

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

**APPLICATION NO. A/YL-SK/346**

<b><u>Applicant</u></b>	:	Mr. TANG Sui Keung represented by Metro Planning & Development Company Limited
<b><u>Sites</u></b>	:	Lots 142 S.A, 142 RP and 143 S.B ss.1 in D.D. 112 and Adjoining Government Land, Shek Kong, Yuen Long
<b><u>Site Area</u></b>	:	About 500m <sup>2</sup> (including Government land (GL) of about 20m <sup>2</sup> or 4%)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<b><u>Zoning</u></b>	:	“Village Type Development” (“V”) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<b><u>Application</u></b>	:	Proposed Filling and Excavation of Land for Permitted Houses (New Territories Exempted Houses)

**1. The Proposal**

- 1.1 The applicant, being the authorised person of the land owners of the application sites (the Sites), seeks planning permission for proposed filling and excavation of land for two permitted houses (New Territories Exempted Houses) (NTEHs) at the Sites zoned “V” on the OZP (**Plan A-1**). According to the Notes for “V” zone on the OZP, ‘House (NTEH only)’ is a Column 1 use which is always permitted while filling and excavation of land require planning permission from the Town Planning Board (the Board). The Sites are currently covered with vegetation.
- 1.2 According to the proposal, the Sites will be filled with concrete of depths ranging from about 0.8m to 2.53m in order to create one platform each (+27.47mPD to +30.0mPD for the eastern Site, and +27.11mPD to +28.4mPD for the western Site) for the two permitted Small Houses (SHs). The area of excavation of land is about 38.925m<sup>2</sup> (including GL of about 20m<sup>2</sup>) and the depth of excavation works is about 0.225m to 0.375 to cater for the provision of surface u-shaped channels along the periphery of the Sites after formation of the land platform. The area of filling of land is about 500m<sup>2</sup> (200m<sup>2</sup> for the western Site, and 300m<sup>2</sup> for the eastern Site). The Sites are to the east of Ko Sheung Road (**Plan A-2**). The proposed works are anticipated to be completed by September 2024. A location plan, proposed drainage plan, elevations plan and proposed site paving and

excavation plan are at **Drawings A-1 to A-6**.

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

- (a) Application form with supporting justifications **(Appendix I)**  
received on 8.6.2023
- (b) Further Information (FI) received on 18.7.2023 and **(Appendix Ia)**  
20.7.2023\*
- (c) FI received on 29.9.2023\* **(Appendix Ib)**
- (d) FI received on 17.11.2023\* **(Appendix Ic)**  
\* *accepted and exempted from publication and recounting requirements*

1.4 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) on 28.7.2023 agreed to defer making a decision on the application.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ic** and summarized below:

- (a) The Sites fall within the “V” zone and the development of NTEHs are always permitted.
- (b) The Sites are of a lower elevation than areas to their east and thus may result in the accumulation of stormwater causing adverse drainage impacts. As such, the proposed filling of land is to facilitate the site formation for two SHs, and is considered in line with the planning intention of the “V” zone.
- (c) The excavation of land is for the provision of surface u-shaped drainage channels around the periphery of the Sites by following the gradient of the Sites.
- (d) The Sites are not accessible by vehicular track and will not generate any traffic to and from the Sites. The proposed works will not result in adverse drainage impacts.

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

The applicant is not the current land owner of the private land portion of the Sites 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 publishing notices in local newspapers, posting site notice at the Sites and notifying the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” Requirements is not applicable.

#### **4. Background**

The Sites are currently not subject to any active planning enforcement action.

#### **5. Previous Application**

There is no previous application at the Sites.

#### **6. Similar Application**

There is no similar application within the same “V” zone on the OZP.

#### **7. The Sites and their Surrounding Areas (Plans A-1 to A-4)**

##### **7.1 The Sites:**

- (a) are vacant and covered with weeds; and
- (b) are accessible from Ko Sheung Road and Kam Sheung Road via local footpath.

##### **7.2 The surrounding areas have the following characteristics:**

- (a) to their east and west across Ko Sheung Road are domestic structures/dwellings. The areas to the east of the Sites are generally of a higher elevation (**Drawings A-3 to A-5**);
- (b) to their north in the same “V” zone and in the adjacent “Agriculture” zone are fallow agricultural land, domestic structures/dwellings, a nullah, a temporary hobby farm with valid planning permission (No. A/YL-SK/306), and vacant/unused land; and
- (c) to their south in the same “V” zone and in the adjacent “V” zone south of Kam Sheung Road are domestic structures/dwellings, cultivated/fallow agricultural land and car park uses.

#### **8. Planning Intention**

The planning intention of the “V” zone is primarily to reflect existing recognized 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 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 ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

## **9. Comments from Relevant Government Departments**

- 9.1 The following government departments have been consulted and their views on the application are summarized 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 records, one SH application for Lots No. 142 S.A. and 142 RP (i.e. eastern Site), and another SH application for Lot No. 143 S.B. ss.1 (i.e. western Site), all in D.D. 112, were approved by his office. Building Licences No. 13405 and 13406 in respect of the two SHs were executed and duly registered in the Land Registry by Memorial Nos.: 22121500970064 and 22121500970080 respectively. There is no other lease modification/land exchange application or building plan submission in relation to the developments at the application sites approved/under processing.
- (c) His advisory comments are detailed in **Appendix II**.

### **Traffic**

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

- (a) She has no comment from traffic engineering perspective.
- (b) According to the submission, there is no parking provision nor vehicular access envisaged and the induced traffic to nearby public road should be minimal.
- (c) Her advisory comments are detailed in **Appendix II**.

- 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.
- (b) The applicant should note his advisory comments in **Appendix II**.

9.1.4 Comments of the Head, Railway Development Office, Highways Department (RDO, HyD):

- (a) He has no comment from railway development viewpoint.
- (b) His advisory comments are detailed in **Appendix II**.

#### **Environment**

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

- (a) He has no objection to the application. The applicant should note his advisory comments in **Appendix II**.
- (b) There was no substantiated environmental complaint received at the Sites in the past 3 years.

#### **Drainage**

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

- (a) He has no objection in principle to the application and the proposed drainage plan from drainage point of views.
- (b) Should the application be approved, conditions should be stipulated in the approval letter requiring the applicant (i) to submit a revised drainage proposal; and (ii) to implement the proposed drainage facilities for the development to his satisfaction.
- (c) The applicant should note his advisory comments on the submitted drainage plan in **Appendix II**.

#### **Fire Safety**

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

- (a) He has no objection in principle to the application.
- (b) His advisory comments are detailed in **Appendix II**.

#### **Water Supply**

9.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) His advisory comments are detailed in **Appendix II**.

### **Building Matters**

9.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) He has no objection to the application.
- (b) The applicant's attention is drawn to his advisory comments in **Appendix II**.

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

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

He has not received comments from locals upon close of consultation and has no particular comments on the application.

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

- (a) Director of Electrical and Mechanical Services;
- (b) Project Manager (West), Civil Engineering and Development Department; and
- (c) Commissioner of Police.

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

On 16.6.2023, the application was published for public comments. During the statutory public inspection period, 21 public comments were received from the Rural Association and villagers of Pat Heung Sheung Tsuen (**Appendices III-1 to III-21**) objecting to the application mainly on the grounds that the applicant is not an indigenous villager of Pat Heung Sheung Tsuen but from another village and approval of the application will affect the right of indigenous villagers of Pat Heung Sheung Tsuen in applying for SHs; and the application will adversely affect the local fung shui.

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

11.1 The application is for proposed filling and excavation of land for two permitted houses (NTEHs) at the Sites within the "V" zone. The planning intention of the "V" zone is primarily for development of SHs by indigenous villagers and development of NTEH is always permitted within the "V" zone, while filling and excavation of land within "V" zone is subject to planning permission as it may cause adverse drainage impacts on the adjacent areas. According to the applicant, the proposed filling of land with depths ranging from 0.8m to 2.53m and excavation of land for the provision of drainage channel are to facilitate the site formation for two SHs within the "V" zone. DLO/YL, LandsD advises that SH

applications have been approved by his office, and the building licenses for the two SHs have been executed and duly registered in the Land Registry.

- 11.2 Village houses to the east of the Sites (**Plan A-2**) are generally situated in platforms as high as +29mPD. Land filling for the Sites to create comparable site platform is considered reasonable to avoid accumulation of stormwater. The proposed filling of land with depths ranging from 0.8m to 2.53m can provide a flat surface of about +27.47mPD to +30.0mPD (for the eastern Site) and +27.11mPD to +28.4mPD (for the western Site) for the development of NTEHs. It is considered that the proposed land filling to provide levelled site platforms is not excessive and their site formulation levels are comparable to the surrounding areas.
- 11.3 The proposed land filling would unlikely cause significant adverse impacts on the area. According to the applicant, surface u-shaped drainage channel with a depth of about 0.225m to 0.375m would be provided around the periphery of the Sites with respect to the gradient of the Sites. In this regard, CE/MN of DSD has no objection to the proposed filling of land and site levels for site platforms and excavation of land for the proposed provision of drainage channel. Besides, DEP has no objection to the application and reminds the applicant's responsibility to comply with all relevant environmental legislations during the construction of the development, and the applicant is also advised to follow the Recommended Pollution Control Clauses for Construction Contracts to minimize the environmental impacts during construction stage. There are no adverse comments received from other concerned departments, including C for T and D of FS from traffic and fire safety perspectives. Should the application be approved, technical requirements of CE/MD of DSD can be addressed by imposing the approval conditions recommended in paragraph 13.2 below.
- 11.4 Regarding the public comments as stated in paragraph 10 above, the departmental comments and planning assessments above are relevant. As regards fung shui aspect, it is not a planning consideration.

## **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 24.11.2027, 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 revised drainage proposal before the commencement of any land filling and excavation works on the Sites to the satisfaction of

the Director of Drainage Services or of the Town Planning Board;

- (b) the implementation of the revised drainage proposal 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 condition (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 attached at **Appendix II**.

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**

<b>Appendix I</b>	Application form with supporting justifications received on 8.6.2023
<b>Appendix Ia</b>	FI received on 18.7.2023 and 20.7.2023
<b>Appendix Ib</b>	FI received on 29.9.2023
<b>Appendix Ic</b>	FI received on 17.11.2023
<b>Appendix II</b>	Recommended Advisory Clauses
<b>Appendices III-1 to III-21</b>	Public Comments
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Proposed Drainage Plan
<b>Drawing A-3</b>	Topographic Survey Plan of Lot 142 in D.D. 112
<b>Drawing A-4</b>	Topographic Survey Plan of Lot 143 in D.D. 112
<b>Drawing A-5</b>	Section Plan
<b>Drawing A-6</b>	Proposed Site Paving Plan and Excavation Plan
<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  
NOVEMBER 2023**