

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/376

<u>Applicant</u>	: Mr. TANG Sui Keung represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lot 143 S.B RP in D.D. 112, Shek Kong, Yuen Long
<u>Site Area</u>	: 290m ² (about)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	: “Village Type Development” (“V”) <i>[restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	: Proposed Filling and Excavation of Land for Permitted House (New Territories Exempted House (NTEH))

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed filling and excavation of land for permitted house (NTEH) at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, while ‘House (NTEH only)’ is a Column 1 use which is always permitted, filling of land and excavation of land require planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered with weeds (**Plans A-3 to A-4**).
- 1.2 The Site is accessible via a local access connecting to Kam Sheung Road (**Plan A-2**). According to the applicant, the entire Site will be filled with concrete for a depth ranging from 0.06m to 0.79m to form a site level ranging from +28.4mPD to +28.48mPD to facilitate the development of a permitted NTEH (**Drawings A-2 and A-3**). Excavation of land for provision of u-shaped surface drainage channel with a depth of about 0.225m and a total area of 28.125m² is also proposed along the periphery of the Site after formation of the land platform for the permitted NTEH. The layout plan, land filling and excavation plan, and section plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 3.6.2024 (Appendix I)
- (b) Further Information (FI) received on 30.9.2024* (Appendix Ia)
- (c) FI received on 17.1.2025* (Appendix Ib)

** accepted and exempted from publication and recounting requirements*

- 1.4 On 2.8.2024 and 22.11.2024, the Rural and New Town Planning Committee (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 applicant.

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 Ib** and can be summarised as follows:

- (a) The Site falls within the “V” zone on the OZP and development of NTEH is always permitted. The proposed filling and excavation of land for site formation and provision of drainage channel purposes, which are to facilitate the development of the permitted NTEH, are considered in line with the planning intention of the “V” zone.
- (b) The applicant is the authorised person of the land owner of the Site. Small House (SH) grant and Building Licence from the Lands Department (LandsD) have been obtained in September 2018 and May 2024 respectively.
- (c) The Site is currently of a lower elevation than areas to its east which may result in accumulation of stormwater at the Site in the event of prolonged rainfall, causing adverse drainage impacts. Hence, the proposed filling of land is required for site formation purpose to facilitate the development of the permitted NTEH. Excavation of land along the periphery of the Site is also required for the provision of u-shaped surface drainage channel.
- (d) No adverse impact on the surrounding areas is anticipated in view of the nature and scale of the proposed land filling and excavation works. A drainage proposal has been submitted to demonstrate that the proposed works would not induce significant adverse drainage impact to the surrounding areas.

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

The applicant is not the “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consent of the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any active planning enforcement action.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

6.1 During the past five years, there is one similar application (No. A/YL-SK/346) for proposed filling and excavation of land for permitted houses (NTEHs) in the vicinity of the Site within the same “V” zone. The application was approved with conditions by the Committee on 24.11.2023, mainly on the considerations that the proposed land filling to provide levelled platform was not excessive and the site formation level was comparable to the surrounding areas; the proposed filling and excavation of land would not cause significant adverse impacts on the areas; and relevant government departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions.

6.2 Details of the similar application are summarised in **Appendix II** and the location is shown on **Plans A-1 to A-2**.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4)

7.1 The Site is:

- (a) currently vacant and covered with weeds; and
- (b) accessible via a local access connecting to Kam Sheung Road.

7.2 The surrounding areas are rural in character predominated by village settlements and low-rise residential structures, car park, fallow agricultural land and vacant/unused land. The village settlement of Nam Hing Lei is located to the immediate east of the Site.

8. Planning Intention

The planning intention of the “V” zone is primarily 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 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.

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 (DLO/YL), LandsD:

- (a) no adverse comment on the application;
- (b) the Site is an Old Schedule Agricultural Lots held under the Block Government Lease which stipulates that no structures are allowed to be erected without prior approval of the Government;
- (c) according to his record, one SH application for Lot No. 143 S.B RP in D.D. 112 was approved by his office. Building Licence No. 13264 in respect of the SH was executed and duly registered in the Land Registry by Memorial No. 24050700430087. There is no other lease modification/land exchange application or building plan submission in relation to the development at the application site approved/under processing; and
- (d) advisory comments are detailed in **Appendix III**.

Environment

- 9.1.2 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application;
- (b) there was no environmental complaint received at the Site in the past 3 years; and
- (c) advisory comments are detailed in **Appendix III**.

Drainage

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

- (a) no in-principle objection to the application from drainage point of views;
- (b) should the application be approved, conditions requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities for the development to his satisfaction should be incorporated; and
- (c) advisory comments are detailed at **Appendix III**.

District Officer's Comments

9.1.4 Comments of the District Officer (Yuen Long), Home Affairs Department:

- (a) no particular comments on the application and no comments were received from locals upon close of consultation.

9.2 The following departments have no objection to/no comment on the application and their advisory comments (if any) are provided at **Appendix III**:

- (a) Chief Building Surveyor/New Territories West, Buildings Department;
- (b) Commissioner for Transport (C for T);
- (c) Chief Highway Engineer/New Territories West, Highways Department (HyD);
- (d) Chief Engineer/Railway Development 2-2, Railway Development Office, HyD;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Project Manager (West), Civil Engineering and Development Department;
- (g) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (h) Director of Agriculture, Fisheries and Conservation;
- (i) Director of Fire Services (D of FS);
- (j) Director of Electrical and Mechanical Services; and
- (k) Commissioner of Police.

10. Public Comments Received During the Statutory Publication Period

On 14.6.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed filling and excavation of land for permitted house (NTEH) at the Site zoned "V" (**Plan A-1**). While "House (NTEH only)" is always permitted within the "V" zone, filling and excavation of land within the "V" zone require planning permission from the Board. DLO/YL, LandsD advises that the SH application in relation to the proposed NTEH at the Site has been approved, and the relevant Building Licence has been executed and duly registered in the Land Registry. According to the applicant, the proposed filling of land with concrete for a depth ranging from 0.06m to 0.79m for the entire Site is required to form a levelled platform with levels ranging from 28.4mPD to 28.48mPD for the development of the permitted NTEH. Besides, the proposed excavation of land with a depth of about 0.225m and a total area of 28.125m² along the periphery of the Site to be undertaken after site formation is also required for provision of u-shaped surface drainage channel. The eventual levelled platform will have a site level similar to that of the existing village houses (i.e. about 28.5mPD) to its immediate east. In this regard, CE/MN, DSD and DEP have no objection to the application on drainage and environmental aspects respectively.

- 11.2 The proposed filling and excavation of land of permitted house (NTEH) are considered not incompatible with the surrounding areas, which are predominated by village houses, low-rise residential structures, car park, fallow agricultural land and vacant/unused land (**Plan A-2**). CTP/UD&L, PlanD has no comment on the application from landscape planning perspective.
- 11.3 Other relevant government departments consulted including C for T and D of FS have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the “Recommended Pollution Control Clauses for Construction Contracts” issued by the Environmental Protection Department to minimise the environmental impacts during construction stage.
- 11.4 There is one approved similar application within the same “V” zone in the vicinity of the Site in the past five years as mentioned at paragraph 6 above. Approving the current application is in line with the Committee’s previous decision.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, 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 14.3.2029, 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 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 site 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 land filling and excavation works 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 III**.

- 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 with attachments received on 3.6.2024
Appendix Ia	FI received on 30.9.2024
Appendix Ib	FI received on 17.1.2025
Appendix II	Similar application
Appendix III	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Land Filling and Excavation Plan
Drawing A-3	Sections Showing Filling of Land
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**