

RNTPC Paper No. A/YL/264
For Consideration by
the Rural and New Town
Planning Committee
on 1.9.24.7.2020

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/264

<u>Applicant</u>	:	Mr. CHAN Ho Yee
<u>Site</u>	:	Tai Kiu Lot 77 RP in D.D.120, Tai Kiu, Yuen Long, New Territories
<u>Site Area</u>	:	26.06 m ²
<u>Lease</u>	:	Block Government Lease (demised for house use)
<u>Plan</u>	:	Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/23
<u>Zoning</u>	:	“Comprehensive Development Area” (“CDA”) <i>[Restricted to a maximum domestic plot ratio (PR) of 5 or a non-domestic PR of 9.5]</i>
<u>Application</u>	:	Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

1.1 The applicant, who claims to be an indigenous villager of Tai Kiu in Yuen Long¹, seeks planning permission to redevelop in-situ an existing 1-storey house with cockloft to a 3-storey NTEH (Small House) at the application site (the Site) (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘House’ is a Column 2 use in the “CDA” zone which requires planning permission from the Town Planning Board (the Board).

1.2 Details of the proposed NTEH (Small House) are as follows:

Total Floor Area	:	78.18 m ²
Number of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	26.06 m ²

1.3 A plan showing the layout of the proposed Small House is at **Drawing A-1**.

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

¹ The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advises that there is no information on whether the applicant is an indigenous villager of Tai Kiu.

- (a) Application Form with plans received on 26.5.2020 (Appendix I)
- (b) Further Information (FI) received on 30.6.2020 providing background information and clarifying the traffic demand (Appendix Ia)
- (c) FI received on 8.7.2020 clarifying the layout of the Site (Appendix Ib)
[(b) and (c) accepted and exempted from publication and recounting requirements]

1.5 *In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Town Planning Board has agreed to defer consideration of the application and the application is now scheduled for consideration by the Committee at this meeting.*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 8 of the Application Form at **Appendix I** and FI at **Appendix Ia**. They can be summarised as follows:

- (a) The existing house at the Site is cramped and ageing, which requires frequent maintenance. Through redevelopment into a 3-storey NTEH, the safety of the building could be better ensured and it would also significantly improve the quality of the living environment.
- (b) The subject village is currently not under any active planning for comprehensive development by the private sector. Since there is already an existing house at the Site, redevelopment of the house would unlikely cause any adverse environmental, traffic and drainage impacts to the surrounding area. No traffic demand is anticipated from the proposal.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The subject “CDA” zone largely covers the village ‘environs’ (‘VE’) of Tai Kiu (**Plan A-2**), which is a recognised village in Shap Pat Heung, Yuen Long. The subject “CDA” zone is about 2 ha in size, consisting of approximately 9,270m² of private land and 11,130m² of government land. Currently the village has about 120 village houses. Tai Kiu was zoned “CDA” on the first Yuen Long OZP No. S/YL/1 exhibited on 12.4.1991 with a view to providing incentive to upgrade the local environment in commensurate with its urban setting. However, as there were no signs of comprehensive redevelopment proposals during the intervening years, the Rural and New Town Planning Committee (the Committee) of the Board agreed to rezone Tai Kiu from “CDA” to “Village Type Development” (“V”) on 8.2.2002. The draft Yuen Long OZP No. S/YL/11 incorporating the said zoning amendment was exhibited for public inspection under s.7 of the Town Planning Ordinance (the Ordinance) on 8.3.2002.

4.2 During the plan exhibition period, three objections lodged by the Village Representative of Tai Kiu, a group of villagers of Tai Kiu and two individuals were received. In particular, the latter two objections requested the Board to revert the zoning back to “CDA” mainly on the reasons that it could encourage comprehensive redevelopment so as to optimise developable land at the centre of Yuen Long New Town, and in turn improve the living environment of the village. On 2.8.2002, the Board gave further consideration to these objections under s.6(6) of the Ordinance and decided to revert the zoning of Tai Kiu from “V” back to “CDA”. The main reasons were that some efforts had been made by the villagers to redevelop the village; low-rise village development in the centre of Yuen Long New Town would represent an underutilisation of precious land resources; a “CDA” zoning would provide better opportunities for heritage preservation than a “V” zoning; and although development in “CDA” usually involved joint-venture redevelopment which would be time consuming, the Board could monitor the progress of the redevelopment and review the zoning for the village where appropriate. On 18.10.2002, the Board confirmed the zoning amendment from “V” to “CDA” under s.6(9) of the Ordinance, and the approved Yuen Long OZP No. S/YL/12 incorporating the amendments was gazetted under s.9(5) of the Ordinance on 6.12.2002. The “CDA” zoning for Tai Kiu has remained unchanged since then.

5. Assessment Criteria

The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (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 is at **Appendix II**.

6. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Submission of Master Layout Plan (MLP) under section 4A(2) of the Town Planning Ordinance’ (TPB PG-No. 18A) are relevant to this application and extracted at **Appendix III**.

7. Previous Application

The Site was involved in a previous application (No. A/YL/136) covering nearly the whole “CDA” zone for proposed comprehensive commercial/residential development. The application was approved with conditions by the Committee on 27.8.2010 mainly on the considerations that the applicant was actively pursuing a development/acquisition agreement with other landowners (including the affected villagers) for relocating the village and building replacement village houses elsewhere; the redevelopment of the area was in line with the planning intention; and concerned departments had no adverse comments on the proposal. The validity of the permission was extended once but the proposed development was not implemented and the permission lapsed on 28.8.2018. Details of the application are summarised in **Appendix IV** and its location is shown on **Plan A-1**.

8. Similar Application

There is no similar application within the “CDA” zone on the OZP.

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

9.1 The Site is:

- (a) located amongst the northern cluster of village houses in Tai Kiu;
- (b) accessible by a local track leading from Tai Kiu Road; and
- (c) generally flat, formed and occupied by a 1-storey house with cockloft.

9.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) predominantly consist of village houses of Tai Kiu intermixed with some temporary structures and unused land, with scattered vehicle parks, shops and a metal workshop to the eastern and southern fringes of the subject village;
- (b) to the further southwest of the Site is the Tai Kiu Stormwater Pumping Station within the same “CDA” zone; and
- (c) the subject “CDA” zone is bounded by roads (to its north, east and south) and Yuen Long Nullah (to its west), and surrounded by high-rise composite developments to its further east and south, with West Rail Long Ping Station to its further north.

10. Planning Intention

The planning intention of the “CDA” zone is for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

11. Comments from Relevant Government Departments

11.1 The application has been assessed against the Interim Criteria at **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?			-
-	The Site	-	100%	The Site and the proposed Small House footprint falls entirely within the “CDA” zone.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	- Footprint of the proposed Small House	-	100%	
2.	Within 'VE'? - The Site - Footprint of the proposed Small House	100% 100%	- -	- The Site and the proposed Small House footprint falls entirely within the 'VE' of Tai Kiu (Plan A-2).
3.	Sufficient land in "V" zone to satisfy outstanding Small House applications and 10-year Small House demand?		✓	<p><u>Land Required</u></p> <p>- Land required to meet Small House demand in Tai Kiu (the 10-year Small House demand forecast provided by the Indigenous Inhabitants Representative (IIR)) is about <u>3.45 ha (equivalent to about 138 Small House sites)</u>. There is no outstanding Small House application within the 'VE' of Tai Kiu.</p> <p><u>Land Available</u></p> <p>- There is no "V" zone for Tai Kiu.</p>
	Sufficient land in "V" zone to meet outstanding Small House applications?	-	-	
4.	Compatible with the planning intention of "CDA" zone?		✓	<p>- The planning intention of the "CDA" zone is for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities.</p> <p>- There is no valid planning approval/MLP covering the Site.</p>
5.	Compatible with surrounding area / development?	✓		- The immediate surrounding areas mainly consist of village houses and unused land (Plan A-2).
6.	Within Water Gathering Grounds?		✓	

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
7.	Encroachment onto the planned road networks and public works boundaries?		✓	
8.	Need for provision of fire services installations and emergency vehicular access?		✓	- The Director of Fire Services (D of FS) has no in-principle objection to the application.
9.	Traffic impact?		✓	- The Commissioner for Transport (C for T) has no comment on the application from traffic engineering point of view.
10.	Drainage impact?		✓	- The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application.
11.	Sewerage impact?		✓	- Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.
12.	Landscape impact?		✓	- The Chief Town Planner/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that significant change to landscape character arising from the application is not anticipated.
13.	Local objections received by District Officer (DO)?		✓	

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

(a) DLO/YL, LandsD;

(b) Chief Building Surveyor/New Territories West, Buildings Department

- (CBS/NTW, BD);
- (c) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (d) D of FS;
- (e) DO (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (f) C for T;
- (g) DEP;
- (h) CTP/UD&L, PlanD; and
- (i) CE/MN, DSD.

11.3 The following government departments have no comment on the application:

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Commissioner of Police (C of P);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

12. Public Comments Received During the Statutory Publication Period

On 2.6.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from the IIR of Tai Kiu and an individual. The IIR of Tai Kiu urged the applicant not to encroach any works onto other land and to mitigate any potential impacts and environmental nuisances arising from the proposal, especially during the construction stage (**Appendix VI-1**). The individual opined that the proposal's impact on the whole "CDA" zone should be considered in a holistic manner (**Appendix VI-2**).

13. Planning Considerations and Assessments

Planning Intention

13.1 The application is for proposed house (NTEH – Small House) at a site within the "CDA" zone on the OZP. The planning intention of the "CDA" zone is for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. While the proposed development is not in line with the planning intention of the "CDA" zone, the proposal is only for redevelopment of an existing village house, which is small in scale and the Site has a building status for house use under the lease. Moreover, as a recognised village, the village removal policy would apply if Tai Kiu is subject to any comprehensive development/redevelopment plans by the public sector in the future. Similarly, an appropriate rehousing and/or compensation package(s) for the affected villagers would likely be a prerequisite for any future comprehensive development/redevelopment initiatives by the private sector. Whether the subject house is redeveloped or not, the same considerations would still apply if and when

such a comprehensive development/redevelopment proposal materialises.

- 13.2 The Site involves in a previous application (No. A/YL/136) covering nearly the entire “CDA” zone for proposed comprehensive commercial/residential development. While the application was approved with conditions by the Committee in 2010, the proposal was not implemented and the permission had lapsed in 2018. There is currently no valid planning approval/MLP covering the subject “CDA” zone nor any known development/redevelopment proposals for the area. Overall, the proposed redevelopment of an existing village house would not significantly jeopardise the long-term development of the subject “CDA” zone.

Land Use Compatibility

- 13.3 The Site, located amongst the northern cluster of village houses in Tai Kiu, is currently occupied by an existing 1-storey house with cockloft. The proposed 3-storey house is not considered incompatible with the surrounding area which is predominantly village houses of a similar scale. CTP/UD&L, PlanD advised that significant change to the landscape character arising from the application is not anticipated.

Interim Criteria

- 13.4 Regarding the Interim Criteria (**Appendix II**), the Site and the footprint of the proposed Small House fall entirely within the ‘VE’ of Tai Kiu (**Plan A-2**). As there is no “V” zone for Tai Kiu, the 10-year long-term forecast demand of about 138 Small Houses (about 3.45 ha) cannot be met. According to the Interim Criteria, 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 and there is a general shortage of land in meeting the demand for Small House development in the “V” zone of the village, noting that there is no “V” zone for Tai Kiu. As the proposal is to redevelop in-situ an existing village house mainly to improve the quality of the living environment of the applicant, sympathetic consideration could be given to the current application based on its individual circumstances.

Technical Considerations

- 13.5 Relevant government departments consulted have no objection to or no comment on the application. Adverse environmental, traffic, landscape and infrastructural impacts on the surrounding area are not envisaged. Furthermore, relevant approval condition is recommended in paragraph 14.2 below to address the technical requirements of concerned government departments.
- 13.6 While TPB PG-No. 18A stipulate that the Board may require all application for permission in an area zoned “CDA” to be in the form of MLP and supported by other information, the current proposal only concerns redevelopment of one existing village house at the Site. The MLP requirements of TPB PG-No. 18A may not be entirely applicable in this regard.

Public Comments

- 13.7 Two public comments were received during the statutory publication period as summarised in paragraph 12 above. The planning considerations and assessments in paragraphs 13.1 to 13.6 above are relevant.

14. Planning Department's Views

- 14.1 Based on the assessments made in paragraph 13 and having taken into account the public comments in paragraph 12 above, the Planning Department has no objection to the application.
- 14.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 1.9.24.7.2024, 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 condition of approval and advisory clauses are also suggested for Members' reference:

Approval condition

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.

Advisory clauses

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

- 14.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "CDA" zone, which is for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. There is no strong planning justification in the submission to depart from the planning intention.

15. Decision Sought

- 15.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 15.2 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.
- 15.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

16. Attachments

Appendix I	Application Form with plans received on 26.5.2020
Appendix Ia	FI received on 30.6.2020
Appendix Ib	FI received on 8.7.2020
Appendix II	Extract of the Interim Criteria
Appendix III	Extract of TPB PG-No. 18A
Appendix IV	Previous Application covering the Site
Appendix V	Detailed Comments from Relevant Government Departments
Appendices VI-1 and VI-2	Public Comments Received During Statutory Publication Period
Appendix VII	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
~~SEPTEMBER~~JULY 2020**