

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/670

- Applicant** : Mr. TANG Wan Kit (鄧允傑) represented by Goldrich Planners and Surveyors Ltd.
- Site** : Various Lots in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 1,086m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Filling and Excavation of Land for Permitted Houses (New Territories Exempted Houses)

1. The Proposal

- 1.1 The applicant seeks planning permission for filling and excavation of land for seven permitted houses (New Territories Exempted Houses) (NTEHs) at the application site (the Site) (**Plan A-1**) zoned “V” on the OZP. According to the Notes for “V” zone on the OZP, while ‘House (NTEH only)’ is always permitted, filling and excavation of land require planning permission from the Town Planning Board (the Board). The Site is currently vacant, paved and fenced-off (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Ping Ha Road (**Plans A-2 and A-3**). According to the applicant’s proposal, the area of excavation of land is about 978m² and the depth of excavation works is about 0.65m to 2m, while the area of filling of land is about 306m² and the thickness of back filling is about 0.6m to 1.5m. The proposed excavation and land filling works is anticipated to be completed in 2023/24. The location plan, lot index plan, vehicular access plan and site formation works layout plans and section of the proposed filling and excavation works submitted by the applicant are at **Drawings A-1 to A-7**.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application form with supporting justifications received on 12.10.2022 **(Appendix I)**
- (b) Further Information (FI) received on 18.11.2022 **(Appendix Ia)**
[accepted and exempted from publication and recounting]
- (c) FI received on 18.1.2023 **(Appendix Ib)**
[accepted but not exempted from publication and recounting]

1.4 On 9.12.2022, the Committee agreed to the applicant's request to defer making a decision on the application for two months to allow more time for the applicant to address departmental comments.

2. Justifications from the Applicant

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

- (a) The Site falls entirely within the "V" zone on the OZP. The existing Ping Ha Road would not be affected.
- (b) The applications to District Lands Office / Yuen Long (DLO/YL) for erection of seven Small Houses (SHs) on a number of Lots in D.D. 122 are in an advanced stage. The proposed excavation and filling of land is for the necessary site formation works in relation to the SH developments. Similar applications have been approved within the same "V" zone and approval of this application is in line with the Board's previous decisions.
- (c) The proposed development would not generate any adverse impact. Adequate drainage facilities are proposed along the site boundary to collect surface water which will be discharged to existing public drain.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" but has complied with the requirements as set out in the 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. 31A) by posting site notice and publishing notices in local newspapers. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Applications**

There are three similar applications (No. A/YL-PS/355, 644 and 656) for filling and excavation of land for development of NTEHs within the same “V” zone on the OZP. All of them were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2011 and 2022 mainly on considerations that the developments were in line with the planning intention of the “V” zone and no adverse comment from relevant government departments and/or the public were received. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) falling within the Village ‘Environs’ of Hang Tau Tsuen, Hang Mei Tsuen and Sheung Cheung Wai (**Plan A-1**);
- (b) currently vacant, paved and fenced-off (**Plans A-2 to A-4**); and
- (c) accessible via Ping Ha Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) predominantly rural character with village houses of Hang Mei Tsuen and Tong Fong Tsuen, vacant/unused land intermixed with low-rise factory buildings, parking of vehicles, a sitting-out area and government, institution or community facilities (**Plans A-2 and A-3**);
- (b) to its immediate north of the Site are Hang Mei Tsuen sitting-out area and Farewell Hall (屏山孝思堂). To the further north is unused land, Ping Shan Tang Clan Gallery (屏山鄧族文物館) and the Former Tat Tak School (前達德學校) which is currently vacant;
- (c) to its immediate south is Ping Ha Road and to its further south across Ping Ha Road are two low-rise factory buildings, parking of vehicles and the village settlement in Tong Fong Tsuen;
- (d) to its immediate east is parking of vehicles which is a suspected unauthorized development and vacant land; and
- (e) to its west is a refuse collection point and further west are the village houses of Hang Mei Tsuen.

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 SH 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) He has no adverse comment on the application.
- (b) According to his record, four SH applications have been approved and three SH applications are being processed within the Site. Apart from the above, no other SH application has been received or under processing within the Site.
- (c) The applicant should note his advisory comments at **Appendix IV**.

Traffic

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

He has no comment on the application from traffic engineering point of view. The applicant should note his advisory comments at **Appendix IV**.

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

He has no comment on the application from highways maintenance point of view. The applicant should note his advisory comments at **Appendix IV**.

Environment

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

He has no objection to the application. The applicant should note his advisory comments at **Appendix IV**.

Drainage

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

He has no objection in principle to the application from a drainage point of view. Should the Board consider the application 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 drainage proposal, to implement and maintain the proposed drainage facilities to his satisfaction.

Landscape

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

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 advisory 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 advisory comments at **Appendix IV**.

District Officer's Comments

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

He has not received any feedback from locals.

9.2 The following departments has no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments received During the Statutory Publication Period

On 21.10.2022 and 31.1.2023, the application was published for public inspection. During the statutory public inspection periods, three public comments from individuals were received (**Appendices III-1 to III-3**), including one supported the application and two objected to the application mainly on the grounds that the proposed development will cause adverse traffic and environmental impacts and fire safety issue; and there is concern on the eligibility of the SH applicants that the Board has a duty to obtain further information on the background of the SH applicants.

11. Planning Considerations and Assessments

- 11.1 The application is for filling and excavation of land for seven permitted houses (NTEHs) at the Site zoned "V" on the OZP which the planning intention of the "V" zone is primarily for development of SHs by indigenous villagers. According to the applicant, the proposed filling and excavation of land is to facilitate the development of seven NTEHs which wholly fall within the "V" zone. In this regard, the proposed 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 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. In addition, DEP has no objection and advises to follow the Recommended Pollution Control Clauses for Construction Contracts to minimise the environmental impacts during the construction stage.
- 11.3 Other relevant government departments, including C for T and CHE/NTN, HyD, 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. No significant adverse traffic and landscape impacts are envisaged.

- 11.4 The Committee has approved three similar applications for filling and excavation of land for permitted NTEH developments within the same “V” zone between 2011 and 2022. Approval of the application is in line with the previous decisions of the Committee.
- 11.5 There are three public comments with two objecting to the application received as summarised in paragraph 10 above. Regarding the eligibility of the SH applicants, LandsD would verify when processing SH grants, of which four SH applications have already been approved and three SH applications are under processing. The planning considerations and assessments in the paragraphs 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 the public comments mentioned in paragraph 10 above, 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 17.3.2027, 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 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 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	Application Form received on 12.10.2022
Appendix Ia	FI received on 18.11.2022
Appendix Ib	FI received on 18.1.2023
Appendix II	Similar Applications
Appendix III-1 to III-3	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Lot Index Plan
Drawing A-3	Layout Plan
Drawings A-4 to A7	Working drawings for site formation works
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MACRH 2023**