

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/237

- Applicants** : Mr. TANG Chiu Man and Ms. LAM Ka Fun, Anita represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 1504 (Part) and 1505 in D.D. 112, Tsing Tam Village, Shek Kong, Yuen Long
- Site Area** : About 663.2 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
- Zoning** : “Agriculture” (“AGR”) (649m² or 98%)
“Conservation Area” (“CA”) (14.2m² or 2%)
- Application** : Proposed Redevelopment of Four Houses (New Territories Exempted Houses (NTEHs))

1. The Proposal

- 1.1 The applicants seek planning permission to redevelop four New Territories Exempted Houses (NTEHs) at the application site (the Site) (**Plan A-1a**). 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 in the “AGR” zone while ‘House (redevelopment only)’ is a Column 2 use in the “CA” zone, both require planning permission from the Town Planning Board (the Board). The Site is accessible by a local track leading from Kam Sheung Road, and is vacant and covered by vegetation (**Plans A-2 and A-4b**).
- 1.2 A major part of the Site was the subject of two previous applications, No. A/YL-SK/148 for proposed three houses (NTEHs) submitted by a different applicant and No. A/YL-SK/201 for proposed four houses (NTEHs) submitted by the same applicants as the current application. Both applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) on 21.8.2009 and 25.7.2014 respectively. No submission for

compliance with the approval conditions of both applications has been received. The planning permission of Application No. A/YL-SK/148 lapsed on 22.8.2013. The planning permission of Application No. A/YL-SK/201 is valid until 25.7.2022 (i.e. extended for additional 4 years from the originally approval period) .

- 1.3 According to the applicants, portion of Lot 1504, i.e. 0.04 acre (161.9m²) and the whole Lot 1505, 0.02 acre (80.9m²) are of “House” status (see table below). Thus, the Site involves 242.8m² building lot. The applicants proposed four NTEHs at the Site with a total gross floor area (GFA) of 728.4m², building height not exceeding 8.23m/ 3 storeys, with footprint of the proposed NTEHs ranging from 60.19m² to 61.17m². The site layout plan, access plan and drainage proposal submitted by the applicants are at **Drawings A-2 to A-4**.
- 1.4 As compared with the approved Application No. A/YL-SK/201, the site boundary in the current application is revised to include the “CA” zone at the eastern part of the Site, i.e. the entire Lot 1505 is included in the current application (**Plans A-1b**). The footprint and location of the proposed NTEHs have also been revised in the current application (**Drawing A-1**). In particular, Houses 1 and 2 are shifted to the east occupying the entire Lot 1505. A comparison of the layout and major development parameters of the current application and the previous approved Application No. A/YL-SK/201 are in **Drawing A-1** and the following table:

Major Development Parameters	Previous Application A/YL-SK/201 (a)	Current Application (b)	Differences (b) – (a)
Site Area (m ²)	674	663.2	-10.8 (-1.6%)
“House” Lot	242.8	242.8	--
“Agricultural” Lot	431.2	420.4	--
Total GFA (m ²) (excluding balconies)	Not exceeding 728.4 (242.8 x 3 storeys)	Not exceeding 728.4 (242.8 x 3 storeys)	--
Plot Ratio	1.08	1.10	+0.02 (+1.85%)
Covered Area (m ²)	242.8	242.8	--
House 1	60.7	61.17	
House 2	60.7	60.19	
House 3	60.7	60.72	
House 4	60.7	60.72	
Site Coverage (%)	36	36.6	+0.6 (+1.67%)
Number of Blocks	4	4	--
Building Height (m)	Not exceeding 8.23	Not exceeding 8.23	--
Number of Storeys	3	3	--

- 1.5 In support of the application, the applicants have submitted the following documents:
- (a) Application form with supplementary statement and plans **(Appendix I)** received on 12.4.2018
 - (b) Further Information (FI) received on 11.7.2018 in **(Appendix Ia)** response to departmental comments
(accepted and exempted from publication and recounting requirement)
 - (c) FI received on 1.8.2018 in response to departmental **(Appendix Ib)** comments
(accepted and exempted from publication and recounting requirement)
- 1.6 As requested by the applicants, the Committee agreed to defer consideration of the application on 1.6.2018 to allow more time for the applicants to prepare FI to address the department comments. The applicants submitted FI providing responses to departmental comments to support the application.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the supplementary statement of the application form in **Appendix I** and FI in **Appendix Ia**. They can be summarized as follows:

- (a) The old “A” rent roll records indicate that portion of Lot 1504, i.e. 0.04 acre (161.9m²) and the whole Lot 1505, 0.02 acre (80.9m²) are of “House” status. Thus, the Site involves 242.8m² building lot. The Site is subject to a previous approved Application No. A/YL-SK/201. However, according to Lands Department (LandsD)’s comment, house entitlement must correspond with the respective lot. As such, two houses under the approved Application No. A/YL-SK/201 have to be repositioned. This application is intended to include the whole Lot 1505 so that the land for redevelopment is in line with that in the old “A” rent roll records.
- (b) Given that the previous application No. A/YL-SK/201 for proposed four NTEHs at the Site were approved by the Committee, and that the planning circumstances do not significantly change, approval of the current application is in line with the Committee’s previous decisions. Also, the differences of development parameters between the current and the last approved application are very mild.
- (c) The development is considered compatible with the surrounding environment which is predominantly rural in character. The part of Lot 1505 (about 14.2m²) within “CA” zone is currently occupied by weeds and no trees are found. No tree felling is involved. There is little landscape value on the Site. During the construction works, appropriate hoarding will be erected at the site boundary to protect the adjacent environment, and construction works will be carried out within the Site only. Also, no agricultural activity is found at the Site. The

Agriculture, Fisheries and Cultural Department (AFCD) commented in previous approved application that the potential for agricultural rehabilitation at the Site is low. Hoarding will be erected along the site boundary before construction and drainage facilities will be provided at the Site for collecting surface water, no adverse water quality impact to the nearby pond is expected.

- (d) The Site is accessible by a local track leading to Kam Sheung Road. The induced traffic is minimal. The submission and implementation of landscape and drainage proposal will be carried out to the satisfaction of the related authorities.

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

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

4. Background

The Site is not the subject of active enforcement cases and there is currently no enforcement action against it.

5. Previous Applications

- 5.1 A major part of the Site was the subject of two previous applications (No. A/YL-SK/148 submitted by a different applicant and No. A/YL-SK/201 submitted by the same applicants as the current application) for proposed houses (NTEHs). Details of the applications are in **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 The previous application No. A/YL-SK/148 for proposed three houses (NTEHs) covering a slightly smaller site area (entirely within “AGR” zone) was approved with conditions by the Committee on 21.8.2009 mainly for the reasons that the application site was of “House” status and the size of the proposed NTEH (which was derived from the assumed development potential of 66.6% coverage on “House” lot area under Government Notification 364 of 1934 widely adopted in land grants in rural New Territories since 1934) was acceptable to Lands Department and thus favourable consideration was given, the proposed development was not incompatible with the surrounding environment which was predominantly rural in character with a few village houses/temporary structures, fallow agricultural land and vacant land, and relevant Government departments had no adverse comment on the application. No submission for compliance with the approval conditions has been received. The planning permission lapsed on 22.8.2013
- 5.3 The last approved application No. A/YL-SK/201 for proposed four houses (NTEHs) covering a slightly larger site area (entirely within “AGR” zone) than the current application was approved by the Committee on 25.7.2014 mainly for the reasons that the application site was of “House” status and Lands Department (LandsD) had no adverse comment on the proposed GFA and

building height of the proposed NTEHs; the proposed development was not incompatible with the surrounding environment which is predominantly rural in character; and relevant Government departments had no adverse comment on the application. The planning permission of Application No. A/YL-SK/201 is valid until 25.7.2022.

- 5.4 Compared with the last approved application No. A/YL-SK/201, the current application involves a change in site boundary to include “CA” zone, a different layout, a slight reduction in site area, and a slight increase in plot ratio and site coverage (paragraph 1.3 and **Drawing A-1** refers).

6. Similar Application

There is no similar application within the same “AGR” and “CA” zones on the OZP.

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

7.1 The Site is:

- (a) located at the foot of a hill at the eastern end of Tsing Tam Village;
- (b) currently vacant and covered with vegetation;
- (c) accessible by a local track leading from Kam Sheung Road.

7.2 The surrounding areas are predominately rural in character with a few residential dwellings/structures, fallow/cultivated agricultural land and vacant/unused land:

- (a) to the south is a residential dwelling/structure and a stream course (about 30m to the south). A residential dwelling/structure and a large piece of woodland zoned “CA” is located to the further south and southwest;
- (b) to its immediate west is a vacant land, and to the northwest is a large piece of cultivated/ fallow agricultural land; and
- (c) to its immediate east is the “CA” zone with densely vegetated woodlands and the Tsing Tam Reservoirs, beyond the “CA” zone to the southeast is Tai Lam Country Park (**Plan A-1a**).

8. Planning Intentions

8.1 The planning intention of the “AGR” zone is primarily 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.

8.2 The planning intention of the “CA” zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for

conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted.

9. Comments from Relevant Government Departments

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

Land Administration

9.1.1 Comments of the Principal Land Executive/Village Improvement and Special Duties, Lands Department (PLE/VI&SD, LandsD):

- (a) According to the Schedule of Block Government Lease, Lots 1504 and 1505 both in D.D.112 are Old Scheduled Agricultural Lots with areas of 0.14 acre and 0.02 acre respectively. Moreover, the old "A" rent roll records indicate that portion of Lot 1504, i.e. 0.04 acre, and the whole Lot 1505, i.e. 0.02 acre, are of "House" status. According to the available records, conversion of the said portion of Lot 1504 and the whole Lot 1505 from agricultural land to house status was taken place. In this connection, redevelopment of NTEHs may be permitted to be rebuilt up to 3 storeys with a maximum building height of 8.23m. The total "House" status of the subject lots is 0.06 acre. By direct conversion, the total area of the "House" status is about 2,613.6 ft². (242.8 m²). He has no in-principle objection to the application. However, the parameters/scale of the proposed houses will be subject to the consideration and final decision of LandsD.
- (b) Regarding the comment of LandsD on 26.4.2017 as mentioned in paragraph 4 of the supplementary statement of the applicants' submission (**Appendix I**), it is believed that it refers to his letter dated 26.4.2016 conveying the comments of Survey and Mapping Office (SMO) of LandsD. SMO advised that the area of 4 house proposal on Lot 1504 (i.e. under the previous approved application) is larger than entitled for rebuilding.
- (c) According to his records, the Site is not covered by any Modification of Tenancy or Building Licence.
- (d) The Site does not fall within any village environs ('VE') of recognized village.
- (e) Should planning approval be given to the application, the registered lot owner is required to obtain approval from LandsD

to effect the proposed development. The LandsD will consider his application acting in the capacity as the landlord and there is no guarantee that such application would be approved. Any application, if approved, would subject to such terms and conditions including among others, the payment of premium and/or administrative fee as may be imposed by the LandsD.

Traffic

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

He has no comment on the application considering there is neither parking provision nor vehicular access to the lot and the induced traffic is minimal.

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

HyD is not and shall not be responsible for the maintenance of the accesses connecting the Site and Kam Sheung Road.

Agriculture and Conservation

9.1.4 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) A majority of the Site falls within the “AGR” zone. The Site is mainly occupied by some ruined structures and overgrown by weeds. The potential for agricultural rehabilitation of the Site itself is low. As such, he has no objection to the application from agricultural point of view. However, it shall be noted that the agricultural land to the northwest of the Site is considered to be suitable for agricultural rehabilitation and is of agricultural value that should be preserved.
- (b) The Site (and two of the proposed houses 1 and 2) encroaches on an area zoned as “CA”. The planning intention of the “CA” zone is “to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development”. From nature conservation point of view, damages to the trees and plants in the “CA” zone shall be avoided. Nevertheless, he noted that the “CA” zone involved in the application is small and only common species of plants would be directly affect by the proposed development. Noting the applicants would take necessary measures including erection of hoarding along the site boundary and restrict construction works within the Site to avoid damage to plants and trees in the abutting “CA” zone, he has no comment regarding the aspect on potential impact on trees and plants in the “CA” zone.

- (c) There is a pond and a watercourse near the Site (**Plan A-2**). It is noted that the applicants would restrict construction works within the application lots only from the FIs submitted. Provided that there will be appropriate precautionary and mitigation measures to minimize off-site impacts to both the nearby pond and stream course, such as good site practices and proper treatment/disposal of waste / sewerage generated from the proposed development, and that the applicants would undertake all necessary measures to prevent damages to plants and trees in the “CA” zone, he has no strong view against the application from nature conservation point of view.

Building Matters

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

- (a) He has no comment on the application under the Buildings Ordinance (BO).
- (b) All non-exempted ancillary site formation and/or communal drainage works are subject to compliance with BO.
- (c) An Authorized Person must be appointed for the site formation and communal drainage works.

Environment

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

- (a) In view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.
- (b) The applicant is advised that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Practice Note for Professional person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorized Person (AP).
- (c) It is reminded that it is the obligation of the applicants to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the pond and watercourse adjacent to the Site (**Plan A-2**). The applicants are advised to adopt appropriate pollution control measures / good practices set out in the following guidance notes with a view to avoid and minimize environmental pollution to nearby sensitive receivers during the construction period.

Landscape

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

- (a) The Site is far away from the nearest “Village Type Development” (“V”) zone and is surrounded by “CA” zone to the east, west and further north with the “AGR” zone to the west. Small houses are scattered within the “AGR” zone to the further northwest. The Site is connected to Tsing Tam Road via footpath to the west. The Site is the subject of two previous approved planning applications for the same use and he had no strong view to the last approved application No. A/YL-SK/201 from the landscape planning perspective.
- (b) Comparing the aerial photo taken on 2.4.2017 and 30.6.2013 (under previous application), the surrounding environment and rural landscape character of the Site remains unchanged. Referring to the site visit dated 30.5.2018, the Site is vacant and covered with grasses and groundcovers. Eight existing trees of common local tree species *Macaranga tanarius* (血桐) of fair amenity value are spotted within the Site. Referring to the submitted layout plan, some existing trees along the eastern boundary are in conflict with the proposed building footprint. As there is adequate site area for compensatory tree planting, the adverse impact can be mitigated. Considering the land status of the Site and in view of the above, he has no strong view to the application from the landscape planning perspective.
- (c) Should the application be approved, the approval conditions requiring the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Board should be incorporated in the planning permission.
- (d) Three existing *Macaranga tanarius* (血桐) to the east of House 4 along the site boundary which are not in conflict with the building footprint should be preserved.

Water Supplies

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

- (a) He has no objection to the application.
- (b) Due to the relatively high level and remoteness of the Site, the applicants may need to make use of their private pump system to effect adequate water supply to the proposed development. The applicants shall be responsible for the construction, operation

and maintenance to WSD's standards of any private water supply system for water supply to the proposed development.

- (c) The applicants shall not be allowed to use the existing waterworks vehicular access road along the catchwater (**Plan A-1a**) for making access to the proposed development.

Drainage

9.1.9 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application.
- (b) Should the application be approved, the approval condition on submission of and implementation of a revised drainage proposal should be incorporated in the planning permission. The applicants should also be reminded to maintain the implemented drainage facilities.
- (c) His detailed comment on the drainage proposal is at **Appendix III**.

Fire Safety

9.1.10 Comment of the Director of Fire Services (D of FS):

He has no objection to the application. The applicants are advised to follow the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by LandsD.

Geotechnical

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

- (a) The Site is overlooked by steep natural terrain and meets the alert criteria for a natural terrain hazard study (NTHS). If the applicants wish to proceed with the proposed development, they are required to carry out the NTHS and provide suitable mitigation measures, if found necessary, as part of the development.
- (b) Should the planning application be approved, an approval condition requesting the submission and implementation of a NTHS to the satisfaction of the Head of Geotechnical Engineering Office, CEDD should be included.

District Officer's Comments

9.1.12 Comments of the District Officer (Yuen Long), Homes Affairs Department (DO(YL), HAD):

He has no particular comments on the application. His office has received two comments from the village representatives of Shui Tsan Tin Tsuen, Yuen Kong San Tsuen and Yuen Kong Tsuen objecting to the application mainly on the grounds that the proposed development would have adverse impact on the natural environment; there is no sewage system at Site and the proposed development would cause pollution and affect agricultural production; affect “feng shui” as the Site is located in close vicinity to the burial ground of Shui Tsan Tin Tsuen; the proposed access of the Site would pass through the villagers’ private land; the proposed development may become columbarium use; and the applicants may have conflict of interest with LandsD. The comment submitted by the village representatives of Shui Tsan Tin Tsuen was also received by the Board during the statutory publication period (**Appendix IV-3**).

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

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

10. Public Comments Received During the Statutory Publication Period

10.1 On 24.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 15.5.2018, eight public comments were received from Hon. Chu Hoi-dick (**Appendix IV-1**), Pat Heung Rural Committee (**Appendix IV-2**), the village representatives of Shui Tsan Tin Village (**Appendix IV-3**) and five members of the public (**Appendix IV-4 to IV-8**).

10.2 All the commenters object to the application mainly on the grounds that the proposed development partly falls on “CA” zone is not compatible with the planning intention; the proposed development would destroy the natural landscape, ecosystem, natural habitats, impose soil erosion and possible landslide hazard; there is no sewage system at Site and the proposed development would cause pollution and affect agricultural production; no technical assessment is submitted to demonstrate how to restore the biodiversity; the lack of road infrastructure would create traffic congestion in the neighborhood and lead to safety issue to the local residents; the proposed access of the Site would pass through the villagers’ private land; the proposed development may become columbarium use; the structures within the Site are used by the staff of the nearby organic farms for quarters and storage of farm tools and no need to be demolished; and the applicants may have conflict of interest with LandsD.

11. Planning Considerations and Assessments

- 11.1 The current application is a revision to the previously approved scheme under Application No. A/YL-SK/201. Compared with the previous approved application, the total GFA, building height and number of blocks remain unchanged. The current application mainly involves revised site boundary, reduction in site area from 663.2m² to 647.5m² (-10.8%), increase in plot ratio from 1.08 to 1.10 (+1.85%) and site coverage from 36% to 36.6%, and a different layout (paragraph 1.3 and **Drawing A-1** refer). In particular, the site boundary of the current application is revised to include the whole Lot 1505 (with a minor part (14.2m²) falls within the “CA” zone) with Houses 1 and 2 shifted to the east occupying the entire Lot 1505. According to the applicants, Houses 1 and 2 need to be repositioned, as suggested by LandsD, to tally with the house entitlement of the respective lots (i.e. portion of Lot 1504 (161.9m²) and whole Lot 1505 (80.9m²)). PLE/VI&SD, LandsD advised that the old “A” rent roll records indicate that portion of Lot 1504, i.e. 0.04 acre (161.9m²), and the whole Lot 1505, i.e. 0.02 acre (80.9m²), are of “House” status. The total area of the “House” status is about 2,613.6 ft² (242.8 m²). He further advised that redevelopment of NTEHs may be permitted to be rebuilt up to 3 storeys with a maximum building height of 8.23m. PLE/VI&SD, LandsD has no in-principle objection to the application. It is the existing practice of the Board to take into account building entitlement under the lease in considering planning application for house development.
- 11.2 The proposed redevelopment of four NTEHs falls within the “AGR” and “CA” zone. The planning intention of the “AGR” zones 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. While the proposed development is not in line with the planning intention of the “AGR” zone, DAFC has no objection to the application from agricultural point of view as the potential for agricultural rehabilitation of the Site itself is low. The planning intention of the “CA” zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted. In this regard, it is noted that the Site only involves a small area of the “CA” zone (i.e. part of Lot 1505 of about 14.2m²) and the whole Lot 1505 is subject to “House” status as confirmed by PLE/VI&SD, LandsD. Also, DAFC advised that that the “CA” zone involved in the application is small and only common species of plants would be directly affected by the development. Provided that there will be precautionary and mitigation measures to minimize off-site impact to the nearby pond and water course (**Plan A-2**) and prevent damages to plants and trees in “CA” zone, he has no strong view against the application from nature conservation point of view.
- 11.3 The proposed development is considered not incompatible with the surrounding environment which is predominantly rural in character with residential dwellings/structures, fallow/cultivated agricultural land and vacant/unused land

(Plans A-2, A-4a and A-4b). The Site is subject of 2 previous applications for NTEHs approved with conditions by the Committee mainly on the considerations that the Site was of 'House' status and LandsD had no adverse comments on the proposed GFA and building height of the proposed NTEHs; the proposed development was not incompatible with the surroundings and relevant departments had no adverse comments (details set out in paragraphs 5.2 and 5.3 above). Approval of the current application is in line with the Committee's decision on previous applications.

- 11.4 Relevant government departments consulted, including DEP, C for T, CE/MN of DSD, D of FS and CTP/UD&L, PlanD have no objection/adverse comment on the application. CTP/UD&L, PlanD advised that while existing trees of common species of fair amenity value are spotted within the Site, as there is adequate site area for compensatory tree planting, the adverse impact can be mitigated. To address the concern on tree preservation, an approval condition as recommended by CTP/UD&L, PlanD on the submission and implementation of tree preservation and landscape proposal are recommended in paragraphs 12.2(a) below.
- 11.5 Eight public objections against the application were received during the statutory publication period and two public objections were conveyed by DO/YL as stated in paragraphs 10 and 9.1.10 above. In this regards, concerned departments including DEP, C for T, CE/MN of DSD, D of FS, and CTP/UD&L, PlanD have no objection to the application. The planning considerations and assessments above are also relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 17.8.2022, 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

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

- (d) the submission and implementation of a natural terrain hazard study to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board.

Advisory clauses

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

12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed development is not in line with the planning intentions of the "AGR" zone which is primarily 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 purpose. It is also not in line with the planning intention of the "CA" zone which is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. No strong planning justification has been provided in the submission for a departure from the planning intentions; and
- (b) the approval of the application would set an undesirable precedent for similar applications within the "AGR" and "CA" zones. The cumulative effect of approving such applications would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicants.

14. Attachments

Appendix I	Application form with plans received on 12.4.2018
Appendix Ia	Further Information (FI) received on 11.7.2018 in response to departmental comments

Appendix Ib	FI received on 1.8.2018 in response to departmental comments
Appendix II	Previous applications covering the Site
Appendix III	Detailed comment of CE/MN of DSD
Appendices IV-1 to 8	Public comments received during the statutory publication period
Appendix V	Advisory clauses
Drawing A-1	Comparison between the layout plan under the previous application and the layout plan under the current application
Drawing A-2	Site layout plan
Drawing A-3	Access plan
Drawing A-4	Drainage Proposal
Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2018**