

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NOS. A/I-MWI/46 AND 47

<u>Applicants</u>	:	Wing Mau Consultants Limited represented by Mr. Lit Ying-cheung Edward
<u>Sites</u>	:	Ma Wan Lot 326 (Application No. A/I-MWI/46) Ma Wan Lot 320 (Application No. A/I-MWI/47)
<u>Site Areas</u>	:	About 61.3m ² (Application No. A/I-MWI/46) About 65m ² (Application No. A/I-MWI/47)
<u>Lease</u>	:	New Grant No. 5304 (Application No. A/I-MWI/46) New Grant No. 5162 (Application No. A/I-MWI/47) (a) Extended to expiring no later than 30.6.2047 (b) Restricted to non-industrial purposes and the erection of one building not more than two storeys or 25 feet in height excluding stairhood (maximum 6 feet in height)
<u>Plan</u>	:	Approved Ma Wan Outline Zoning Plan (OZP) No. S/I-MWI/14
<u>Zoning</u>	:	“Comprehensive Development Area” (“CDA”)
<u>Application</u>	:	Proposed House (New Territories Exempted House (NTEH)) for Each Application

1. The Proposals

- 1.1 The applicants seek planning permission to build a proposed house (New Territories Exempted House (NTEH)) for each of the two application sites (the Sites) in Ma Wan. The Sites fall within an area zoned “Comprehensive Development Area” (“CDA”) on the approved Ma Wan Outline Zoning Plan (OZP) No. S/I-MWI/14 (**Plan A-1a**). According to the Notes of the OZP for “CDA” zone, ‘House’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Sites are currently vacant and paved.
- 1.2 The Sites form a minor portion of eight previous planning applications, which are all for the proposed comprehensive development of Ma Wan Park (**Plan A-1b**). The last previous application (No. A/I-MWI/43) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 5.7.2013. A subsequent application (No. A/I-MWI/45) for Ma Wan Park excluding

the Sites, amongst others, from the application boundary due to land acquisition reason, was approved with conditions by the Committee of the Board on 17.1.2014 (**Plan A-1c**).

- 1.3 According to the applicants, the Sites are building lots subject to building entitlements under New Grants. The Master Layout Plans (MLPs), layout plans, elevation plans and sewerage connection proposals for the NTEH developments submitted by the applicants are shown in **Drawings A-1 to A-4** (No. A/I-MWI/46) and **Drawings A-5 to A-8** (No. A/I-MWI/47), and details of the proposed NTEHs are summarised as follows:

	A/I-MWI/46	A/I-MWI/47
Site Area (m²)	61.3	65
Gross Floor Area (GFA) (m²)	105.54	112.76
Roofed Over Area (m²)	52.77	56.38
No. of Storeys	2	2
Building Height (m)	7.62	7.62
Height of Stairhood (m)	1.829 (6 feet)	1.829 (6 feet)

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

Application No. A/I-MWI/46

- (a) Application Form with attachments received on 7.8.2020 (**Appendix I**)
- (b) Planning Statement attached to the Application Form (**Appendix Ia**)
- (c) Email dated 1.9.2020 providing revised elevation plans, replacement pages of the Planning Statement and responses to departmental comments[#] (**Appendix Ib**)

Application No. A/I-MWI/47

- (d) Application Form with attachments received on 7.8.2020 (**Appendix II**)
- (e) Planning Statement attached to the Application Form (**Appendix IIa**)
- (f) Email dated 1.9.2020 providing revised elevation plans and responses to departmental comments[#] (**Appendix IIb**)

Remarks:

[#] Further information accepted and exempted from publication and recounting requirements.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in **Appendices I, Ia to Ib, II and IIa to IIb**, and are summarised as follows:

- (a) Both Ma Wan Lots 326 and 320 are building lots for non-industrial purposes subject to building entitlements under New Grants granted in 1974 and 1973 respectively. The proposed developments will enable the applicants to legitimately execute the right of the already-established building status within the Sites.

- (b) The Sites have been occupied by NTEHs since 1974, which were demolished in 2019 as they were found in dilapidated conditions. The proposed NTEHs will maintain the same size as the original NTEHs (i.e. 568 and 607 square feet per floor for Application No. A/I-MWI/46 and 47 respectively), of which the GFA is smaller than that as permitted under lease. The alignment of the row of houses will be maintained, and will also adhere to the outlook / configuration / external wall colour similar to the nearby NTEH cluster so as to minimise the impacts to the surrounding natural character and landscapes.
- (c) The landscape and ecological value of the Sites are not significant as there is currently no tree and vegetation within the Sites. As the proposed developments are small in scale and would be confined to the Sites, adverse impacts from traffic, landscape, ecological, environmental, drainage or sewerage perspectives are not anticipated. Appropriate environmental mitigation measures would be applied during the construction and operation period.
- (d) In view of the unique nature of the Sites as set out above, the current applications would not set any undesirable precedents of developments within the “CDA” zone.

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

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

4. Town Planning Board Guidelines

Town Planning Board Guidelines on Submission of Master Layout Plan under Section 4A(2) of the Town Planning Ordinance (TPB PG-No. 18A) is relevant to the applications. The major relevant points are summarised in **Appendix III**.

5. Background of the Comprehensive Development in the Subject “CDA” zone

- 5.1 The “CDA” zone covering the Site is intended for comprehensive development/redevelopment for low-rise, low-density recreation, commercial and/or tourism uses.
- 5.2 There are 10 approved planning applications covering the subject “CDA” zone. Nine of them (Nos. A/MWI/3 and 9 as well as Nos. A/I-MWI/14, 27, 29, 35, 37, 43 and 45) are for the proposed development of Ma Wan Park covering a majority portion of the subject “CDA” zone. The remaining application (No. A/I-MWI/20) is for a proposed resort hotel development covering a minor portion of the subject “CDA” zone. Except Application Nos. A/I-MWI/20 and 45 (**Plan A-1c**), the planning permissions for the other eight applications lapsed.
- 5.3 Application No. A/I-MWI/20 for a proposed resort hotel development was approved with conditions by the Committee on 3.9.2004, covering the subject

“CDA” zone and “Other Specified Uses” (“OU”) annotated “Recreation and Tourism Related Uses” zone. Given that the building plans for the proposed development were approved in September 2010, the development is considered to have commenced but yet to be implemented. The Sites are not located within the application boundary of Application No. A/I-MWI/20 (**Plan A-1c**).

- 5.4 Application No. A/I-MWI/45 for the development of Ma Wan Park was approved with conditions by the Committee on 17.1.2014, with subsequent extension of validity period until 17.1.2022 (No. A/I-MWI/45-1). The application site covers the subject “CDA” zone and other land use zones¹. According to the approved MLP under Application No. A/I-MWI/45 (**Plan A-5**), the Sites are not located within the application boundary of Ma Wan Park. The existing village houses located to the immediate vicinity of the Sites are located within Phase 1 of Ma Wan Park and have been used as ‘retained village houses for short-term accommodation’ according to the approved MLP. Other major developments in Phase 1 of Ma Wan Park (e.g. Noah’s Ark, Solar Tower, Ma Wan Nature Garden, etc.) have also been implemented. Meanwhile, Phase 2 of Ma Wan Park falls mainly within the subject “CDA” zone, which is mainly intended for the development of ‘Restyled Ma Wan Village’ including eating place, shop and services, place of recreation, sports or culture, open space, amenity planting and holiday camp uses. Phase 2 of Ma Wan Park has yet to be implemented so far.

6. Previous Applications (Plan A-1b)

There are eight previous planning applications covering the Site, which are all for the proposed development of Ma Wan Park (Nos. A/MWI/3 and 9 as well as Nos. A/I-MWI/14, 27, 29, 35, 37, 43). All of the planning permissions lapsed and are no longer valid. Details of the previous applications are summarised in **Appendix IV**.

7. Similar Application

There is no similar application within the “CDA” zone of the Ma Wan OZP.

8. The Sites and Their Surrounding Areas (Plans A-1a to A-3, photos on Plan A-4 and Plan A-5)

8.1 The Sites are:

- (a) currently vacant and paved, and fenced by hoardings; and
- (b) accessible via vehicular track leading to Fong Yuen Road to their north.

¹ The application site covers the subject “CDA” zone as well as “OU” annotated “Recreation and Tourism Related Uses”, “Green Belt”, “Government, Institution or Community” zones and an area shown as ‘Road’ on the OZP.

8.2 The surrounding areas have the following characteristics:

- (a) the surrounding areas are generally rural in nature;
- (b) the Sites are located within a cluster of village houses of one to three storeys to their east, south and west (**Plans A-2 and A-3**). Most of these village houses currently used as holiday camp (i.e. Solar Villas of Ma Wan Park) are covered by the planning permission for Ma Wan Park under Application No. A/I-MWI/45 (**Plan A-1c and A-5**);
- (c) to their north are the Heritage Museum and multi-purpose performance venue of Ma Wan Park;
- (d) to their east is the Ma Wan Alliance Church; and
- (e) to their further west on a hill is the Solar Tower of Ma Wan Park.

9. Planning Intention

The “CDA” zone is intended for comprehensive development / redevelopment of the area in northeastern Ma Wan for residential and / or commercial uses with the provision of open space and other supporting facilities and that of the existing Ma Wan Town area in western Ma Wan for low-rise, low-density recreation, commercial and / or tourism uses. 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.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) Ma Wan Lot 326 is held under New Grant No. 5304 dated 27.8.1974 having a registered area of 660 square feet and the lease was extended to expiring no later than 30.6.2047. According to the New Grant, the lot is restricted to non-industrial purposes and the erection of one building not more than two storeys or 25 feet in height excluding the stairhood (maximum 6 feet in height), with a maximum build-over area (BOA) of 660 square feet inclusive of balcony and canopy and a cockloft not exceeding 50% of the BOA accessible only from ground floor. The lot is also subject to the condition, amongst others, that no grave shall be made or any human

remain shall be interred on the lot and there is no guaranteed right-of-way to the lot;

- (b) Ma Wan Lot 320 is held under New Grant No. 5162 dated 25.6.1973 having a registered area of 700 square feet and the lease was extended to expiring no later than 30.6.2047. According to the New Grant, the lot is restricted to non-industrial purposes and the erection of one building not more than two storeys or 25 feet in height excluding the stairhood (maximum 6 feet in height), with a maximum build-over area (BOA) of 700 square feet inclusive of balcony and canopy and a cockloft not exceeding 50% of the BOA accessible only from ground floor. The lot is also subject to the condition, amongst others, that no grave shall be made or any human remain shall be interred on the lot and there is no guaranteed right-of-way to the lot;
- (c) Ma Wan Lots 320 and 326 are currently owned by a company named Wing Mau Consultants Limited, and are not owned by Indigenous Villagers;
- (d) based on available information, the proposals submitted by the applicants do not contravene the lease conditions governing the Sites. Her office has no comment on the applications; and
- (e) should planning approval be given to the proposed NTEHs, the applicants will need to apply to her office for rebuilding on the lots. The rebuilding applications, if received, will be considered by LandsD acting in the capacity as the landlord at its sole discretion and there is no guarantee that such applications will be approved. In the event any such applications are approved, they will be subject to such terms and conditions, including among others, the payment of requisite fees, as may be imposed by LandsD.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

she has no adverse comment on the applications from traffic engineering's view point.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways (CE/NTW, HyD):

as the proposed NTEHs are far away from public roads under his maintenance, he has no comment from highways maintenance viewpoint.

Building Matters

10.1.4 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

Noting that the buildings to be erected on the Sites will be NTEHs under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121), DLO/TW&KT should be in a better position to comment on the applications. In case DLO/TW&KT decides not to issue the certificates of exemption for the site formation works and/or drainage works associated with the NTEH developments, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorized Person should be appointed as the coordinator for the proposed works.

Fire Safety

10.1.5 Comments of the Director of Fire Services (D of FS):

he has no comment on the applications subject to the fire safety requirements as stipulated in “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD being complied with.

Environment

10.1.6 Comments of the Director of Environmental Protection (DEP):

in view of the small scale of the proposed developments and the proposed sewage facilities (connection to public sewer), the applications are unlikely to cause major pollutions.

Drainage

10.1.7 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) he has no comment on the applications from drainage planning perspective;
- (b) from sewerage perspective, the proposed connection to public sewerage system is fundamentally acceptable. However, a minimum size of 200mm diameter for the sewerage should be used as required in Section 5.1.1 of Sewerage Manual; and
- (c) should the applications be approved, the applicants are required to submit and implement a detailed drainage and sewerage proposal to his satisfaction.

Water Supplies

10.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

he has no objection to the applications.

Geotechnical

10.1.9 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

he has no geotechnical objection to the applications.

Landscape

10.1.10 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) according to the planning statements and the submitted photo records (**Appendices Ia and IIa**), the Sites are hard paved and there is no tree and vegetation within the Sites. No significant landscape impact arising from the applications are envisaged; and
- (b) in view that there is limited space within the Sites for landscape planting, it is considered not necessary to impose any landscape condition in the planning permission should the applications be approved.

District Officer's Comments

10.1.11 Comments of the District Officer (Tsuen Wan), Home Affairs Department (DO(TW), HAD):

- (a) he has no comment on the applications; and
- (b) his office has not received any public comment on the applications.

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

- (a) Commissioner of Police;
- (b) Director of Electrical and Mechanical Services; and
- (c) Sustainable Lantau Office, Civil Engineering and Development Department.

11. Public Comments Received During Statutory Publication Period

During the three-week statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The applications are to seek planning permissions to build a NTEH each on the Sites within the “CDA” zone. The planning intention of the subject “CDA” zone is for comprehensive development / redevelopment for low-rise, low-density recreation, commercial and / or tourism uses. Besides, it is stipulated in the Notes of the OZP that an applicant for permission for development on land designated “CDA” shall prepare a MLP together with technical assessments for the approval of the Board. In this regard, the applicants under the current applications have submitted MLPs (**Drawings A-1** and **A-5**) indicating the proposed NTEHs at the Sites but without showing other proposed uses nor development details for the remaining “CDA” zone. No technical assessments have been submitted.
- 12.2 The “CDA” zone is also subject to two valid planning permissions for the proposed development of Ma Wan Park (No. A/I-MWI/45) and a resort hotel (No. A/I-MWI/20) respectively (**Plan A-1c**). The Sites, occupying a total area of 126.3m² (about 0.14% of the subject “CDA” zone), are not located within the application boundaries of the above two approved schemes. While the Sites previously formed part of the Ma Wan Park development, they were subsequently excluded from the application boundary under Application No. A/I-MWI/45 due to land acquisition reason (**Plan A-5**). The existing village houses located to the immediate vicinity of the Sites are currently used as holiday camp proposed under the Ma Wan Park scheme, and the proposed NTEHs will not affect the implementation of the approved Ma Wan Park and resort hotel development.
- 12.3 The Sites are located within a cluster of village houses of one to three storeys mainly for holiday camp use, and the surrounding areas are generally rural in nature. Access to the Sites is via an existing vehicular track leading to Fong Yuen Road to their north (**Plan A-2**). The proposed NTEHs under the current applications are considered not incompatible with the character of the surrounding environment. DEP advises that the applications are unlikely to cause major pollutions. Other relevant Government departments including C for T, CE/HK&I of DSD, CE/C of WSD, D of FS and CTP/UD&L of PlanD also have no objection/ adverse comments on the applications. As regards the concerns on drainage and sewerage aspects raised by CE/HK&I of DSD, it could be addressed through incorporation of approval condition in paragraph 13.2 below.
- 12.4 The Sites are held under New Grants restricted to non-industrial purposes and the erection of one building each on the lots, and the proposed roofed over areas (i.e. 52.77m² and 56.38m² for Application Nos. A/I-MWI/46 and 47 respectively) and building height (i.e. two storeys for both applications) would not exceed that as permitted under lease. In this regard, DLO/TW&KT of LandsD advises that the proposed developments do not contravene the lease conditions governing the Sites and has no comment on the applications.
- 12.5 There is no public comment received on the applications.

13. **Planning Department's Views**

13.1 Based on the assessments made in paragraph 12, the Planning Department has no objection to the applications.

13.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid until **18.9.2024**, 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 the two applications are also suggested for Members' reference:

Approval condition

the submission and implementation of a detailed drainage and sewerage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

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

13.3 There is no strong planning reason to recommend rejection of the applications.

14. **Decision Sought**

14.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.

14.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the date when the validity of the permissions should expire.

14.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

15. **Attachments**

Appendix I Application Form with attachments received on 7.8.2020 (A/I-MWI/46)

Appendix Ia Planning Statement attached to the Application Form (A/I-MWI/46)
Appendix Ib Email dated 1.9.2020 providing revised elevation plans, replacement pages of Planning Statement and responses to departmental comment (A/I-MWI/46)

Appendix II Application Form with attachments received on 7.8.2020 (A/I-MWI/47)

Appendix IIa Planning Statement attached to the Application Form (A/I-MWI/47)

Appendix IIb	Email dated 1.9.2020 providing revised elevation plans and responses to departmental comment (A/I-MWI/47)
Appendix III	Town Planning Board Guidelines on Submission of Master Layout Plan under Section 4A(2) of the Town Planning Ordinance (TPB PG-No. 18A)
Appendix IV	Previous Applications
Appendix V	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan (A/I-MWI/46)
Drawing A-2	Layout Plan (A/I-MWI/46)
Drawing A-3	Elevation Plan (A/I-MWI/46)
Drawing A-4	Sewerage Connection Proposal (A/I-MWI/46)
Drawing A-5	Master Layout Plan (A/I-MWI/47)
Drawing A-6	Layout Plan (A/I-MWI/47)
Drawing A-7	Elevation Plan (A/I-MWI/47)
Drawing A-8	Sewerage Connection Proposal (A/I-MWI/47)
Plan A-1a	Location Plan
Plan A-1b	Location Plan of Previous Applications
Plan A-1c	Valid Planning Permissions within the subject "CDA" zone
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos
Plan A-5	Approved Master Layout Plan for Ma Wan Park (under Application No. A/I-MWI/45)

**PLANNING DEPARTMENT
SEPTEMBER 2020**