

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

**APPLICATIONS NO. A/NE-KTS/461 and 462**

**Applicants** : Mr. LI Yik Fung (Application No. A/NE-KTS/461)  
Mr. LI Wong Sun (Application No. A/NE-KTS/462)

Both represented by Lawson David & Sung Surveyors Limited

**Sites** : Lot 409 S.AI (Application No. A/NE-KTS/461)  
Lot 409 S.AJ (Application No. A/NE-KTS/462)

Both in D.D.94, Hang Tau Tai Po, Kwu Tung South, New Territories

**Site Areas** : 102 m<sup>2</sup> (about) (Application No. A/NE-KTS/461)  
100 m<sup>2</sup> (about) (Application No. A/NE-KTS/462)

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/16

**Zonings** :

Application No.	Zoning	
A/NE-KTS/461	“R(D)” (about 91%)	“V” (about 9%)
A/NE-KTS/462	“R(D)” (about 96%)	“V” (about 4%)

“R(D)”: “Residential (Group D)”

restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m) except New Territories Exempted House (NTEH)

“V”: “Village Type Development”

**Application** : Proposed House (NTEH – Small House)

## **1. The Proposals**

1.1 The applicants who claim to be indigenous villagers<sup>1</sup> of Hang Tau Village seek

---

<sup>1</sup> As advised by the District Lands Officer/North, Lands Department (DLO/N, LandsD), the eligibility of the applicants for Small House concessionary grant has yet to be ascertained.

planning permission to build a house (NTEH - Small House) on each of the application sites (the Sites) in Hang Tau Village, Sheung Shui. Both Sites fall mainly within “R(D)” zone with a small part within “V” zone on the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/16 (**Plans A-1 and A-2a**). The Sites are currently used for open storage (**Plan A-4**). According to the Notes of the OZP, the proposed new houses in “R(D)” zone requires planning permission from the Town Planning Board (the Board).

- 1.2 Layout of each proposed house are at **Drawings A-1 and A-2** and the major development parameters of each house are as follows:

Covered Area	: 65.03 m <sup>2</sup>
Total Gross Floor Area	: 195.09 m <sup>2</sup>
Number of Storeys	: 3
Building Height	: 8.23m

The applicants have indicated that the uncovered area of the Sites will be used as garden for enjoyment of the residents. Underground septic tanks will be provided.

- 1.3 In support of the applications, the applicants have submitted the following documents:

- (a) Application Form with letter received on 6.11.2018 (Application No. A/NE-KTS/461) **(Appendix Ia)**
- (b) Supplementary Planning Statement (Application No. A/NE-KTS/461) **(Appendix Ib)**
- (c) Application Form with letter received on 6.11.2018 (Application No. A/NE-KTS/462) **(Appendix Ic)**
- (d) Supplementary Planning Statement (Application No. A/NE-KTS/462) **(Appendix Id)**

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the applications are detailed in the supplementary planning statements at **Appendices Ib** and **Id**. They are summarized as follows:

- (a) The Sites fall entirely within the ‘Village Environ’ (‘VE’) of Hang Tau Village and the proposed NTEHs are in line with the Small House Policy.
- (b) The Sites are at the northern fringe of Hang Tau Village and fall largely within “R(D)” zone. Small house clusters are located to the immediate east and south of the Sites. The proposed NTEHs are considered compatible with the low-rise village neighbourhood in the area and blend in well with the surrounding environment in visual context.

- (c) According to “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories”, sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the ‘VE’ of a recognised village. The proposed developments warrant sympathetic consideration from the Board.
- (d) The proposed developments satisfy the keen Small House demand in Hang Tau Village.
- (e) There is a shortage of land for Small House development in “V” zone as some of the land within “V” zone are not owned by indigenous villagers. One land owner of a business operation that falls within the “V” zone has rejected to sell the lots to the indigenous villagers despite Village Representative’s request.
- (f) The proposed Small House developments will phase out the non-conforming existing open storage use on the Sites.
- (g) There will be no adverse visual, landscape, traffic and sewage impacts on the surrounding areas. Also, no parking spaces are proposed.

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

The applicants are the sole “current land owner” of their respective site. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Assessment Criteria**

The latest set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), which was promulgated on 7.9.2007, is at **Appendix II**.

### **5. Background**

The current open storage use on the Sites would be subject to planning enforcement action.

### **6. Previous Applications**

6.1 There are 3 previous applications (No. A/NE-KTS/31, A/NE-KTS/81 and A/NE-KTS/208) covering the Sites and their adjoining larger areas. The applications were considered by the Rural and New Town Planning Committee (the Committee) when the area was zoned “Recreation” (“REC”)<sup>2</sup>. Details of the

---

<sup>2</sup> The area was zoned “REC” on the previous Kwu Tung South OZPs, and was rezoned to “R(D)” on 24.3.2017.

previous applications are summarized at **Appendix III** and their locations are shown on **Plans A-1** and **A-2b**.

- 6.2 Application No. A/NE-KTS/31 for proposed hotel with recreation facilities was rejected by the Committee on 15.12.1995 mainly for reasons of being not in line with the planning intention of the then “REC” zone; excessive scale and development intensity in a rural setting; adverse traffic impacts; interface problems between the existing industrial activities and the proposed hotel development; and inappropriate sewage treatment standards for the proposed development.
- 6.3 Application No. A/NE-KTS/81 for proposed holiday camp with sports training facilities was approved on review by the Board on 19.3.1999 mainly on the grounds of being in line with the planning intention of the then “REC” zone; no adverse traffic impact; compatible with the surrounding areas; meeting the demand for various recreational uses; and bringing about environment improvement to the site and the surrounding areas. The approved development had not been implemented and the planning permission lapsed on 20.3.2008.
- 6.4 Application No. A/NE-KTS/208 for proposed elderly home was rejected by the Committee on 27.5.2005 mainly for reasons of being not in line with the planning intention of the then “REC” zone; excessive height and development intensity; possible traffic and water quality impacts; and setting an undesirable precedent.

## **7. Similar Application**

There is no similar application for house (NTEH - Small House) in the “R(D)” zone of the OZP.

## **8. The Sites and Their Surrounding Areas (Plan A-2a and aerial photo on Plan A-3 and site photos on Plan A-4)**

- 8.1 The Sites are:
  - (a) generally flat, currently used as open storage for metal frames;
  - (b) located to the immediate northwest of the village cluster of Hang Tau Village and falls entirely within the ‘VE’ of Hang Tau; and
  - (c) accessible via an existing local track at its eastern side.
- 8.2 The surrounding area is predominantly rural in nature with village houses and open storage uses, with the following characteristics:
  - (a) to the south are mainly village houses in the “V” zone of Hang Tau village;

- (b) to the east is Serenity Garden – a residential development with a number of Small Houses; and
- (c) to the north and northwest is open storages and domestic structures.

**9. Planning Intention**

- 9.1 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.
- 9.2 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 this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

**10. Comments from Relevant Government Departments**

10.1 The applications have been assessed against the assessment criteria in **Appendix II**. The assessment is summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone?  - Footprints of the proposed Small Houses  - Sites A/NE-KTS/461 A/NE-KTS/462	-	100%	- The Sites of the proposed Small Houses fall largely within “R(D)” zone, with a small portion in “V” zone. Their footprints are entirely within “R(D)” zone.
		9% 4%	91% 96%	
2.	Within ‘VE’?  - Footprints of the proposed Small Houses	100%	-	- DLO/N, LandsD has advised that both Sites fall entirely within the ‘VE’ of Hang Tau.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	- The Sites	100%	-	
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?		✓	- Land required to meet Small House demand in Hang Tau Village: about 81.3 ha (equivalent to about 3,253 Small House sites). The outstanding Small House applications for Hang Tau Village are 53 <sup>3</sup> while the 10-year Small House demand forecast for the same village is about 3,200.
	Sufficient land in “V” zone to meet outstanding Small House applications? <b>(Plan A-2c)</b>	✓		- Land available to meet the Small House demand within the “V” zone of the village concerned: about 4.41 ha (equivalent to about 176 Small House sites).
4.	Compatible with the planning intention of “R(D)” zone?	✓		
5.	Compatible with surrounding area/ development?	✓		- The Sites are located in an area predominantly rural in nature with village houses to the east and southeast.
6.	Within Water Gathering Grounds (WGGs)?		✓	
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	- The Director of Fire Services (D of FS) has no in-principle objection to the application. Detailed fire safety requirements will be formulated upon receipt of formal application referred by the LandsD.

<sup>3</sup> Among the 53 outstanding Small House applications, 25 of them fall within the “V” zone and 28 straddle or outside the “V” zone. For those 28 applications straddling or outside the “V” zone, 3 are with planning approval from the Board and 2 are under the current applications.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
9.	Traffic impact?		✓	- The Commissioner for Transport (C for T) has reservation on the applications due to setting undesirable precedent resulting in cumulative adverse traffic impact, but considers that the applications only involving construction of two Small Houses can be tolerated.
10.	Drainage impact?		✓	- The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications and advised that approval condition requiring submission and implementation of drainage proposal be imposed should the applications be approved.
11.	Sewerage impact?		✓	- The Director of Environmental Protection (DEP) has advised that in view of the small-scale nature of the proposed developments, the applications alone are unlikely to cause major pollution.  - Septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage.
12.	Landscaping impact?		✓	- No significant landscape impact is envisaged.  - In view that there is inadequate space for landscaping around the proposed houses, landscape condition is therefore impracticable.
13.	Local objections conveyed by District Officer (North) (DO(N))?		✓	- The Chairman of the Sheung Shui District Rural Committee (SSDRC), the North District Council (NDC) members of subject constituency, the Indigenous Inhabitant Representatives (IIRs) and the Resident Representative (RR) of Hang Tau have no comment on the applications.

10.2 Comments from the following Government departments have been incorporated in paragraph 10.1 above. Their other detailed comments, if any, are at **Appendix IV**.

- (a) DLO/N, LandsD;
- (b) CE/MN, DSD;
- (c) DEP;
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C,WSD);
- (e) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (f) D of FS;
- (g) C for T; and
- (h) DO (N), Home Affairs Department.

10.3 The following Government departments have no comment on the applications:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (b) Project Manager (North), Civil Engineering and Development Department (PM(E), CEDD).

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

On 16.11.2018, the applications were published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 7.12.2018, a total of 5 public comments on both applications from members of the general public were received. Two comments supported both applications as they would facilitate villagers in need (**Appendices Va** and **Vb**). Two comments indicate no comment on both applications (**Appendices Vc** and **Vd**). The remaining comment has raised concerns on the lack of orderly planning and sewerage facilities (**Appendix Ve**).

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

12.1 The applications are for proposed houses (NTEHs - Small Houses) at the Sites which are mainly within "R(D)" zone with a small part in "V" zone. The proposed houses will phase out the existing open storage use on the Sites and are generally in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of 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.

12.2 According to DLO/N, LandsD, the total number of outstanding Small House applications for Hang Tau Village is 53. As provided by the IIR of Hang Tau, the 10-year Small House demand forecast for the Village is about 3,200. Based on the latest estimate by PlanD, about 4.41 ha (or equivalent to about 176 Small House sites)



of land is available within the “V” zone of Hang Tau Village (**Plan A-2c**). There is sufficient land available within the “V” zone to meet the outstanding Small House applications though it cannot fully meet the 10-year Small House demand.

- 12.3 The Sites are currently used as open storage. It is located to the immediate northwest of the village cluster of Hang Tau Village. The proposed houses are compatible with surrounding environment and landscape character which is rural in nature with village houses to the east and south. Taking into account that the Sites and the area to the west are currently used as open storages, the proposed developments would drive future changes to phase out the current open storage use through redevelopment into planned residential use. There is no existing tree within the Sites and the Sites have been formed. The proposed houses are not anticipated to cause adverse traffic, drainage, sewerage and environmental impacts on the surrounding area. Government departments consulted, including C for T, CE/MN, DSD, DEP and CTP/UD&L, PlanD, have no adverse comment on or no objection to the applications.
- 12.4 Regarding the Interim Criteria (**Appendix II**), 100% of the footprints of the proposed Small Houses fall within the ‘VE’ of Hang Tau (**Plan A-1**) and land available within the “V” zone is insufficient to meet the future Small House demand. However, land is available within the “V” zone to meet the outstanding 53 Small House applications. In recent years, the Board has adopted a more cautious approach in considering applications for Small House developments. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. Nevertheless, the proposed houses are located in a residential zoning of “R(D)”, in close proximity to the village cluster of Hang Tau Village and fall within the ‘VE’ of Hang Tau. The proposed developments would phase out the existing open storage use on sites which is generally in line with planning intention of the “R(D)” zone. Therefore, sympathetic consideration may be given to the applications.
- 12.5 Of the 5 public comments received, one commenter raises concern on the lack of orderly planning and sewerage facilities. In this regard, relevant Government departments’ comments and planning assessments as stated 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 local views and public comments mentioned in paragraphs 10.1 and 11, the PlanD has no objection to the applications.
- 13.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid until 4.1.2023. And after the said date, the permissions shall cease to have effect unless before the said date, the developments permitted are

commenced or the permissions are renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board; and
- (b) the submission and implementation of 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 VI**.

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

land is still available within the "Village Type Development" ("V") zone of Hang Tau Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permissions.
- 14.2 Should the Committee decide to approve the applications, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permissions, and the date when the validity of the permissions should expire.
- 14.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

**15. Attachments**

- Appendix Ia** Application Form with letter of 6.11.2018  
(Application No. A/NE-KTS/461)
- Appendix Ib** Supplementary Planning Statement  
(Application No. A/NE-KTS/461)
- Appendix Ic** Application Form with letter of 6.11.2018  
(Application No. A/NE-KTS/462)

<b>Appendix Id</b>	Supplementary Planning Statement (Application No. A/NE-KTS/462)
<b>Appendix II</b>	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Detailed Comments from Relevant Government Departments
<b>Appendices Va to Ve</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout Plan (Application No. A/NE-KTS/461)
<b>Drawing A-2</b>	Proposed Layout Plan (Application No. A/NE-KTS/462)
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Site Plan of the Previous Applications
<b>Plans A-2c</b>	Estimated Amount of Land Available for Small House Development within the “V” Zone
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2019**