

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

**APPLICATION NO. A/YL-TT/580**

- Applicant** : Ms. Wong Sei Hang represented by R-riches Property Consultants Limited
- Site** : Lot 5288 in D.D. 116 and Adjoining Government Land (GL), Tai Tong Road, Tai Tong, Yuen Long, New Territories
- Site Area** : 1,894 m<sup>2</sup> (including GL of about 21m<sup>2</sup> or 1.1%)
- Lease** : New Grant Lot No. 2309 for private residential purpose executed in 1975
- Plan** : Draft Tai Tong (TT) Outline Zoning Plan (OZP) No. S/YL-TT/19 (currently in force)  
  
Approved TT OZP No. S/YL-TT/18 (at the time of submission)
- Zonings** : “Residential (Group D)” (“R(D)”) (about 65%); and  
*[restricted to a maximum plot ratio (PR) of 0.4 and maximum building height (BH) of 3 storeys (9m)]*  
  
“Village Type Development” (“V”) (about 35%)<sup>1</sup>  
*[restricted to a maximum BH of 3 storeys (8.23m)]*  
[No change to the zoning and development restrictions of the subject “R(D)” and “V” zones but deletion of excavation of land clause on the current OZP<sup>2</sup>]
- Application** : Proposed House with Minor Relaxation of Building Height Restriction (BHR)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to develop a house at the application site<sup>2</sup> (the Site) (**Plan A-1**) with minor relaxation of BHR from 8.23m to 9m (+0.77m)

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<sup>1</sup> Including a small portion of the Site (i.e. 0.4%) falling within the area shown as ‘Road’ which forms part of the proposed vehicular access along Tai Tong Road and can be regarded as subject to minor boundary adjustment (**Plan A-2**).

<sup>2</sup> The applicant also applied for excavation of land for the proposed development at the time of submission as excavation of land in the “R(D)” and “V” zones require planning permission on the approved TT OZP No. S/YL-TT/18. On 6.1.2023, the draft TT OZP No. S/YL-TT/17, incorporating deletion of the excavation of land clause in the “R(D)” and “V” zones, was exhibited for public inspection under section 5 of the Town Planning Ordinance.

or +9.4%) of the “V” zone portion. The Site is partly zoned “R(D)” (about 64.8%) and partly zoned “V” (about 34.8%). According to the Notes of the OZP for the “R(D)” and “V” zones, ‘House (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). While development within the “V” zone is subject to a BHR of 3 storeys (8.23m), based on the individual merits of a development or redevelopment proposal, minor relaxation of the BHR within the “V” zone may be considered by the Board. The Site is currently occupied by a vacant house and partly overgrown with vegetation (**Plans A-2, A-4a and A-4b**).

- 1.2 According to the applicant, the proposed development comprises a two-storey house, a one-storey caretaker office and a separated one-storey non-habitable basement for a swimming pool and associated essential utilities (including filtration plant room, swimming pool pump room, water tanks and fire service tank pump), while the uncovered area of the Site will be used for private open space/landscaping, swimming pool, ancillary parking and vehicular access. There are 21 existing trees within the Site. Of which, 17 trees are proposed to be felled and four to be transplanted. Plans showing the vehicular access, proposed floor plans/section and landscape master plan submitted by the applicant are at **Drawings A-1 to A-6** respectively.
- 1.3 The Site involves a relevant previous application (No. A/YL-TT/273) for the same use and minor relaxation of BHR as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 17.6.2011. Subsequently, application No. A/YL-TT/273-1 (for extension of time for commencement of the development up to 17.6.2019) was approved on 8.6.2015. However, the proposed development did not commence and the planning permission expired on 18.6.2019. Compared with application No. A/YL-TT/273, the current application is submitted by a different applicant for the same use and minor relaxation of BHR at a slightly larger site (i.e. inclusion of GL for vehicular run-in/out purpose) with different layout and development parameters, which are summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TT/273 (a)</b>	<b>Current Application No. A/YL-TT/580 (b)</b>	<b>Difference (b) – (a)</b>
<b>Proposed Use</b>	Proposed House and Minor Relaxation of BHR		---
<b>Site Area</b>	1,873 m <sup>2</sup>	1,894 m <sup>2</sup>	+21 m <sup>2</sup> (+1.12%)
<b>Gross Floor Area (GFA)</b>	749.2 m <sup>2</sup> (187.3 m <sup>2</sup> for each house)	749 m <sup>2</sup> <sup>#</sup>	-0.2 m <sup>2</sup> (-0.03%)
<b>PR</b>	Not more than 0.4	Not more than 0.4 <sup>#</sup>	---
<b>Site Coverage (SC)</b>	13%	20% <sup>#</sup>	+7 (+53.8%)
<b>No. of Blocks</b>	4 for houses	3 for house, caretaker's office and essential utilities <sup>^</sup>	-1 (+14.3%)

<b>BH / No. of Storey(s)</b>	9m (3 storeys) for residential use	House: 9m/2 storeys Caretaker's Office: 3m/1 storey Non-habitable utilities: 3.5m below ground	Same BH but a reduction of one storey
<b>No. of Parking Spaces</b>	8 for private cars (5m x 2.5m each)	3 for private car (5m x 2.5m each)	-5 (-62.5%)
<b>No. of Loading/ Unloading Space</b>	Nil	1 for light goods vehicle (3.5m x 7m)	+1
<b>Estimated Population</b>	16	16	---

# PR, SC and GFA calculation is based on private land portion

^ Essential utilities are non-habitable

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

- (a) Application Form received on 18.11.2022 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on received on 4.1.2023 **(Appendix Ib)**  
*[exempted from publication and recounting requirements]*

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

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement **(Appendix I)**. They can be summarised as follows:

- (a) the proposal is in line with the planning intentions of the “R(D)” and “V” zones. The current proposal could make optimal use of the Site for residential purpose;
- (b) the BHR of the “R(D)” and “V” zones are 9m and 8.23m respectively. The proposed minor relaxation of BHR for the “V” zone portion from 8.23m to 9m is insignificant in visual term and is not incompatible with surrounding area which is primarily residential use with some supporting shop and services.
- (c) the Site is the subject of a previous planning approval for the same use and same extent of minor relaxation of BHR (i.e. from 8.23m to 9m). Approval of the current application would not set undesirable precedent; and
- (d) the submitted sewerage impact assessment, noise impact assessment (NIA) and tree preservation and landscape proposal (TPLP) have demonstrated that the proposal will not generate adverse environmental and landscape impacts on the surrounding area.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in 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) are not applicable.

### 4. **Background**

The Site is currently not subject to planning enforcement action.

### 5. **Previous Applications**

The Site is the subject of three planning applications, including two approved applications (No. A/YL-TT/399 and 457) for temporary eating place which are not relevant to this application; and application No. A/YL-TT/273 for the same use and minor relaxation of BHR approved with conditions by the Committee on 17.6.2011 mainly on the considerations that the proposed development was in line with the planning intention of the “R(D)” zone; the extent of minor relaxation was not excessive; 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/273-1 (for extension of time for commencement of the development up to 17.6.2019) was approved on 8.6.2015. However, the proposed development did not commence and the planning permission expired on 18.6.2019. Details of the previous applications are summarised in **Appendix II** and its location is shown on **Plan A-1**.

### 6. **Similar Applications**

There were two similar planning applications (No. A/YL-TT/284 and 548<sup>3</sup>) for proposed houses covering the same application site within the subject “R(D)” zone which were approved with conditions by the Committee in 2012 and 2022 mainly on the grounds that the proposal was in line with the planning intention of the “R(D)” zone; not incompatible with the surrounding rural environment; and there were no adverse departmental comments. Details of the applications are summarised in **Appendix III** and the location of the site is shown on **Plan A-1**.

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

#### 7.1 The Site is:

- (a) abutting Tai Tong Road to its east (**Plan A-2**);
- (b) largely paved and fenced off; and
- (c) currently occupied by a vacant house and partly overgrown with vegetation.

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<sup>3</sup> With excavation of land

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 Sam Chung Tsuen, Tin Liu Tsuen and Shung Ching San Tsuen as well as residential dwellings intermixed with stores/shops, car parks, a kindergarten, a refuse collection point, an office, a warehouse, a storage yard, agricultural land and vacant land/structures; and
- (b) except for the storage yard and kindergarten as well as the four shops with valid planning permission (No. A/YL-TT/517, 523, 533 and 541), the stores/shops, car parks, warehouse and office in the vicinity are suspected unauthorized developments subject to enforcement action.

## **8 Planning Intentions**

- 8.1 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.
- 8.2 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the 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 New Territories Exempted House (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, Lands Department (DLO/YL, LandsD):

- (a) the Site falls within the private lot No. 5288 in D.D. 116 (the Lot) which is held under New Grant No. 2309 dated 9.12.1975 and the adjoining GL abutting the proposed vehicular access at the southeast corner of the Site. Under the New Grant, the Lot is restricted for private residential purposes, and the building(s) erected or to be erected shall not exceed two storeys and 25 feet (i.e. about 7.62m) above the mean formation level of the land and maximum built-over area is 1,600 square feet (i.e. about 148.6m<sup>2</sup>). The Lot is also subject to a non-building area clause

along the eastern boundary of the Lot for future road widening purposes and no NTEH is allowed. The proposed development contravenes the development restrictions under lease;

- (b) there is discrepancy between the site area as stated in the New Grant of about 21,400 square feet (i.e. about 1,988.1m<sup>2</sup>) and the site area as stated in the submitted planning statement (i.e. about 1,894m<sup>2</sup>)(including about 21m<sup>2</sup> of GL);
- (c) in the event that planning permission is given by the Board for the proposal, the applicant being the sole 'current land owner' as claimed should be reminded of the detailed comments on land exchange at **Appendix V**;
- (d) part of the Site falls within "V" zone on the Tai Tong OZP, which "V" zone portion is encircling the recognised village of Sham Chung Tsuen. Under the prevailing Small House policy, land in either 'VE' or "V" zones for recognised New Territories villages is normally preserved for Small House development by indigenous villagers; and
- (e) there is no Small House application received at the Site.

### **Traffic**

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

No adverse comment on the application.

#### 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 applicant should be reminded of the detailed comments at **Appendix V**.

### **Environment**

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

- (a) no objection in principle to the proposed development subject to the imposition of an approval condition requiring submission of an updated NIA and the implementation of mitigation measures identified therein to his or the Board's satisfaction; and
- (b) the applicant 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):

### *Urban Design and Visual*

- (a) the Site is located at a low-rise residential neighborhood and is surrounded by village houses of Sham Chung Tsuen and Shung Ching San Tsuen (ranging from one to four storeys and about 10mPD to 20mPD in BHs) to its immediate north and east across Tai Tong Road respectively in the “V” zones as well as the rural settlements (ranging from one to three storeys and about 13mPD to 18mPD in BHs) to its immediate south in the “R(D)” zone;
- (b) the proposal is located at a low-rise residential neighborhood. Its proposed BH of 2 storeys (9m above ground) is in keeping with those of the surrounding rural developments and no significant adverse visual impact is anticipated;

### *Landscape*

- (c) according to the aerial photo and site photos taken in 2022, the Site is situated in area of miscellaneous rural fringe predominated by open storage yard, temporary structures, village houses, vacant land and scattered tree groups. The Site is mainly hard paved and occupied by existing buildings and some existing trees and vegetation are observed;
- (d) with reference to the TPLP in Appendix IV of the supplementary planning statement, 21 existing trees were identified within the Site boundary. The Applicant proposed to remove 17 trees and transplant 4 trees (T05, T06, T07 and T08) within the Site. From the new planting proposal in Table 5.0, Landscape Master Plan and Sections, 17 new trees in heavy standard size, shrub and groundcover planting and lawn would be proposed on ground level within the Site; and
- (e) with reference to applicant’s submission, the area of communal open space is 323.1m<sup>2</sup> for the target population of about 16 persons and about 428.9m<sup>2</sup> of common greenery area (approximately 22.65% of the total site area) would be provided within the Site. As such, significant adverse landscape impact arising from the proposed development 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.

### **Fire Safety**

#### 9.1.7 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 applicant should be reminded of the detailed comments at **Appendix V**.

### **Building Matters**

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

An Occupation Permit for “a two-storey residence for domestic use” in respect of the existing building was issued on 7.11.1979. The applicant should be reminded of the detailed comments at **Appendix V**.

### **District Officer’s Comments**

#### 9.1.9 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);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) Commissioner of Police (C of P).

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

On 25.11.2022, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals. An individual objects to the application on the grounds that the proposal will generate adverse traffic, environmental, drainage and fire safety impacts on the surrounding area (**Appendix IV-1**). Another individual queries whether they are sufficient land for Small House development within the subject “V” zone (**Appendix IV-2**).

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

- 11.1 The application is for a proposed house at a Site partly zoned “R(D)” (about 64.8%) and partly zoned “V” (about 34.8%) on the OZP with minor relaxation of BHR from 8.23m to 9m (+0.77m or +9.4%) of the “V” zone portion of the Site. The Site is a New Grant lot permitted for residential development not exceeding



a height of two storeys and 25 feet (about 7.62m) above the mean formation level, and maximum built-over area of 1,600 square feet (about 148.6m<sup>2</sup>). The proposed two-storey house is in line with the planning intention of the “R(D)” zone, which 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 development parameters are also in line with the development restrictions of the “R(D)” zone.

- 11.2 The Site is located within a low-rise residential neighbourhood. It is abutted by village houses of Sham Chung Tsuen in its north but does not fall within the ‘VE’. The proposed building bulk and BH is not incompatible with the land use character of the surrounding areas. Having considered the submitted TPLP, the CTP/UD&L, PlanD considered that no significant adverse visual and landscape impacts are anticipated. The proposed development intensity (PR 0.4 and two storeys in height) and minor relaxation of BHR from 8.23m to 9m in the “V” zone portion of the Site is considered not excessive. Besides, while the restriction of 8.23m reflects the requirement of NTEH, the Site is a house lot and the proposed development does not involve NTEH.
- 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 one previous approval for the same use and minor relaxation of BHR was granted for the Site mainly on the consideration that the proposed development is in line with the planning intention of the “R(D)” zone, the extent of minor relaxation was not excessive, the proposal was not incompatible with the surrounding and adverse impacts were not anticipated, and two similar applications for proposed houses 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 two public comments received objecting to/querying on the application as summarised in paragraph 10 above. The planning considerations and assessments in 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, 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 run-in/out proposal to the satisfaction of the Director of Highways Department or of the Town Planning Board;
- (b) the submission of an updated Noise Impact Assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) 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 applicant.

## **14. Attachments**

<b>Appendix I</b>	Application Form received on 18.11.2022
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 4.1.2023
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendices IV-1 to IV-2</b>	Public Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawings A-2 to A-5</b>	Floor Plans/Section
<b>Drawing A-6</b>	Landscape Master Plan
<b>Plan A-1</b>	Location Plan

<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2023**