

RNTPC Paper Nos. A/YL-KTS/765 to 775  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 26.1.2018

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

**APPLICATIONS NO. A/YL-KTS/765 to 775**

<b><u>Applicant</u></b>	:	Mr. THIEN Kien Phin	(Application No. A/YL-KTS/765)
		Mr. THIEN Ket Kiu	(Application No. A/YL-KTS/766)
		Mr. THIEN Nyen Yu	(Application No. A/YL-KTS/767)
		Mr. THIEN Yong Nam	(Application No. A/YL-KTS/768)
		Mr. Nicholas THIEN Hao Yuan	(Application No. A/YL-KTS/769)
		Mr. THIEN Pak Chai	(Application No. A/YL-KTS/770)
		Mr. Kevin THIEN Chi Jih	(Application No. A/YL-KTS/771)
		Mr. THIEN Tung Ming	(Application No. A/YL-KTS/772)
		Mr. CHEUNG Chung Hang	(Application No. A/YL-KTS/773)
		Mr. THIEN Kui Yee	(Application No. A/YL-KTS/774)
		Mr. TANG Ka Chun	(Application No. A/YL-KTS/775)

All represented by Cheery Consultants Limited

<b><u>Site</u></b>	:	Lot 188 S.A	(Application No. A/YL-KTS/765)
		Lot 188 S.B	(Application No. A/YL-KTS/766)
		Lot 188 S.C	(Application No. A/YL-KTS/767)
		Lots 188 S.D & 189 S.A	(Application No. A/YL-KTS/768)
		Lot 188 S.F	(Application No. A/YL-KTS/769)
		Lots 189 S.B & 190 S.A	(Application No. A/YL-KTS/770)
		Lots 189 S.C & 190 S.B	(Application No. A/YL-KTS/771)
		Lot 188 S.G	(Application No. A/YL-KTS/772)
		Lot 189 S.G	(Application No. A/YL-KTS/773)
		Lot 190 S.C	(Application No. A/YL-KTS/774)
		Lot 190 S.D	(Application No. A/YL-KTS/775)

All in D.D. 113, Cheung Po, Kam Tin, Yuen Long

<b><u>Site Area</u></b>	:	About 224.5 m <sup>2</sup>	(Application No. A/YL-KTS/765)
		About 213.8 m <sup>2</sup>	(Application No. A/YL-KTS/766)
		About 184.2 m <sup>2</sup>	(Application No. A/YL-KTS/767)
		About 266.3 m <sup>2</sup>	(Application No. A/YL-KTS/768)
		About 228.6 m <sup>2</sup>	(Application No. A/YL-KTS/769)
		About 214.5 m <sup>2</sup>	(Application No. A/YL-KTS/770)
		About 244.6 m <sup>2</sup>	(Application No. A/YL-KTS/771)
		About 241.2 m <sup>2</sup>	(Application No. A/YL-KTS/772)
		About 197.3 m <sup>2</sup>	(Application No. A/YL-KTS/773)

About 240.4 m<sup>2</sup> (Application No. A/YL-KTS/774)  
About 329.9 m<sup>2</sup> (Application No. A/YL-KTS/775)

- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/14
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

## 1. **The Proposal**

- 1.1 The applicants, who claimed to be indigenous villagers<sup>1</sup>, seek planning permission for the development of one house (NTEH - Small House) at each of the eleven application sites (the Sites). The Sites fall within an area zoned “AGR” on the draft Kam Tin South OZP No. S/YL-KTS/14 (**Plan A-1a**). The Sites are currently vacant and covered with vegetation (**Plan A-4 to 4b**).
- 1.2 According to the Notes of the OZP, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use within the “AGR” zone, which requires planning permission from the Town Planning Board (the Board).
- 1.3 The major planning parameters of each of the proposed NTEH are as follows:

Covered Area	: 65.03 m <sup>2</sup>
Total Domestic Gross Floor Area	: 195.09 m <sup>2</sup>
No. of Block	: 1
No. of Storeys	: 3
Building Height	: 8.23 m

The applicants have indicated that the uncovered areas of each of the Sites will be used as pleasure garden for each house.

- 1.4 In support of the application, the applicants have submitted the following documents:
- (a) Application form and attachments of Application (**Appendix I**)  
No. A/YL-KTS/765 received on 29.11.2017
  - (b) Application form and attachments of Application (**Appendix Ia**)  
No. A/YL-KTS/766 received on 29.11.2017
  - (c) Application form and attachments of Application (**Appendix Ib**)  
No. A/YL-KTS/767 received on 29.11.2017

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<sup>1</sup> District Lands Officer/Yuen Long of Lands Department (DLO/YL, LandsD) advised that the indigenous villager’s status and eligibility of the applicant is not yet verified.

- (d) Application form and attachments of Application No. A/YL-KTS/768 received on 29.11.2017 **(Appendix Ic)**
- (e) Application form and attachments of Application No. A/YL-KTS/769 received on 29.11.2017 **(Appendix Id)**
- (f) Application form and attachments of Application No. A/YL-KTS/770 received on 29.11.2017 **(Appendix Ie)**
- (g) Application form and attachments of Application No. A/YL-KTS/771 received on 29.11.2017 **(Appendix If)**
- (h) Application form and attachments of Application No. A/YL-KTS/772 received on 29.11.2017 **(Appendix Ig)**
- (i) Application form and attachments of Application No. A/YL-KTS/773 received on 29.11.2017 **(Appendix Ih)**
- (j) Application form and attachments of Application No. A/YL-KTS/774 received on 29.11.2017 **(Appendix Ii)**
- (k) Application form and attachments of Application No. A/YL-KTS/775 received on 29.11.2017 **(Appendix Ij)**

1.5 The proposed layout plans for the eleven sites and the proposed EVA submitted by the applicants are at **Drawings A-1 to A-12**.

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

The justifications put forth by the applicants in support of the application are detailed in Part 9 of the application form at **Appendices I to Ij**. They can be summarized as follows:

- (a) The applicants are indigenous villagers who are eligible for Small House grant.
- (b) The Sites are situated within the 300-foot Village Environ ('VE') of Cheung Po Village.
- (c) There are small house grants in close proximity to the Sites approved by the Board prior to the implementation of the "Interim Criteria for Consideration of Application for New Territories Exempted House/ Small House in New Territories" (the Interim Criteria) in September 2007.
- (d) Negative impacts generated by the proposed small houses would be insignificant to the surrounding areas. In fact, approval of the Small Houses development on the Sites would enhance the living environment of the neighbourhood.

- (e) The Sites together with its neighbouring area were once proposed for “V” zone extension in October 2012. However, the proposed revision fell through before discussion.

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

Each of the applicants is the sole “current land owner” of the respective lot. Detailed information would be deposited at the meeting for Member’s inspection.

### 4. **Assessment Criteria**

The Interim Criteria was first promulgated on 24.11.2000 and had been amended four times on 30.3.2001, 23.8.2002, 21.3.2003 and 7.9.2007 respectively. The latest set of the Interim Criteria, promulgated on 7.9.2007 is at **Appendix II**.

### 5. **Background**

The Sites are not the subject of any active enforcement case and there is currently no enforcement action against them.

### 6. **Previous Application**

The Sites are not subject to any previous application.

### 7. **Similar Applications**

7.1 There are 52 similar applications within the same “AGR” zones on the Kam Tin South OZP since the first promulgation of the Interim Criteria on 24.11.2000. 10 applications (No. A/YL-KTS/232<sup>2</sup>, 280, 285, 325, 337, 346, 370, 476, 477 and 668) were approved/partially approved with conditions by the Rural and New Town Planning Committee (the Committee) or the Board on review and the other 42 applications (No. A/YL-KTS/238, 261, 348, 350, 372 to 374, 375 to 378, 380, 381, 428 to 430, 431 to 436, 565, 583, 626, 627, 654, 656, 658, 666, 673, 674, 686, 691, 692, 703, 716, 727, 744 and 759 to 761) were rejected by the Committee or the Board on review. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1a**.

7.2 Applications No. A/YL-KTS/232 and 285 were entirely on “AGR” zone and No. A/YL-KTS/280, 325, 337, 346, 370, 476, 477 and 668 (all straddled “AGR” and “V” zones) each for one NTEH were approved by the Committee or the Board on review

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<sup>2</sup> Application No. A/YL-KTS/232 was for the redevelopment of an existing two-storey house to a three-storey NTEH. Sympathetic consideration was given despite the site falls outside the ‘VE’ of the concerned village and the respective ‘V’ zone.

on 23.2.2001, 22.11.2002, 2.5.2003, 3.12.2004, 4.3.2005, 13.5.2005, 16.6.2006, 20.11.2009 (for both Applications No. A/YL-KTS/476 and 477) and 3.7.2015 respectively mainly on the considerations that the proposed developments were in line with the Interim Criteria as they fell entirely within the village 'environs' ('VE') of Yuen Kong San Tsuen/Yuen Kong Tsuen and/or with not less than 50% of the proposed NTEH footprint falls within the "V" zone; the proposed developments were compatible with the surrounding village settlements; there was a shortage of land within the "V" zone to meet the Small House demand; and relevant Government departments had no adverse comment.

- 7.3 The remaining 42 applications (No. A/YL-KTS/238, 261, 348, 350, 372 to 374, 375 to 378, 380, 381, 428 to 430, 431 to 436, 565, 583, 626, 627, 654, 656, 658, 666, 673, 674, 686, 691, 692, 703, 716, 727, 744 and 759 to 761) for proposed NTEH(s) were rejected by the Committee or the Board on review on 22.12.2000, 11.1.2002, 27.5.2005, 10.6.2005, 27.10.2006 (for Applications No. A/YL-KTS/372 to 378, 380, 381), 12.12.2008 (for Applications No. A/YL-KTS/428 to 436), 14.9.2012, 22.3.2013, 7.2.2014 (for both Applications No. A/YL-KTS/626 and 627), 2.1.2015 (for both Applications No. A/YL-KTS/654 and 656), 6.2.2015, 5.6.2016, 4.9.2015 (for both Applications No. A/YL-KTS/673 and 674), 8.1.2016, 19.2.2016, 4.3.2016, 27.5.2016, 14.10.2016, 3.2.2017, 28.7.2017 and 22.12.2017 (for Applications No. A/YL-KTS/759 to 761) respectively mainly on the grounds that the proposed developments did not comply with the Interim Criteria in that there was no shortage of land within the concerned "V" zones or the proposed developments fell outside the "V" zones or outside/largely outside the 'VE'; the proposed developments were not in line with the planning intention of the "AGR" zone; land is still available within the concerned "V" zones which is primarily for small house development; the proposed developments were incompatible with the surrounding area and would cause adverse impacts; the proposed developments were environmentally unacceptable and subject to risk hazard; and approval of the applications would set undesirable precedent. The three applications No. A/YL-KTS/759 to 761 recently rejected by the Committee on 22.12.2017 are located to the north of the Sites (**Plan A-1b**).

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

8.1 The Sites are:

- (a) currently vacant and are fallow agricultural land covered with vegetation (**Plan A-4a to 4b**);
- (b) accessible to Kam Po Road via the residential development, Tourmaline Villa, located to the north (**Plan A-2**); and
- (c) fall within the 'VE' of Cheung Po (**Plan A-1b**).

8.2 The surrounding areas have the following characteristics:

- (a) Tourmaline Villa comprises 10 Small House developments (approved under Applications No. A/DPA/YL-KTS/43, A/YL-KTS/1 to 3, 5 to 10 from 1993 to 1995 respectively) are located to the north of the Sites;

- (b) To the east are fallow agricultural land and residential dwellings;
- (c) to the immediate southwest are warehouse, parking of vehicles, a temple and unused land. To the south are fallow agricultural land, an orchard and further south are residential dwellings; and
- (d) to the further west across Kam Po Road is West Rail Pat Heung Maintenance Centre.

**9. Planning Intention**

The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

**10. Comments from Relevant Government Departments**

10.1 The eleven applications have been assessed against the assessment criteria in **Appendix II**. The assessments are summarized in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - Application site  - Footprint of the NTEH/Small House	--	0%	- The Sites fall within the “AGR” zone.  - The footprint of the proposed Small Houses fall entirely within the “AGR” zone.
2.	Within ‘VE’? - Application site  - Footprint of the NTEH/Small House	100%	--	- According to the information provided by DLO/YL, LandsD, the Sites and the proposed Small House footprints fall within the ‘VE’ of Cheung Po.
3.	Sufficient land in “V” zone to satisfy outstanding Small House applications	--	✓	<u>Land required</u> - Land required to meet outstanding Small House applications and 10-years forecast for Small House demand for Cheung Po

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	and 10-year Small House demand?			<p>and Tai Wo: about 19.975 ha (equivalent to 799 Small House sites).</p> <ul style="list-style-type: none"> <li>- The total number of outstanding Small House applications for Cheung Po and Tai Wo: 124 (i.e. about 3.1 ha).</li> <li>- The 10-year Small House demand forecast for Cheung Po and Tai Wo: 675 (i.e. about 16.875 ha).</li> </ul> <p><u>Land available</u></p> <ul style="list-style-type: none"> <li>- Land available to meet both the 10-year Small House demand and outstanding Small House applications within the “V” zone of Cheung Po and Tai Wo: about 14.01 ha (equivalent to about 560 Small House sites).</li> </ul>
4.	Compatible with the planning intention of “AGR” zone?	--	✓	The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications from agriculture point of view as active agricultural activities can be found in the vicinity of the Sites and the Sites possess potential for agricultural rehabilitation.
5.	Compatible with surrounding area/development?	✓	--	<p>The Chief Town Planner/Urban Design &amp; Landscape, Planning Department (CTP/UD&amp;L, PlanD) has no objection to the applications.</p> <ul style="list-style-type: none"> <li>- The surrounding area is predominantly rural in character, comprising of agricultural land, scattered trees and village houses.</li> <li>- According to the site inspection taken in December 2017, the Sites are currently vacant covered with wild grass and surrounded by numbers of existing trees e.g. <i>Celtis sinensis</i> (朴樹) and <i>Dimocarpus longas</i> (龍眼) etc. The proposed use is considered not entirely incompatible with the surrounding landscape character and village setting. Thus, adverse landscape impact arises from the proposed Small Houses is not</li> </ul>

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				anticipated.
6.	Within Water Gathering Grounds?	--	✓	
7.	Encroachment onto planned road networks and public works boundaries?	--	✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?	--	✓	<ul style="list-style-type: none"> <li>- Director of Fire Services (D of FS) has no specific comment on the applications.</li> <li>- The applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.</li> </ul>
9.	Local objection received from DO?	--	✓	The District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) has received one comment from public objecting to the applications mainly on the grounds that the applications do not align with the Small House Policy, using the Sites for Small House is illegal and land resource should be used to develop public housing. Same comment was also received by the Board during the statutory public inspection period ( <b>Appendix V-8</b> ).
10.	Others	✓	--	<ul style="list-style-type: none"> <li>- The Director of Environmental Protection (DEP) commented that since the Sites are adjacent to the West Rail Pat Heung Maintenance Centre, the applicants should propose adequate noise mitigation measures to ensure compliance with the relevant planning standards and statutory requirements.</li> <li>- The Chief Highway Engineer/ NT West (CHE/NTW, HyD) has the following comments: <ul style="list-style-type: none"> <li>(i) From the West Rail Line's perspective, as the applications partly fall within the protection boundary of the existing West Rail</li> </ul> </li> </ul>



	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<p>Line, the Sites might be subject to railway noise impact of the West Rail Line. The applicants shall be satisfied with the condition in respect of railway noise taking into account the current and future operations of the West Rail line, and provide necessary noise measures for the subject development at their own cost.</p> <p>(ii) From the Northern Link's perspective, the Sites fall within the Area of Influence ("AOF") for the proposed NOL are still under review, those areas within the AOI might be subject to railway noise impact of the proposed NOL. Provided that the applicants are satisfied with the surrounding condition in respect of railway noise taking into account future operation of NOL, he has no in-principle objection to the application from the development point of view of NOL.</p> <p>- Detailed comments of relevant Government departments are at <b>Appendix IV</b>.</p>

10.2 Comments from the following Government departments have been incorporated in paragraphs 10.1 above. Detailed comments are at **Appendix IV**.

- (a) District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD);
- (b) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (c) Director of Environmental Protection (DEP);
- (d) Commissioner of Transport (C for T);
- (e) Director of Fire Services (D of FS).
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (g) Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD);
- (h) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);

- (i) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (j) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (k) Director of Agriculture, Fisheries and Conservation (DAFC) ; and

10.3 The following departments have no comment on the application:

- (a) Director of Electrical and Mechanical Services (DEMS)
- (b) Commissioner of Police (C of P); and
- (c) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD).

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

11.1 On 8.12.2017, the applications were published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 29.12.2017, 14 public comments had been received for planning applications No. A/YL-KTS/765, 766 and 768 to 775 and 10 for A/YL-KTS/767 from Kadoorie Farm & Botanic Garden Corporation, MTR Corporation Limited (MTRCL), Designing Hong Kong Limited, World Wide Fund for Nature (WWF) Hong Kong, residents of Cheung Po and individuals (**Appendices V-1 to V-32**). All the commenters (except for MTRCL) object to the applications mainly on the grounds that the proposed Small House developments are not in line with the planning intention of the “AGR” zone, land is still available within the nearby “V” zone of Cheung Po and Tai Wo for Small House development, there are previous rejected Small House applications in the vicinity, adverse impact on fung shui, risk of flooding, potential water pollution, hygiene and sewage problem and insufficient road access and parking space, adverse landscape impact, “AGR” zone should be used for genuine farming, approval of the applications would set an undesirable precedent and encourage similar applications resulting in degradation of the environment of the area; the applications do not align with the Small House Policy; using the Sites for Small House is illegal and land resource should be used to develop public housing. Also, the proposed developments are possible residential compound for sale instead of Small House to be built by the applicants themselves.

11.2 The MTRCL has no objection to the application, but raised the concern that the Sites are located in proximity to the West Rail Line and subject to potential noise impact. It is recommended that the applicants to conduct an Environmental Assessment Study including a Railway Noise Impact Assessment and implement adequate noise mitigation measures to ensure full compliance with statutory requirements.

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

### *Planning Intention*

12.1 The Sites fall entirely within “AGR” zone. The proposed Small House developments are not in line with the planning intention of “AGR” zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the applications

as active agricultural activities can be found in the vicinity of the Sites and the Sites possess potential for agricultural rehabilitation. There is no strong planning justification in the submission for a departure from the planning intention of the “AGR” zone.

#### *Demand and Supply of Land for Small House Development*

- 12.2 Based on the DLO/YL, LandsD’s latest records, the total number of outstanding Small House applications for Cheung Po and Tai Wo is 124 (i.e. about 3.1 ha) while the 10-year Small House demand forecast for Cheung Po and Tai Wo is 675 (i.e. about 16.875 ha). According to the latest estimation by PlanD, about 14.01 ha (i.e. equivalent to about 560 Small Houses sites) of land are available within the “V” zone of Cheung Po and Tai Wo which is sufficient to meet the 124 outstanding Small House applications, but it cannot fully meet the 10-year Small House demand forecast in the long run.

#### *Land Planning Context*

- 12.3 The surrounding area of the Sites is mainly characterized by village houses, fallow agricultural land, an orchard, warehouse, parking of vehicles, a temple and unused land. The Sites are located to the east of the Pat Heung Maintenance Centre and partly fall within the protection boundary of the West Rail Line. DEP and CHE/NTW, HyD raised concern that the Sites may be subject to railway noise, and commented that the applicants should propose/ provide adequate noise mitigation measures to ensure compliance with the relevant planning standards and statutory requirements. DEP also commented that there is no information regarding the sewage disposal arrangement in the applications. However, the applicants have not submitted information to address the concern of DEP and CHE/NTW, HyD. Other 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 applications.

#### *Interim Criteria*

- 12.4 The Sites fall entirely within the ‘VE’ of Cheung Po. Although land available within the “V” zone is insufficient to meet the future Small House demand, it is noted that land (about 14.01 ha or equivalent to 560 Small House sites) is available within the “V” zone of Cheung Po and Tai Wo and is capable to meet the outstanding 124 Small House applications. It is considered more appropriate to concentrate Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

#### *Similar Applications*

- 12.5 There were 10 similar applications (No. A/YL-KTS/232, 280, 285, 325, 337, 346, 370, 476, 477 and 668) approved with conditions by the Committee or the Board on review between 2001 and 2015 mainly on the consideration that the proposed developments were in line with the Interim Criteria as they fell entirely within the ‘VE’ of Yuen Kong San Tsuen/Yuen Kong Tsuen and/or with not less than 50% of

the proposed NTEH footprint falls within the “V” zone (**Plan A-1a**).

- 12.6 There were 42 similar applications (No. A/YL-KTS/238, 261, 348, 350, 372 to 374, 375 to 378, 380, 381, 428 to 430, 431 to 436, 565, 583, 626, 627, 654, 656, 658, 666, 673, 674, 686, 691, 692, 703, 716, 727, 744 and 759 to 761) for Small House development rejected by the Committee or the Board on review (**Plan A-1a**). These sites did not comply with the Interim Criteria mainly in that there was no shortage of land within the concerned “V” zones or the proposed developments fell outside the “V” zones or outside/largely outside the ‘VE’.
- 12.7 In considering Applications No. A/YL-KTS/759 to 761 located to the north of the Sites (**Plan A-1b**), which were recently rejected by the Committee on 22.12.2017, it was considered that it would be more appropriate to concentrate the Small House development close to the village cluster/ “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. For these applications, there was still land available in the “V” zone for Small House development. The approval of these applications would result in further proliferation of Small House development in the “AGR” zone. The current applications are compatible to Applications No. A/YL-KTS/759 to 761. Rejecting the current applications is in line with the Committee’s previous decision.

#### *Public Comments*

- 12.8 14 public comments were received from Kadoorie Farm & Botanic Garden Corporation, MTRCL, Designing Hong Kong Limited, World Wide Fund for Nature (WWF) Hong Kong, residents of Cheung Po and individuals (**Appendices V-1 to V-32**). All of them (except MTRCL) objected to the applications, and MTRCL raised concern on the potential noise impact as stated in paragraph 11 above. There is also one public objection conveyed by DO(YL) as stated in paragraph 10.1, which was also received by the Board during the statutory public inspection period. In this regard, relevant Government departments’ comments and planning 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 public comments in paragraphs 10.1 and 11 above, the Planning Department does not support the applications for the following reasons:
- (a) the proposed Small House developments are not in line with the planning intention of the “AGR” zone which is to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
  - (b) land is still available within the “Village Type Development” zone of Cheung Po and Tai Wo 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; and

- (c) there is insufficient information in the submission to demonstrate that the proposed developments would *not* be subject to noise impact.

13.2 Alternatively, should the Committee decide to approve the applications, it is suggested that the permission shall be valid until 26.1.2022, 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 (for Applications No. A/YL-KTS/765, A/YL-KTS/769, A/YL-KTS/772, 773 and A/YL-KTS/775)

- (a) the provision of septic tank at a location to the satisfaction of the Director of Lands or of the Town Planning Board;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Approval Conditions (for Applications No. A/YL-KTS/766 to 768, A/YL-KTS/770, 771 and A/YL-KTS/774)

- (a) the provision of septic tank at a location to the satisfaction of the Director of Lands or of the Town Planning Board;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached 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 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 the rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application form and attachments of Application No. A/YL-KTS/765 received on 29.11.2017
<b>Appendix Ia</b>	Application form and attachments of Application No. A/YL-KTS/766 received on 29.11.2017
<b>Appendix Ib</b>	Application form and attachments of Application No. A/YL-KTS/767 received on 29.11.2017
<b>Appendix Ic</b>	Application form and attachments of Application No. A/YL-KTS/768 received on 29.11.2017
<b>Appendix Id</b>	Application form and attachments of Application No. A/YL-KTS/769 received on 29.11.2017
<b>Appendix Ie</b>	Application form and attachments of Application No. A/YL-KTS/770 received on 29.11.2017
<b>Appendix If</b>	Application form and attachments of Application No. A/YL-KTS/771 received on 29.11.2017
<b>Appendix Ig</b>	Application form and attachments of Application No. A/YL-KTS/772 received on 29.11.2017
<b>Appendix Ih</b>	Application form and attachments of Application No. A/YL-KTS/773 received on 29.11.2017
<b>Appendix Ii</b>	Application form and attachments of Application No. A/YL-KTS/774 received on 29.11.2017
<b>Appendix Ij</b>	Application form and attachments of Application No. A/YL-KTS/775 received on 29.11.2017
<b>Appendix II</b>	Relevant Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories
<b>Appendix III</b>	Similar applications for proposed house (NTEH - Small House) within the same and the nearby “AGR” zones on the Kam Tin South OZP

<b>Appendix IV</b>	Detailed comments from relevant Government departments
<b>Appendices V-1 to V-32</b>	Public comments received during the statutory publication period
<b>Appendix VI</b>	Advisory Clauses
<b>Drawings A-1 to A-11</b>	Site Layout Plans
<b>Drawing A-12</b>	Proposed EVA Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Location Plan with Similar Applications within Village Environ of Cheung Po
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a to 4b</b>	Site Photos