

RNTPC Paper No. A/YL-TT/595A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 13.10.2023

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

**APPLICATION NO. A/YL-TT/595**

- Applicant** : Lee Tung Ming Enterprises Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 4988 and 4996 in D.D. 116, Tai Tong Road, Tai Tong, Yuen Long, New Territories
- Site Area** : 1,644 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19
- Zoning** : “Residential (Group D)” (“R(D)”)  
*[restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m)]*
- Application** : Proposed Flat with Minor Relaxation of PR Restriction

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed flat with minor relaxation of PR restriction from 0.4 to 0.48 (+0.08 or +20%) (**Plan A-1**). According to the Notes of the OZP for the “R(D)” zone, ‘Flat’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Minor relaxation of PR restriction may be considered by the Board on application under section 16 of the Town Planning Ordinance based on the individual merits of the development proposal. The Site is currently occupied by five 3-storey houses, two temporary structures and an open-air vehicle park (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, the proposed development comprises a two-storey residential block with 16 flats, an one-storey recreation facility block with a basement carpark and a guard house, while the uncovered area of the Site will be used for private open space/landscaping areas, vehicular access and parking spaces. Plans showing the vehicular access, proposed floor plans/section, proposed setbacks and landscape proposals submitted by the applicant are at **Drawings A-1 to A-6** respectively. The major development parameters are summarised as follows:

<b>Site Area</b>	1,644 m <sup>2</sup>
<b>Gross Floor Area (GFA) #</b>	789 m <sup>2</sup> (Average Flat Size: about 49m <sup>2</sup> )
<b>PR</b>	Not more than 0.48
<b>Site Coverage (SC)</b>	24.9%
<b>No. of Blocks</b>	3 for flats, recreation facility and guard house
<b>BH / No. of Storey(s)</b>	2.8-7.65m (1-2 storeys excluding basement)
<b>No. of Flats</b>	16 flats
<b>No. of Parking Spaces</b>	8 7 for private cars and 1 for motorcycle
<b>No. of Loading/ Unloading Space</b>	1 for heavy goods vehicle
<b>Estimated Population</b>	48
<b>Tentative Completion Year</b>	2027

# According to the applicant, recreation facilities of 38.4m<sup>2</sup> is exempted from GFA calculation

- 1.3 The Site is accessible from Tai Tong Road via a local track. To maintain the existing local pedestrian connections and to create a better walking environment, the applicant proposed to provide setbacks of about 3.5m and 4.5m along the northern and southern boundaries of the Site respectively so as to provide wider passageways (**Drawing A-5**). Various landscape measures including the provision of landscaped areas and communal roof garden at G/F and R/F of the development, and the plantation of trees, shrubs, climbing plants along the periphery of the Site, are proposed to enhance visual amenity and overall greenery of the area (**Drawing A-6**). A total greenery coverage of about 20.8% is proposed for the development. Besides, fence wall with 2.4m high is proposed to mitigate the potential traffic noise from Tai Tong Road (**Drawing A-1**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 10.5.2023 (**Appendix I**)
  - (b) Supplementary Planning Statement (**Appendix Ia**)
  - (c) Further Information (FI) received on received on 16.8.2023 (**Appendix Ib**)  
*[accepted and not exempted from publication requirements]*
  - (d) FI received on 6.10.2023 (**Appendix Ic**)  
*[accepted and exempted from publication requirements]*
- 1.5 On 23.6.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for 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 Supplementary Planning Statement and FI (**Appendices Ia and Ic**). They can be summarised as follows:

- (a) the proposed development is in line with Government's policy directions in increasing housing supply and development intensity and meeting the minimum flat size requirement. With the minor relaxation of PR in the current application, the proposed development is able to provide 11 additional flats with a minimum flat size of about 37m<sup>2</sup>;
- (b) the proposed low-rise and low-density residential development is fully in line with the planning intention of the "R(D)" zone;
- (c) the proposed development is compatible with the surrounding land uses and low-rise rural settings. As compared to the current building configuration at the Site, the proposed development has a lower BH (i.e. 3-storey (9m) versus 2-storey (7.65m)). The consolidation of the existing five houses into one residential block can optimise land use and free up spaces for amenities and greenery provision. Besides, the proposed increase in PR from 0.4 to 0.48 (i.e. 20%) is considered minor in nature which will unlikely create significant visual impact on the surrounding area;
- (d) the proposed setbacks will maintain the existing local pedestrian connections from Tai Tong Road to the inner lots and also improve the pedestrian walking experience;
- (e) the submitted Traffic Impact Assessment (TIA) and Environmental Assessment (EA) have demonstrated that the proposal will not generate adverse traffic and environmental impacts on the surrounding area; and
- (f) similar applications for relaxation of PR and/or BH restrictions in "R(D)" zone on other OZPs were approved by the Board in recent years. Approval of the current application would not set an undesirable precedent.

**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.

**4. Background**

The Site is currently not subject to planning enforcement action.

**5. Previous Application**

There is no previous application concerning the Site.

**6. Similar Application**

There is no similar application within the subject "R(D)" zone.

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

### **7.1 The Site is:**

- (a) accessible from Tai Tong Road via a local track (**Plan A-2**); and
- (b) currently occupied by five 3-storey houses, two temporary structures and an open-air car park.

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

- (a) rural residential in nature comprising predominantly residential dwellings intermixed with workshops, a shop, a real estate agency, a car park, a office, a warehouse, a storage yard and vacant land/structures;
- (b) except for the two workshops and a shop with valid planning permission (No. A/YL-TT/523), the real estate agency, car park, office, warehouse and storage yard in the vicinity are suspected unauthorized developments subject to planning enforcement action; and
- (c) to the east across Tai Tong Road is the village house cluster of Shung Ching San Tsuen.

## **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 1,644m<sup>2</sup> as quoted by the applicant which should be subject to further verification and survey. In case of any discrepancy in site area found, the respectively proposed development parameters will have to be revised accordingly;
- (b) as per his record, all private lots in the Site are Old Schedule Agricultural lots. For Lot 4988 in D.D. 116, it is subject to Building License No. 804. For Lot 4996 in D.D. 116, it is subject to a Letter of Approval No. MT/LM 6127;

- (c) the applicant has to apply for a land exchange to implement the approved scheme. However, there is no guarantee at this stage that the land exchange application would be approved. Such application, if submitted, will be dealt with by his department acting in the capacity of the landlord at his discretion, and if it is approved, the approval would be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by his department; and
- (d) it must be stressed that the proposed flatted development under the land exchange application, if submitted, shall be processed by virtue of the Buildings Ordinance (Cap. 123).

### **Traffic**

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

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

#### 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 his detailed comments at **Appendix III**.

### **Environment**

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

- (a) no objection to the application from environmental planning perspective;
- (b) it is noted that the proposed development may be subject to potential noise impact from nearby noise sources (e.g. roads and fixed plants), and we have reservation on the effectiveness of the proposed 2.4m high fence wall to mitigate the potential noise impact satisfying the relevant noise criteria under Hong Kong Planning Standards and Guidelines. Should the Board consider the application acceptable from the planning point of view, approval condition requiring the submission of a noise impact assessment (NIA) and implementation of noise mitigation measures identified therein to the satisfaction of Director of Environmental Protection or the Board should be stipulated; and
- (c) the applicant should also be reminded of his detailed comments at **Appendix III**.

### **Landscape**

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

- (a) according to the aerial photo and site photos taken in 2022, the Site is situated in area of miscellaneous rural fringe predominated by temporary structures, residential blocks, village houses and scattered tree groups. The Site is occupied by existing buildings and no significant vegetation is observed;
- (b) as shown in the landscape proposal, 11 new trees with greenery area and roof garden are proposed on ground level and roof level respectively. She has no comment from the landscape planning perspective; and
- (c) the applicant should also be reminded of her detailed comments at **Appendix III**.

### **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:

He has no objection to the application and the applicant should also be reminded of the detailed comments at **Appendix III**.

### **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 applicant should be reminded of his detailed comments at **Appendix III**.

### **Building Matters**

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

- (a) no adverse comment on the application; and
- (b) as there is no record of 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 use proposed in the application. The applicant should be reminded of his detailed comments at **Appendix III**.

### **Geotechnical Matters**

9.1.10 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department:

He has no adverse comment on the application and the applicant should be reminded of his detailed comments at **Appendix III**.

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

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

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) Chief Architect, Advisory & Statutory Compliance Division, Architectural Services Department;
- (b) Director of Agriculture, Fisheries and Conservation; and
- (c) Commissioner of Police.

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

10.1 On 19.5.2023 and 29.8.2023, the application was published for public inspection. During the statutory public inspection periods, a total of 57 public comments were received. Of which, 37 express support/positive views and 20 object to/provide adverse comments on the application. A full set of public comments will be deposited at the meeting for Members' inspection.

### ***Supporting Comments / Positive Views (37 comments)***

10.2 All the supporting comments are received from individuals (extracted comments at **Appendices II-1 to II-5**) mainly on the grounds that the extent of minor relaxation of PR is acceptable; the proposed development is proximate to major road and could improve the existing pedestrian access and visual amenity; and the applicant has submitted comprehensive technical assessments in support of the application.

***Objections / Adverse Comments (20 comments)***

- 10.3 The 20 objections and adverse comments are received from Shung Ching San Tsuen (**Appendix II-6**) and local residents and individuals (extracted comments at **Appendices II-7 to II-12**), mainly on the grounds that the proposed development will block the existing local access to their lots which has been used for many years; there would be potential adverse environmental, fire safety and traffic impacts of the proposal on the surrounding area; and construction of basement carpark would affect building stability in the vicinity.

**11. Planning Considerations and Assessments**

- 11.1 The application is for proposed flat with minor relaxation of PR from 0.4 to 0.48 (+0.08 or +20%) at the Site zoned “R(D)” on the OZP. The proposed flat development 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 for low-rise, low-density residential developments. The proposed BH of two storeys (i.e. 7.65m (excluding basement)) also conforms with the BH restriction of three storeys (9m) of the “R(D)” zone.
- 11.2 The Site is located in a low-rise residential neighbourhood. The proposed residential development with a BH of two storeys and a site coverage of about 24.9% is considered not incompatible with the land use character of the surrounding areas. Having considered the proposed landscape measures including the provision of landscaped areas, communal roof garden and peripheral planting, CTP/UD&L, PlanD has no adverse comment on the proposed development from landscape planning perspective.
- 11.3 According to the Notes of the OZP for the “R(D)” zone, based on individual merits of a development or redevelopment proposal, minor relaxation of the PR restriction may be considered by the Board. Under the development proposal, the applicant has proposed for setbacks of 3.5m and 4.5m along the northern and southern boundaries of the Site respectively to provide wider passageways to enable a better walking environment for the locals. The applicant also proposed a number of landscape measures as mentioned in paragraph 11.2 above. Considering the proposed development may bring some improvements to the local environment and the proposed development will result in a total PR of not more than 0.48, the proposed minor relaxation of PR from 0.4 to 0.48 (+20%) is not unacceptable.
- 11.4 The applicant has submitted technical assessments in support of the application to demonstrate the feasibility of the proposed development. Concerned government departments including C for T, DEP, CE/MN, DSD and D of FS have no objection to/no adverse comments on the application. 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.



- 11.5 There are 57 public comments received supporting/objecting to the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Regarding blockage of existing access, the applicant has proposed to provide setbacks in the development to improve public access. Should the application be approved, the applicant will also be advised to liaise with the local residents in this regard.

## **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 13.10.2027, 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 noise impact assessment and the implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) 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 III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

The applicant fails to provide strong planning justifications to justify the proposed minor relaxation of plot ratio restrictions.

## **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 10.5.2023
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 16.8.2023
<b>Appendix Ic</b>	FI received on 6.10.2023
<b>Appendices II-1 to II-12</b>	Public Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-3</b>	Floor Plans
<b>Drawing A-4</b>	Schematic Sections
<b>Drawing A-5</b>	Proposed Setback Illustration
<b>Drawing A-6</b>	Landscape 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  
OCTOBER 2023**