

TOWN PLANNING BOARD

TPB Paper No. 10698

**For Consideration by
the Town Planning Board on 11.12.2020**

**REVIEW OF APPLICATION NO. A/SK-CWBN/49
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed House and the associated Excavation of Land
in “Green Belt” Zone and ‘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, New Territories**

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in “Green Belt” (“GB”) Zone and ‘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, New Territories**

1. Background

- 1.1 On 25.7.2018, the applicants, LAU Siu Hung and Steven Philip BEAVER represented by Thomas Tsang Surveyors Limited, sought planning permission for a house and associated excavation of land at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area mainly zoned “Green Belt” (“GB”) (about 93%) with a minor portion within area shown as ‘Road’ (about 7%) on the Approved Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/6 (**Plan R-1**).
- 1.2 On 2.8.2019, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
- (a) the proposed development was 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 was a general presumption against development within this zone. The applicants failed to provide strong justifications in the submission for a departure from the planning intention;
 - (b) the proposed development did not meet the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that there were no exceptional circumstances for approving the application and the applicants failed 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.

1.3 The proposed development involves a 3-storey house with gross floor area of 203.095m², plot ratio of 0.31, site coverage of 14.86% and building height of 9m, and associated excavation of land. One private car parking space will be provided. The Site is accessible via Pak Tok Avenue. The applicants propose in the s.17 review submission to revise the location of the ingress/egress by shifting the ingress/egress from the eastern boundary (**Drawing A-3** of **Annex A**) to the southern boundary of the Site (**Drawing R-2**) in response to the comments from Transport Department (TD) on sightline of the access to Pak To Avenue. The applicants indicate that they will set back the gate, boundary wall and fencing along Pak To Avenue of about 2m and undertake maintenance responsibility to keep the height of the lawn/planter area along portion of Pak To Avenue adjacent to and outside the Site to 1m (**Drawing R-2** and **Plan R-2**) to maintain the sightline.

1.4 For Members' reference, the following documents are attached:

- (a) RNTPC Paper No. A/SK-CWBN/49 (Annex A)
- (b) Extract of minutes of the RNTPC Meeting held on 2.8.2019 (Annex B)
- (c) Secretary of the Board's letter dated 16.8.2019 (Annex C)

2. Application for Review

2.1 On 3.9.2019, the applicants' representative applied, under section 17(1) of the Ordinance, for a review of the RNTPC's decision to reject the application. In support of the review, the applicants' representative has submitted the following documents:

- (a) Letter dated 3.9.2019 applying for a review of the RNTPC's decision (Annex D1)
- (b) Further Information (FI) dated 12.10.2020 and 16.10.2020 providing alternative design of ingress/egress and proposed landscape plan (*accepted but not exempted from publication and recounting requirements*) (Annex D2)
- (c) FI dated 1.12.2020 providing responses to departmental comments (*accepted and exempted from publication and recounting requirements*) (Annex D3)

2.2 On 22.11.2019, 13.3.2020, 22.5.2020 and 14.8.2020, the Board agreed to defer a decision on the review application for two months respectively as requested by the applicants for submission of FI.

3. Request for Deferment

3.1 On 19.11.2020, the applicants' representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for further two months in order to allow time to address departmental comments on land matters and landscape impacts arising from the revised ingress/egress proposed by the applicants (**Annex D4**).

Planning Department's Views

- 3.2 The Planning Department does not support the request for the deferment. The application has already been deferred for 4 times for a total of 8 months at the request of the applicants to address departmental comments.
- 3.3 According to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), reasonable grounds must be provided to support the request and the proposed deferment period should not be indefinite. Since the submission of the application for review by the applicants on 3.9.2019, no supplementary information has been submitted by the applicants to support the review application. It was only until after the fourth deferment that the applicants on 12.10.2020 and 16.10.2020 submitted FI (**Annex D2**) including an alternative design of ingress/egress and proposed landscape plan to address the reasons of rejection by the RNTPC. Since sufficient time has been allowed for the applicants to prepare and submit FI to address departmental comments. In accordance with the TPB PG-No. 33, there is no reasonable ground to allow a fifth deferment.
- 3.4 In agreeing to the fourth deferment, the Board has advised the applicants that the fourth deferment on 14.8.2020 is the last deferment of the review application and no further deferment would be granted (**Annex E**).
- 3.5 Should the Board agree not to defer making a decision on the review application, the application is ready for consideration by the Board at this same meeting. Alternatively, should the Board decide to defer a decision on the review application, it will be submitted within three months upon receipt of FI from the applicants. If the FI submitted by the applicants is not substantial and can be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. Since it is the fifth deferment of the application, the applicants should be advised that the Board has allowed a total of ten months for preparation of submission of FI, and this is the last deferment and no further deferment would be granted.

Decision Sought

- 3.6 The Board is invited to consider whether or not to accede to the applicants' request for deferment. If the request is not acceded to, the consideration of the review application is to be proceeded as below.

4. Justifications from the Applicants

The justifications put forth by the applicants in support of the review application are detailed in the submission at **Annex D2** and summarised as follows:

- (a) in response to the concerns from Transport Department on the sightline issue, the applicants will set back the gate, boundary wall and fencing along Pak To Avenue gradually of about 2m to maintain the width of Pak To Avenue and will undertake the maintenance responsibility to keep the height restriction of 1m at the lawn/planter area along the portion of Pak To Avenue adjacent to the Site (**Drawing R-2**) to maintain the sightline; and

- (b) the rural landscape character surrounding the development will not be changed, and the planting buffer to the Pat To Avenue will be maintained. It is understood that the general tree preservation clause and general landscape clause will be incorporated in the land exchange stage after planning approval. The applicants will submit detailed landscape proposal to the satisfaction of the Director of Planning and Town Planning Board.

5. **The Section 16 Application**

The Site and Its Surrounding Areas (Plans R-1, R-2, aerial photo on Plan R-3 and photos on R-4a to R-4c)

- 5.1 The situation of the Site and its surrounding areas at the time of the consideration of the s.16 application by the RNTPC are described in paragraph 7 of **Annex A**. There has been no material change of the situation since then.
- 5.2 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; and
 - (b) directly abutting and accessible from Pak To Avenue with two existing ingresses/egresses, one at the south of the site and the other at the east.
- 5.3 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;
 - (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.

Planning Intention

- 5.4 There has been no change of planning intention of the concerned “GB” zone, which is mentioned in paragraph 8 of **Annex A**.
- 5.5 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.

Town Planning Board Guidelines

- 5.6 TPB PG-No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’, which is relevant to the consideration of the s.16 application, is still effective. The relevant assessment criteria are set out in Appendix II of **Annex A**.

Previous Application

- 5.7 There is one previous application (No. A/SK-CWBN/30) for a proposed house and the associated excavation of land (1m in depth) at the Site, which was rejected by the Committee on 25.7.2014. It was submitted by the same applicants as in the current review application. The details are set out in paragraph 5 of **Annex A**.

Similar Applications

- 5.8 There is one more similar planning application (Application No. A/SK-CWBN/57) in addition to the four similar planning applications (Applications No. A/DPA/SK-CWBN/11, A/SK-CWBN/16, 18 and 25) as mentioned in **Annex A**. All applications are for New Territories Exempted Houses (NTEHs) (Small Houses) within the “GB” zones of the OZP (**Plans R-1** and **R-2**) and were rejected by the RNTPC or the Board. Details of the applications are summarized at **Annex F**. Their locations are shown on **Plans R-1** and **R-2**.

6. Comments from Relevant Government Departments

- 6.1 Comments on the s.16 application made by relevant government departments are stated in paragraph 9 of **Annex A**.

For the review application, the following government departments have been further consulted and their comments are summarized as follows:

Traffic

- 6.1.1 Commissioner for Transport (C for T) has the following comments on the review application:
- (a) it is noted that configuration of “lawn or planter area not more than 1m in height” shown on the proposed landscape plan (**Drawing R-1**) is not consistent with that shown on the traffic arrangement measures drawing (**Drawing R-2**);
 - (b) the applicants mention that “the land owner undertakes the maintenance and keep the height restriction in 1m at the lawn/planter area” in letter dated 12.10.2020 (**Annex D2**). There is no further comment from traffic engineering perspective provided that the proposed arrangement could be incorporated as one of the approval conditions of this planning application and one of the lease conditions under the land exchange application; and

- (c) from traffic viewpoint, there is no adverse comment on the proposed approval condition if the Board approves the application:

the design and provision of ingress/egress to the satisfaction of the C for T or of the Board; and

the design, provision, management and maintenance of proposed lawn/planter area between Pak To Avenue and the application site with a height restriction of 1m as proposed by the applicants to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Land Administration

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

- (a) regarding the applicant's landscape proposal along Pak To Avenue, it is advised that the area concerned falls within the unleased and unallocated government land (UUGL). As such, the applicants are not allowed to interfere with the trees and vegetation on UUGL; and
- (b) previous comments on s.16 application are still valid and applicable which are recapitulated below:
- (i) 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;
- (ii) 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
- (iii) 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.

Landscape

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

- (a) having reviewed the further information (**Annex D2**), since no additional information is provided in the submission to address the concern on the landscape impact on the existing trees arising from the proposed development, she maintains her view of reservation on the application from landscape planning perspective; and
- (b) previous comments on s.16 application which are recapitulated below:
 - (i) 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;
 - (ii) 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;
 - (iii) 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 approve 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
 - (iv) 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.

District Officer's Comments

6.1.4 Comments of the District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD)

- (a) he has no particular comment on the application; and
- (b) the villagers express that the road safety shall be carefully considered by the relevant bureau(x)/department(s).

6.2 The following government departments have no further comments on the review application and maintain their previous comments on the s.16 application as below:

Drainage

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

- (i) 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
- (ii) 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”.

Fire Safety

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

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.

Buildings

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

no in-principle objection under the Buildings Ordinance (BO) to the application subject to following comments:

- (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, 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
- (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.

Nature Conservation

6.2.4 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.

Urban Design and Visual

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

- (i) 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
- (ii) 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.

Environment

6.2.6 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.

Water Supply

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

- (i) no objection to the application; and
- (ii) for provision of fresh water supply to the proposed development, the applicants may need to extend their inside services 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

6.2.8 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.

6.3 The following government departments have no comment on the review application:

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

7. Public Comments on the Review Application Received During Statutory Publication Period

- 7.1 On 13.9.2019 and 23.10.2020, the review application and FI were published for public inspection. During the first three weeks of the statutory public inspection periods, which ended on 4.10.2019 and 13.11.2020, a total of six public comments from Designing Hong Kong Limited, The Hong Kong Bird Watching Society, the World Wide Fund Hong Kong, and an individual were received (**Annex G**). They object to the review 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; setting of an undesirable precedent; and the Site does not have building entitlement under the lease and there are no exceptional circumstances nor strong justification for the proposed house development.

- 7.2 Six public comments, all objecting to the application, received at the s. 16 application stage are set out in paragraph 10 of **Annex A**.

8. Planning Considerations and Assessments

- 8.1 The application is to review the RNTPC’s decision of rejecting a proposed house and associated excavation of land at the Site which is zoned “GB”. The application was rejected for the reasons that the proposed development is not in line with the planning intention of the “GB” zone, there is no exceptional circumstances for approving the application and the applicants fail to demonstrate the proposed development would not generate adverse traffic and landscape impacts on the surrounding areas and approval of the application would set an undesirable precedent for similar applications.
- 8.2 The Site falls mainly within the “GB” zone with minor portion within an area shown as ‘Road’ on Clear Water Bay Peninsula North OZP. 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. No strong justifications have been provided in the review application to support a departure from the planning intention.
- 8.3 In support of the review application, the applicants submit further information to revise the location of the ingress/egress from the eastern boundary of the Site (**Drawing A-3 of Annex A**) to the southern boundary of the Site (**Drawing R-2**) to address TD’s concerns on sightline on the original design. The applicants propose to set back the gate, boundary wall and fencing along Pak To Avenue of about 2m and keep the lawn/planter area between the Site and Pak To Avenue (on government land) with a height of 1m to improve the sightline (**Drawing R-2** and **Plan R-2**). The applicants claim that they will undertake the maintenance responsibility of the concerned lawn/planter area. C for T has no further comment on the application from traffic engineering perspective provided that such proposed arrangement could be incorporated as one of the approval conditions of this planning application and one of the lease conditions under the land exchange application. However, DLO/SK, LandsD advises that as the concerned lawn/planter area falls within the UUGL, the applicants are not allowed to interfere with the trees and vegetation on UUGL. The applicants fail to demonstrate the feasibility of the proposed ingress/egress arrangement and no adverse traffic impact would be caused.
- 8.4 The Site although partly occupied by temporary structures and partly used as garden covered with grass, it forms part of a wider “GB” zone. While the applicants have submitted a landscape plan (**Drawing R-2**), CTP/UD&L, PlanD’s concern on the landscape impact on the existing trees arising from the proposed development are yet to be addressed. The applicants have not provided any tree preservation and landscaping proposal nor any assessment

on potential impact on the planter area outside the Site arising from their latest arrangement on ingress/egress to demonstrate the proposed access and traffic arrangement would not adversely affect the existing trees and other natural landscape features. CTP/UD&L, PlanD maintains her reservation on the application from landscape planning perspective.

- 8.5 In view of paragraphs 8.3 and 8.4 above, the application does not comply with the TPB-PG No. 10 in that the applicants fail to demonstrate the proposed traffic arrangement would be feasible and the proposed development would not generate adverse landscape impacts on the area.
- 8.6 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, LandsD, 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.
- 8.7 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 RNTPC on 25.7.2014 mainly on the grounds of not in line with the planning intention of the “GB” zone; did not meet the TPB-PG No. 10; and setting of an undesirable precedent. Rejection of the application is in line with RNTPC’s previous decision.
- 8.8 The previous application and the five similar applications for house and NTEHs development respectively within “GB” zone on the OZP were all rejected by the RNTPC or the Board. 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.
- 8.9 Whilst the applicants propose new access arrangement in the review application, there is still no major change in planning circumstances since the application was rejected by the RNTPC. There is no strong reason to depart from the RNTPC’s previous decision. Planning considerations and assessments set out in paragraph 11 of **Annex A** should remain valid.
- 8.10 There are six public comments objecting to the review application. The planning assessments set out in paragraphs 8.1 to 8.9 above are relevant.

9. Planning Department’s Views

- 9.1 Based on the assessment made in paragraph 8, having taken into account the public comments mentioned in paragraph 7, the Planning Department maintains its previous view of not supporting the review 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 justification in the current submission for a departure from the planning intention of the "GB" zone;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for 'Application for Development within " GB" zone under section 16 of the Town Planning Ordinance' 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) approval of the application would set an undesirable precedent for other similar applications within the "GB" zone. The cumulative effect of approving such similar applications would result in degradation of the local environment and adverse impact on the landscape character of the area.

9.2 Alternatively, should the Board decide to approve the application on review, it is suggested that the permission shall be valid until 11.12.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' consideration:

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 design, provision, management and maintenance of proposed lawn/planter area between Pak To Avenue and the application site with a height restriction of 1m as proposed by the applicants to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the submission and provision of 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

9.3 The recommended advisory clauses are attached at **Annex H**.

10. Decision Sought

- 10.1 The Board is invited to consider the application for a review of the Committee's decision and decide whether to accede to the application.
- 10.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 10.3 Alternatively, should the Board decide to approve the review application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.

Attachments

Drawing R-1	Proposed landscape plan
Drawing R-2	Proposed traffic arrangement measures
Plan R-1	Location plan
Plan R-2	Site plan
Plan R-3	Aerial photo
Plans R-4a to 4c	Site photos
Annex A	RNTPC Paper No. A/SK-CWBN/49
Annex B	Extract of minutes of the RNTPC Meeting held on 2.8.2019
Annex C	Secretary of the Board's letter dated 16.8.2019
Annex D1	Applicants' letter dated 3.9.2019
Annex D2	Further Information dated 12.10.2020 and 16.10.2020
Annex D3	Further Information dated 1.12.2020
Annex D4	Applicants' letter dated 19.11.2020
Annex E	Letter dated 1.9.2020 from the Secretary of the Town Planning Board to the applicants' representative on the last deferral request
Annex F	Similar applications
Annex G	Public comments on the review application
Annex H	Advisory clauses

**PLANNING DEPARTMENT
DECEMBER 2020**