

RNTPC Paper No. A/YL-TT/567A
For Consideration by
the Rural and New Town
Planning Committee
on 13.1.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/567

Applicants : Unique Win 07 Limited and Unique Win 08 Limited represented by PlanPlus Consultancy Limited

Site : Lots 4208 and 4209 in D.D. 116, Tai Tong, Yuen Long, New Territories

Site Area : 1,472.8 m² (about)

Lease : Block Government Lease (demised for agricultural use)

Plan : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19 (currently in force)

Approved Tai Tong OZP No. S/YL-TT/18 (at the time of submission)
[No change to the zoning of the application site on the OZP]

Zoning : “Residential (Group D)” (“R(D)”) *[restricted to a maximum plot ratio (PR) of 0.4 and maximum building height (BH) of 3 storeys (9m)]*

Application : Proposed Houses

1. The Proposal

1.1 The applicants seek planning permission to develop five two-storey houses at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘House (not elsewhere specified)’ is a Column 2 use under “R(D)” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently largely vacant, partly occupied by vacant structures, partly overgrown with vegetation and partly used for parking of vehicles (**Plans A-2 and A-4**).

1.2 According to the applicants, the proposed development comprises five two-storey houses for an estimated population of 25, while the uncovered area of the Site will be used for communal open space/landscaping, loading/unloading (L/UL) space, accessible parking space and vehicular access. Sceptic tank and soakaway system will be adopted for sewage disposal. Plans showing the vehicular access, proposed layout, floor plans/sections and landscape master plan submitted by the applicants are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site involves a previous application (No. A/YL-TT/431) for the same use as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 20.7.2018. Subsequently, application No. A/YL-TT/431-2 (for extension of time for commencement of the development up to 20.7.2026) was approved on 7.7.2022. Compared with application No. A/YL-TT/431, the current application is submitted by the same applicants for the same use at a slightly smaller site with different layout and development parameters, which are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/431 (a)	Current Application No. A/YL-TT/567 (b)	Difference (b) – (a)
Proposed Use	Proposed Houses		---
Site Area	1,531 m ²	1,472.8 m ²	-58.2 m ² (-3.8%)
Gross Floor Area (GFA)	612 m ²	589.1 m ²	-22.9 m ² (-3.74%)
PR	Not more than 0.4		---
Domestic Site Coverage (SC)	40%	24.8%	-15.2 (-38%)
No. of Houses	6	5	-1 (-16.7%)
BH / No. of Storey(s)	4m (1 storey)	9m (2 storeys)	+5m (+125%)
No. of Parking Spaces	7 (6 for resident and 1 for visitor)	7 (5 for resident, 1 accessible parking and 1 for Light Goods Vehicle)	---
No. of L/UL Space	Share use with the visitor parking		---
Estimated Population	30	25	-5 (-17%)

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

- (a) Application Form received on 26.7.2022 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 17.8.2022* **(Appendix Ib)**
- (d) FI received on 21.11.2022 **(Appendix Ic)**
**exempted from publication and recounting requirements*

- 1.5 On 23.9.2022, the Committee of the Board decided to defer making a decision on the application for two months as requested by the applicants.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Supplementary Planning Statement and FIs (**Appendices Ia to Ic**). They can be summarised as follows:

- (a) the Site is the subject of a previous planning approval for the same use. As there are changes in design and layout of the approved scheme, a fresh planning application is submitted;
- (b) the proposal is in line with the planning intention of the “R(D)” zone. The current proposal could provide additional residential units to private housing market. With the increase in communal open space and greenery, the proposed development can improve the site environment and optimise the use of land;
- (c) the proposed residential development is not incompatible with surrounding area which is primarily low-rise and low-density residential use and vacant land. The proposed BH also conforms with the development restriction of the “R(D)” zone;
- (d) the proposed development only covered private land and solely owned by the applicants. There is an alternative path for villagers to access the surrounding area; and
- (e) the proposal will not generate adverse traffic, environmental and landscape impacts on the surrounding area.

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

The applicants are the sole “current land owner”. 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

The Site is subject of a planning application (No. A/YL-TT/431) for the same use, which was approved with conditions by the Committee on 20.7.2018 mainly on the considerations that the proposed development was in line with the planning intention of the “R(D)” zone; the proposal was not incompatible with the surrounding areas; and adverse impacts on the surrounding areas were not anticipated. Subsequently, application No. A/YL-TT/431-2 (for extension of time for commencement of the development up to 20.7.2026) was approved by the Director of Planning under the delegated authority of the Board on 7.7.2022. Details of the previous applications are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There were five similar planning applications (No. A/YL-TT/16, 17, 361, 442 and 452) for proposed houses and NTEHs in the same “R(D)” zone. Details of the application are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.

Approved Applications

- 6.2 Applications No. A/YL-TT/361 for proposed two NTEHs and No. A/YL-TT/442 and 452 for proposed two and four houses were approved with conditions by the Committee in 2015, 2018 and 2019 respectively mainly on grounds that the proposals were in line with the planning intention of the “R(D)” zone; not incompatible with the surrounding rural environments; and adverse impacts were not anticipated.

Rejected Applications

- 6.3 Applications No. A/YL-TT/16 and 17 for proposed residential developments of three NTEHs and five 3-storey houses respectively were submitted under the then draft Tai Tong OZP No. S/YL-TT/1 where developments within the “R(D)” zone were subject to a maximum plot ratio of 0.2, a maximum BH of 2 storeys (6m) and maximum site coverage of 20%. These applications were rejected by the Committee in 1996 and 1997 respectively on grounds, amongst others, that there was no information in the submission to demonstrate that the proposed development was for NTEH (for A/YL-TT/16) and the development intensity of the proposed development were excessive.

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

- 7.1 The Site is:

- (a) accessible via a local track leading from Tai Shu Ha Road East to its west (**Plan A-3**); and
- (b) largely vacant, partly occupied by vacant structures, partly overgrown with vegetation and partly used for parking of vehicles.

- 7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) rural residential in nature comprising predominantly village houses in Tai Kei Leng as well as residential structures intermixed with fallow/cultivated agricultural land, open storage/storage yards, welfare societies, car parks, a warehouse, and vacant land/structures; and
- (b) except for a storage yard to the south of the Site, the other storage yards, car parks and warehouse in the vicinity are suspected unauthorized developments (UDs) subject to enforcement action.

8 Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from 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, Lands Department (DLO/YL, LandsD):

- (a) the Site has an area of about 1,472.8m² quoted by the applicants which should be subject to further verification and survey. In case of any discrepancy in site areas found, the respective proposed development parameters will have to be revised accordingly;
- (b) all private lots in the Site are old scheduled agricultural lots under separate ownership and each of which is held under one of the two applicants; and
- (c) in the event that planning permission is given by the Board for the proposal, the applicants should be reminded of the detailed comments on land exchange at **Appendix V**.

Traffic

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

- (a) no adverse comment on the application.
- (b) the local track leading to the Site is not under her department’s purview; and
- (c) the applicants should be reminded of the detailed comments at **Appendix V**.

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

- (a) no adverse comment on the application; and
- (b) the applicants should be reminded of the detailed comments at **Appendix V**.

Environment

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

no adverse comment on the application and the applicants should also be reminded of the detailed comments at **Appendix V**.

Landscape and Urban Design

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

Landscape

- (a) according to the aerial photo and site photos taken in 2021 and 2022 respectively, the Site is situated in area of rural fringe predominated by temporary structures, village houses, farmland, vacant land and scattered tree groups. The Site is partly hard paved and occupied by existing structures and some existing trees with common species and self-seeded vegetation are observed;
- (b) with reference to the Tree Preservation Proposal and Tree Assessment Schedule attached in the applicants' FI (**Appendix Ic**), 17 existing trees of common species were identified. The applicants proposed to remove 15 trees and retain two trees (T11 and T12). From the new tree schedule of the landscape proposal, 15 new trees, shrub /groundcover planting and lawn would be proposed on ground level within the Site; and
- (c) with reference to applicants' submission, not less than 170m² of local open space for an estimated population of 40 persons and not less than 180m² of greenery provision (about 12% of the total site area) would be provided within the Site. As such, significant adverse landscape impact arising from the proposal is not envisaged.

Drainage

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

- (a) no objection in principle to the proposed development from the public drainage point of view; and
- (b) should the Board consider the application acceptable from the planning point of view, approval conditions requiring the submission and implementation of a drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Water Supply

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

He has objection to the application and the applicants should be reminded of the detailed comments at **Appendix V**.

Fire Safety

- 9.1.8 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the proposal subject to water supplies for firefighting and fire service installations being provided to his satisfaction. The applicants should be reminded of the detailed comments at **Appendix V**.

Building Matters

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

As there is no record approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the proposed use. The applicants should be reminded of the detailed comments at **Appendix V**.

District Officer's Comments

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

His office has not received any comment from the village representatives in the vicinity regarding the application.

- 9.2 The following government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (b) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Periods

The application and FI were published for public inspection on 2.8.2022 and 21.11.2022 respectively. During the statutory public inspection periods, a total of 20 comments were received. Of which, 18 individuals/villagers object to the application on the grounds that the proposed development will block an existing pedestrian passage and emergency vehicular access which residents have been using for over 60 years; the proposal will generate adverse traffic, environmental, drainage and fire safety impacts on the surrounding area; and the Site should be reinstated for agricultural use (extracted samples at **Appendices IV-1 to 7** in which **Appendix IV-1** in the form of petition with 12 signatures). Two individuals provide views that the applicants shall retain the existing pedestrian access at the Site (**Appendices IV-8 and 9**).

11. Planning Considerations and Assessments

- 11.1 The application is for five proposed houses at the Site zoned “R(D)” on the OZP. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of the existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and also for low-rise, low-density residential developments. The proposed low-rise, low-density residential development would help phase out existing temporary uses at the Site, and the proposed development intensity with a domestic PR of 0.4 and BH of 2 storeys (9m) conform with the development restrictions stipulated in the Remarks of the “R(D)” zone. As such, the proposal is in line with the planning intention of the “R(D)” zone.
- 11.2 The proposed development is compatible with the surrounding area which comprises predominantly village houses and residential structures intermixed with fallow/cultivated agricultural land (**Plan A-2**). Although there are warehouse and storage yards uses in the vicinity of the Site, they are suspected UD's subject to planning enforcement action. Having considered the Tree Preservation Proposal and landscape proposal, the CTP/UD&L, PlanD considered that significant adverse landscape impact arising from the proposal is not envisaged.
- 11.3 There is no adverse comment on the application from concerned government departments including C for T, DEP, CE/MN, DSD and D of FS. Adverse traffic, environmental/sewerage, drainage and fire safety impacts on the surrounding area are not envisaged. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.4 Given that a previous approval for the same use was granted for the Site and three similar applications within the subject “R(D)” zone have been approved by the Committee, approval of the current application is in line with the Committee's previous decisions.
- 11.5 There are 20 public comments received objecting to/providing views on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Regarding the villagers' concerns, should the application be approved, the applicant is advised to liaise with the locals regarding the pedestrian access at the Site.

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, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, the permission shall be valid until 13.1.2027, 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 and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix V**.

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 applicants.

14. Attachments

Appendix I	Application Form received on 26.7.2022
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 17.8.2022
Appendix Ic	FI received on 21.11.2022
Appendix II	Previous Application
Appendix III	Similar Applications
Appendices IV-1 to IV-9	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Master Layout Plan
Drawings A-3 and A-4	Floor Plans/Sections
Drawing A-5	Landscape Master Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2023**