

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/850

<u>Applicant</u>	: Great Well Construction Engineering Limited represented by LANBASE Surveyors Limited
<u>Site</u>	: Lot 1285 RP in D.D. 106, Kam Tin, Yuen Long
<u>Site Area</u>	: About 406.2 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	: “Residential (Group D)” (“R(D)”) [maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]
<u>Application</u>	: Proposed House

1. The Proposal

- 1.1 The applicant seeks planning permission for development of proposed house 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 Site is currently formed and vacant (**Plans A-2 and A-4**).
- 1.2 The proposed development consists of one 2-storey (6m in height) house with a plot ratio of 0.2. On-site septic tank and soakaway pits will be provided. The open area within the Site will be used for garden. No parking space will be provided. The Site is accessible via a footpath leading to Kam Shui Road. The layout, floor and section plans for the proposed 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 ²)	406.2
Total Gross Floor Area (GFA) (m ²) (about)	81.24
Total Plot Ratio (PR)	Not more than 0.2
Site Coverage	About 13.5%
No. of House	1
Building Height / No. of Storeys	6m / 2 storeys

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

- (a) Application Form with supplementary statement and plans received on 3.6.2020 **(Appendix I)**
- (b) Further Information (FI) received on 8.9.2020 in response to departmental comments **(Appendix Ia)**
(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 supplementary statement in **Appendix I**. They can be summarized as follows:

- (a) The proposed development is in line with the planning intention of “R(D)” zone and does not exceed the development restrictions of the zone. There is shortage of housing supply in Hong Kong and the Government has been looking for suitable land to increase housing supply. The proposed development is in line with Government policy that the scarce and valuable land resources can be utilized.
- (b) The Site does not fall within any ‘Village Environ’ area. The Site was farmland and flower garden with some temporary structures but it is currently vacant. The development of a permanent residential house with garden area would upgrade the existing environment.
- (c) The Site is situated in close proximity to a number of residential developments where most of the houses are 2 to 3 storeys. The proposed development is considered compatible with the surrounding land uses and height and no adverse visual impact is anticipated.
- (d) There are two similar applications for house development approved in the same “R(D)” zone. The proposed development should be acceptable.
- (e) No parking space and vehicular access will be provided. The proposal only involves a small-scale 2-storey residential house development which is unlikely to overstrain the capacity of the existing sewerage system. On-site septic tank and soak away pits would be provided to ensure that there would not be any odour and

effluent nuisance to the neighbourhood. Also, storm water would be collected by the peripheral channels and properly discharged to the nearby stream course. No adverse drainage and sewerage impact is anticipated.

- (f) The Site is situated on a flat land and no land excavation work is necessary for the proposed development.

4. 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.

5. Background

The Site is not subject to any active enforcement case.

6. Previous Application

There is no previous application covering the Site.

7. Similar Applications

- 7.1 There are four similar applications for house/residential use within the same “R(D)” zone. Details of the applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 Application No. A/YL-KTS/48 for a proposed New Territories Exempted House (NTEH) (Small House) was approved with conditions by the Rural and New Town Planning Committee (the Committee) in 1996 mainly for the reasons that the proposed development was considered compatible with the surrounding area; the scale of the development was small; and its impact on the environment was negligible. The proposed development has been completed.
- 7.3 Applications No. A/YL-KTS/174 and 439 for proposed residential/house development at the same site were approved with conditions by the Committee in 1999 and 2008 respectively mainly for the reasons that the proposed development was in line with the planning intention and would improve the general environment of the area; the proposed development was compatible with the surrounding land uses; and departments consulted generally had no adverse comment on the application. The proposed developments under both applications had not commenced and thus the planning permissions lapsed in 2003 and 2012.
- 7.4 Application No. A/YL-KTS/550 for proposed four houses was approved with conditions by the Committee in 2012 for similar reasons as stated in paragraph 7.3

above. The proposed development had not commenced and the planning permission lapsed in 2019.

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

8.1 The Site is:

- (a) elongated in shape and is currently formed and vacant; and
- (b) accessible via a footpath from Kam Shui Road.

8.2 The surrounding area is rural in character intermixed with plant nursery, open storage yards, residential dwellings/structures and unused land:

- (a) to the immediate west is a plant nursery;
- (b) to the south and southwest are residential dwellings/structures, fallow agricultural land, open storage yards and unused land;
- (c) to the immediate east is unused land. To the east across Kam Shui Road and Kam Tin River is the Shek Kong Barracks; and
- (d) to its further southeast across the Kam Tin River is the village settlement of Kam Tsin Wai (**Plan A-1**).

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) As quoted by the applicant, the Site has an area of about 406.2m² which should be subject to further verification and survey. In case of any discrepancy in site area found, the respective

proposed development parameters will have to be revised accordingly. The boundary of the Site will be subject to survey and will be required to be adjusted if it encroaches onto the adjoining private lot.

- (b) As per the A Book and land search records, the private lot in the Site is an old scheduled agricultural lot.
- (c) As per the land status plan, the Site is accessible from Kam Shui Road via some Government land. However, there is no guarantee that right of way over Government land and/or other private lots to the Site would be given.
- (d) The Site is not within the village environs of recognized village.
- (e) Should the application be approved, the lot owner has to apply to his department for a lease modification/land exchange to effect the proposal. However, there is no guarantee that the lease modification/land exchange application will be approved. Such application will be dealt with by his department acting in the capacity of the landlord at his discretion, and if it is approved under such discretion, 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.

Traffic

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

He has no comment on the application noting that no vehicular access is proposed or to be granted under the application.

Environment

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

In view of the small scale of the proposed development, the application alone is unlikely to cause major pollution. The applicant should note that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person.

Nature Conservation

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

Noting that the proposed development would not encroach upon the planting site (established as ecological mitigation measures for the Main Drainage Channels for Yuen Long and Kam Tin) (**Plan A-2**), he has no adverse comments on the application from nature conservation perspective. Nevertheless, should the application be approved, the applicant should adopt appropriate measures to avoid disturbance to the planting site to the east during construction activities.

Landscape

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

- (a) He has no objection to the application from the landscape planning perspective.
- (b) Based on the aerial photo taken on 12.9.2019, the Site is situated in an area of disturbed rural landscape character comprising scattered tree groups, temporary structures and open storages. The proposed use is considered not incompatible with the surrounding environment.
- (c) With reference to the site photos dated 12.6.2020, the Site is vacant and paved. No existing tree is recorded within the Site. Significant adverse impact on landscape resources within the Site is not anticipated.

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) Should the application be approved, approval conditions requiring the applicant to submit and implement the drainage proposal for the development should be included in the planning permission.

- (c) The applicant is reminded to maintain all the drainage facilities on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

Fire Safety

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

- (a) He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirement will be formulated upon receipt of formal submission of general building plans.
- (c) The Emergency Vehicular Access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department.

Building Matters

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

- (a) If the structures (not being a NTEH) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (c) Before any new buildings works (including containers/ open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized

Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.
- (f) For features applied to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes and Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP). For example, the requirements of building set back, building separation and site coverage of greenery as stipulated in PNAP APP-152.
- (g) Detailed checking will be carried out during building plan submission stage.

Others

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

The proposed development is in close vicinity of the Shek Kong Airfield. Although the aircraft/helicopter operations at 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 alerted of the potential aircraft/helicopter operations at the Shek Kong Airfield.

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

His office has no objection to the application from the Hong Kong Garrison liaison perspective. The Site is in close proximity to Shek Kong Airfield, the applicant should take into consideration the noise impact and potential safety hazard arising from flight operations.

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) Commissioner for Transport;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Director of Electrical and Mechanical Services;
- (d) Project Manager/ West, Civil Engineering and Development Department;
and
- (e) Commissioner of Police.

11. Public Comments Received During Statutory Publication Period

On 12.6.2020, the application was published for public inspection. During the three-week statutory publication period, two public comments from individuals were received (**Appendices III-1 and III-2**). They object to the application mainly on the grounds that the proposed vehicular access which encroaches onto Government land is unacceptable; the proposed development affects feng shui of the area and the Shek Kong Barracks; and the impact of a single house on the future redevelopment of the area should be considered.

12. Planning Considerations and Assessments

12.1 The application is for a proposed house at "R(D)" zone. 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, and for low-rise, low-density residential developments subject to planning permission from the Board. The proposed house development is in line with the planning intention of the "R(D)" zone. The proposed development intensity of PR 0.2 and building height of 2-storey (not exceeding 6m) also conforms to the development restrictions of the "R(D)" zone.

12.2 The proposed 2-storey house development is small in scale and is compatible with the surrounding land uses which are predominantly plant nursery, open storage yard, residential dwellings/structures and unused land.

12.3 Relevant Government departments consulted, including C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS, have no adverse comment on the

application. The technical requirements of CE/MN of DSD and D of FS could be addressed by appropriate approval conditions as recommended in paragraphs 13.2 below.

- 12.4 The Site is not subject to any previous application. Four similar applications for proposed houses/residential development in the same “R(D)” were approved by the Committee between 1996 and 2012 mainly on the grounds as stated in paragraph 7 above. Approval of the application is in line with the previous decisions of the Committee on similar applications.
- 12.5 There are two objecting public comments received during the statutory publication period as mentioned in paragraph 11 above. In this regard, the departmental comments and relevant planning considerations and assessments as set out above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taking account the public comments 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 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 design and provision of water supply for fire fighting 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 attached at **Appendix IV**.

- 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

Appendix I	Application form with planning statement received on 3.6.2020
Appendix Ia	FI received on 8.9.2020
Appendix II	Similar applications within the same “R(D)” zone on the Kam Tin South OZP
Appendices III-1 & III-2	public comments received during the statutory publication period
Appendix IV	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Floor Plan
Drawing A-3	Floor and Section Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2020**