

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

**APPLICATION NO. A/NE-KTS/489**

- Applicants** : Mr. Li Wong Sun, Mr. LI Yik Fung and Great Huge Limited represented by Fotton ELA Architects Limited
- Site** : Lots 409 RP (Part), 409 S.AC to 409 S.AJ, 409 S.AK (Part), 409 S.AX (Part), 409 S.AY (Part), 409 S.AZ (Part), 409 S.BA (Part), 409 S.BB (Part), 409 S.BC (Part), 409 S.BD (Part), 409 S.BE (Part), 409 S.BF (Part), 409 S.BG (Part), 409 S.BH (Part), 409 S.BI to 409 S.BP, 409 S.BQ (Part), 409 S.BS (Part), 409 S.BT (Part), 409 S.R (Part) and 409 S.S (Part) in D.D. 94, Kwu Tung South, Sheung Shui
- Site Area** : 2,440 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/16
- Zonings** : “Residential (Group D)” (“R(D)”) (2,270m<sup>2</sup>, about 93% of the Site)  
[restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m), except for New Territories Exempted House (NTEH)]  
“Village Type Development” (“V”) (170m<sup>2</sup>, about 7% of the Site)  
[restricted to a maximum BH of 3 storeys (8.23m)]
- Application** : Proposed 6 Houses (NTEHs - Small Houses)

**1. The Proposal**

- 1.1 The applicants seek planning permission to build 6 houses (NTEHs - Small Houses) on the application site (the Site) in Hang Tau Village, Sheung Shui for 6 persons who claim to be indigenous villagers<sup>1</sup> of Sheung Shui Heung Hang Tau Village. The Site falls within an area mainly zoned “R(D)” (about 93%) with a small part zoned “V” (about 7%) on the approved Kwu Tung South Outline Zoning Plan (OZP) No.

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<sup>1</sup> The 6 persons are LI Wong Sun, LI Yik Fung, 李焯添, 李國麟, 李逸凌 and 李奕衡. As advised by the District Lands Officer/North, Lands Department (DLO/N, LandsD), the eligibility of the 6 persons for Small House concessionary grant have yet to be ascertained.

S/NE-KTS/16 (**Plans A-1 and A-2a**). According to the Notes of the OZP, the proposed 'Houses' in "R(D)" zone require planning permission from the Town Planning Board (the Board) while no planning permission is required for such use in the "V" zone. The Site is occupied by open storage and warehouse (**Plan A-4**).

- 1.2 A small part of the Site is involved in 2 previous applications (No. A/NE-KTS/461 and 462) each for one Small House which were rejected by the Board on review in 2019 (**Plan A-1**).
- 1.3 The proposed 6 Small Houses, each with BH of 3 storeys (8.23m) and covered area of 65.03m<sup>2</sup>, have a total gross floor area of 1,170.54m<sup>2</sup> (PR about 0.48)<sup>2</sup>. The applicants have indicated that the uncovered area of the Site will be used as gardens, road and drainage. A septic tank for each house will be provided. The layout of the proposed Small Houses is at **Drawing A-1**.
- 1.4 A 2m high boundary wall is proposed along the eastern and southern boundaries. A setback from the eastern boundary is proposed to widen the existing local track to approximately 4 to 5m wide. With a proposed 5.5m wide private road along the northern boundary, two ingresses/egresses at the eastern and western boundaries are proposed. The Site is accessible via local tracks connecting Hang Tau Road.
- 1.5 Drainage channel along the site boundary connecting to the existing Government channels and Sheung Yue River is proposed.
- 1.6 In support of the application, the applicants have submitted an application form with supplementary statement and plans received on 28.8.2020 (**Appendix I**).

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

The justifications put forth by the applicants in support of the application are detailed in the supplementary statement at **Appendix I**. They are summarized as follows:

- (a) The applicants are indigenous villagers who have difficulties in finding lands in "V" zone and are in need of accommodations. All proposed Small Houses fall within the Village 'Environs' ('VE') of Hang Tau. The applicants intend to develop Small Houses in the form of low-density residential development according to the planning intention of "R(D)" zone.
- (b) The Site is currently used as open storage. The proposed development will help phase out the current open storage use which is in line with the planning intention of "R(D)" zone. It will also improve the surrounding environment.

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<sup>2</sup> The applicants also applied for minor relaxation of PR from 0.4 to 0.48. However, the PR restriction is not applicable to NTEH according to the Notes for "R(D)" zone.

- (c) There will be no adverse drainage impact on the surrounding areas. There will be negligible impact on traffic. The widened local track at the eastern boundary will benefit the local traffic.
- (d) The proposed development will not set an undesirable precedent.

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

The applicants are the sole “current land owners” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Assessment Criteria**

Extract of 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 Site is currently not subject to any active enforcement action.

**6. Previous Applications**

A small part of the Site is involved in 2 previous applications, each for one Small House. Both were rejected by the Board on review in 2019 mainly for reasons that land was still available within the “V” zone; it was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services; and approval of the application would set an undesirable precedent. Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

**7. Similar Application**

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

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

8.1 The Site is:

- (a) paved and currently occupied by open storage and warehouse;

(b) located to the immediate northwest of the village cluster of Hang Tau Village. The footprint of the proposed 6 Small Houses entirely falls within the 'VE' of Hang Tau; and

(c) accessible via existing local tracks at its eastern and western sides.

8.2 The surrounding area is predominantly rural in nature with village houses and open storage use:

(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 in the same "R(D)" zone and to the northwest across a local track are open storages, warehouses and workshop.

## **9. Planning Intentions**

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 recognized 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 infrastructure and services. Selected commercial and community uses serving the needs of 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 application has been assessed against the assessment criteria set out in the Interim Criteria (**Appendix II**). The assessment is summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1	<p>Within “V” zone?</p> <ul style="list-style-type: none"> <li>- Footprint of the proposed Small House</li> <li>- Site</li> </ul>	-  7%	100%  93%	<ul style="list-style-type: none"> <li>- The footprint of the proposed Small House falls wholly within “R(D)” zone.</li> <li>- The Site falls largely within “R(D)” zone, with a small portion in “V” zone.</li> </ul>
2.	<p>Within ‘VE’?</p> <ul style="list-style-type: none"> <li>- Footprint of the proposed Small House</li> <li>- The Site</li> </ul>	100%  92%	-  8%	DLO/N, LandsD has advised that majority of the Site falls within the ‘VE’ of Hang Tau.
3.	<p>Sufficient land in “V” zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?</p> <p>Sufficient land in “V” zone to meet outstanding Small House applications? <b>(Plan A-2c)</b></p>	  ✓	✓  	<ul style="list-style-type: none"> <li>- Land required to meet Small House demand in Hang Tau Village: about 81.3ha (equivalent to about 3,251 Small House sites). The outstanding Small House applications for Hang Tau Village are 51<sup>3</sup> while the 10-year Small House demand forecast for the village is between 2,900 and 3,200.</li> <li>- Land available to meet the Small House demand within the “V” zone of the village concerned: about 4.12ha (equivalent to about 164 Small House sites).</li> </ul>
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)?		✓	

<sup>3</sup> Among the 51 outstanding Small House applications, 25 of them fall within the “V” zone, and 26 straddle or fall outside the “V” zone (including 2 of the proposed 6 Small Houses under the subject application and 3 sites with valid planning approval from the Board).

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
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 objection in principle to the application. Detailed fire safety requirements will be formulated upon receipt of formal application referred by the LandsD.
9.	Traffic impact?		✓	The Commissioner for Transport (C for T) has reservation on the application due to setting of undesirable precedent resulting in cumulative adverse traffic impact, but considers that the application only involving six Small Houses can be tolerated.
10.	Drainage impact?		✓	The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection in principle to the application and advised that approval condition requiring submission and implementation of drainage proposal be imposed should the application be approved.
11.	Sewerage impact?		✓	<ul style="list-style-type: none"> <li>- The Director of Environmental Protection (DEP) has advised that in view of the small-scale nature of the proposed development, the application alone is unlikely to cause major pollution.</li> <li>- Septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage.</li> </ul>
12.	Landscaping impact?		✓	<ul style="list-style-type: none"> <li>- The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&amp;L, PlanD) has no objection to the application from the landscape planning perspective.</li> <li>- According to his site visit conducted on 28.9.2020, the Site is entirely hard paved. Two existing trees which are of</li> </ul>

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<p>common species are found in the Site. According to the layout plan (<b>Drawing A-1</b>), the location of proposed drainage channel and private road will be in conflict with the two existing trees, and landscape treatments such as garden areas, shrub plantings are proposed within the Site to improve the surrounding living environment. Significant impact on landscape resources is not anticipated.</p> <p>- In view that the site is not adjacent to the public frontage, landscape condition is not recommended.</p>
13.	Local objections conveyed by District Officer (North) (DO(N))?	✓		<p>- The North District Council (NDC) member of the subject constituency and the Chairman of the Sheung Shui District Rural Committee (SSDRC) object to the application mainly on the grounds that there is serious traffic congestion in Hang Tau Road; the proposed development will increase the population in the area and result in deteriorating traffic condition; and drainage and sewerage impacts have not been assessed and addressed.</p> <p>- The two Indigenous Inhabitant Representatives (IIRs) and the Resident Representative (RR) of Hang Tau have no comment on the application.</p>

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

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

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

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

On 4.9.2020, the application was published for public comment. During the three-week statutory publication period, 5 public comments (**Appendices V-1 to V-5**) submitted by individuals were received. All object to the application mainly on the following grounds:

- (a) There is serious traffic congestion in Hang Tau Road which is mainly one lane for two ways. The area is over-crowded. The proposed development will increase the population in the area and result in deteriorating traffic condition and living environment. Also, drainage and sewerage impacts have not been assessed and addressed.
- (b) Land is still available within the “V” zone and sufficient to cater for the outstanding Small House applications.
- (c) The proposed development will ruin the rural nature of the area.
- (d) Nearby villages have not been consulted.
- (e) Approval of the application would set an undesirable precedent for similar applications. It would turn the “R(D)” zone into a village extension area which would defeat the planning intention of “R(D)” zone.

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

12.1 The application is for proposed 6 NTEHs (Small Houses) at the Site which is mainly within the “R(D)” zone (93%) with a small part within the “V” zone (7%). While NTEH is always permitted within the “V” zone, the footprint of the proposed 6 houses falls wholly within the “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 structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The Sites are currently used for open storage and warehouse. The proposed residential development will help phase out the existing brownfield uses and is generally in line with the planning intention of the “R(D)” zone.

12.2 The Site is located to the immediate northwest of the village cluster of Hang Tau



Village. The proposed 6 Small Houses are compatible with the surrounding environment and landscape character which is rural in nature with village houses to the east and south (**Plan A-2a**). CTP/UD&L, PlanD has no objection to the application from the landscape planning perspective as significant impact on landscape resources is not anticipated. It is not anticipated that the proposed development would have significant adverse environmental and drainage impacts on the surrounding areas. DEP advises that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage. DEP and CE/MN, DSD have no objection to the application. While C for T has concern on the cumulative adverse traffic impact caused by future similar developments, he considers that the applications could be tolerated given that the application only involves six Small Houses.

- 12.3 Regarding the Interim Criteria (**Appendix II**), 100% of the footprint of the proposed 6 Small Houses falls within the 'VE' of Hang Tau (**Plan A-1**). According to DLO/N, LandsD, the total number of outstanding Small House applications for Hang Tau Village is 51. As provided by the IIRs of Hang Tau, the 10-year Small House demand forecast for the Village is between 2,900 and 3,200. Based on the latest estimate by PlanD, about 4.12 ha (or equivalent to about 164 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. In recent years, the Board has adopted a more cautious approach in considering applications for Small House development. 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. As land is available within the "V" zone to meet the outstanding 51 Small House applications, it is considered more appropriate to concentrate the proposed Small House developments within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. In this regard, it is considered that sympathetic consideration should not be given to the application.
- 12.4 There are 2 previous applications for one Small House each on a small part of the Site and no similar application in the same "R(D)" zone. The 2 previous applications were rejected in 2019 as detailed in paragraph 6. It is noted that the private land in the adjoining area within the "R(D)" zone and 'VE' have been carved out into small lots (**Plan A-2b**) with size fitting over 30 additional Small House developments. It is very likely that approval of the subject application would set a precedent for similar applications for Small House in the "R(D)" zone. The cumulative effect of approving such applications would lead to adverse traffic impact on the surrounding areas.
- 12.5 Local views conveyed by DO/N, HAD object to the application as stated in paragraph 10.1. Five public comments were received during the statutory publication period, objecting to the application as stated in paragraph 11 above. In this regard, the planning considerations and assessments as stated 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 Planning Department does not support the application for the following reason:

land is still available within the “Village Type Development” 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 close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services.

- 13.2 Alternatively, should the Rural and New Town Planning Committee (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 and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) the provision of septic tank, as proposed by the applicants, 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 at **Appendix VI**.

### 14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 14.3 Alternatively, 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.

**15. Attachments**

<b>Appendix I</b>	Application Form with plans received on 28.8.2020
<b>Appendix II</b>	Extract of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Comments from Relevant Government Departments
<b>Appendices V-1 to V-5</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plans A-2a to A-2b</b>	Site Plans
<b>Plan 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  
OCTOBER 2020**