

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

**APPLICATION NO. A/YL-KTN/676**

- Applicant** : 敦昌發展有限公司
- Site** : Lots 624 and 787 in D.D. 110, Kam Tin Road, Shek Kong San Tsuen, Yuen Long
- Site Area** : About 3,092.4 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use) for Lot 624 in D.D. 110  
New Grant Lot held under New Grant No. 1097 for Lot 787 in D.D. 110
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Residential (Group D)” (“R(D)”) [maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]
- Application** : Proposed Houses (New Territories Exempted Houses) (NTEHs)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for development of proposed houses (New Territories Exempted Houses) (NTEHs) at the application site (the Site). According to the Notes of the OZP, ‘House (not elsewhere specified)’ within “R(D)” zone is a Column 2 use, which requires planning permission from the Town Planning Board (the Board). The Site is not the subject of any previous application. The southern part of the Site is occupied by residential dwellings/structures and the remaining area is vacant and covered with vegetation (**Plans A-2, A-4a and A-4b**).
- 1.2 The proposed development involves two lots. According to the applicant, two existing single-storey residential dwellings on one lot (i.e. Lot 787) will be retained<sup>1</sup>. Seven proposed NTEHs will be built on the Site (six on Lot 624 and one

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<sup>1</sup> According to the applicant, the occupation permit granted by Yuen Long District Office for the existing houses at the southern part of the Site was issued on 26.3.1966. As such, the houses were in existence before the first publication in the Gazette of the notice of the interim development permission area (IDPA) plan (i.e. 5.10.1990).

on Lot 787). Septic tank will be used for the NTEHs. The Site is accessible via a local track branching off from Kam Tin Road. No parking space is proposed within the Site. Excavation work will be involved during construction of the proposed development. The layout plan and section plans for the development submitted by the applicant are shown in **Drawings A-1 to A-3**.

1.3 Details of the development are as follows:

Site area (m <sup>2</sup> )	3,092.4
Total GFA (m <sup>2</sup> ) (about)	1,236.96
- Proposed 7 NTEHs (Houses 1 to 7)	1,144.06 (163.4 each)
- Existing 2 Houses (Houses 8 and 9)	92.9
Total Plot Ratio (PR)	0.4
Covered Area (m <sup>2</sup> ) (about)	474.3
- Proposed 7 NTEHs (Houses 1 to 7)	381.4 (54.479 each)
- Existing 2 Houses (Houses 8 and 9)	92.9
No. of Blocks	9 (including 2 existing houses)
Building Height / No. of Storeys	
- Proposed 7 NTEHs (Houses 1 to 7)	8.23m/3 storeys each
- Existing 2 Houses (Houses 8 and 9)	4.572m/1 storey each

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

- (a) Application Form with supplementary statement and plans received on 26.8.2019 **(Appendix I)**
- (b) Supplementary information (SI) received on 2.9.2019 and 4.9.2019 **(Appendix Ia)**
- (c) Further Information (FI) 1 received on 3.10.2019 providing response to departmental comment\* **(Appendix Ib)**
- (d) FI 2 received on 16.12.2019 providing a Geotechnical Planning Review Report **(Appendix Ic)**
- (e) FI 3 received on 15.5.2020 providing responses to departmental comments **(Appendix Id)**
- (f) FI 4 received on 3.9.2020 providing responses to departmental comments\* **(Appendix Ie)**
- (g) FI 5 received on 15.10.2020 providing responses to departmental comments\* **(Appendix If)**

*\* Exempted from publication requirement*

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and supplementary statement in **Appendix I**. They can be summarized as follows:

- (a) The proposed development is in line with the Government policy and the planning intention of the “R(D)” zone which permits a maximum PR of 0.4 and maximum building height of 3 storeys (9m) for house development.
- (b) No car parking space will be provided at the proposed development. Besides, septic tank will be installed with not less than 15m from the streamcourse. No adverse traffic, drainage and environmental impacts are anticipated.
- (c) The applicant has paid land premium for the existing house development at Lot 787 in 1965 and 1981.
- (d) The northern part of the Site (i.e. Lot 624) is on a lower platform. The middle portion of the northern part of the Site where the proposed houses are situated will be filled such that it will be at the same level as the southern portion of the Site.

## 3. Assessment Criteria

The latest version of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was promulgated on 7.9.2007 (**Appendix II**). The criteria<sup>2</sup> applicable to the subject NTEHs application are as follows:

- (a) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (b) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (c) the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant Government departments;
- (d) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and

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<sup>2</sup> The criteria related to “Village Type Development” zone/ ‘Village Environ’ and demand for Small House development is not applicable to the current application as it does not involve Small House development by indigenous villagers.

- (e) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.

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

The applicant is the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

#### 5. **Background**

The Site is not a subject of any active enforcement case.

#### 6. **Previous Application**

There is no previous application covering the Site.

#### 7. **Similar Applications**

- 7.1 There are two similar applications for proposed houses (Applications No. A/YL-KTN/294 and 436) at one site on the immediate west of the Site within the same “R(D)” zone, which were approved with conditions in 2008 and 2014 respectively by the Rural and New Town Planning Committee (the Committee). Details of the application are summarized in **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 Application No. A/YL-KTN/436 was a proposed amendment to application No. A/YL-KTN/294. The proposed development comprises two 2-storey (8.4m) houses with GFA of about 445m<sup>2</sup>, PR of 0.288 and site coverage of 23.36% under application No. A/YL-KTN/436. The applications were approved mainly on the grounds that the proposed developments were in line with the planning intention of the “R(D)” zone; compatible with the surrounding land uses; and relevant Government departments had no adverse comments.

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

8.1 The Site is:

- (a) occupied by single-storey residential dwellings/structures in the southern part and the remaining area is vacant and covered with vegetation. The northern part of the Site is on a lower platform; and

- (b) accessible via a local track branching off Kam Tin Road to its south.
- 8.2 The surrounding areas are intermixed with residential dwellings/structures, open storage/storage yards, agricultural land, a fish farm and vacant/unused land:
- (a) to the west are residential dwellings/ structures (including two houses under an approved application No. A/YL-KTN/436). To the further west is a residential estate (namely Seasons Monarch) within the “Residential (Group C)2” (“R(C)2”) zone (**Plan A-1**);
  - (b) to the north of the Site is a streamcourse. Across the streamcourse are unused land, residential dwellings/structures and cultivated agricultural land;
  - (c) to the east are residential dwellings/ structures, storage yard and unused land. To the further northeast of the Site is Seasons Villas in the “R(C)2” zone (**Plan A-1**); and
  - (d) to the south are residential dwellings/ structures, open storage yards (some with temporary planning approval) and unused land. To the further south across Kam Tin Road is the Shek Kong Barracks.

## 9. **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.

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

- 10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) Lot No. 787 in D.D. 110 is a New Grant Lot held under New Grant No. 1097 for private residential purposes only.
- (b) Lot No. 624 in D.D. 110 is an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.

- (c) The Site comprises an Old Schedule Agricultural lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government and a New Grant Lot for private residential purposes only. The Site is not covered by any Modification of Tenancy/Building Licence.
- (d) The Site does not fall within the Village Environs Boundary (VEB) of any recognised village.
- (e) It is a general principle that land transactions permitting developments exempted from the Buildings Ordinance (Cap. 123), i.e. NTEH developments, outside the New Territories Small House Policy, will not be considered by LandsD. As such, any lease modification/ land exchange application for NTEH developments on the Site will not be considered by his office even if the subject planning application for NTEH developments is approved by the Board.

### **Traffic**

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

Considering that there is neither parking provision nor vehicular access to the lot and the induced traffic impact is minimal, he has no comment on the application.

#### 10.1.3 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD) :

HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road.

### **Environment**

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

In view of the small population and nature of the proposed development, septic tank and soakaway system is considered a suitable treatment system provided that its design and operation follows the requirements in EPD's Practice Note for Professional Person (ProPECC) PN 5/93 'Drainage Plans subject to Comment by the Environmental Protection Department', including percolation test and certification by Authorised Person.

### **Nature Conservation**

#### 10.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

An abandoned meander, which was recommended to be retained under the "Main Drainage Channels for Ngau Tam Mei, Yuen Long and Kam Tin" EIA Report, is located to the north of the proposed development. The applicant revealed in the submission that relevant construction would be away from the meander and mitigation measures would be adopted in the proposed development in order to avoid polluting and disturbing to the nearby meander during both construction and operation phases. As such, he has no strong view on the application from nature conservation perspective.

### **Drainage**

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

- (a) He has no in-principle objection to the proposed development from the public drainage point of view.
- (b) The proposed development is adjoining an existing streamcourse and in close proximity to an existing meander. The applicant is reminded that in case he intends to erect any structure in, over or under the existing meander, he should make an application to the Drainage Authority for his consent/approval under Section 26 and 27 of the Land Drainage Ordinance (LDO) prior to construction. The contents of the LDO submission is stipulated in Chapter 446A titled "Land Drainage (Consent and Approval) Regulation".
- (c) The drainage proposal submitted by the applicant is acceptable. Should the application be approved, approval condition requiring the applicant to implement the accepted drainage proposal should be included in the planning permission.

### **Fire Safety**

#### 10.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no specific comment on the application.
- (b) The applicant is advised to observed 'NTEHs – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirement will be formulated upon receipt of formal application referred by LandsD.

### **Building Matters**

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

- (a) Noting that the buildings to be erected on the Site will be NTEHs under the Buildings Ordinance (Application to the New Territories) (Cap 121), DLO/YL, LandsD should be in a better position to comment on the application.
- (b) In case DLO/YL, LandsD decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEHs development, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorized Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL, LandsD or seek AP's advice for details.

### **Others**

#### 10.1.9 Comments of the Director-General of Civil Aviation (DG of CA):

- (a) He has no comment on the application from Air Height Restriction (AHR) perspective.
- (b) The proposed house development which does not exceed +21mPD will not exceed the restricted height (more commonly known as AHR prescribed under the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301).
- (c) The applicant is advised that the proposed development is in close vicinity of the Shek Kong Airfield. Although the aircraft/helicopter operations at the Shek Kong Airfield are not frequent, due to the quiet ambience of the area, aircraft/helicopter noise will still be audible. Future residents should be alert to the potential aircraft/helicopter operations at the Shek Kong Airfield.

#### 10.1.10 Comments of the Secretary for Security (S for Security):

There is no objection to the application. The applicant should take into consideration the impact of the noise and safety of aircraft flying to the proposed development which is in proximity to Shek Kong Airfield.

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

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

His office has not received any comment from the locals upon close of consultation and he has no particular comment on the application.



- 10.2 The following Government departments have no comment on/ no objection to the application:
- (a) Chief Engineer/Construction, Water Supplies Department;
  - (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD);
  - (c) Director of Electrical and Mechanical Services;
  - (d) Project Manager/ West, CEDD; and
  - (e) Commissioner of Police.

## **11. Public Comment Received During Statutory Publication Period**

On 6.9.2019, the application was published for public inspection. FI(2) and (3) were also published. During the respective three-week statutory publication period, one public comment from an individual was received, objecting to the application mainly on the grounds that the Site is not in “Village Type Development” zone and there is no justification for NTEH; and NTEH cannot be allowed to encroach on sites zoned for house development (**Appendix IV**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for houses (NTEHs) at the Site zoned “R(D)”. Two existing single-storey residential dwellings will be retained at the Site while seven NTEHs are proposed. 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 structure into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The development with 7 proposed NTEHs and 2 existing houses is in line with the planning intention of the “R(D)” zone. The proposed development intensity of total PR 0.4 and building heights of 1-storey (4.572m for existing houses) and 3-storey (8.23m for proposed NTEHs) also conform to the development restrictions of the “R(D)” zone.
- 12.2 The proposed houses development is considered compatible with the surrounding land uses which are predominantly residential dwellings/structures and vacant/unused land. Low-rise and low-density residential developments namely Seasons Villas and Seasons Monarch are also located to the further east and west in the “R(C)2” zone in the vicinity (**Plan A-1**). Although a number of open storage/storage yards are found to the south of the Site along Kam Tin Road, most of them are operating with planning approvals granted by the Board on a temporary basis. They are also separated from the Site by existing residential dwellings/structures and vacant/unused land.
- 12.3 The application is generally in line with the relevant criteria of the Interim Criteria as set out in paragraph 3 in that the proposed development is in line with the planning intention of the “R(D)” zone for low-rise, low density residential

development; it is not incompatible with the surrounding area in terms of land use, scale, design and layout; and it will unlikely cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surroundings. Relevant Government departments consulted, including C for T, CE/MN of DSD, D of FS and CE/C of WSD have no adverse comment on the application. The technical requirement of CE/MN of DSD could be addressed by appropriate approval condition as recommended in paragraphs 13.2 below. Regarding DLO/YL, LandsD's comment that only non-NTEH scheme would be processed by his office, it is a land administrative matter to be dealt with in the subsequent development approval stage.

- 12.4 The Site is not subject to any previous application. Two similar applications (No. A/YL-KTN/294 and 436) on a site to the immediate west of the Site for proposed houses in the same "R(D)" were approved by the Committee in 2008 and 2014 respectively mainly on the grounds as stated in paragraph 7.2 above. Approval of the application is in line with the previous decision of the Committee.
- 12.5 There is one public comment received objecting to the application during the statutory publication period as mentioned in paragraph 11.2 above. In this regard, the departmental comments and planning considerations and assessments as set out in paragraphs 12.1 to 12.4 above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 23.10.2024, 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 are also suggested for Members' reference:

#### Approval Condition

- (a) the implementation of the accepted drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

#### Advisory Clauses

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

- 13.3 There is no apparent reason to reject the application.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

**15. Attachments**

<b>Appendix I</b>	Application form received on 26.8.2019
<b>Appendix Ia</b>	SI received on 2.9.2019 and 4.9.2019
<b>Appendix Ib</b>	FI received on 3.10.2019
<b>Appendix Ic</b>	FI received on 16.12.2019
<b>Appendix Id</b>	FI received on 15.5.2020
<b>Appendix Ie</b>	FI received on 3.9.2020
<b>Appendix If</b>	FI received on 15.10.2020
<b>Appendix II</b>	Extract of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Similar applications within the same “R(D)” zone on the Kam Tin North OZP
<b>Appendix IV</b>	Public comment received during the statutory publication period
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawings A-2 and A-3</b>	Section Plans

<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2020**