

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/SK-HC/312 to 314

Applicants : Wan Christopher Pak Hin (Application No. A/SK-HC/312)
Cheung Yiu Jun (Application No. A/SK-HC/313)
Wan Andrew Hing Leung (Application No. A/SK-HC/314)

All represented by T. H. & Associates Limited

Sites : Lot 481 S.A ss.5 (Application No. A/SK-HC/312)
Lot 481 S.A ss.4 (Application No. A/SK-HC/313)
Lot 481 S.A ss.1 (Application No. A/SK-HC/314)

All in D.D. 244, Ho Chung, Sai Kung, New Territories

Site Areas : 190.7m² (about) (Application No. A/SK-HC/312)
186.7m² (about) (Application No. A/SK-HC/313)
173.2m² (about) (Application No. A/SK-HC/314)

Leases : Old Schedule Agricultural Lot held under Block Government Lease

Plan : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11

Zoning : "Agriculture" ("AGR")

Applications : Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposals

- 1.1 The applicants, indigenous villagers of Ho Chung, seek planning permissions for development of one NTEH (Small House) at each of the application sites (the Sites) (**Plan A-1**). According to the Notes of the OZP, within the "AGR" zone, 'House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)' is a Column 2 use which requires planning permission from the Town Planning Board (the Board).

1.2 Major development parameters of the proposed Small Houses are as follows:

	Application No. A/SK-HC/312	Application No. A/SK-HC/313	Application No. A/SK-HC/314
Site Area	190.7m ²	186.7m ²	173.2m ²
No. of Small House	1	1	1
Covered Area	65.03m ²	65.03m ²	65.03m ²
Total GFA	195.09m ²	195.09m ²	195.09m ²
No. of Storey	3	3	3
Building Height	8.23m	8.23m	8.23m

1.3 The lot index plans and site plans for the proposed Small Houses submitted by the applicants are shown at **Drawings A-1a to A-2c**.

1.4 In support of the applications, the applicants have submitted the follow documents:

- (a) Application form with attachments of Application No. A/SK-HC/312 (**Appendix Ia**) which were received 13.6.2019
- (b) Application form with attachments of Application No. A/SK-HC/313 (**Appendix Ib**) which were received 13.6.2019
- (c) Application form with attachments of Application No. A/SK-HC/314 (**Appendix Ic**) which were received 13.6.2019

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the applications are detailed in Appendices G attached with the application forms at **Appendices Ia to Ic**. They can be summarized as follows:

- (a) the applicants are indigenous villagers of Ho Chung Village, and the Sites are entirely within the ‘village environs’ (‘VE’) of Ho Chung;
- (b) land supply with the “V” zone of Ho Chung is limited and the demand of Small House is high;
- (c) the proposed developments are considered compatible with the adjoining rural environment and will be visually un-intrusive to the surrounding;
- (d) there is no ditch or stream course within 30m of the Sites;
- (e) there is an unnamed road at about 15m from the Sites leading to Ho Chung Road; and
- (f) applications for extension of time for commencement of the proposed developments were granted under planning applications No. A/SK-HC/194-1, 195-1 and 196-1, however, the Small House grants have not been approved by District Lands Office/Sai Kung, Lands Department (DLO/SK, LandsD).

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

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

4. Assessment Criteria

The set of interim criteria for assessing planning application for NTEH/Small House development in the New Territories (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. The latest set of Interim Criteria promulgated on 7.9.2007 is at **Appendix II**.

5. Previous Applications

5.1 The Sites of applications No. A/SK-HC/312, 313 and 314 are the subject of previous applications No. A/SK-HC/194, 195 and 196 respectively, which were submitted by the same applicants. The applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 8.7.2011, mainly on grounds that insufficient land within “V” zone to meet the Small House demand, general compliance with the Interim Criteria and no significant environmental, traffic and drainage impacts on the surrounding areas. Applications No. A/SK-HC/194-1, 195-1 and 196-1 for extension of time for the commencement of the proposed developments of 4 years were approved by the Director of Planning under the delegated authority of the Board on 11.5.2015. The permissions lapsed on 8.7.2019¹.

5.2 Details of the previous applications are at **Appendix III**.

6. Similar Applications (Plans A-1 and A-2a)

6.1 There are 70 similar applications for Small House developments in the same “AGR” zone on the Ho Chung OZP (**Plan A-1**) since the Interim Criteria was revised on 7.9.2007. Applications No. A/SK-HC/150, 151, 153 to 156, 158, 159, 162, 164, 166, 167, 171 to 173, 179, 183, 184, 198 to 200, 201 to 203, 206 to 212, 214, 215, 217, 218, 222, 228 to 230, 237, 238, 240, 243, 246, 254, 255, 258 to 261, 263, 267, 268, 270, 272 to 277, 280, 293, 294, 305 and 311 were approved with conditions by the Rural and New Town Planning Committee (the Committee) mainly on grounds of insufficient land within “V” zone to meet the Small House demand; general compliance with the Interim Criteria; and no significant environmental, traffic and drainage impacts on the surrounding areas.

6.2 Applications No. A/SK-HC/165, 174, 190, 204 and 290 were rejected by the Committee or the Board upon review mainly on grounds of adverse impact on water gathering grounds and streamcourse; and setting of an undesirable precedent.

6.3 Details of the similar applications are summarized at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2a**.

¹ According to Town Planning Board Guidelines No. 35C, any extension(s) of time for commencement of development shall not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal. As such, the applicants are required to apply for fresh applications for the proposed developments.

7. The Sites and Their Surrounding Areas (Plans A-1, A-2a and A-2b and photos on Plans A-3 to A-4)

7.1 The Sites are:

- (a) flat and currently vacant;
- (b) within the ‘VE’ of Ho Chung; and
- (c) accessible from a village road linking to Ho Chung Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north, east, south and west are a mix of vacant land, existing village houses and approved sites for Small House developments; and
- (b) to the further north is a “Government, Institution or Community” (“G/IC”) zone, occupied by the Ho Chung Lowland Pumping Station.

8. 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.

9. Comments from Relevant Government Departments

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

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? -Footprint of the NTEHs/Small Houses -Application sites		100% 100%	Within the “AGR” zone.
2.	Within ‘VE’? -Footprint of the NTEHs/Small Houses -Application sites	100% 100%		

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
3.	Sufficient land in “V” zone to satisfy outstanding Small House applications and 10-year Small House demand?		✓	<ul style="list-style-type: none"> Land required to meet Small House demand: about 8.48 ha (equivalent to 339 Small House sites). The outstanding Small House applications are 104² while the 10-year Small House demand forecast is 235. Land available to meet Small House demand: about 3.13 ha (equivalent to 125 Small House sites)
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications from agricultural point of view. The Sites have potential for agricultural rehabilitation.
5.	Compatible with surrounding area/development?	✓		The Sites are located to the west of Ho Chung New Village. There are existing village houses and similar applications for Small House developments approved by the Committee in the vicinity (Plans A-1 and A-2b).
6.	Within Water Gathering Ground?		✓	Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD) has no objection to the applications.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	Director of Fire Services (D of FS) has no in-principle objection to the applications. The applicants are reminded to observe the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal applications referred by Lands Department.
9.	Traffic Impact?	✓		Commissioner for Transport (C for T) has reservation on the

² Among the 104 outstanding Small House applications, there are 60 Small House applications straddle or outside the “V” zone. For those 60 applications straddling or being outside the “V” zone, 39 of them have obtained valid planning approvals from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				applications. Such type of developments should be confined within “V” zone as far as possible. Although additional traffic generated by the proposed developments is not expected to be significant, such type of developments outside the “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, as the applications only involve one Small House at each Site, C for T considers that the applications can be tolerated unless they are rejected on other grounds.
10.	Drainage Impact?		✓	Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) has no in-principle objection to the applications.
11.	Landscaping Impact?		✓	<p>Chief Town Planner/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the applications from the landscape planning point of view.</p> <p>The Sites are located in an area of rural landscape character dominated by village houses and vegetated area and hard paved vacant land. It is noted that the Sites are located in close vicinity to the existing village houses and some approved Small Houses are located near the Sites. The Sites appear vacant without vegetation cover, while patches of self-seeded overgrown of grass seem to be located near the sites, and no active farming is observed at/near the Sites. The applications are not incompatible to the landscape character of the surrounding environment. Significant changes and disturbance to the existing landscape character are not</p>

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				anticipated. In consideration of limited space within the Sites, implementation of effective landscape treatment (particularly by means of tree planting) for bring greenery contribution to the public realm seems not practicable. It is considered not necessary to impose any landscape related condition should the applications be approved by the Board.
12.	Local objection conveyed by District Officer/Sai Kung (DO/SK, HAD)?		✓	DO/SK, HAD has no comment on the applications.

9.2 Comments from the following government departments have been incorporated in the above paragraph. Other comments are at **Appendix V**.

- (a) DAFC;
- (b) CE/Construction, WSD;
- (c) D of FS;
- (d) C for T;
- (e) CE/MS, DSD;
- (f) CTP/UD&L, PlanD; and
- (g) DLO/SK, LandsD.

9.3 The following government departments have no objection to/no comment on the applications:

- (a) Chief Engineer (Works), Home Affairs Department;
- (b) DO/SK, HAD;
- (c) Chief Building Surveyor/ New Territories East 2 & Rail, Buildings Department;
- (d) Director of Environmental Protection (DEP);
- (e) Executive Secretary (Antiquities and Monuments) of Antiquities and Monuments Office, Development Bureau;
- (f) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (g) Chief Highway Engineer/New Territories East, Highways Department.

10. Public Comments Received During Statutory Publication Period

On 22.6.2019, the applications were published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 12.7.2019, two comments were received on each application from individuals (**Appendix VI**). One commenter objects to the applications mainly on grounds that the Sites are outside the village cluster and located within an active agricultural area, which are also close to an existing watercourse; the applications are not in line with the planning intention of “AGR” zone and there is no strong justification in the submission for a departure from the planning intention; and there are still land available within the “V” zone of Ho

Chung. The other commenter raises concern on the lack of planning for car park in Ho Chung New Village.

11. Planning Considerations and Assessments

- 11.1 The Sites fall entirely within an area zoned “AGR” zone on the Ho Chung OZP. 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. While the proposed Small House developments are not in line with the planning intention of the “AGR” zone and DAFC does not support the applications as the Sites have potential for agricultural rehabilitation, there is no active farming within the Sites.
- 11.2 The applications generally comply with the Interim Criteria in that the proposed Small House footprints fall entirely within the ‘VE’ of Ho Chung and there is a general shortage of land in meeting Small House development in the “V” zone. According to DLO/SK, LandsD, the outstanding Small House applications for Ho Chung Village is about 104 while the 10-year Small House demand forecast is 235. Thus the total demand for Small House sites is 339. According to the latest estimate by PlanD, about 3.13 ha (equivalent to about 125 Small House sites) of land are available within the “V” zone of Ho Chung Village. As a new village cluster has been established in the locality and land available within the “V” zone of Ho Chung Village is only slightly more than the number of outstanding Small House applications, sympathetic consideration may be given to the applications. In addition, the Sites are the subject of previous approved applications for the same use applied by the same applicants under applications No. A/SK-HC/194, 195 and 196.
- 11.3 The Sites are located to the west of Ho Chung New Village. The proposed developments are not incompatible with the landscape character of the surrounding areas and no significant changes or disturbances to the existing landscape character and resources are anticipated. The vicinity of the Sites is occupied by Small Houses upon planning approvals given by the Committee (**Plans A-2a** and **A-2b**). CTP/UD&L, PlanD has no objection to the applications from landscape planning point of view. Besides, the proposed Small Houses are not anticipated to result in adverse drainage, sewerage and environmental impacts on the surrounding areas. Concerned government departments including CE/MS, DSD, CE/Construction, WSD and DEP have no adverse comment/objection to the applications.
- 11.4 Regarding the public comments objecting to/raising concern on the applications, the assessments in paragraphs 11.1 to 11.3 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment mentioned in paragraph 10, the Planning Department has no objection the applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid until **2.8.2023**, 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 condition of approval and advisory clauses for each of the applications are also suggested for Members' reference:

Approval Condition

the provision of septic tank, as proposed by the applicants, at locations to the satisfaction of the Director of Lands or of the Town Planning Board.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the applications, the following reasons for rejection are suggested for Members' reference:
- (a) the proposed developments are not in line with the planning intention of the "AGR" zone in Ho Chung, which is primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intends to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submissions for a departure from such planning intention; and
 - (b) land is still available within the "V" zone of Ho Chung for Small House development. It is considered more appropriate to concentrate the proposed Small House within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

13. Decision Sought

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition and advisory clauses, if any, to be attached to the permissions, and the date when the validity of the permissions should expire.
- 13.3 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.

14. Attachments

Appendix Ia	Application form with attachments of Application No. A/SK-HC/312
Appendix Ib	Application form with attachments of Application No. A/SK-HC/313
Appendix Ic	Application form with attachments of Application No. A/SK-HC/314
Appendix II	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous applications of the Sites
Appendix IV	Similar planning applications for Small House
Appendix V	Comments from relevant government departments
Appendix VI	Public Comments

Appendix VII	Advisory Clauses
Drawings A-1a to 1c	Lot index plans submitted by the applicants
Drawings A-2a to 2c	Site plans submitted by the applicants
Plan A-1	Location Plan
Plans A-2a & 2b	Site Plans
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2019**