
- 8.2 As filling and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required.

## **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 of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) There are two SH applications at the Site which were approved and they are pending for execution of the licence documents.
  - (b) The applicants are required to submit a geotechnical report for the SH proposals prior to execution of the licence document and it will only be executed upon the report is accepted by the Geotechnical Engineering Office, Civil Engineering and Development Department (GEO, CEDD) or approval to Site Formation Plan is given by the Buildings Department (BD). No Certificates of Exemption have been issued for the two SH applications.

### **Traffic**

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

- (a) He has no comment on the application from traffic engineering point of view.
- (b) The applicant should note his detailed comments at **Appendix IV**.

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

- (a) He has no comment on the application from highways maintenance point of view.
- (b) The applicant should note his detailed comments at **Appendix IV**.

### **Environment**

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

Although he has no objection to the application, the applicant is advised to follow the Recommended Pollution Control Clauses for Construction Contracts to minimise the environmental impacts during the construction stage. It is the applicant's responsibility to comply with all relevant environmental legislations during the construction of the project.

### **Drainage**

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

- (a) He has no objection in principle to the application from a drainage point of view. Should the Board consider the application is acceptable from a planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to his satisfaction.
- (b) The applicant should note his detailed comments at **Appendix IV**.

### **Landscape**

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

According to the aerial photo of 2021, the Site is vacant with a few self-seeded vegetation. No significant landscape resource is observed within the Site. The Site is not located in landscape sensitive zoning and significant change to the landscape character arising from the use of the application is not anticipated.

### **Fire Safety**

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

He has no in-principle objection to the application. The applicant should note his detailed comments at **Appendix IV**.

### **Building Matters**

#### 9.1.8 Comments of the Chief Building Surveyor/New Territories West (CBS/NTW), BD:

The applicant should note his detailed comments at **Appendix IV**.

### **Others**

#### 9.1.9 Comments of the Head of GEO, CEDD:

- (a) He has no adverse comment on the application. A Geotechnical Planning Review Report (GPRR) is not required for the subject application.
- (b) The applicant should note his detailed comments at **Appendix IV**.

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

- (a) He has no objection to the application from the built heritage and archaeological conservation perspective.
- (b) The applicant should note his detailed comments at **Appendix IV**.

#### 9.1.11 Comments of the Director of Electrical and Mechanical Services (DEMS):

He has no particular comment on the application from electrical supply safety aspect. The applicant should note his detailed comments at **Appendix IV**.

### **District Officer's Comments**

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

He has not received any feedback from locals.

9.2 The Project Manager (West) (PM(W)), CEDD has no comment on the application.

## **10. Public Comments Received During Statutory Publication Period**

On 1.3.2022, the application was published for public inspection. During the statutory public inspection period, 1 public comment from an individual (**Appendix III**) was received on grounds that the proposed development will have adverse traffic, environmental and fire safety impacts to the neighbourhood.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for filling and excavation of land for permitted houses (NTEHs) at the Site zoned “V” on the OZP, which is primarily intended for development of SHs by indigenous villagers. According to the applicants, the filling and excavation of land involving an area of about 144m<sup>2</sup> and a depth of about 1m to 1.5m is to facilitate NTEH developments. In this regard, the applied filling and excavation of land is considered in line with the planning intention of “V” zone.
- 11.2 The requirement for planning permission for filling and excavation of land within “V” zone is to address the possible drainage impact on the adjacent areas and adverse impacts on the environment. In this regard, CE/MN, DSD has no objection in principle to the application and is of the view that drainage related approval conditions be imposed to address his requirements on the drainage aspect. Although the Site falls within the Sheung Cheung Wai Site of Archaeological Interest and is in close proximity to Yeung Hau Temple (**Plan A-2**), ES(A&M), AMO has no adverse comment on the application from the built heritage and archaeological conservation perspective.
- 11.3 DEP has no objection to the application provided that the applicants have complied with all relevant environmental legislations during the construction of the project, and the applicants are advised to follow the Recommended Pollution Control Clauses for Construction Contracts to minimise the environmental impacts during the construction stage. Other relevant Government departments, including C for T, CHE/NTW, HyD and CTP/UD&L, PlanD, have no objection to or adverse comment on the application. CTP/UD&L, PlanD considers that significant change to the landscape character arising from the application is not anticipated. It is expected that no significant traffic and landscape impacts would be generated.
- 11.4 There is no previous application involving the Site. The Committee has approved 2 similar applications for filling and excavation of land for permitted NTEH developments within the same “V” zone. Approval of the application is in line with the previous decisions of the Committee.
- 11.5 There is a public comment objecting to the application received as summarised in paragraph 10 above. The planning considerations and assessments in the

paragraph 11.1 to 11.4 above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account public comment mentioned in paragraph 10, 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 1.6.2026, 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 of revised drainage proposal before the commencement of any filling and excavation works at the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the implementation of drainage proposal identified therein and maintenance of the implemented drainage facilities upon completion of the filling and excavation of land to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) if any of the above planning conditions (a) or (b) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

### Advisory clauses

The recommended advisory clauses are 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 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 Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) 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**

<b>Appendix I</b>	Application form received on 21.2.2022
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	FI received on 11.4.2022
<b>Appendix Ic</b>	FI received on 3.5.2022
<b>Appendix Id</b>	FI received on 18.5.2022
<b>Appendix Ie</b>	FI received on 20.5.2022
<b>Appendix If</b>	FI received on 23.5.2022
<b>Appendix Ig</b>	FI received on 24.5.2022
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Public comment
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Section
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**