

APPLICATION FOR AMENDMENT OF PLAN
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. Y/SK-CWBN/8

- Applicant** : New Cosmo Investment Limited represented by Masterplan Limited
- Site** : Lots 71, 72, 75 and 76 in D.D. 243 and Adjoining Government Land, Clear Water Bay, Sai Kung, New Territories
- Site Area** : About 2,142 m² (including 800m² government land)
- Land Status** : (a) Private Land (62.7%)
(i) Old Schedule Agricultural Lot held under Block Government Lease
(ii) To be expired on 30.6.2047
(iii) Restricted to agricultural purpose

(b) Government Land (37.3%)
- Plans** : Approved Clear Water Bay Peninsular North Outline Zoning Plan (OZP) No. S/SK-CWBN/6 (94%)

Draft Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/25 (6%)
- Zoning** : “Green Belt” (“GB”)
- Proposed Amendment** : To rezone the application site from “GB” to “Residential (Group C)4” (“R(C)4”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1**) from “GB” to “R(C)4” to facilitate ‘House’ development at the Site. The development restrictions of the current “R(C)4” zone on the approved Clear Water Bay Peninsular North OZP, including maximum plot ratio (PR) of 0.5, site coverage (SC) of 25% and building height (BH) of 3 storeys including carport and 9m, are proposed to be adopted for the Site.
- 1.2 According to the indicative scheme submitted by the applicant (**Drawing Z-2**), the proposed development consists of five 3-storey houses (9m) sitting on the western part of the Site. A large part of the Site abutting Clear Water Bay Road in the northeast is proposed to serve as driveway to the Site. Part of the driveway near the entrance will serve both the proposed development and the adjacent Twin Bay Villas. The applicant indicates that government land of about 576m² within the north-eastern portion of the Site proposed to be used for access road for the development is not included for PR and SC calculations (**Plan Z-2**). The proposed GFA of 783m² is calculated by a PR of 0.5 on a net site area

of about 1,566m², which comprises private land of about 1,342m² and remaining government land of about 224m² located amidst the private lots.

- 1.3 Major development parameters of the proposed development are summarised as follows. The plans and sections submitted by applicant are at **Drawings Z-1 to Z-10**.

Development Parameters	Proposed Scheme
Site Area	<i>gross site:</i> about 2,142m ² (including 800m ² of government land) <i>net site:</i> about 1,566m ² (including 224m ² of government land)
Gross Floor Area (GFA)	783m ²
Site Coverage (SC)	<i>gross site:</i> 18% <i>net site:</i> 24.3%
Plot Ratio (PR)	<i>gross site:</i> 0.37 <i>net site:</i> 0.5
No. of Storeys	3 including carport
No. of Blocks	5
Building Height (BH)	9m
No. of Carparking Spaces	Private car parking spaces: 10
	Visitor car parking space: 1
	Motocycle parking space: 1
	Loading/unloading space: 1
Private Open Space	15m ²

- 1.4 According to the Tree Recommendation Plan and Tree Compensation Plan (**Drawings Z-5a and Z-5b**) submitted by the applicant, there are 239 trees within and in the vicinity of the Site. The applicant proposes to retain 182 existing trees near the southern and eastern boundaries of the Site while 7 existing trees are proposed to be transplanted. The remaining 50 existing trees within and outside the Site are proposed to be felled. To compensate the loss of existing trees, 25 compensatory trees are proposed to be planted. The indicative Concept Landscape Plan submitted by the applicant is at **Drawing Z-5c**.

- 1.5 The applicant indicates in the application and the Further Information (FI) at **Appendix Id** that the proposed development is set back from major road and there is no fixed noise source in the surrounding. Mitigation measures (orientation of openable window, solid fence wall and acoustic balcony/window) can be adopted to mitigate potential road traffic noise impact to acceptable level.

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

- (a) Application Form dated 11.7.2017 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**

- (c) Letter dated 17.7.2017 providing clarification (Appendix Ib)
- (d) FI dated 28.9.2017 providing responses to departmental comments (*exempted from publication*) (Appendix Ic)
- (e) FI dated 12.12.2017 providing a revised Traffic Impact Assessment, a revised Tree Preservation Proposal, a new Environmental Assessment and responses to departmental comments (*not exempted from publication*) (Appendix Id)
- (f) FI dated 15.12.2017 providing a revised Concept Landscape Plan (*exempted from publication*) (Appendix Ie)

1.7 On 8.9.2017, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for one month, as requested by the applicant, to allow time for preparation of FI in response to comments from government departments. On 28.9.2017, 12.12.2017 and 15.12.2017, the applicant submitted FIs as detailed in paragraph 1.6 above. The application is 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 Section 9 of the planning statement at **Appendix Ia** and the FI at **Appendices Ic** and **Id**. They are summarized as follows:

- (a) there are existing scattered residential zonings in the immediate vicinity of the Site. The Site is between existing “R(C)4” and “Village Type Development” (“V”) zones so that an in-fill zone connecting the two zones is considered logical. The alignment of the north-eastern boundary follows the pattern of “R(C)4” with “GB” in front of the adjacent land parcel. The site boundaries have also taken into account the applicant’s land ownership, separation distance from the village houses, and the balance of the “GB” which remain intact;
- (b) the proposal makes reference to the design and layout of the adjacent Twin Bay Villas. Their building dispositions are also comparable. It is also of similar character to Bayside Villas to the north, and of enhanced and orderly design and layout to the village houses on Mang Kung Uk Road to the south;
- (c) the sewage generation is small and is unlikely to impact on the government sewerage facilities. Waste water will be discharged to new sewer to be connected to public sewer. The Traffic Impact Assessment (TIA) concludes that the surrounding road networks in the area will be able to cope with the proposal. The proposal is unlikely to have a significant surface runoff impact. Drainage submission will be made to the Building Authority in due course;
- (d) the 15 residents are negligible increase to the existing population of the district, and will not overstrain the overall provision of Government, Institution or Community facilities in the general area;
- (e) the proposed residences are not sources of pollution. The Environmental Assessment demonstrates that practicable mitigation measures are available to mitigate potential road traffic noise impact; and

- (f) the proposal is located at the more gentle part of the hillside. The proposal is unlikely to adversely affect slope stability.

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

For the portion of private land

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

For the portion of government land

- 3.2 The “owner’s consent/notification” requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable on the government land portion of the Site.

4. Previous Application

There is no previous application in respect of the Site.

5. Similar Application

There is no similar application within the “GB” zone in the vicinity of the Site.

6. The Site and Its Surrounding Areas (Plans Z-1 to Z-3 and Photos on Plans Z-4a to Z-4c)

6.1 The Site:

- (a) is located along Clear Water Bay Road;
- (b) is largely on densely vegetated slope within a shallow valley rising from the northeast to the southwest of the Site; and
- (c) is mainly occupied by trees and shrubs. The northern tip of the Site is currently used as driveway to Twin Bay Villas.

6.2 The surrounding areas have the following characteristics:

- (a) to its immediate northwest is Twin Bay Villas zoned “R(C)4” on the OZP;
- (b) to its north across Clear Water Bay Road is a site zoned “R(C)10” now under construction and the “Conservation Area” (“CA”) zone which covers dense vegetation with native woodland. To its further north is a cluster of low-rise residential developments including Bayside Villa;
- (c) to its immediate south is the “GB” zone covering wooded slopes. There is a footpath adjacent to the Site leading to Mang Kung Uk Road; and
- (d) to its further southeast is the “V” zone of Mang Kung Uk Village.

7. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

8. Comments from Relevant Government Departments

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

Land Administration

8.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) the Lots are agricultural lots held under Block Government Lease (“the Lease”). As the Lots are demised for agricultural use under the Lease, the proposed low-density residential development is considered not acceptable under the Lease concerned;
- (b) should the lot owner wish to pursue the proposed development, he is required upon approval of the application from the Town Planning Board (the Board), to apply to his office for a land exchange. The land exchange, if approved, would be subject to such terms and conditions as considered appropriate including payment of land premium and administrative fee. However, it must be pointed out that there is no guarantee or commitment that Government will eventually approve such application if submitted, even with the permission from the Board. Such application when received will be considered on its own merits;
- (c) the proposed land exchange will include government land. The government land involved is of substantial size and the applicant is required to explain the rationale to include it into the Site;
- (d) the proposed regrant site is of an odd shape and after the proposed land exchange, a piece of government land of irregular shape lying in between the Site and Clear Water Bay Road will be resulted. From land administrative point of view, this will sterilize the potential use of this piece of government land;
- (e) the proposed regrant site is not abutting Clear Water Bay Road. The applicant proposed to extend the driveway used by the adjoining residential development to also serve the Site. The applicant is required to clarify whether they would apply for

Right of Way (ROW) for the access arrangement. If ROW is required, there is no guarantee that the proposed ROW is acceptable under the proposed land exchange;

- (f) the proposed regrant site and its access and ROW (if required) arrangement will affect the existing access of the adjoining residential development. The applicant is required to clarify and address how to share use of the existing driveway with the adjoining residential development;
- (g) the access and ROW (if required) proposal is subject to approval from relevant departments, including Transport Department and Highways Department, which proposal will be considered in details when the proposed land exchange is processed by his office. The applicant should be reminded that there is no guarantee the proposed access arrangement and ROW (if required) is acceptable under the proposed land exchange. Further, if road gazette under Cap 370 is required for the proposed access and ROW (if required) arrangement, the cost of which should be borne by the applicant; and
- (h) according to the New Grant No. 5118 governing Lot No. 1478 in D.D. 243 (Twin Bay Villas), there is no provision for any ROW for access driveways. The access driveways to Twin Bay Villas fall upon unleased and unallocated government land. They are not managed and maintained by Transport Department and Highways Department. Notwithstanding the above, SC(4) of the New Grant stipulates that “A general layout plan showing the positions, widths and levels of the road that it is proposed to make, the positions, widths and levels of the road that it is proposed to divide the lot, and the positions and nature of the buildings that it is proposed to erect shall be submitted for the approval of the District Commissioner, New Territories within 6 month of the date on which possession of the lot is given.” Also, under G.C.(6) of the New Grant, it is specified that “Any private streets, roads and lanes which are required to be formed shall be sited to the satisfaction of the District Commissioner, New Territories and ... shall be handed over to the Government free of cost if so required.” According to his records, the access driveways were shown on the layout plan submitted by the AP on 20.5.1970 and the same was approved by DO/SK on 22.5.1970.

Traffic

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

no comment on the TIA and no in-principle objection to the application.

8.1.3 Comments of the Chief Highway Engineer/NT East, Highways Department (CHE/NT East, HyD):

- (a) no adverse comment on the application from highway maintenance point of view as the concerned location falls outside the jurisdiction of HyD;
- (b) the existing access road connecting Clear Water Bay Road and the development is outside HyD's maintenance ambit and HyD will not fund, construct or maintain the modified access road if necessary; and
- (c) the developer shall be responsible for constructing any road works contingent upon the development.

Environment

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

Traffic noise

- (a) the applicant has provided in the FI submitted on 12.12.2017 (**Appendix Id**) a conceptual layout plan and a noise mitigation plan demonstrating that there are practicable mitigation measures (i.e. setback, blank wall, solid fence wall, acoustic balcony/window etc.) within the lot boundary to address the potential road traffic noise for the proposed development. The FI also clarifies that there is no fixed noise source in the vicinity. In this connection, it is considered that no insurmountable noise impact is anticipated; and
- (b) DEP has no in-principle objection to the application from traffic noise point of view provided that the development of the Site is required to submit a Noise Impact Assessment (NIA) report and implement noise mitigation measures identified therein to the satisfaction of DEP. However it is noted that approval condition cannot be imposed in the application for amendment of plan under s.12A of the Town Planning Ordinance and the Board could not exercise planning control over the future implementation of noise mitigation measures identified in the NIA under the current application. He has no in-principle objection to the application from traffic noise point of view provided that the NIA requirements could be incorporated into the lease conditions in future land exchange.

Air quality

- (c) the applicant has confirmed in Table 2 of the Planning Statement submitted on 18.7.2017 (**Appendix Ia**) that sufficient setback distance will be provided between the Site and the adjacent Clear Water Bay Road to ensure no adverse air quality impact. The applicant has also confirmed no chimney located within 200m from the Site. As such, DEP has no in-principle objection to the application from air quality point of view.

Urban Design and Visual

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

the Site is located in a residential neighbourhood with development of 2-3 storeys at 72mPD to 90mPD. The proposed development reaches a maximum building height at about 89.5mPD. Given the small scale of the proposed development and in view of the proposed development parameters, the proposal is considered not incompatible with the surroundings. It is not anticipated that the proposal would induce significant adverse visual impact on the surrounding areas.

Landscape

8.1.6 Comments of the CTP/UD&L, PlanD:

- (a) has strong reservation on the application from landscape planning point of view;
- (b) with reference to the aerial photo taken in December 2015 and the site inspection on 25.7.2017, the Site is situated at a densely vegetated slope of native woodland abutting a low-rise residential development to its northwest and a “CA” zone across Clear Water Bay Road. The quality of the landscape resources in the surrounding area is high. Apart from other native tree species, protected species *Pavetta hongkongensis* scheduled under Cap 96 and *Aquilaria sinensis* protected under Cap 586, listed in “Rare and Precious Plants of Hong Kong” and “China Plant Red Data Book” are found within the Site which will be in conflict with the proposed development. A potential registerable Old and Valuable Tree (T226) with 3.85m Girth is currently located at government land within the Site (**Drawing Z-5a**). It will be very close to the proposed entrance of the development, which may be affected during construction. Protected species *Camellia sinensis* scheduled under Cap 96 is also found in the proximity of the site boundary; and
- (c) although the applicant claims that only trees in conflict with the building layout will be removed, in view of major site formation have to be conducted, whereas private garden and the associated retaining slope work has yet to be reflected in the Tree Recommendation Plan, the extent of affected landscape resources will be far more significant in reality. The applicant has tried to justify/rationalize the rezoning arrangement in the FI but there is no major design revision or change of site context involved. The proposed use is anticipated to impose significant adverse landscape impact to the Site and surrounding, which is highly deviated from the intended use of “GB” zone.

Sewerage

- 8.1.7 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/Mainland South, DSD):

there are existing public sewers in the vicinity of the Site in accordance with his drainage record. However, the applicant should note that the gravity sewer nearest to the Site is approximately 60m away from the site boundary. Views and comments from DEP should be sought regarding the sewage disposal arrangement of the proposed development.

- 8.1.8 Comments of DEP:

there are public sewers available in the vicinity and the applicant has proposed to connect the development to the public sewers. As such, DEP has no in-principle objection to the application from sewerage point of view.

Drainage

- 8.1.9 Comments of the CE/Mainland South, DSD:

- (a) in view that the applicant could not advise the ultimate discharge point with justifications that the discharge point is capable to take up the quantity of discharge from the development as a result of the increase in impervious surface area within the development, the applicant is required to conduct a drainage impact assessment for the development; and
- (b) with the submission of drainage impact assessment and necessary drainage improvement works to DSD's satisfaction, he has no in-principle objection to the application.

Building Matters

- 8.1.10 Comments of the Chief Building Surveyor/New Territories East (2) & Rail, Buildings Department (CBS/NTE2 & Rail, BD):

- (a) no in-principle objection to the application under the Buildings Ordinance (BO);
- (b) detailed comments are as follows:
 - (i) unless the Site abuts on a specified street under Building (Planning) Regulation (B(P)R) 18A(3) and not less than 4.5m wide, the development intensity should be determined by the Building Authority under B(P)R 19(3);
 - (ii) the means of obtaining access to the proposed building from a street including the land status of the existing access road should be clarified to demonstrate

compliance of B(P)R5;

- (iii) Emergency Vehicular Access (EVA) complying with B(P)R 41D should be provided for all buildings in the Site;
- (iv) PNAP APP-2, HKPSG and the advice of C for T will be referred to when determining exemption of GFA calculation for aboveground or underground carparking spaces;
- (v) carparking spaces for persons with a disability should be provided in accordance with the Design Manual: Barrier Free Access 2008, Division 3, para. 8 and 9;
- (vi) attention should be also drawn to the policy on GFA concessions under PNAP APP-151 in particular the 10% overall cap on GFA concessions and, where appropriate, the Sustainable Building Design requirements under PNAP APP-152; and
- (vii) details comments will be given during the general building plans submission stage.

Nature Conservation

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

- (a) has reservation on the application; and
- (b) it is noted that a substantial portion of Site is well wooded. Although some of the wooded areas are proposed to be preserved, the rezoning boundary, which is much larger than the development footprint, is considered unjustified. The applicant's responses do not provide any sound justification for rezoning the large area of land outside the proposed development footprint from "GB" to "R(C)4".

Fire Safety

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

- (a) no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction;
- (b) EVA arrangement shall comply with Part 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administrated by BD; and
- (c) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Water Supply

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

- (a) no objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Geotechnical

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

- (a) no geotechnical objection to the application; and
- (b) the applicant is reminded to submit necessary statutory plans to DLO or the Building Authority in accordance with the provisions of the BO.

Electricity Safety

8.1.15 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) no particular comment on the application from electricity supply safety aspect; and
- (b) in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawing, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Line (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the regulation when carrying out works in the vicinity of the electricity supply lines.

8.2 The following government departments have no objection to or no comment on the application:

- (a) Chief Engineer (Works), Home Affairs Department;

- (b) District Officer/Sai Kung, Home Affairs Department;
- (c) Project Manager/New Territories East, CEDD; and
- (d) Director of Leisure and Cultural Services.

9. Public Comments Received During Statutory Publication Period

The application and the FI received on 12.12.2017 were published for public inspection on 21.7.2017 and 22.12.2017 respectively. During the statutory public inspection periods, a total of 106 comments were received from Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, the Conservancy Association, the Hong Kong Bird Watching Society, Green Sense, the Incorporated Owners of Twin Bay Villa and the Sai Kung Planning Concern Front and individuals of the public (samples at **Appendix II**). A full set of the public comments will be deposited at the meeting for Members' inspection. They all object to the application mainly on the following grounds:

- (a) the rezoning application is not in line with the planning intention of the "GB" zone. There is high opportunity cost for rezoning "GB" area into low-density residential development. The government should not allow private development on government land;
- (b) extensive landfill is required near steep slopes above the pathway between Mang Kung Uk Road and Hang Hau Road, adverse impact on water run-off is therefore resulted;
- (c) the proposed residential development would overstrain traffic capacity along Clear Water Bay Road. It would intensify heat island effect and deteriorate natural and green urban landscape. There is no ecological and environmental impact assessment to reflect the actual conditions and ecological importance of the area;
- (d) other better options should be explored to resolve housing problem;
- (e) approval of the rezoning application would set an undesirable precedent for similar rezoning within the "GB" zone; and
- (f) inclusion of the southern access of Twin Bay Villas in the rezoning application would impose risk due to the physical constraint of blind spot at the northern access and affect the access right of residents. Right of way, management and maintenance of driveway are not ascertained in the submission. Periodic desludging and repairing works of septic tank system of Twin Bay Villas are adversely affected. Realignment of piping systems is required for future maintenance.

10. Planning Considerations and Assessments

10.1 The application is to rezone the Site from "GB" to "R(C)4" to facilitate the proposed development of five 3-storey houses. The Site has a total area of about 2,142m², comprising both private lots (about 1,342m² or 62.7%) and government land (about 800m² or 37.3%). As shown in the concept Layout Plan (**Drawing Z-2**) of the indicative scheme submitted by the applicant, the

proposed houses would mainly be accommodated within the private lots while the access road for the residential development is proposed mainly on government land. Existing access serving the nearby Twin Bay Villas would need to be modified so that shared access can be arranged for both Twin Bay Villas and the proposed development from Clear Water Bay Road.

- 10.2 The planning intention of the “GB” zone is primarily to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. For the current application, the Site forms part of the large “GB” area covering dense vegetation and native woodland on slopes. The “GB” zone serves as a green and visual buffer amidst the existing developed areas. The applicant fails to provide strong justification to rezone the Site from “GB” to “R(C)4” for residential development.
- 10.3 While the proposed development of 3-storey houses is considered not incompatible with the adjacent low-rise developments, the proposed development on existing densely vegetated slope with native woodland will induce significant impact on the existing landscape resources within the Site and in the surrounding areas which are of high quality. CTP/UD&L, PlanD advises that native species and protected species are found within the Site and they will be in conflict with the proposed development. A potential Registerable Old and Valuable Tree is very close to the entrance of the proposed development (**Drawing Z-5a** and **Plan Z-4c**) and may be affected during construction. Although the applicant claims that only trees in conflict with the building layout will be removed, in view that major site formation has to be conducted, whereas private garden and the associated retaining slope works are yet to be reflected in the Tree Recommendation Plan, the extent of affected landscape resources will be far more significant in reality. In this regard, CTP/UD&L has strong reservation on the application from landscape planning point of view. DAFC also has reservation on the application from nature conservation point of view since a substantial portion of the Site is well wooded and the rezoning boundary which is much larger than the development footprint is unjustified. The applicant therefore fails to demonstrate that the proposed development would have no adverse landscape impact on the Site and the surrounding areas.
- 10.4 The Site is abutting Clear Water Bay Road. The applicant demonstrates in the Environmental Assessment at **Appendix Id** that there are practicable mitigation measures including set back, blank wall, solid fence wall and acoustic balcony window to address the potential road traffic noise for the proposed development. DEP has no in-principle objection to the application provided that requirement for submission of a NIA report and implementation of noise mitigation measures identified therein can be incorporated in lease conditions in subsequent land exchange stage.
- 10.5 According to the applicant, the proposal will result in increase in impervious surface. From drainage point of view, CE/MS, DSD has no in-principle objection to the application subject to the submission of a drainage impact assessment and necessary drainage improvement works to DSD’s satisfaction.
- 10.6 The private portion of the Site is agricultural lots which carry no building entitlement and the proposed house development is not acceptable under the lease

concerned. The government land involved occupies a significant portion of the Site (about 37%) which is mainly for the provision of vehicular access and emergency vehicular access. DLO/SK, LandsD advises that the applicant should apply for a land exchange upon approval given by the Board but the rationale to include a substantial size of government land in the proposal should be provided.

- 10.7 Approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving similar applications would result in a general degradation of the natural environment and affect the integrity of the “GB” zone.
- 10.8 Regarding public comments objecting to the application on the grounds of not in line with the planning intention, setting of undesirable precedent for similar applications, and adverse impacts to surrounding areas, the planning assessments in paragraphs 10.1 to 10.7 above are relevant. As for the public comments on access currently used by Twin Bay Villas, DLO/SK, LandsD advises that relevant layout plan showing the access was approved by DO/SK in 1970. The concerned area falls on unleased and unallocated government land. The applicant’s access and ROW proposal if required will be considered in details when the proposed land exchange is processed by LandsD. There is no guarantee that the proposed access arrangement and ROW if required is acceptable under the land exchange proposal.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9 above, the Planning Department does not support the application for the following reasons:
 - (a) the Site is situated at a densely vegetated slope with native woodland. It forms an integral part of the “GB” zone. The “GB” zone serves as a green and visual buffer amidst the existing developed areas. The applicant fails to provide strong justification to rezone the Site for residential development;
 - (b) the applicant fails to demonstrate that the proposal will have no adverse landscape impact on the Site and the surrounding areas; and
 - (c) approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect would result in a general degradation to the natural environment and affect the integrity of the “GB” zone.
- 11.2 Alternatively, should the Committee decide to agree/partially agree to the application, the Chief Executive in Council would be requested to refer the approved Clear Water Bay Peninsular North OZP No. S/SK-CWBN/6 to the Board for amendment. The amendment to the approved OZP would be submitted to the Committee for approval prior to gazetting under the Ordinance.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 12.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

13. Attachments

Appendix I	Application Form received on 11.7.2017
Appendix Ia	Planning Statement
Appendix Ib	Letter from the applicant dated 17.7.2017
Appendix Ic	Letter from the applicant dated 28.9.2017
Appendix Id	Letter from the applicant dated 12.12.2017
Appendix Ie	Letter from the applicant dated 15.12.2017
Appendix II	Public comments
Drawing Z-1	Lot index plan submitted by the applicant
Drawing Z-2	Layout plan submitted by the applicant
Drawing Z-3	Location plan submitted by the applicant
Drawing Z-4	Photomontage submitted by the applicant
Drawing Z-5a	Tree Recommendation Plan submitted by the applicant
Drawing Z-5b	Tree Compensatory Plan submitted by the applicant
Drawing Z-5c	Concept landscape plan submitted by the applicant
Drawings Z-6 and Z-7	Floor plans submitted by the applicant
Drawings Z-8 to Z-10	Section plans submitted by the applicant
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plans Z-4a to Z-4c	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**