RNTPC Paper No. A/SK-CWBN/49C
For Consideration by the
Rural and New Town Planning
Committee on 2.8.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-CWBN/49

Applicants	:	LAU Siu Hung and Steven Philip BEAVER represented by Thomas Tsang Surveyors Limited
Site	:	Lots 330, 331 RP(Part), 332 s.B, and 333 s.B in D.D. 225, Pak To Avenue, Clear Water Bay, Sai Kung, New Territories
Site Area	:	646m^2
Land Status	:	Demised for agricultural use under Block Government Lease of D.D. 225
Plan	:	Approved Clear Water Bay Peninsula North Outline Zoning Plan ("OZP") No. S/SK-CWBN/6
Zonings	:	"Green Belt" ("GB") (about 602m^2 or 93%) 'Road' (about 44m^2 or 7%)
Application	:	Proposed House and the associated Excavation of Land

1. The Proposal

1.1 The applicants seek planning permission for house and associated excavation of land at the application site (the Site). The Site falls within the area mainly zoned "GB" (about 602m^2 or 93%) with minor portion within area shown as 'Road' (about 44m^2 or 7%). According to the Notes of the OZP, 'House' development within the "GB" zone and area shown as 'Road' requires planning permission from the Town Planning Board (the Board). The Notes of the OZP for the "GB" zone also stipulate that excavation of land within "GB" zone requires planning permission from the Board. The Site is partly occupied by temporary structures, including a removable container for storage purpose and an open shed for carparking, while the remaining part is used as a garden.

1.2 The Site is the subject of a previous application No. A/SK-CWBN/30 (submitted by the same applicants) for a proposed house and the associated excavation of land (1m in depth), which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 25.7.2014.

1.3 The major development parameters of the proposed development as compared to the previous application are as follows:

	Previous Rejected Application No. A/SK-CWBN/30 (a)	Current Application (b)	Difference (b) – (a)
Site Area	661.7m^2	646m^2	-15.7 m^2
Proposed Gross Floor Area (GFA)	262m^2 (including a plant room but excluding 2 car parks at carport level)	203.095m^2 *	-58.905 m^2
Plot Ratio	0.4	0.31*	-0.09
Site Coverage	15%	14.86%	-0.14%
No. of Storeys	3 (2 storeys over 1 storey of carport)	3 (2 storeys over 1 storey of carport)	0
Building Height	9m (excluding rooftop structure of 2.14m)	9m	0
No. of Unit(s)	2	1	-1
Private Open Space	Nil	550m^2	+550m^2
Car Parking Spaces	2	1	-1

* with an assumption that GFA of the carport level (including 1 car park, a plant room, a staff quarter, an E&M room and a water meter room at carport level) is disregarded and subject to the approval of the Building Authority

1.4 The vehicular ingress and egress for the proposed development will be located at the eastern boundary of the Site (**Drawing A-3**).

1.5 In addition, septic tank and soakaway pit are proposed for sewage treatment. Excavation of land for house footing of about 12m (L) x 8m (W) x 1m (D) and for septic tank of about 3m (L) x 2m (W) x 3m (D) are required.

1.6 The site plan, dimension plan, floor layout plan, swept path analysis, sight clearance cause, proposed drainage plan and photomontages submitted by the applicants are at **Drawings A-1** to **A-7**.

1.7 In support of the application, the applicants have submitted the following documents:

(a)	Application form and planning statement received 25.7.2018	(**Appendix I**)
(b)	Letter from the applicants dated 6.8.2018 clarifying the proposed development parameters and providing replacement pages to the application form and a revised floor layout plan	(**Appendix Ia**)
(c)	Further Information (FI) (1) from the applicants received on 5.11.2018 and 6.11.2018 (accepted and exempted from publication)	(**Appendix Ib**)

(d) FI (2) from the applicants received on 21.2.2019 (**Appendix Ic**) (accepted and exempted from publication)
(e) FI (3) from the applicants received on 13.6.2019 (**Appendix Id**) (accepted and not exempted from publication)
(f) FI (4) from the applicants received on 24.7.2019 (**Appendix Ie**) (accepted and exempted from publication)

1.8 On 21.9.2018, 21.12.2018 and 12.4.2019, the Committee agreed to defer its consideration on the application as requested by the applicants for submission of FI. The applicants submitted FIs as indicated in paragraph 1.7 above.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in Appendix 1 of the Planning Statement (**Appendix I**) and summarised as follows:

(a) the Site has been used as an access road with proper ingress and egress, covered carparks, a lawn and a storeroom for recreational garden use by the owners living at Lot No. 748 in D.D. 225, and there is no incentive to convert the Site for agricultural use;

(b) the Site is covered with grass and there are low rise housing developments to the east and west. No disturbance to high landscape value within the "GB" zone is anticipated. Appropriate protection of existing trees would be provided thus no tree will be damaged or felled during construction operations;

(c) as detailed in the Geotechnical Planning Review Report, the slope stability will not be compromised due to the site formation work and the factor of safety is more than adequate;

(d) the proposed development is low-rise and low-density in nature. Only one car parking space is proposed. The proposed development would not generate traffic problems to the locality;

(e) the proposed development meets the planning criteria for planning application within the "GB" zone in that the proposed development should be compatible with the character and scale of the surrounding areas; the proposed development would not involve extensive clearance of existing natural vegetation or cause any adverse visual impact on the surrounding environment; the vehicular access and provision of car parking is appropriate to the proposed scale of development; the proposed development would not overstrain the capacity of the existing and planned infrastructure; and the proposed development is not susceptible to adverse environmental effects from pollution sources nearby and it would not be the source of pollution.

3. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) 'Application for Development within "Green Belt" zone under section 16 of the Town Planning

Ordinance' are relevant to this application (**Appendix II**).

4. 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.

5. Previous Application

The Site is the subject of one previous application No. A/SK-CWBN/30 for a proposed house and the associated excavation of land (1m in depth) (**Plan A-2**), which was rejected by the Committee on 25.7.2014 mainly on the grounds that the proposed development is not in line with the planning intention of the "GB" zone; the proposed development does not meet the TPB-PG No. 10 in that there are no exceptional circumstances for approving the application, and the applicant has failed to demonstrate that the proposed development would not have adverse traffic, drainage, geotechnical, landscape and visual impacts on the surrounding areas; and setting of an undesirable precedent.

6. Similar Applications

There are four similar applications No. A/DPA/SK-CWBN/11, A/SK-CWBN/16, 18 and 25, all for proposed New Territories Exempted Houses (NTEHs) (Small Houses) within the "GB" zones of the OZP (**Plan A-1**). All applications were rejected by the Committee or the Board mainly on the grounds that the proposed development was not in line with the planning intention of the "GB" zone; the proposed development was not in line with the TPB-PG No. 10/ 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories'; and setting of an undesirable precedent. Details of these applications are summarised at **Appendix III**.

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

7.1 The Site is:

(a) partly occupied by temporary structures, including a removable container for storage purpose, an open shed for carparking and partly used as garden covered with grass (**Plans A-4a** to **4-b**); and

(b) directly abutting and accessible from Pak To Avenue with two existing ingresses/egresses (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

(a) to the west of the Site is a site zoned "Residential (Group C)1" ("R(C)1"). A residential building is erected on Lot 748 within the "R(C)1" site with swimming pool and tennis court on Lot 181 S.A within the "GB" zone, which are currently occupied by the applicants. There are also illegal structures on government land attached to the

house on Lot 748 erected on the adjoining government land within the "GB" zone (**Plan A-2 and A-4b**);

(b) to the south across Pak To Avenue is the Hong Kong Adventist College;

(c) to the east across Pak To Avenue is the JC Studio and to the northeast is Gospel Villa which is the dormitories of the Seventh Day Adventists; and

(d) to the north are some private lots and government land covered by vegetation.

8. Planning Intention

The planning intention of "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 outlet. There is a general presumption against development within this zone.

9. Comments from Relevant Government Departments

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

Land Administration

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

(a) the subject lots falling within the Site are demised for agricultural purposes under Block Government Lease of D.D. 225 (the Lease) and any buildings or structures are not permitted under the Lease. Part of the slope 12NW-C/R275 which shall be responsible by lot owner of Lot 331RP in D.D.225 also falls within the Site;

(b) when compared with the previous application, the applicants exclude 2 triangular-shaped areas (which are part of the private lot 331 RP) from the subject planning application. There are illegal structures built on the 2 said triangular-shaped areas. Regarding the illegal occupation of government land, land control action would be taken; and

(c) details of the house development proposal would be examined during the stage of land exchange application. Should the land exchange be approved, it will be subject to terms and conditions, including payment of premium and administrative fee, as considered appropriate. However, there is no guarantee that the said land exchange will be approved irrespective of any approval given by the Board.

Traffic

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

(a) as the section of Pak To Avenue near the Site is not under TD's management, comments should be sought from relevant management and maintenance agents;

(b) the sight distance at the proposed ingress/egress location is less than the requirement of the Transport Planning and Design Manual. Without any proposed improvement measures on the sightline, he has reservation on the captioned application; and

(c) in view of the above, should the Board decided to approve the application, an approval condition on the design and provision of ingress/egress to the satisfaction of the C for T or of the Board should be included.

Environment

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

in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.

Urban Design and Visual

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

(a) the Site is located in an area with rural character surrounded by vegetated areas and roads. Several low-rise buildings for residential or government, institution or community uses are found to the further east and south of the Site, e.g. JC Studio (BH: 1 to 3 storeys), Adventist College (BH: 1 to 4 storeys), residential developments at Gospel Villa (BH: 2 storeys) and the Portofino (BH: 4 to 5 storeys); and

(b) having reviewed all the submissions, the proposed development is considered not incompatible with the surrounding area given that the surrounding built form is largely characterised by similar low-rise residential developments. Also, significant adverse visual impact is not anticipated provided the plant buffer front Pak To Avenue is maintained.

Landscape

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

(a) the Site is situated in a rural landscape character surrounded by

scattered low-rise developments and dense woodlands. With reference to the aerial photo taken in December 2015 and site visit conducted in 16.8.2018, there is a 2-storey residential building adjacent to the Site. Some mature trees are growing along the edge of an open lawn and the lot boundary, providing a planting buffer to Pat To Avenue;

(b) although the applicants claim that no tree will be damaged or felled due to the development, apparently some existing trees may be affected by the associated site formation during construction. Thus the impact of the proposed house development on existing landscape resources cannot be fully ascertained. Further loss of the landscape buffer between Pat To avenue and the existing woodland would disrupt the continuity of the remaining "GB" zone;

(c) the approval of the application would set an undesirable precedent for other similar applications encroaching onto the existing "GB" zone and creating piece-meal development pattern in the "GB" zone along Pak To Avenue. The cumulative effect of approving similar applications would result in deterioration of the local environment. Therefore, she has reservation on the captioned application from the landscape planning perspective. Should the Board approved the application, in view of the above, she would recommend the following approval condition to be included:

the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and

(d) the applicants should seek comment/advice from relevant government department(s), as appropriate, if there is any change in the tree preservation and removal proposal.

Drainage

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

(a) the concerned lot is currently not covered by DSD public drainage and sewerage networks. As the proposed drainage plan does not provide sufficient drainage details, on the condition that adequate stormwater drainage collection and disposal facilities will be provided in connection with the proposed development to deal with the surface runoff of the Site and the same flowing onto the Site without causing any adverse impacts or nuisance to the adjoining area, he has no objection in-principle to the application; and

(b) an approval condition from drainage perspective is required

should the planning application be approved. The wording proposed will be "the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Board".

Building Matters

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

she has no in-principle objection under the Buildings Ordinance to the application subject to following comments:

(a) unless the Site abuts on a specified street complying with the requirements under Building (Planning) Regulations (B(P)R) 18A(3) and not less than 4.5m wide, the development intensity of the Site should be determined by the Building Authority under B(P)R 19(3);

(b) 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)R 5;

(c) every domestic building within the Site shall be provided with an open space complying with the Second Schedule under B(P)R;

(d) emergency vehicular access complying with B(P)R 41D shall be provided for all buildings in the Site;

(e) 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; and

(f) applicants' attention is 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.

Nature Conservation

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

it is noted that the Site is a fenced private garden. He has no strong view on the application.

Fire Safety

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

he has no in-principle objection to the application subject to fire

service installations and water supply for firefighting being provided to his satisfaction. EVA arrangement shall comply with Section 6, Part D of the 'Code of Practice for Fire Safety in Buildings 2011' administered by BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Water Supply

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

(a) he has no objection to the application; and

(b) for provision of fresh water supply to the proposed development, the applicants may need to extend their inside service to the nearest suitable government water mains for connection. The applicants 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

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

no in-principle geotechnical objection to the application. However, the adopted soil parameters and design groundwater level in the Geotechnical Planning Review Report should be justified during the detailed design of the site formation works.

9.2 The following departments have no comment on the application:

(a) Director of Electrical and Mechanical Services;
(b) District Officer/Sai Kung, Home Affairs Department;
(c) Chief Engineer/Sewerage Projects, Drainage Services Department;
(d) Chief Engineer/Consultants Management, Drainage Services Department;
(e) Chief Engineer (Works), Home Affairs Department;
(f) Project Manager/New Territories East, Civil Engineering and Development Department; and
(g) Chief Highway Engineer/New Territories East, Highways Department.

10. Public Comments Received During Statutory Publication Period

On 7.8.2018 and 21.6.2019, the application and the FI submitted by the applicants were published for public inspection. During the first three weeks of the statutory public inspection periods which ended on 28.8.2018 and 12.7.2019, six public

comments from the Hong Kong Bird Watching Society, the World Wide Fund Hong Kong, Designing Hong Kong Limited and individuals of public were received (**Appendix IV**). They object to the application mainly on the grounds that the proposed development is not in line with the planning intention of the "GB" zone; the proposed development does not meet the TPB-PG No.10; and setting of an undesirable precedent.

11. Planning Considerations and Assessments

11.1 The application is for a proposed house and associated excavation of land at the Site mainly zoned "GB" with minor portion within area shown as 'Road' on the approved Clear Water Bay Peninsula North OZP No. S/SK-CWBN/6. 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. The proposed house development is not in line with the planning intention of the "GB" zone. There is no strong justification for a departure from the planning intention of the "GB" zone.

11.2 Although the proposed 3-storey house development is not incompatible with the surrounding area which is characterised by similar low-rise residential developments and significant adverse visual impact is not anticipated, according to DLO/SK, the Site is demised for agricultural purposes without building entitlement under the lease. There are no exceptional circumstances and strong planning ground to justify the proposed house development.

11.3 Although the Site is partly occupied by temporary structures and partly used as garden covered with grass, it forms part of a wider "GB" zone while the applicants claim that no tree will be damaged/ felled due to the development, CTP/UD&L, PlanD considers that some existing trees may be affected by the associated site formation. She has reservation on the application from landscape planning perspective as the impact of the proposed house development on existing landscape resources cannot be fully ascertained. In this connection, the application does not comply with the TPB-PG No. 10 in that the applicants fail to demonstrate the proposed development would not generate adverse landscape impacts on the area.

11.4 C for T has reservation on the application that the design of the proposed ingress/egress does not meet the requirement while relevant departments, including DEP, CE/MS of DSD, CE/Construction of WSD and H(GEO) of CEDD, have no objection to or no comment on the application.

11.5 The Site is the subject of a previous planning application No. A/SK-CWBN/30 for a proposed house and associated excavation of land (1m in depth) submitted by the same current applicants rejected by the Committee on 25.7.2014 mainly on the grounds of not in line with the planning intention of the "GB" zone; does not meet the TPB-PG No. 10; and setting of an undesirable precedent. Rejection of the application is in line with the Committee's previous decision.

11.6 The previous application and the four similar applications for house and NTEHs development respectively within "GB" zone on the OZP were all rejected by the Committee. Approval of the application would set an undesirable precedent for other similar applications encroaching onto the "GB" zone. The cumulative effect of approving similar applications would result in deterioration of the local environment and adverse impact on the landscape character of the area.

11.7 The public comments objecting to the application are mainly on the grounds of incompliance with the planning intention of the "GB" zone; incompliance with the TPB-PG No. 10 and setting of an undesirable precedent. In this regard, the assessments in paragraphs 11.1 to 11.6 above are relevant.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department does not support the application for the following reasons:

(a) the proposed development is not in line with the planning intention of the "GB" zone which 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. The applicants fail to provide strong justifications in the submission for a departure from the planning intention;

(b) the proposed development does not meet the TPB-PG No. 10 for 'Application for Development within "GB" Zone' in that there are no exceptional circumstances for approving the application and the applicants fail to demonstrate that the proposed development would not have adverse traffic and landscape impacts on the surrounding areas; and

(c) the approval of the application would set an undesirable precedent for other similar applications encroaching onto the existing "GB" zone. The cumulative effect of approving similar applications would result in deterioration of the local environment and adverse impact on the landscape character of the area.

12.2 Alternatively, should the Committee decide to approve the application, the permission shall be valid until 2.8.2023, 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 approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

(a) the submission and implementation of a landscape proposal to the

satisfaction of the Director of Planning or of the Town Planning Board;

(b) the design and provision of ingress/egress to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

(d) the submission and provision of a fire service installations and water supply proposals for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

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

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission. The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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 reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received 25.7.2018
Appendix Ia	Letter from the applicants dated 6.8.2018
Appendix Ib	Further Information (1) from the applicants received on 5.11.2018 and 6.11.2018
Appendix Ic	Further Information (2) from the applicants received on 21.2.2019
Appendix Id	Further Information (3) from the applicants received on 13.6.2019
Appendix Ie	Further Information (4) from the applicants received on 24.7.2019
Appendix II	The Town Planning Board Guidelines No.10 (TPB-PG No. 10) for 'Application for Development within "Green Belt" zone under section 16 of the Town Planning Ordinance'
Appendix III	Similar Applications
Appendix IV	Public Comments
Appendix V	Advisory Clauses

Drawing A-1	Site Plan submitted by the Applicants
Drawing A-2	Floor Layout Plan submitted by the Applicants
Drawing A-3	Swept Path Analysis submitted by the Applicants
Drawing A-4	Sight Clearance Cause submitted by the Applicants
Drawing A-5	Proposed Drainage Plan submitted by the Applicants
Drawings A-6 to A-7	Photomontages submitted by the Applicants
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

PLANNING DEPARTMENT
AUGUST 2019

TPB PG-NO. 10

TOWN PLANNING BOARD GUIDELINES FOR APPLICATION FOR DEVELOPMENT WITHIN GREEN BELT ZONE UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

(Important Note :

The guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17th Floor, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 2231 5000.

These guidelines are liable to revision without prior notice. The Town Planning Board will only make reference to the guidelines current at the date on which it considers an application.)

1. Introduction

1.1 The planning intention of the "Green Belt" ("GB") zone is primarily to promote the conservation of the natural environment and to safeguard it from encroachment by urban-type developments.

1.2 The "GB" zone covers mainly slopes and hillsides, most of which is naturally vegetated. Some "GB" areas are also designated as Country Parks. Most of the land within the "GB" zone is Government land, although there are also small pockets of private land, generally near built-up areas.

1.3 The main purposes of the "GB" zone include the following :

a. to conserve existing landscape features, areas of scenic value and areas of recognised "fung shui" importance;

b. to define the outer limits of urbanized districts and to serve as a buffer between and within urban areas; and

c. to provide additional outlets for passive recreational uses.

1.4 To preserve the character and nature of the "GB" zone, the only uses which will always be permitted by the Town Planning Board (the Board) are compatible uses which are essential and for public purpose such as waterworks, water catchment areas, nature reserves, agriculture, forestry and certain passive recreational uses. Other uses, including government/institution/community (G/IC), residential development and public utility installations will require planning permission from the Board and each proposal will be assessed on its individual merits. Applications for development will be considered by the Board according to the criteria set out below.

2. Main Planning Criteria

a. There is a general presumption against development (other than redevelopment) in a "GB" zone. In general the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use.

b. An application for new development in a "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas. With the exception of New Territories Exempted Houses, a plot ratio up to 0.4 for residential development may be permitted.

c. Applications for New Territories Exempted Houses with satisfactory sewage disposal

facilities and access arrangements may be approved if the application sites are in close proximity to existing villages and in keeping with the surrounding uses, and where the development is to meet the demand from indigenous villagers.

d. Redevelopment of existing residential development will generally be permitted up to the intensity of the existing development.

e. Applications for G/IC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses.

f. Passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration.

g. The design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment.

h. The vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided.

i. The proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area.

j. The proposed development must comply with the development controls and restrictions of areas designated as water gathering grounds.

k. The proposed development should not overstrain the overall provision of G/IC facilities in the general area.

l. The proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.

m. Any proposed development on a slope or hillside should not adversely affect slope stability.

Appendix III of RNTPC
Paper No. A/SK-CWBN/49C

Similar Applications

Application No.	Location	Zoning	Date of Consideration	Decision of the RNTPC/ TPB	Reasons for Rejection/ Approval Conditions
A/DPA/SK-CWBN/11 Proposed Three New Territories Exempted Houses (NTEHs) - Small House	Lot 141B in D.D 225, Sheung Yeung Village, Clear Water Bay, Sai Kung	"GB"	17.7.2004	Rejected	(1), (2), (3)
A/SK-CWBN/16 Proposed Three New Territories Exempted Houses (NTEHs) - Small House	Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 RP, 417 S.A RP, 417 S.A ss.1, 417 S.A ss.2 S.A, 417 S.A ss.2 RP & 417 S.B in D.D. 238 and adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung	"GB"	24.2.2012	Rejected	(1), (3), (4), (5)
A/SK-CWBN/18 Proposed House (New Territories Exempted Houses (NTEH) - Small Houses)	Lots 416S.A ss.2 and 417S.C in D.D. 238 and adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung	"GB", "V"	17.6.2011	Rejected	(1), (3), (4), (5)
A/SK-CWBN/25 Proposed 3 Houses (New Territories Exempted Houses-Small Houses)	Lots No. 416 A1, 416 B, 416 C1, 416 C RP, 416 RP, 417 A RP, 417 A1, 417 A2A, 417 A2 RP and 417 B in D.D. 238 and adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung	"GB"	21.5.2014	Rejected	(1), (3), (4), (5)

Reasons for Rejection:

(1) Not in line with the planning intention of "GB" zone
(2) Insufficient information in the submission to demonstrate that land could not be made available for Small House developments within the "V" zones
(3) Undesirable precedent
(4) Not in line with the TPB-PG No. 10
(5) Not in line with the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories'

Advisory Clauses

(a) to note the comments of the District Lands Officer/Sai Kung, Lands Department that details of the house development proposal would be examined during the stage of land exchange application. Should the land exchange be approved, it will be subject to terms and conditions, including payment of premium and administrative fee, as considered appropriate. However, there is no guarantee that the said land exchange will be approved irrespective of any approval given by the Town Planning Board;

(b) to note the comments of Commissioner for Transport that as the section of Pak To Avenue near the subject site is not under Transport Department's management, comments should be sought from relevant management and maintenance agents;

(c) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that

(i) unless the Site abuts on a specified street complying with the requirements under Building (Planning) Regulations (B(P)R) 18A(3) and not less than 4.5m wide, the development intensity of the Site 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)R 5;

(iii) every domestic building within the Site shall be provided with an open space complying with the Second Schedule under B(P)R;

(iv) emergency vehicular access complying with B(P)R 41D shall be provided for all buildings in the Site;

(v) PNAP APP-2, Hong Kong Planning Standards and Guidelines and the advice of Commissioner for Transport will be referred to when determining exemption of gross floor area (GFA) calculation for aboveground or underground carparking spaces; and

(vi) applicants' attention is 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;

(d) to note the comments of the Director of Fire Services that the EVA arrangement shall comply with Section 6, Part D of the 'Code of Practice for Fire Safety in Buildings 2011' administered by Buildings Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

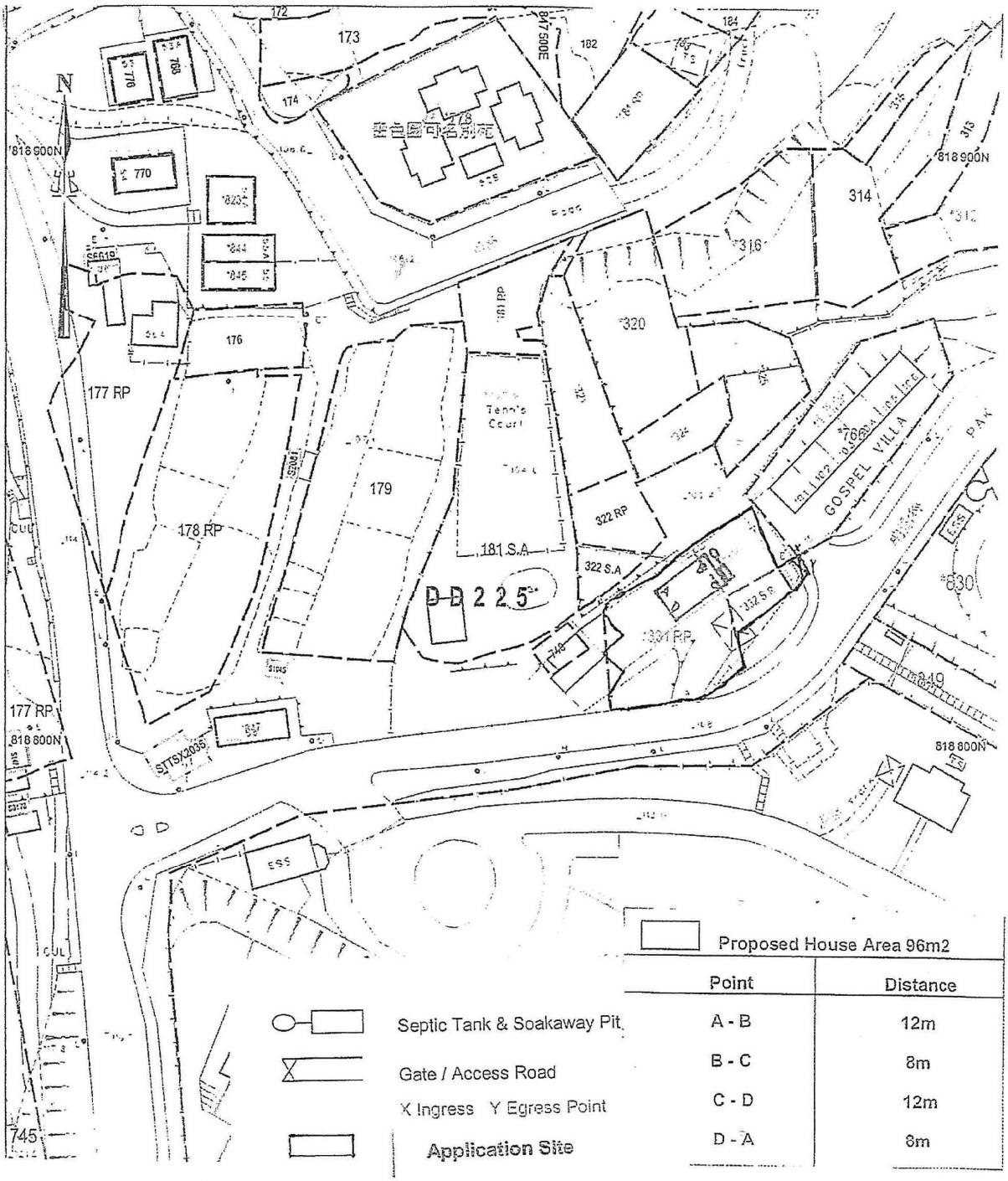
(e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of fresh water supply to the proposed development, the applicants may need to extend their inside service to the nearest suitable Government water mains for connection. The applicants shall 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;

(f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the adopted soil parameters and design groundwater level in the

Geotechnical Planning Review Report should be justified during the detailed design of the site formation works; and

(g) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that if there is any change in the tree preservation and removal proposal, the applicant should seek comment/advice from relevant government department(s) as appropriate.

Subject Site



Point	Distance
A - B	12m
B - C	8m
C - D	12m
D - A	8m

Application Site

Lots Nos.330, 331RP(Part) ,332S.B & 333S.B,

in D.D.225, Clearwater Bay, Sai Kung,

New Territories.

File Ref : TT/SK/PA/68/12

Survey Sheet No.12-NW-22B

THOMAS TSANG SURVEYORS LIMITED

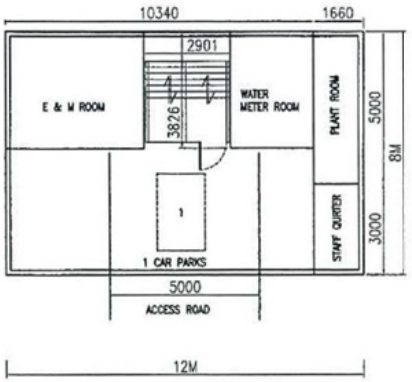
曾家棄測量師有限公司

TEL:27911138 FAX:27914092

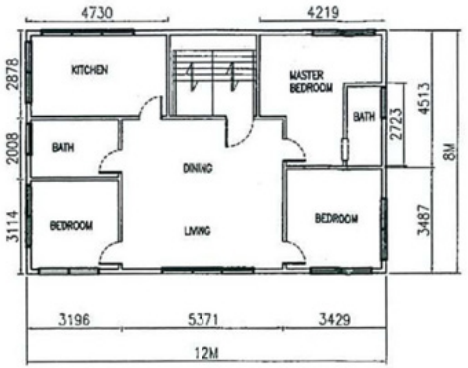
（資料來源 ： 由申請人提供的平面圖）

(Source : Site Plan supplied by the Applicant)

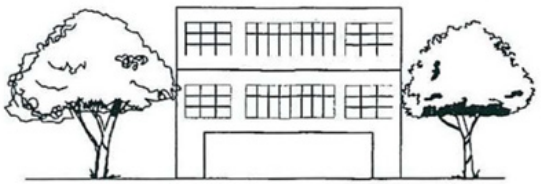
參考編號 REFERENCE No.	繪圖 DRAWING
A/SK-CWBN/49	A-1



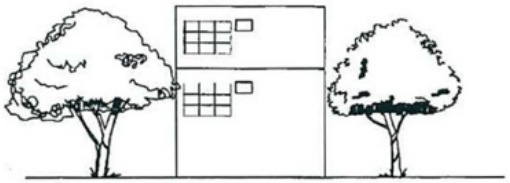
CARPORT LAYOUT



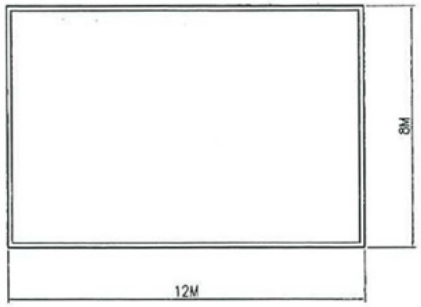
1/F. LAYOUT



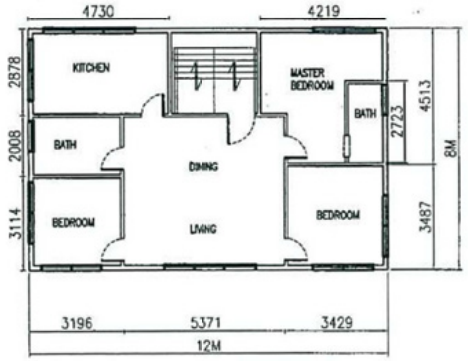
FRONT VIEW



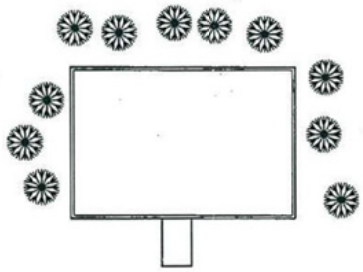
SIDE VIEW



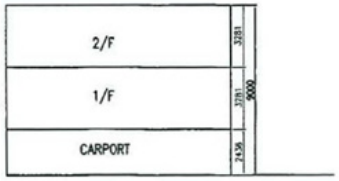
ROOF LAYOUT



2/F. LAYOUT



PLAN VIEW



NEW PLOT RATIO & COVERED AREA FOR NEW BUILDING:-

SITE AREA		= 646 sq.m.	
PERMITTED BUILDING HEIGHT		= 9m	
NEW BUILDING HEIGHT		= 9m	
NEW GFA	G/F CARPORT AND PLANT ROOM	= 11.0954 sq.m. (EXEMPTED GFA CARPORT AREA AND PLANT AREA UNDER B.P.R.)	
	1/F DOMESTIC USE	= 96 sq.m.	
	2/F DOMESTIC USE	= 96 sq.m.	
	TOTAL	= 203.095 sq.m.	
NEW COVERED AREA			
	ROOF AREA	12m x 8m	= 96 sq.m. / 646 sq.m. x 100% = 14.86% < 30%

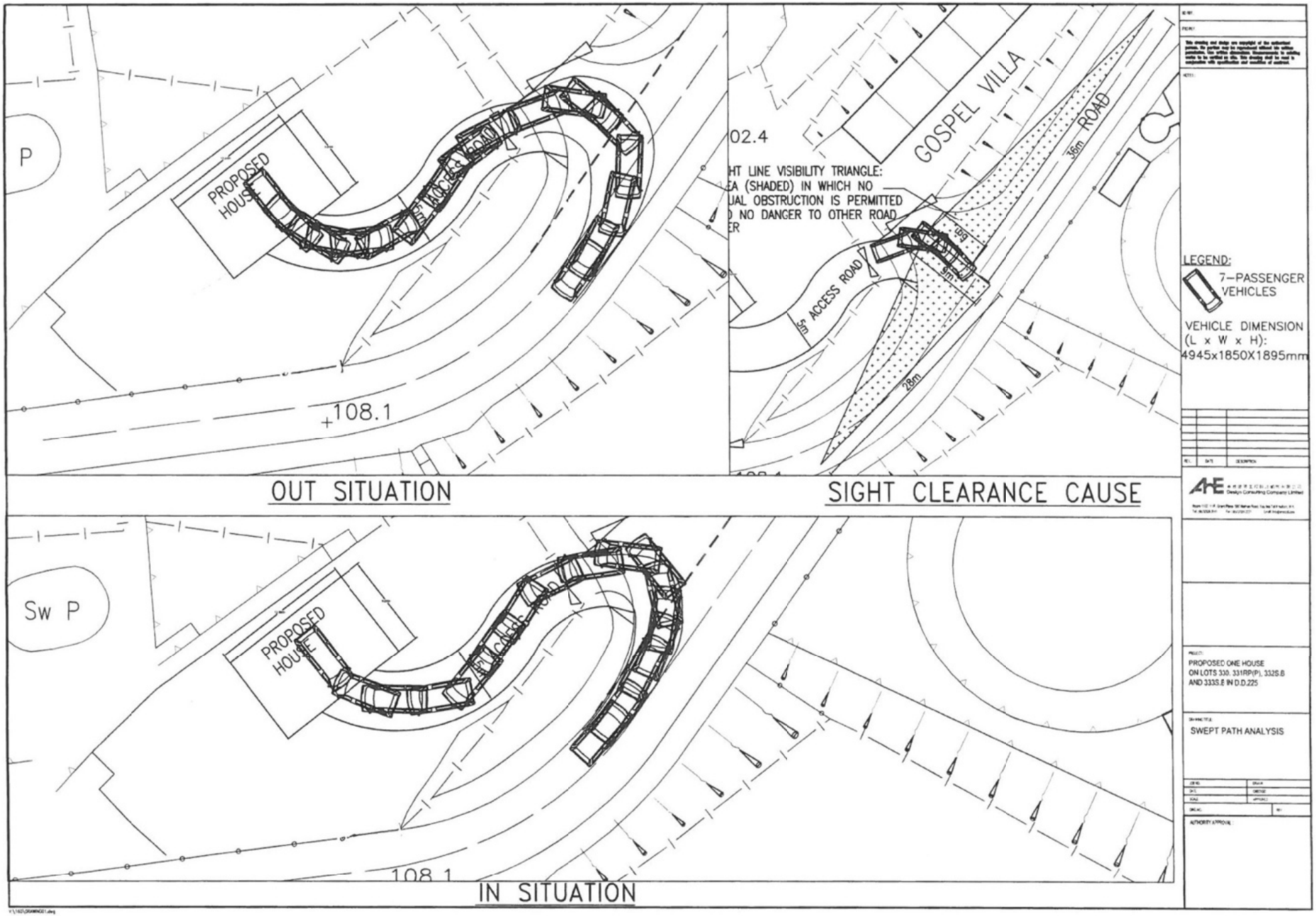
Appendix I

PROPOSED ONE HOUSE
ON LOTS 330, 331RP(P), 332S.B
AND 333S.B IN D.D.225

FLOOR PLAN

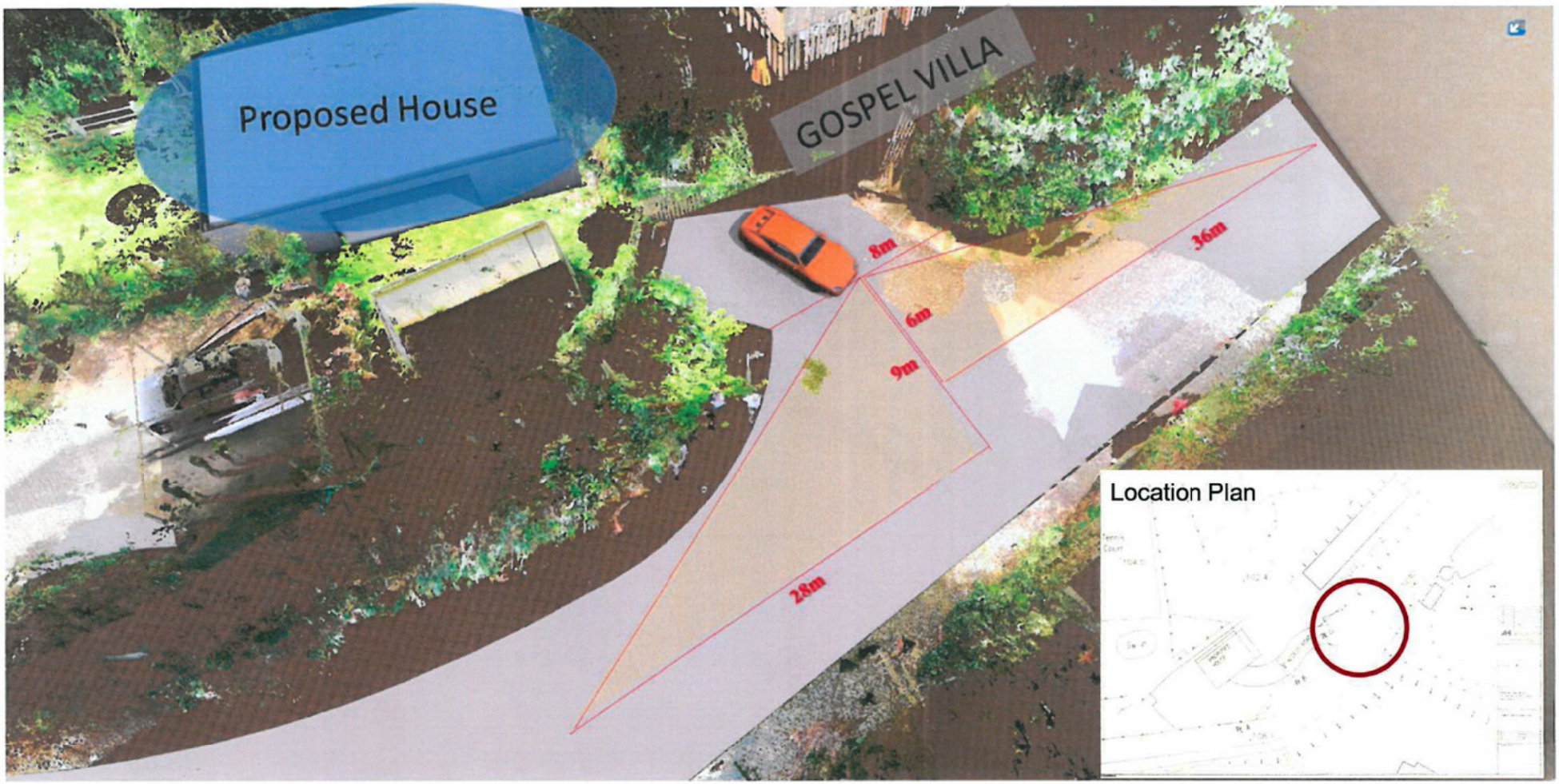
（資料來源 ： 由申請人提供的樓宇平面圖及立視圖）
(Source : Floor Plan & Elevation Plan supplied by the Applicant)

參考編號 REFERENCE No.	繪圖 DRAWING
A/SK-CWBN/49	A-2



（資料來源 ： 由申請人提供經修訂的車輛迴轉路徑分析圖）
(Source : Revised Swept Path Analysis Plan supplied by the Applicant)

參考編號 REFERENCE No.	繪圖 DRAWING
A/SK-CWBN/49	A-3



SIGHT CLEARANCE CAUSE

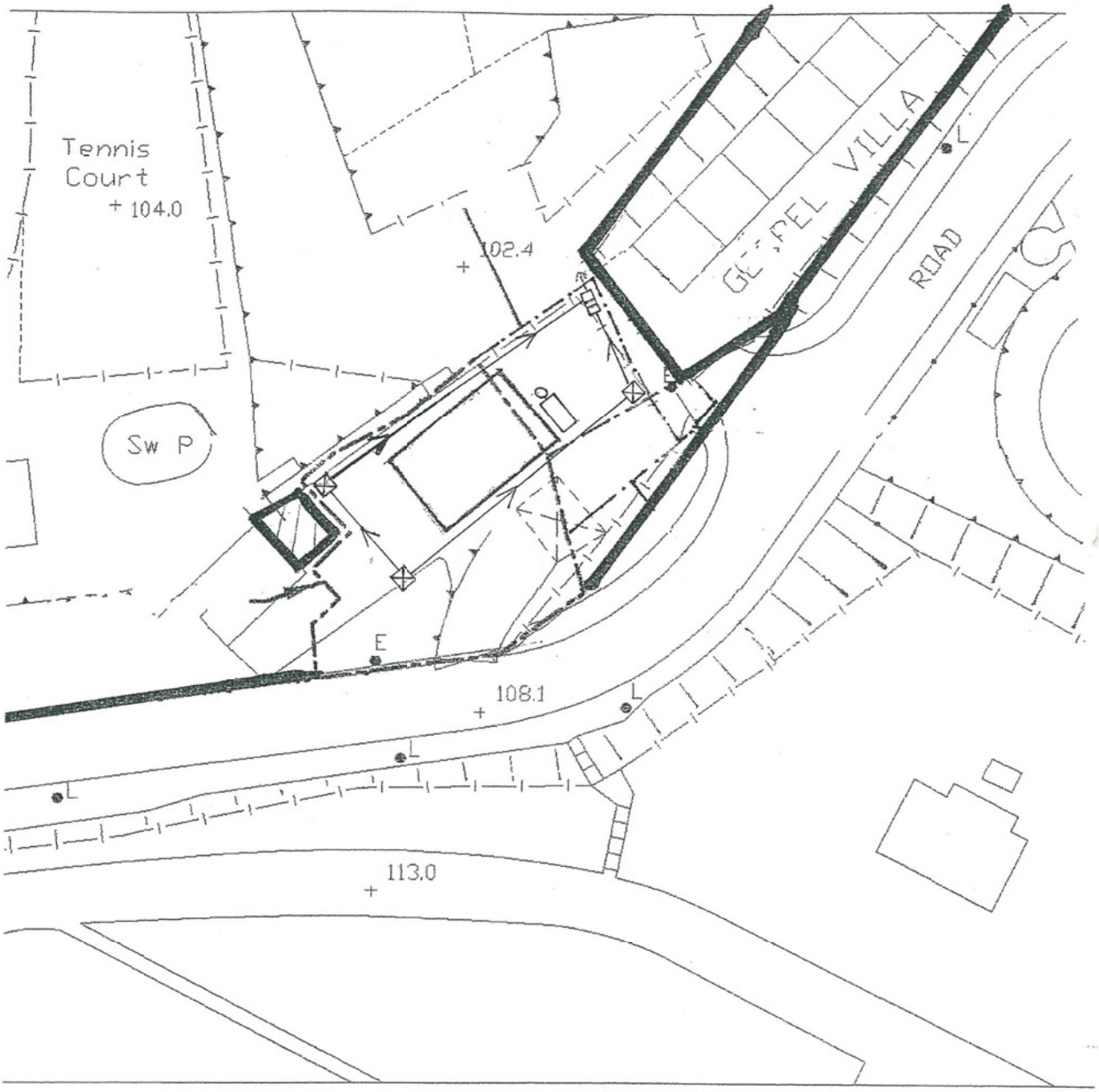
Proposed House and the Associated Excavation of Land Lots 330, 331RP(Part), 332S.B and 333S.B in D.D.225, Clearwater Bay Road, Sai Kung, N.T.

File Ref : TT/SK/PA/68/12 Plan No. Date : 14 May 2019

Global Virtual Design and Construction Limited
環球模擬設計及建造有限公司

（資料來源 ： 由申請人提供的視線間距證明圖）
(Source : Sight Clearance Cause Plan supplied by the Applicant)

參考編號 REFERENCE No.	繪圖 DRAWING
A/SK-CWBN/49	A-4



LEGEND :

- PROPOSED U-CHANNEL WITH COVER (225 U.C. 1 : 100)
- PROPOSED CATCH PIT WITH COVER
- PROPOSED SANDTRAP WITH COVER
- PROPOSED SEPTIC TANK / SOAKAWAY PIT

Proposed Drainage Plan
Lots Nos.330, 331R.P, 332S.B & 333S.B
in D.D.225, Sheung Yeung, Sai Kung,
New Territories.

THOMAS TSANG SURVEYORS LIMITED
曾家棄測量師有限公司
TEL:27911138 FAX:27914092

File Ref : TT/SK/PA/68/12 | Plan No. PA/68/DP01/18

（資料來源 ： 由申請人提供的擬議排水設施圖）
(Source : Proposed Drainage Plan supplied by the Applicant)

參考編號 REFERENCE No.	繪圖 DRAWING
A/SK-CWBN/49	A-5

擬議發展與現時情況的比較 Comparison of Proposed Development with Existing Condition

現時情況 Existing Condition

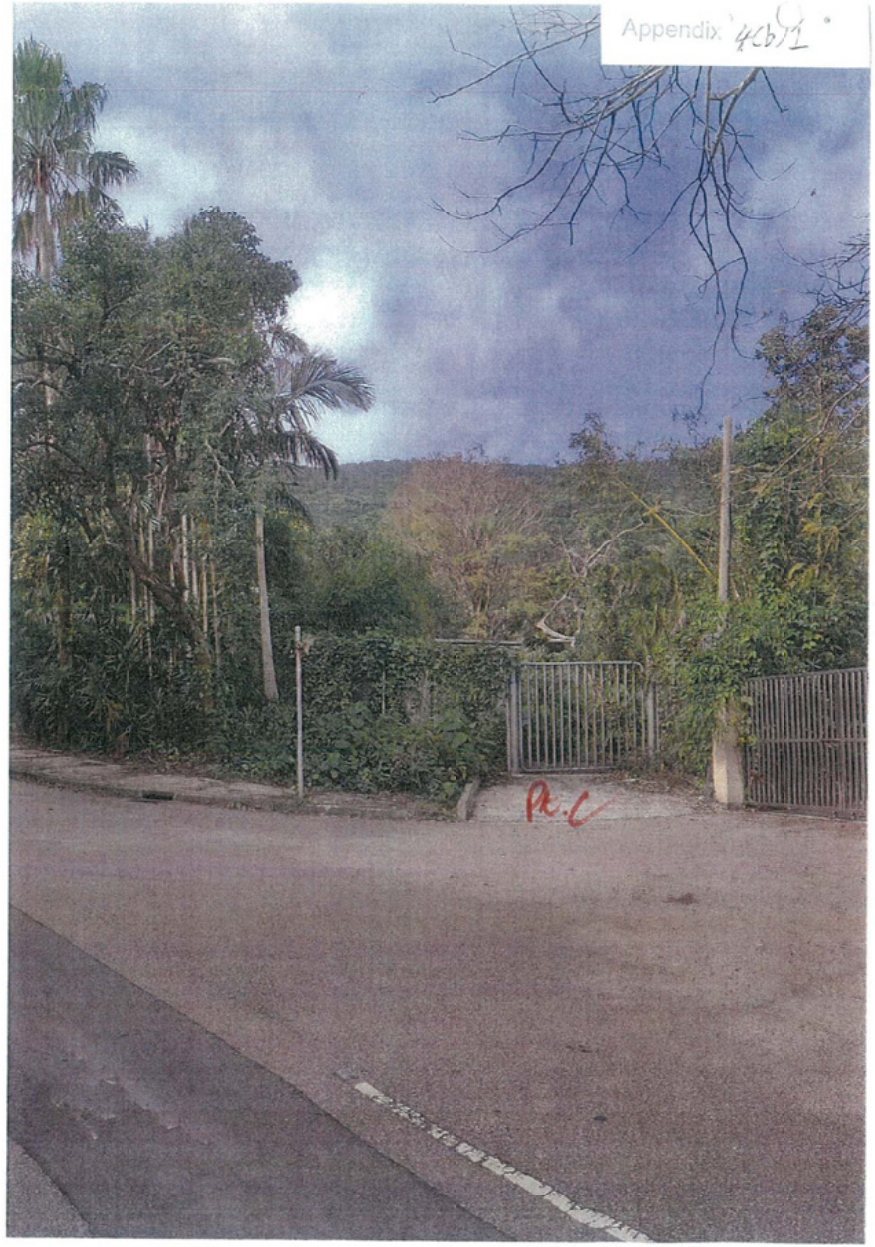
擬議發展 Proposed Development

（資料來源 ： 由申請人提供的視覺合成照片圖）
(Source : Visual Photomontage Plan supplied by the Applicant)

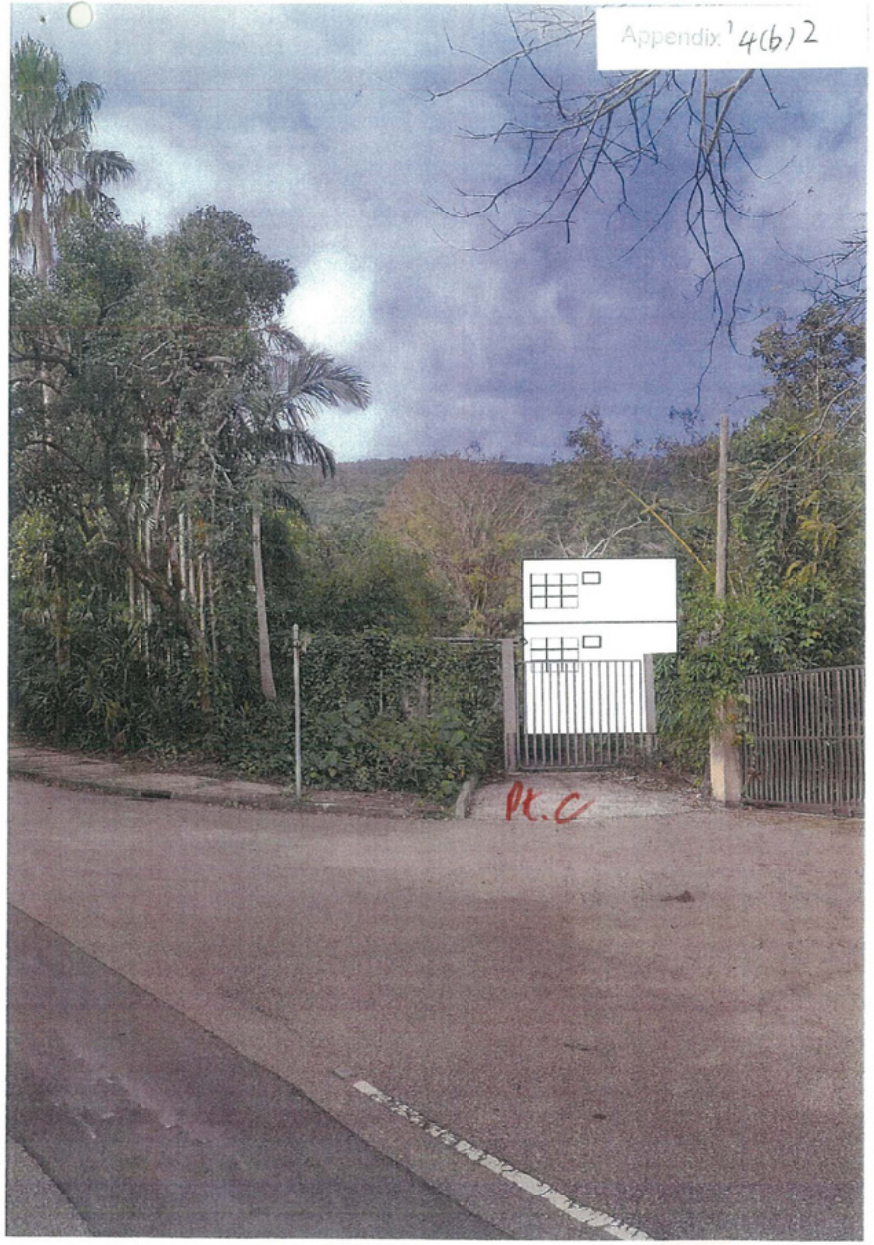
參考編號 REFERENCE No. A/SK-CWBN/49	繪圖 DRAWING A-6

擬議發展與現時情況的比較 Comparison of Proposed Development with Existing Condition

現時情況 Existing Condition

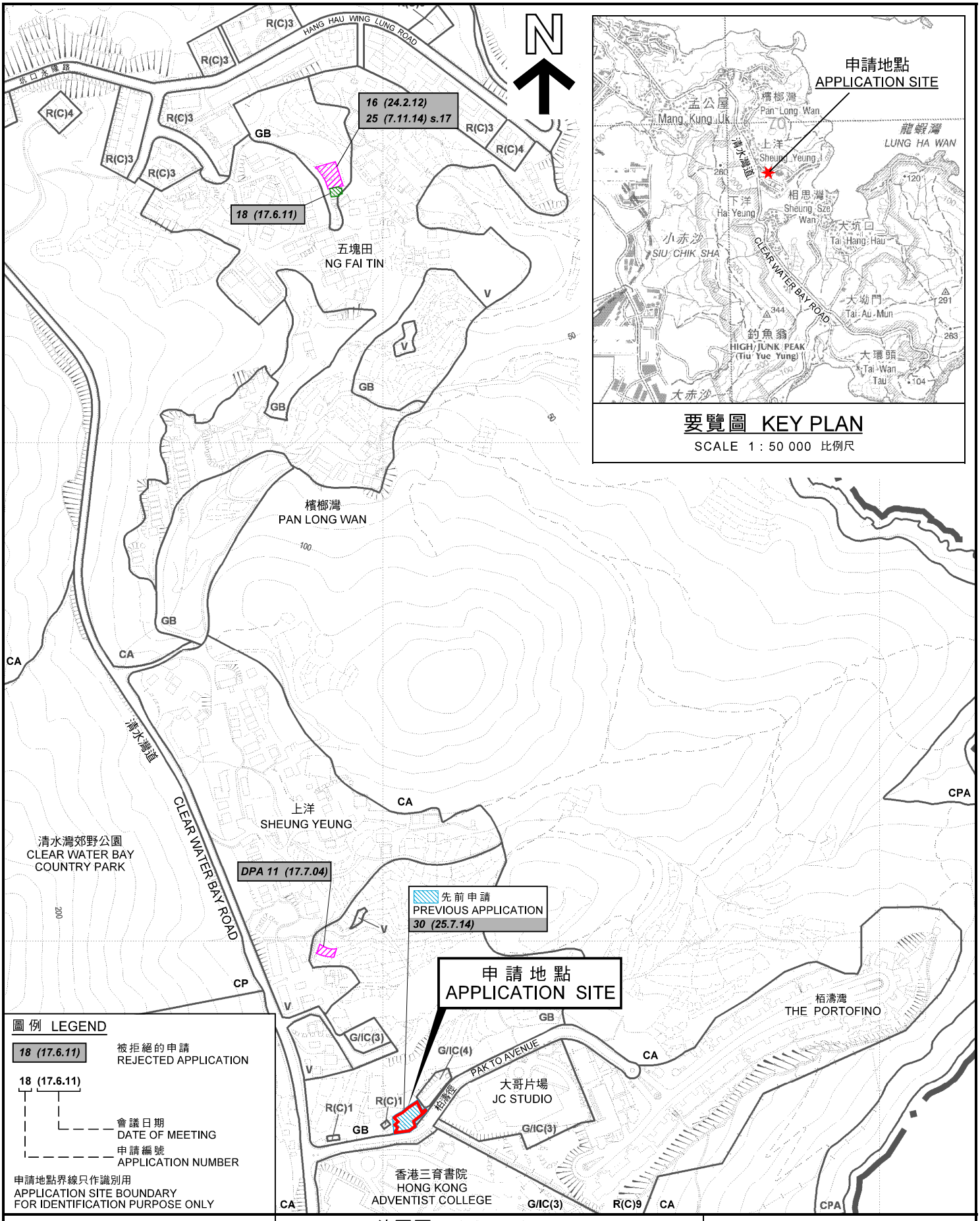


擬議發展 Proposed Development



（資料來源 ： 由申請人提供的視覺合成照片圖）
(Source : Visual Photomontage Plan supplied by the Applicant)

參考編號 REFERENCE No.	繪圖 DRAWING
A/SK-CWBN/49	A-7



要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺

圖例 LEGEND

18 (17.6.11) 被拒絕的申請 REJECTED APPLICATION

18 (17.6.11)
- 會議日期 DATE OF MEETING
- 申請編號 APPLICATION NUMBER

申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本摘要圖於2019年7月19日擬備，
所根據的資料為於2013年12月3日核准的
分區計劃大綱圖編號S/SK-CWBN/6
EXTRACT PLAN PREPARED ON 19.7.2019
BASED ON OUTLINE ZONING PLAN
No. S/SK-CWBN/6 APPROVED ON 3.12.2013

位置圖 LOCATION PLAN

擬議屋宇和相關的挖土工程
西貢清水灣丈量約份第225約地段第330號、
第331號餘段（部分）、第332號B分段及第333號B分段
PROPOSED HOUSE
AND THE ASSOCIATED EXCAVATION OF LAND
LOTS 330, 331 RP (PART), 332 S.B AND 333 S.B IN D.D. 225,
CLEAR WATER BAY, SAI KUNG

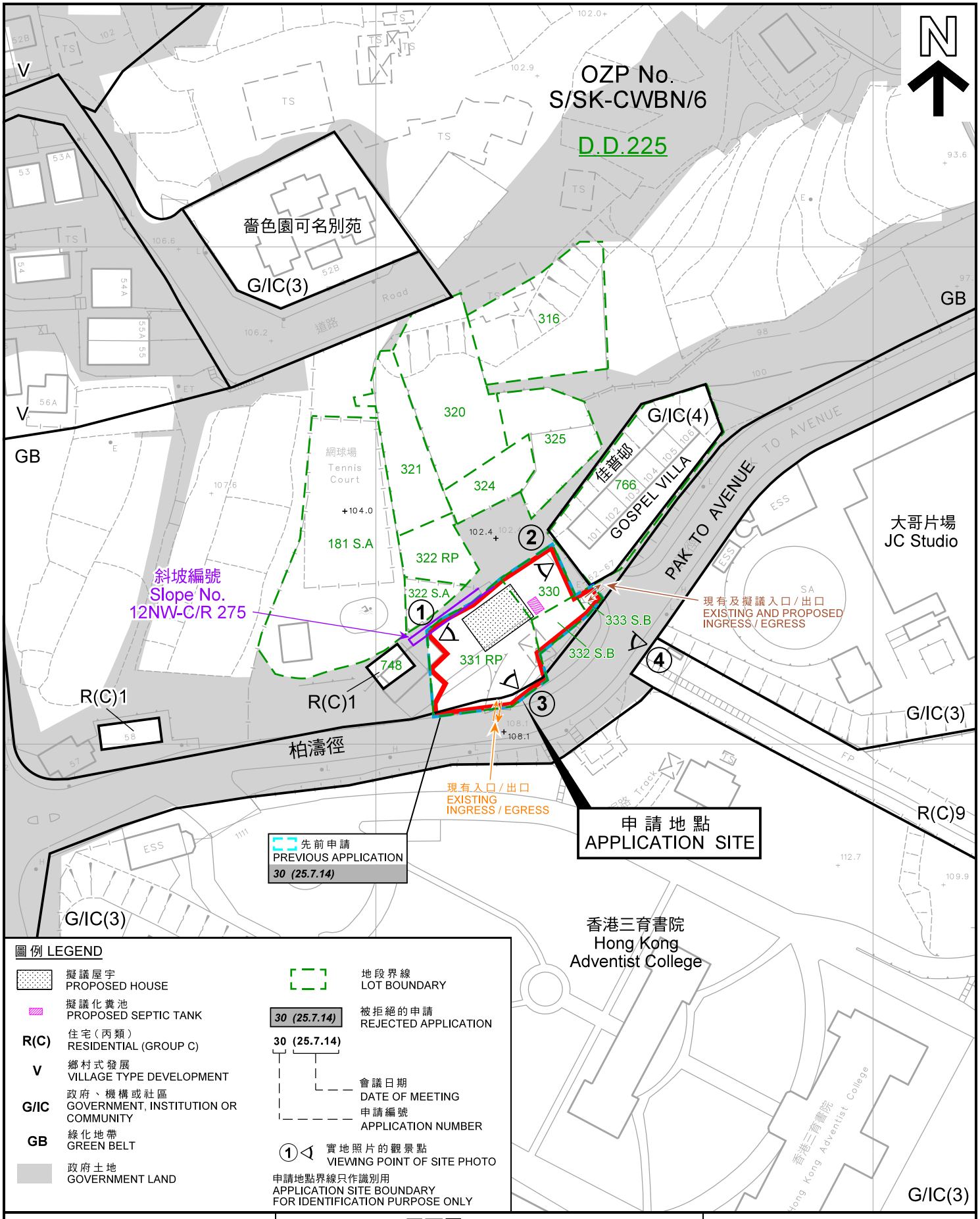
SCALE 1 : 5 000 比例尺

米 METRES 100 0 100 200 米 METRES

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/SK-CWBN/49

圖 PLAN
A-1



圖例 LEGEND

- 擬議屋宇 PROPOSED HOUSE
- 擬議化糞池 PROPOSED SEPTIC TANK
- R(C) 住宅（丙類） RESIDENTIAL (GROUP C)
- V 鄉村式發展 VILLAGE TYPE DEVELOPMENT
- G/IC 政府、機構或社區 GOVERNMENT, INSTITUTION OR COMMUNITY
- GB 綠化地帶 GREEN BELT
- 政府土地 GOVERNMENT LAND
- 地段界線 LOT BOUNDARY
- 30 (25.7.14) 被拒絕的申請 REJECTED APPLICATION
- 30 (25.7.14) 會議日期 DATE OF MEETING / 申請編號 APPLICATION NUMBER
- ① 實地照片的觀景點 VIEWING POINT OF SITE PHOTO

申請地點界線只作識別用
APPLICATION SITE BOUNDARY
FOR IDENTIFICATION PURPOSE ONLY

本摘要圖於2019年7月19日擬備，
所根據的資料為測量圖編號
12-NW-22B

EXTRACT PLAN PREPARED ON 19.7.2019
BASED ON SURVEY SHEET No.
12-NW-22B

平面圖 SITE PLAN

擬議屋宇和相關的挖土工程
西貢清水灣丈量約份第２２５約地段第３３０號、
第３３１號餘段（部分）、第３３２號B分段及第３３３號B分段
PROPOSED HOUSE
AND THE ASSOCIATED EXCAVATION OF LAND
LOTS 330, 331 RP (PART), 332 S.B AND 333 S.B IN D.D. 225,
CLEAR WATER BAY, SAI KUNG

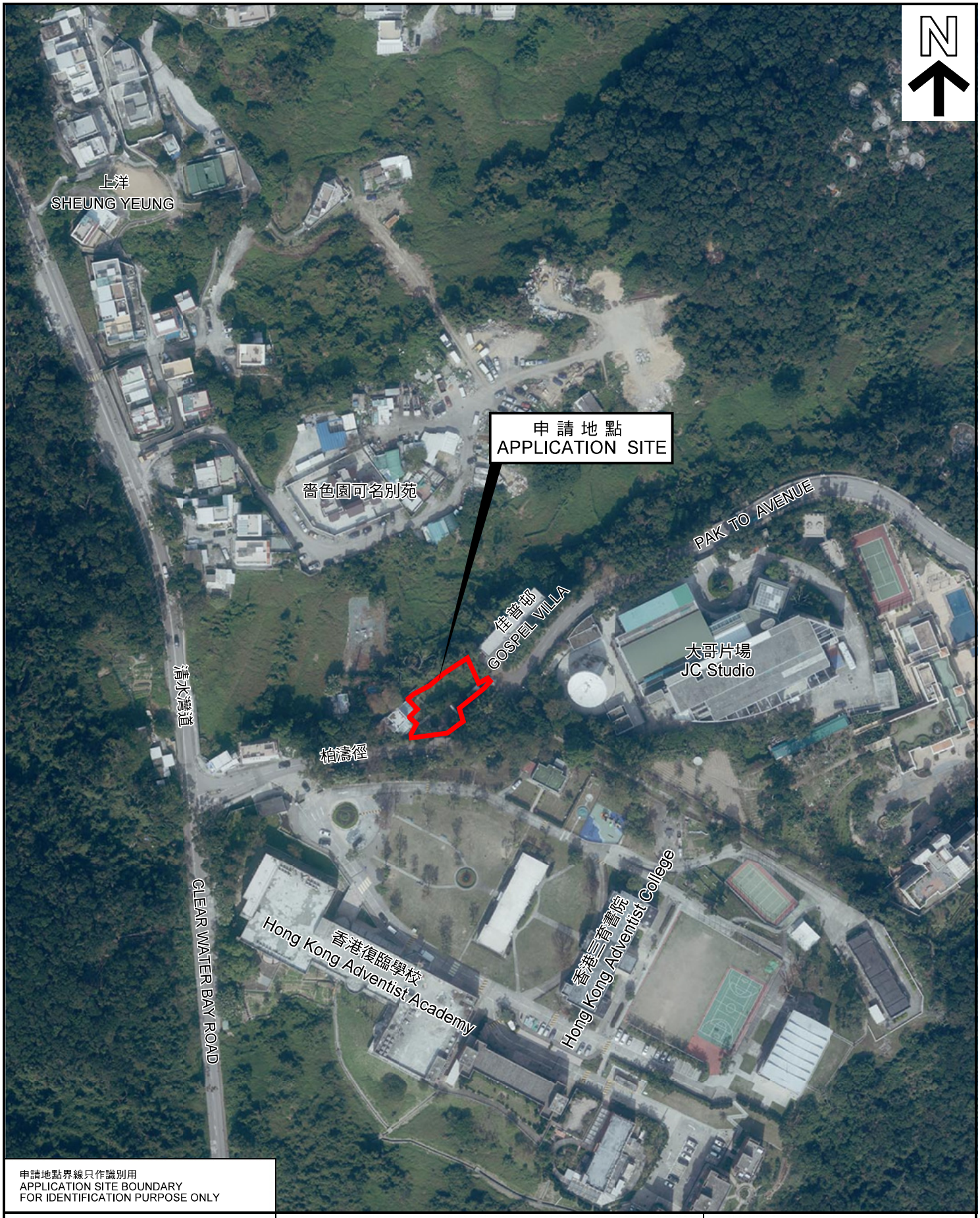
SCALE 1 : 1 000 比例尺

米 METRES 20 0 20 40 米 METRES

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/SK-CWBN/49

圖 PLAN
A-2



申請地點界線只作識別用
APPLICATION SITE BOUNDARY
FOR IDENTIFICATION PURPOSE ONLY

本摘要圖於2019年7月19日擬備，所根據的資料為地政總署於2019年1月23日拍得的航攝照片編號E053505C

EXTRACT PLAN PREPARED ON 19.7.2019
BASED ON AERIAL PHOTO No.
E053505C TAKEN ON 23.1.2019
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議屋宇和相關的挖土工程
西貢清水灣丈量約份第２２５約地段第３３０號、
第３３１號餘段（部分）、第３３２號Ｂ分段及第３３３號Ｂ分段
PROPOSED HOUSE
AND THE ASSOCIATED EXCAVATION OF LAND
LOTS 330, 331 RP (PART), 332 S.B AND 333 S.B IN D.D. 225,
CLEAR WATER BAY, SAI KUNG

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/SK-CWBN/49

圖 PLAN
A-3

①

②

申請地點界線只作識別用
APPLICATION SITE BOUNDARY
FOR IDENTIFICATION PURPOSE ONLY

本圖於2019年7月19日擬備，所根據的資料為攝於2018年8月7日的實地照片
PLAN PREPARED ON 19.7.2019 BASED ON SITE PHOTOS TAKEN ON 7.8.2018

實地照片 SITE PHOTO

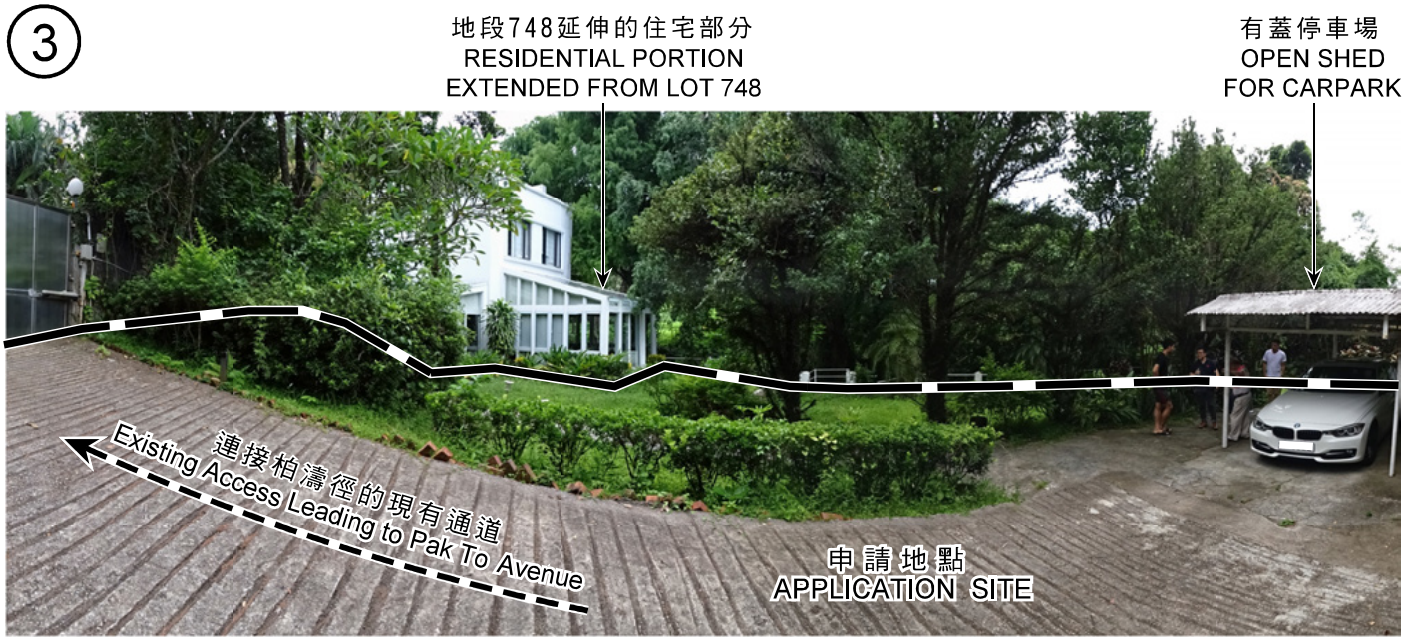
擬議屋宇和相關的挖土工程
西貢清水灣丈量約份第２２５約地段第３３０號、
第３３１號餘段（部分）、第３３２號Ｂ分段及第３３３號Ｂ分段
PROPOSED HOUSE
AND THE ASSOCIATED EXCAVATION OF LAND
LOTS 330, 331 RP (PART), 332 S.B AND 333 S.B IN D.D. 225,
CLEAR WATER BAY, SAI KUNG

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/SK-CWBN/49

圖 PLAN
A-4a

③



④

申請地點界線只作識別用
APPLICATION SITE BOUNDARY
FOR IDENTIFICATION PURPOSE ONLY

本圖於2019年7月19日擬備，所根據的資料為攝於2018年8月7日的實地照片
PLAN PREPARED ON 19.7.2019 BASED ON SITE PHOTOS TAKEN ON 7.8.2018

實地照片 SITE PHOTO

擬議屋宇和相關的挖土工程
西貢清水灣丈量約份第２２５約地段第３３０號、
第３３１號餘段（部分）、第３３２號B分段及第３３３號B分段
PROPOSED HOUSE
AND THE ASSOCIATED EXCAVATION OF LAND
LOTS 330, 331 RP (PART), 332 S.B AND 333 S.B IN D.D. 225,
CLEAR WATER BAY, SAI KUNG

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/SK-CWBN/49

圖 PLAN
A-4b

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/49 Proposed House and the associated Excavation of Land in "Green Belt" Zone and an area shown as 'Road', Lots 330, 331 RP (Part), 332 S.B and 333 S.B in D.D. 225, Pak To Avenue, Clear Water Bay, Sai Kung (RNTPC Paper No. A/SK-CWBN/49C)

22. The Secretary reported that the application was located in Clear Water Bay area. Mr David Y.T. Lui had declared interest on the item as he co-owned with his spouse properties in Clear Water Bay. The Committee noted that Mr. David Y.T. Lui had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

23. Ms Jane W.L. Kwan, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application;

(b) proposed house and the associated excavation of land;

(c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) advised that the subject lots falling within the site were demised for agricultural purposes and any buildings or structures were not permitted under the lease. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as some existing trees might be affected during construction, the impact of the proposed house development on existing landscape resources could not be fully ascertained. Approval of the application would set an undesirable precedent and the cumulative effect of approving such similar applications would result in deterioration of local environment.

The Commissioner for Transport (C for T) had reservation on the application as the proposed ingress/egress did not meet the design requirement. Other concerned government departments had no objection to or no adverse comments on the application;

(d) during the first three weeks of the statutory publication period, six public comments were received from the Hong Kong Bird Watching Society, the World Wide Fund Hong Kong, Designing Hong Kong Limited and individuals objecting to the application. Major grounds were set out in paragraph 10 of the Paper; and

(e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed house development was not in line with the planning intention of the "Green Belt" ("GB") zone and did not comply with the Town Planning Board Guidelines No. 10. The site did not have building entitlement under the lease and there were no exceptional circumstances nor strong justification the proposed house development. Both CTP/UD&L, PlanD and C for T had reservation on the application. Other concerned government departments had no objection to or no adverse comments on the application. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

24. Members had no question on the application.

Deliberation Session

25. After deliberation, the Committee decided to reject the application. The reasons were :

"(a) the proposed development is not in line with the planning intention of the "Green Belt" ("GB") zone which 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. The applicants fail to provide strong justifications in the submission for a departure from the planning intention;

(b) the proposed development does not meet the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" Zone' in that there are no exceptional circumstances for approving the application and the applicants fail to demonstrate that the proposed development would not have adverse traffic and landscape impacts on the surrounding areas; and

(c) the approval of the application would set an undesirable precedent for other similar applications encroaching onto the existing "GB" zone. The cumulative effect of approving similar applications would result in deterioration of the local environment and adverse impact on the landscape character of the area."

[Miss Winnie W.M. Ng arrived to join the meeting at this point.]

城 市 規 劃 委 員 會
香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD
15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳　　真 Fax: 2877 0245 / 2522 8426
電　　話 Tel: 2231 4317
來函檔號 Your Reference:

By Registered Post & Fax (2791 4092)

覆函請註明本會檔號
In reply please quote this ref.: TPB/A/SK-CWBN/49

16 August 2019

Thomas Tsang Surveyors Ltd.
G/F, 70 Po Tung Road
Sai Kung, New Territories
(Attn: Tsang Ka Kau)

Dear Sir/Madam,

Proposed House and the associated Excavation of Land in "Green Belt" Zone and an area shown as 'Road', Lots 330, 331 RP (Part), 332 S.B and 333 S.B in D.D. 225, Pak To Avenue, Clear Water Bay, Sai Kung

I refer to my letter to you dated 26.7.2019.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

(a) the proposed development is not in line with the planning intention of the "Green Belt" ("GB") zone which 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. You fail to provide strong justifications in the submission for a departure from the planning intention;

(b) the proposed development does not meet the TPB Guidelines No. 10 for 'Application for Development within "GB" Zone' in that there are no exceptional circumstances for approving the application and you fail to demonstrate that the proposed development would not have adverse traffic and landscape impacts on the surrounding areas; and

(c) the approval of the application would set an undesirable precedent for other similar applications encroaching onto the existing "GB" zone. The cumulative effect of approving similar applications would result in deterioration of the local environment and adverse impact on the landscape character of the area.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 2.8.2019 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 6.9.2019). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Jane Kwan of Sai Kung & Islands District Planning Office at 2158 6162.

Yours faithfully,

(Felix MA)
for Secretary, Town Planning Board

城 市 規 劃 委 員 會
香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNI
15/F., North Point Go
333 Java Road, North Point,
Hong Kong.

傳　　真 Fax: 2877 0245 or 2522 8426
電　　話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號
In reply please quote this ref.: TPB/A/SK-CWBN/49

By Post and Fax (2791 4092)

1 September 2020

Thomas Tsang Surveyors Ltd.
G/F, 70 Po Tung Road
Sai Kung, New Territories
(Attn: Tsang Ka Kau)

Dear Sir/Madam,

Proposed House and the associated Excavation of Land in "Green Belt" Zone and an area shown as 'Road', Lots 330, 331 RP (Part), 332 S.B and 333 S.B in D.D. 225, Pak To Avenue, Clear Water Bay, Sai Kung
(Application No. A/SK-CWBN/49)

Please refer to our letter to you dated 7.8.2020 on the captioned matter.

After giving consideration to your review submission, the Town Planning Board (the Board) agreed on 14.8.2020 to defer a decision on the review application as requested by you pending the submission of further information (FI) from you. The Board also agreed that the review application should be submitted for its consideration within three months from the date of receipt of FI from you. If the FI submitted by you is not substantial and can be processed within a shorter time, the review application can be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise you that two months are allowed for preparation of the submission of the FI. Since it is the fourth deferment and a total of eight months has been allowed for preparation of submission of FI, this is the last deferment and no further deferment would be granted.

A copy of the relevant extract of minutes of the Board meeting held on 14.8.2020 is enclosed herewith for your reference.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Jane Kwan of Sai Kung and Islands District Planning Office at 2158 6162.

Yours faithfully,

(Raymond KAN)
for Secretary, Town Planning Board

Encl.

RK/fk

Similar Applications

Application No.	Location	Zoning	Date of Consideration	Decision of the RNTPC/ TPB	Reasons for Rejection/ Approval Conditions
A/DPA/SK-CWBN/11 Proposed Three New Territories Exempted Houses (NTEHs) - Small House	Lot 141B in D.D 225, Sheung Yeung Village, Clear Water Bay, Sai Kung	"GB"	17.7.2004	Rejected	(1), (2), (3)
A/SK-CWBN/16 Proposed Three New Territories Exempted Houses (NTEHs) - Small House	Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 RP, 417 S.A RP, 417 S.A ss.1, 417 S.A ss.2 S.A, 417 S.A ss.2 RP & 417 S.B in D.D. 238 and adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung	"GB"	24.2.2012	Rejected	(1), (3), (4), (5)
A/SK-CWBN/18 Proposed House (New Territories Exempted Houses (NTEH) - Small Houses)	Lots 416S.A ss.2 and 417S.C in D.D. 238 and adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung	"GB", "V"	17.6.2011	Rejected	(1), (3), (4), (5)
A/SK-CWBN/25 Proposed 3 Houses (New Territories Exempted Houses-Small Houses)	Lots No. 416 A1, 416 B, 416 C1, 416 C RP, 416 RP, 417 A RP, 417 A1, 417 A2A, 417 A2 RP and 417 B in D.D. 238 and adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung	"GB"	7.11.2014	Rejected	(1), (3), (4), (5)
A/SK-CWBN/57 Proposed 2 Houses (New Territories Exempted Houses - Small Houses), Sitting Out Area, Slope Stability Works and associated Excavation and Filling of Land	Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C ss.2, 416 S.C RP, 416 RP, 417 S.A ss.1, 417 S.A ss.2 S.A, 417 S.A ss.2 S.B, 417 S.A ss.2 RP, 417 S.A RP & 417 S.B in D.D. 238 and Adjoining Government Land	"GB"	6.9.2019	Rejected	(1), (2), (3), (4), (5)

Application No.	Location	Zoning	Date of Consideration	Decision of the RNTPC/ TPB	Reasons for Rejection/ Approval Conditions
	(Site A), and Lots 322 S.A, 322 RP and 416 S.A. RP in D.D. 238 (Site B), Ng Fai Tin, Clear Water Bay, Sai Kung				

Reasons for Rejection:

(1) Not in line with the planning intention of "GB" zone
(2) Insufficient information in the submission to demonstrate that land could not be made available for Small House developments within the "V" zones
(3) Undesirable precedent
(4) Not in line with the TPB-PG No. 10
(5) Not in line with the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories'

Advisory Clauses

(a) to note the comments of the District Lands Officer/Sai Kung, Lands Department that details of the house development proposal would be examined during the stage of land exchange application. Should the land exchange be approved, it will be subject to terms and conditions, including payment of premium and administrative fee, as considered appropriate. However, there is no guarantee that the said land exchange will be approved irrespective of any approval given by the Town Planning Board; and the applicants are not allowed to interfere with the trees and vegetation on unleased and unallocated governmental land;

(b) to note the comments of Commissioner for Transport that as the section of Pak To Avenue near the subject site is not under Transport Department's management, comments should be sought from relevant management and maintenance agents;

(c) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that

  (i) unless the Site abuts on a specified street complying with the requirements under Building (Planning) Regulations (B(P)R) 18A(3) and not less than 4.5m wide, the development intensity of the Site 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)R 5;

  (iii) every domestic building within the Site shall be provided with an open space complying with the Second Schedule under B(P)R;

  (iv) emergency vehicular access complying with B(P)R 41D shall be provided for all buildings in the Site;

  (v) PNAP APP-2, Hong Kong Planning Standards and Guidelines and the advice of Commissioner for Transport will be referred to when determining exemption of gross floor area (GFA) calculation for aboveground or underground carparking spaces; and

  (vi) applicants' attention is 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;

(d) to note the comments of the Director of Fire Services that the EVA arrangement shall comply with Section 6, Part D of the 'Code of Practice for Fire Safety in Buildings 2011' administered by Buildings Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

(e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of fresh water supply to the proposed development, the applicants may need to extend their inside service to the nearest suitable Government water mains for connection. The applicants 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;

(f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the adopted soil parameters and design groundwater level in the

Geotechnical Planning Review Report should be justified during the detailed design of the site formation works; and

(g) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that if there is any change in the tree preservation and removal proposal, the applicant should seek comment/advice from relevant government department(s) as appropriate.