

REVIEW OF APPLICATION NO. A/NE-LK/114
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

Proposed House (New Territories Exempted House - Small House)
Lot 1356 S.B in D.D. 39, Ma Tseuk Leng San Uk Ha, Sha Tau Kok, New Territories

1. Background

- 1.1 On 16.7.2018, the applicant, Mr. CHEUNG Steven Pak Hung represented by Mr. YEUNG Siu Fung, sought planning permission to build a New Territories Exempted House (NTEH) - Small House at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls entirely within an area zoned “Agriculture” (“AGR”) on the approved Luk Keng and Wo Hang OZP No. S/NE-LK/11 (**Plan R-1**).
- 1.2 On 7.9.2018, 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 is not in line with the planning intention of the “AGR” zone in the Luk Keng and Wo Hang area which is primarily to retain and safeguard good quality agricultural land / farm / fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
 - (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would involve vegetation clearance and hence affect the existing natural landscape; and
 - (c) land is still available within the “Village Type Development” (“V”) zone of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha and Shek Kiu Tau village cluster where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”
- 1.3 For Members’ reference, the following documents are attached:
- (a) RNTPC Paper No. A/NE-LK/114 **(Annex A)**
 - (b) Extract of minutes of the RNTPC meeting held on 7.9.2018 **(Annex B)**
 - (c) Secretary of Town Planning Board’s letter dated 21.9.2018 **(Annex C)**

2. Application for Review

On 8.10.2018, the application for a review of the RNTPC's decision to reject the application (**Annex D**) was received. In support of the review, the applicant submitted further information includes written justifications and a landscape proposal on 26.11.2018(**Annex E**) and a revised landscape proposal on 28.1.2019 (**Annex F**).

3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application are detailed in the applicant's further information at **Annexes E** and **F**. They can be summarized as follows:

Approved Cases in the Vicinity

- (a) there were 8 approved Small House development in the vicinity of the Site at "AGR" zone of Ma Tseuk Leng San Uk Ha; of the 8 approved Small House development, 2 Small Houses (i.e. Lot 1356 RP and Lot 1357 in D.D.39) were located very closely with the Site (**Plan R-2c**);
- (b) planning approval (Application No. A/NE-LK/79) was granted to the applicant's relatives for Small House developments at Lots 1368 S.A, S.B and RP in D.D. 39 (**Plan R-1**) in which the locations of these Small House are further away from the "V" zone and 'Village Environs' ('VE') and closer to the Sha Tau Kok Road;

Responses to the Reasons of Rejection

- (c) the planning intention of "AGR" zone could be sympathetically considered for building Small Houses as exemplified by the recent granting of planning permissions (i.e. Application No. A/NE-LK/79) to the abutting Lots 1368 S.A, S.B and RP in D.D. 39;
- (d) the applicant submitted a revised landscape proposal (**Drawing R-2**) that involves planting 3 nos. of *bauhinia blakeana* which is the same species to be planted on the adjacent Lot 1356 S.A., and proposed climbers on the northern boundary of the Site to provide more greenery. The proposed house has also been shifted west and southwards while the proposed septic tank and balcony have been relocated (**Drawing R-1**) to provide space for the tree planting;
- (e) there are a total of 15 different species of trees within the Site. However, there are no precious nor valuable trees founded and most of them suffered various degree of damage due to the recent typhoon storm;
- (f) the applicant has no other private land within the "V" zone. It is a well known fact that available land for building small houses within "V" zone is often hard to come by, even if one can pay the sky-high cost; and

Applicant's Endeavour to Undertake Necessary Measures

- (g) the applicant is willing to undertake any other measures that are deemed necessary by the concerned Government department if the submitted landscape proposal (**Annex F**) is considered unsatisfactory and willing to take up all necessary work as required by other Government departments.

4. **The Section 16 Application**

The Site and its Surrounding Areas (Plans R-1, R-2a and R-2b, R-3 and R-4)

- 4.1 The situation of the Site and the surrounding areas at the time of the consideration of the s.16 application by the RNTPC were described in paragraphs 7.1 and 7.2 of **Annex A**. There has not been any major change in planning circumstances of the area since then (**Plan R-2**).
- 4.2 The Site is:
- (a) partly paved and partly grown with fruit trees (**Plan R-4**);
 - (b) located in close proximity to the village cluster of Ma Tsuek Leng San Uk Ha (**Plan R-2a**); and
 - (c) accessible by a local road leading to Sha Tau Kok Road – Wo Hang to its immediately north.
- 4.3 The surrounding areas have the following characteristics:
- (a) to the north are temporary structures for storage purpose or vacant, and to the further north are unused land and fallow agricultural land;
 - (b) to the east are fallow agriculture land while to the northeast is the village cluster of Ma Tseuk Leng San Uk Ha within the “V” zone (**Plans R-2a and R-2b**);
 - (c) to the immediately south and southwest are two village houses and further south are fallow agricultural land, one of the sites of an approved Small House application No. A/NE-LK/79, open storage of construction material and the Sha Tau Kok Road – Wo Hang; and
 - (d) to the immediately west is a garden which is one of the sites of an approved Small House application No. A/NE-LK/79, and beyond the local road are vacant land, and fallow agricultural land with two village houses.

Planning Intention

- 4.4 The planning intention of the “AGR” zone in the Luk Keng and Wo Hang area is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

Assessment Criteria

- 4.5 The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000 and had been amended four times on 30.3.2001, 23.8.2002, 21.3.2003 and 7.9.2007. The latest set of Interim Criteria was promulgated on 7.9.2007 which is at Appendix II of **Annex A**.

Previous Application

- 4.6 The Site is not involved in any previous planning application.

Similar Applications

- 4.7 There are 42 similar applications involving 36 sites (i.e. an addition of 3 similar applications (No. A/NE-LK/115, 116 and 117) involving 3 sites considered by the Committee since the s.16 application) for Small House development within/partly within the “AGR” zones in the vicinity of the Site in the Luk Keng and Wo Hang area (**Plan R-1**) since 2001.
- 4.8 Among these similar cases, 31 applications were approved by the Committee between February 2001 and January 2015 (i.e. before the cautious approach being adopted by the Board) (**Plan R-1**). One of them (Application No. A/NE-LK/79 for four proposed Small Houses), which located to the immediately west and south across two existing village houses, was approved by the Committee on 19.7.2013 (**Plan R-2a**). These applications were approved by the Committee mainly on the considerations that the application generally complied with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the ‘VE’ and there was a general shortage of land within the “V” zone at the time of consideration; the proposed Small House development was not incompatible with the surrounding rural and village environment; and the proposed development was not expected to have significant adverse impacts on the surrounding area. Five other applications No. A/NE-LK/106, 107, 109, 111 and 112 (**Plan R-1**) were also approved by the Committee between December 2016 and April 2018 (i.e. after the cautious approach being adopted by the Board) mainly for reason of being the subject of previously approved applications (No. A/NE-LK/30, 73, 77 and 80).
- 4.9 Three applications No. A/NE-LK/78, 92 and 93 were rejected by the Committee between March 2013 and October 2014 for reasons that proposed Small House was not in line with the planning intentions of “AGR” and “Green Belt” (“GB”) zones; the proposed development might have adverse impact on a natural stream in the vicinity; the application did not comply with the Interim Criteria and TPB PG-No. 10 on application for development within “GB” zone in that the proposed development would involve vegetation clearance and hence affect these existing natural landscape; land was still available within the “V” zone of Ma Tseuk Leng for Small House development; and the approval of the application would set an undesirable precedent for similar applications in the area.
- 4.10 Three similar applications were considered by the Committee since the s.16 application (**Plan R-1**). All three applications No. A/NE-LK/115, 116 and 117 were rejected by the Committee on 2.11.2018 on the considerations that the proposed development is not in line with the planning intention of the “AGR” zone; and land is still available within the “V” zone of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha and Shek Kiu Tau village cluster where land is primarily intended for Small House development. Application No. A/NE-LK/116 was also rejected on an additional ground that the proposed development does not comply with the Interim Criteria in that the proposed development would cause adverse drainage impacts on the surrounding area.

- 4.11 Details of the above similar applications are summarized in **Annex G** and their locations are shown on **Plan R-1**.

5. **Comments from Relevant Government Departments**

- 5.1 Comments on the s.16 application made by relevant Government departments are stated in paragraph 9 and Appendix IV of **Annex A**.
- 5.2 For the review application, the relevant Government departments have been further consulted and their views on the review application are summarized as follows:

Land Administration

- 5.2.1 District Lands Officer/North, Lands Department (DLO/N, LandsD) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 1 of the Appendix IV in **Annex A** and recapitulated below:

- (a) the Site falls within the village environs of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha & Wo Tong Kong;
- (b) the applicant claimed himself to be the indigenous villager of Ma Tseuk Leng of Sha Tau Kok Heung. His eligibility for Small House grant has yet to be ascertained;
- (c) the Site is not covered by any Modification of Tenancy/Building Licence;
- (d) In comparison with the s.16 application, the number of current outstanding Small House applications for Ma Tseuk Leng is 58 instead of 60. The total number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows:

Villages		No. of the outstanding Small House applications	No. of 10-year Small House demand*
Ma Tseuk Leng	Sheung Ma Tseuk Leng	58	50
	Ha Ma Tseuk Leng		65
Shek Kiu Tau	-	6	380

* The figures of the 10-year Small House demand forecast were provided by the relevant Indigenous Inhabitant Representatives without any supporting evidence and his office is not in a position to verify the forecasts; and

- (e) the Small House application was made to his office on 31.5.2018.

Traffic

5.2.2 The Commissioner for Transport (C for T) has no further comment on the review application and maintains her previous views on the s.16 application as stated in paragraph 2 of the Appendix IV in **Annex A** and recapitulated below:

- (a) he has reservation on the application. Such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, the application involves the construction of one Small House. He considers that the application can be tolerated unless being rejected on other grounds.

Environment

5.2.3 The Director of Environmental Protection (DEP) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 3 of the Appendix IV in **Annex A** and recapitulated below:

- (a) in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution; and
- (b) septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorized Person.

Landscape

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

- (a) she has further reviewed the landscape proposal (**Annexes E and F**) of the applicant and has no objection on the application from the landscape planning point of view;
- (b) despite a group of fruit trees within the Site are in conflict with the proposed development and have to be removed should planning permission is granted, it is noted in this application that the layout of the proposed development has been adjusted (**Drawing R-1**) and landscape proposal (**Drawing R-2**) is provided to accommodate new tree plantings along the site boundary;
- (c) regarding the further information (**Annex F**), she noted the applicant has proposed climber plantings along the northern site boundary in

addition to the landscape proposal (planting 3 nos. of *bauhinia blakeana*). As additional landscape planting is proposed, she has no objection to the application from the landscape planning perspective; and

- (d) should the application be approved by the Board, it is recommended that approval condition regarding the implementation of the landscape proposal as proposed by the applicant should be imposed.

Drainage

5.2.5 Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 5 of the Appendix IV in **Annex A** and recapitulated below:

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

Agriculture

5.2.6 The Director of Agriculture, Fisheries & Conservation (DAFC) has no further comment on the review application and maintains her previous views on the s.16 application as stated in paragraph 8 of the Appendix IV in **Annex A** and recapitulated below:

- she has no strong view against the application from agriculture point of view as the Site is a fenced backyard and is relatively small in size, which possesses low potential for agricultural rehabilitation.

Fire Safety

5.2.7 The Director of Fire Services (D of FS) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 6 of the Appendix IV in **Annex A** and recapitulated below:

- (a) he has no in-principle objection to the application; and
- (b) the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

Water Supply

5.2.8 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 7 of the Appendix IV in **Annex A** and recapitulated below:

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

District Officer's Comment

5.2.9 District Officer (North), Home Affairs Department (DO(N), HAD) has the following comments on the review application:

he has consulted the locals regarding the application. The Chairman of Sha Tau Kok District Rural Committee, the incumbent North District Council (NDC) member and the Indigenous Inhabitant Representative had no comment on the application.

5.3 The following Government departments have been further consulted and maintain their previous views of having no comment on the review application:

- (a) Project Manager/New Territories East, Civil Engineering and Development Department; and
- (b) Chief Highway Engineer/New Territories East, Highways Department.

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

6.1 The review application and subsequent further information submitted by the applicant were published for public inspection on 19.10.2018 and 7.12.2018 respectively. During the statutory public inspection periods, a total of 8 public comments were received (**Annex H**). Two comments each submitted by a NDC member supports the application (**Annexes H-1 and H-2**) whereas the Chairman of Sheung Shui District Rural Committee indicates no comment on the application (**Annexes H-3 and H-4**). The other four public comments, including Hong Kong Bird Watching Society (**Annexes H-5 and H-6**), World Wide Fund for Nature Hong Kong (**Annex H-7**), Designing Hong Kong Limited and an individual (**Annex H-8**), object to / raise concern on the application mainly on the grounds that the proposed development is not in line with the planning intention of the "AGR" zone; land is still available within the "V" zone for Small House development; the Site has potential for agricultural rehabilitation; and approval of the application would set an undesirable precedent for similar applications in the area.

- 6.2 The public comments received at the s.16 application stage are set out in paragraph 10 of **Annex A**.

7. Planning Considerations and Assessments

- 7.1 The applicant sought planning permission from the Board for development of a NTEH (Small House) at the Site. The subject application was rejected by the RNTPC on 7.9.2018 mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; the proposed development does not comply with the Interim Criteria that the proposed development would involve vegetation clearance and hence affect the existing natural landscape; and land was still available within the “V” zone of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha and Shek Kiu Tau village cluster for Small House development.
- 7.2 To support the review application, the applicant states that though the proposed development is not in line with the planning intention of the “AGR” zone, his application should be given sympathetic consideration as there are similar approved Small House applications in the vicinity. The applicant also cited 8 similar cases in the vicinity of the Site in “AGR” zone of Ma Tseuk Leng San Uk Ha (**Plan R-2c**). Besides, he proposed shifting of the layout of proposed Small House for tree planting in order to compensate the clearance of vegetation at the Site (**Plan R-2a**). The applicant reiterated that he has no other private land within the “V” zone and there are general shortage of land in “V” zone of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha and Shek Kiu Tau village cluster for Small House development.
- 7.3 The Site falls entirely within the “AGR” zone on the OZP (**Plan R-2a**). The proposed Small House development is not in line with the planning intention of the “AGR” zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. As the Site is a fenced backyard and is small in size, DAFC considers that the Site possesses low potential for agricultural rehabilitation and therefore has no strong view against the application from agriculture point of view.
- 7.4 The Site is situated in an area of rural landscape character dominated by fallow/active agricultural land, tree groups, vacant/unused land, village houses and vacant temporary structures. The proposed Small House development is not entirely incompatible with the surrounding environment (**Plans R-2a and A-3**). Previously under the s.16 application, CTP/UD&L, PlanD has reservation on the application from landscape planning perspective as the proposed Small House would lead to vegetation clearance of a group of existing fruit trees found within the Site and there is no room for compensatory tree planting. Nevertheless, the applicant has submitted a revised landscape proposal at s.17 review stage. Although a group of fruit trees would be removed, the layout of the proposed development has been adjusted and new tree plantings would be provided along the site boundary and proposed climber plantings along the northern site boundary. As such, she has no objection on the application from the landscape planning perspective. Should the application be approved by the Board, approval condition regarding the implementation of the landscape proposal as proposed by the applicant is recommended.

- 7.5 Regarding the Interim Criteria, more than 50% of the footprint of the proposed Small House falls within the 'VE' of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha and Wo Tong Kong. Whilst land available within the "V" zone is insufficient to fully meet the total Small House demand (in total about 14 ha or equivalent to 559 Small House sites), it is noted that land (about 2.31 ha or equivalent to 91 Small House sites) is still available within the "V" zone to meet the outstanding 64 Small House applications. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development in recent years. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. As such, it is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- 7.6 In support of the review application, the applicant cites 8 approved Small House development in the vicinity of the Site in "AGR" zone of Ma Tseuk Leng San Uk Ha (**Annex E and Plan R-2c**). It should be noted that four of them (i.e. Lots 1356 S.A, 1368 S.A., S.B and RP) involve a previous planning application (No. A/NE-LK/79 for four proposed Small Houses submitted by the applicant's relatives) approved by the Committee in 2013 (i.e. before the adoption of a more cautious approach). These applications were approved mainly on the considerations that the application generally complied with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the 'VE' and there was a general shortage of land within the "V" zone at the time of consideration; the proposed Small House development was not incompatible with the surrounding rural and village environment; and the proposed development was not expected to have significant adverse impacts on the surrounding area. Two applications (i.e. Nos. A/NE-DPA/3 (i.e. Lot 1393 S.A, S.B., S.C, S.D and RP) and A/NE-LK/25 (i.e. Lot 1357)) located to the further west and to the immediate south of the Site (**Plan R-2c**) were approved by the Committee on 24.1.1992 and 8.12.2000 respectively. The remaining two Small House development located to the immediate and further southwest of the Site (i.e. Lots 1356 RP and 1374 S.B respectively) (**Plan R-2c**) were domestic buildings which were in existence before the first publication in the Gazette of the notice of the Luk Keng and Wo Hang Interim Development Permission Area (IDPA) Plan No. IDPA/NE-LK/1 on 12 October 1990. The circumstances of the current application are different from those approved applications.
- 7.7 In addition, there are 21 similar applications for Small House development in the vicinity of the Site as shown on **Plan R-2a**. 15 of them (including Application No. A/NE-LK/79 for four proposed Small Houses) were approved by the Committee between 2001 and 2014 (i.e. before the adoption of a cautious approach by the Board) mainly on the same grounds with Application No. A/NE-LK/79 as mentioned in paragraph 7.4 above. After the adoption of cautious approach, only one similar application (No. A/NE-LK/109) was approved in 2017 mainly for the reason of being the subject of a previously approved application (No. A/NE-LK/30). Two similar applications (No. A/NE-LK/92 and 93) straddling "AGR" and "GB" zones were rejected by the Committee in 2014 mainly on the grounds that the proposed Small House was not in line with the planning intentions; the application did not comply with the Interim Criteria and TPB PG-No. 10 on application for development within "GB" zone; land was still available within the "V" zone of Ma Tseuk Leng; and the approval of the application would set an undesirable precedent for similar applications

in the area. Since the rejection of the s.16 application, three applications No. A/NE-LK/115, 116 and 117 located closely to the east of the Site have been rejected by the Committee mainly on the considerations that the proposed development is not in line with the planning intention of the “AGR” zone; land is still available within the “V” zone of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha and Shek Kiu Tau village cluster. The circumstances of the current application are similar to those three recently rejected applications (No. ANE-LK/115 to 117) located to the south-east of the Site.

- 7.8 The applicant also argues that it is difficult if not impossible to acquire land for building Small Houses within “V”. It should be noted that land ownership may not be a material consideration as it could be subject to change and land parcel could be subdivided to suit development needs and whether the landowners would sell their land to buyers for Small House development is a market decision outside the purview of the Board.
- 7.9 Regarding the public comments received during the review application mainly on the grounds that the proposed development is not in line with the planning intention of the “AGR” zone; land is still available within the “V” zone for Small House development; the Site has potential for agricultural rehabilitation; and approval of the application would set an undesirable precedent for similar applications in the area, Government departments’ comments and the planning assessments above are relevant.

8. Planning Department’s Views

- 8.1 Based on the assessments made in paragraph 7, having taken into account the public comments mentioned in paragraph 6 and given that there is no major change in the planning circumstances since the consideration of the subject application by the RNTPC on 7.9.2018, 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 “AGR” zone in the Luk Keng and Wo Hang area which is primarily to retain and safeguard good quality agricultural land / farm / fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
 - (b) land is still available within the “Village Type Development” (“V”) zone of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha and Shek Kiu Tau village cluster where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”
- 8.2 Alternatively, should the Board decide to approve the review application, it is suggested that the permission shall be valid until **15.2.2023**, 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 conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

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

Advisory Clauses

8.3 The recommended advisory clauses are attached at **Annex I**.

9. Decision Sought

- 9.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to approve the review application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 9.3 Alternatively, should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

10. Attachments

Drawing R-1	Layout Plan
Drawing R-2	Revised Landscape Proposal
Plan R-1	Location plan
Plan R-2a	Site plan
Plan R-2b	Estimated amount of land available for Small House development within "V" zone
Plan R-2c	8 Similar Cases Quoted by the Applicant
Plan R-3	Aerial photo
Plan R-4	Site photo
Annex A	RNTPC Paper No. A/NE-LK/114
Annex B	Extract of minutes of the RNTPC meeting held on 7.9.2018
Annex C	Secretary of the Town Planning Board's letter dated 21.9.2018
Annex D	Letter received on 8.10.2018 from the applicant applying for a review of the RNTPC's decision
Annex E	Further Information received on 26.11.2018
Annex F	Further Information received on 28.1.2019
Annex G	Similar applications
Annex H	Public Comments
Annex I	Recommended Advisory Clauses

TPB Paper No. 10517

**For Consideration by
the Town Planning Board on 15.2.2019**

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in “AGR” zone**

Lot 1356 S.B in D.D. 39, Ma Tseuk Leng San Uk Ha, Sha Tau Kok, New Territories