

REVIEW OF APPLICATION NO. A/NE-LYT/637
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

Proposed House (New Territories Exempted House - Small House)
Lot 1782 S.B in D.D. 83, Tsz Tong Tsuen, Fanling, New Territories

1. Background

- 1.1 On 5.9.2017, the applicant, Mr. PANG, Tony Ting Fai, 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 “Green Belt” (“GB”) on the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/17 (**Plan R-1**).
- 1.2 On 27.10.2017, 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 “Green Belt” (“GB”) zone in the Lung Yeuk Tau and Kwan Tei South area which is primarily to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. 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 Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance and the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that it has involved extensive clearance of vegetation, and the applicant fails to demonstrate in his submission that the proposed development would not cause adverse landscape impact on the surrounding area;
 - (c) land is still available within the “Village Type Development” zones of the Lung Yeuk 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 more orderly development pattern, efficient use of land and provision of infrastructures and services; and
 - (d) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

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

- (a) RNTPC Paper No. A/NE-LYT/637 (Annex A)
- (b) Extract of minutes of the RNTPC meeting held on 27.10.2017 (Annex B)
- (c) Secretary of Town Planning Board's letter dated 10.11.2017 (Annex C)

2. **Application for Review**

On 23.11.2017, the applicant applied under section 17(1) of the Ordinance, for review of the RNTPC's decision to reject the application (**Annex D**).

3. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the review application are detailed in his letter at **Annex E** submitted on 21.12.2017. They can be summarized as follows:

- (a) The applicant was required to obtain planning permission for the proposed Small House before further processing of his Small House grant application. Planning application for proposed Small House development at the Site is required as the proposed development is not in line with the planning intention of the "GB" zone. The applicant felt that he was being cheated as his application should not be rejected on the ground that the proposed development is not in line with the planning intention of the "GB" zone.
- (b) The Site is about 145.9 m² only and surrounded by private land, the applicant does not agree that the proposed Small House development would cause extensive vegetation clearance as stated by the Planning Department (PlanD). The basic right of indigenous villagers and the applicant's imminent housing needs were not taken into consideration of the application.
- (c) The Site is the only land parcel owned by the applicant for construction of his own Small House. The Site is within the village environs ('VE') and close to the village cluster of Tsz Tong Tsuen. According to the Small House Policy, application for Small House development within 'VE' would be considered. Also, the Site is not within heritage conservation area and Site of Special Scientific Interest zone, and no valuable vegetation is found on the Site. As such, approval of the proposed Small House under application is considered effective use of land and would not affect the infrastructure of the village.
- (d) There are similar approved Small House applications in Wing Ning Wai and Tung Kok Wai of which are located even far away from the village clusters of the respective villages. The applicant considers that his application is not being treated consistently and fairly.
- (e) The applicant has doubt on the figure of land available in "V" zones of Lung Yeuk Tau village cluster estimated by the PlanD as more than 30% of land in Lung Yeuk Tau village cluster is not suitable for Small House development because of fung shui and other reasons. In addition, there is a piece of land in Lung Yeuk Tau designated for village expansion area (see **Plan R-1**) of which 80% of land has been developed for Small Houses. If there is sufficient land for Small House development in the area,

Lands Department (LandsD) would not designate this village expansion area. Since the subject application is a cross-village Small House application, the applicant is not eligible for constructing Small House in the village expansion area and on Government land of Lung Yeuk Tau village cluster.

- (f) The applicant cannot agree with the objections of the green groups as they are not local villagers; they do not take into account the history of villages in the New Territories and the right of indigenous villagers; and they aim to gain political capital from objecting planning applications.

4. **Town Planning Board Guidelines**

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’ is relevant to this application. The relevant assessment criteria are summarized at paragraph 5 of **Annex A**.

5. **The Section 16 Application**

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

- 5.1 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 8.1 and 8.2 of **Annex A** respectively. There has not been any major change in planning circumstances of the area since then.
- 5.2 The Site is:
 - (a) currently vacant, partly hard paved and partly covered by pebblestones and grass, and deposited with some construction materials. According to the aerial photos taken in 2015 and 2017, the Site was previously covered with vegetation but has now been cleared and formed (**Plan R-3**);
 - (b) located close to the village cluster of Tsz Tong Tsuen (**Plan R-2a**);
 - (c) there is an electricity transmission tower erected in the northwestern part of the Site; and
 - (d) there is no vehicular access to the Site.
- 5.3 The surrounding areas have the following characteristics:
 - (a) rural landscape character dominated by village houses, tree clusters, orchard and fallow agricultural land;
 - (b) to the north is a sitting-out area and the village proper of Tsz Tong Tsuen (**Plan R-2a**);
 - (c) to the east, south and west are mainly fallow agricultural land, orchard, tree clusters and a few temporary domestic structures / vacant temporary structure;

and

- (d) a Tin Hau Temple and the Tang Chung Ling Ancestral Hall (松嶺鄧公祠), both of which are declared monuments, are located to the further northwest of the Site (**Plan R-2a**).

Planning Intention

- 5.4 The planning intention of the “GB” zone in Lung Yeuk Tau and Kwan Tei South area 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.

Assessment Criteria

- 5.5 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

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

Similar Application

- 5.7 When the s.16 application was considered by the RNTPC on 27.10.2017, there was one similar application for Small House development within/partly within the “GB” zone in the vicinity of the Site in the Lung Yeuk Tau and Kwan Tei South area since the first promulgation of the Interim Criteria on 24.11.2000 (**Plan R-1**). There is no additional similar application since then.
- 5.8 The application (No. A/NE-LYT/596) was rejected by the RNTPC in July 2016 mainly for the reasons that the proposed development was not in line with the planning intention of the “GB” zone and not complied with the Interim Criteria in that the proposed development would cause adverse landscape impact on the surrounding areas; land was still available within the “V” zones of Lung Yeuk Tau village cluster¹ for Small House development; and the approval of the application would set an undesirable precedent for similar applications in the area.
- 5.9 Details of the above similar application are summarized in Appendix III of **Annex A** and its location is shown on **Plan R-1**.

¹ Comprising Tsz Tong Tsuen, Ma Wat Wai, Siu Hang San Tsuen, San Uk Tsuen, San Wai, Wing Ning Tsuen, Wing Ning Wai, Ma Wat Tsuen, Tung Kok Wai and Lo Wai.

6. **Comments from Relevant Government Departments**

- 6.1 Comments on the s.16 application made by relevant Government departments are stated in paragraph 10 and Appendix IV of **Annex A**.
- 6.2 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

6.2.1 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 entirely within the ‘VE’ of Lung Yeuk Tau (including Wing Ning Wai, Wing Ning Tsuen, Tung Kok Wai, Ma Wat Tsuen, Ma Wat Wai, Tsz Tong Tsuen and Lo Wai);
- (b) the applicant claimed himself to be an indigenous villager of Fanling of Fanling Heung. His eligibility for Small House concessionary grant has yet to be ascertained;
- (c) the subject lot is not covered by any Modification of Tenancy / Building Licence;
- (d) the number of outstanding Small House applications for the Lung Yeuk Tau village cluster² is 162 and the number of 10-year Small House demand forecast for the same village cluster is 925. 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 subject Small House application was made to his office on 15.9.2014.

Traffic

6.2.2 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) she has reservation on the application. Such type of development should be confined within the “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

² Comprising Tsz Tong Tsuen, Ma Wat Wai, Siu Hang San Tsuen, San Uk Tsuen, San Wai, Wing Ning Tsuen, Wing Ning Wai, Ma Wat Tsuen, Tung Kok Wai and Lo Wai.

impact could be substantial; and

- (b) notwithstanding the above, the application only involves construction of one Small House. She considers that the application can be tolerated unless it is rejected on other grounds.

Environment

6.2.3 The Director of Environmental Protection (DEP) has no further comment on the review application and maintains her 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

6.2.4 Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no further comment on the review application and maintains her previous views on the s.16 application as stated in paragraph 4 of the Appendix IV in **Annex A** and recapitulated below:

- (a) she has reservation on the application from the landscape planning point of view;
- (b) the Site is situated in an area of rural landscape character. It is located at the fringe of the main village at its north separated by a sitting out area. The remaining sides are surrounded by some cleared up area with domestic structures. Extensive mature woodland and patches of grass area are found further away within the “GB” zone. The proposed Small House is not entirely incompatible with the surrounding landscape setting;
- (c) according to the aerial photo of 2015, it is noted that the Site was once covered with vegetation. However, her site visit in September 2017 revealed that the Site is partly hard paved and partly covered with wild grasses. There is no significant existing vegetation found on the Site. It is obvious that vegetation clearance has taken place prior to obtaining planning permission. Approval of this application will set an undesirable precedent to encourage similar applications to extend the village into the adjacent “GB” zone. The cumulative effect of piecemeal developments will cause adverse impact on the landscape resource and character of the area and resulting in gradual degradation and irreversible change to the “GB” zone; and

- (d) should the application be approved by the Board, an approval condition on the submission and implementation of landscape proposal is recommended.

Drainage

6.2.5 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 public drainage viewpoint; and
- (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.

Nature Conservation and Agriculture

6.2.6 The Director of Agriculture, Fisheries and 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:

he has no comment on the application as the Site has been disturbed; however, she does not support the application from the agriculture point of view. Whilst the Site is a vacant land, active agricultural activities can be found in the vicinity and the Site possesses potential for agricultural rehabilitation.

Fire Safety

6.2.7 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

6.2.8 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.

Electricity Safety

6.2.9 Director of Electrical and Mechanical Services (DEMS) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 9 of the Appendix IV in **Annex A** and recapitulated below:

- (a) the applicant shall refer to the requirements of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in Chapter 7 of the Hong Kong Planning Standards and Guidelines, and ensure that they shall be maintained at any time during and after construction; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also be reminded to observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer's Comment

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

District Officer (North) (DO(N)) advises that he has consulted the locals. The Chairman of Fanling District Rural Committee (FDRC) and the Village Representatives of Tsz Tong Tsuen have no comment on the application.

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

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

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

- 7.1 On 8.12.2017 and 5.1.2018 respectively, the review application was published for public inspection. During the first three weeks of the statutory public inspection periods, a total of 11 public comments from six parties were received (**Annex F**). The four comments from Chairmen of FDRC and Sheung Shui District Rural Committee indicate no comment on the application. The two comments from a NDC member support the application as there is shortage of land to meet Small House demand; the proposed development would not have significant adverse impacts on environment; and the Site is located near the existing village cluster. The remaining five public comments submitted by World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual object to the application mainly on the grounds that the proposed development is not in line with the planning intention of the “GB” zone; land is still available within the “V” zone for Small House development; the Site has been destroyed prior to obtaining planning permission; there is similar rejected application in the vicinity of the Site; the proposed development does not comply with the TPB PG-No. 10 and the Interim Criteria; and approval of the application would set an undesirable precedent for similar applications in the area.
- 7.2 The public comments received at the s.16 application stage are set out in paragraph 11 of **Annex A**.

8. **Planning Considerations and Assessments**

- 8.1 The applicant sought planning permission from the Board for development of one NTEH (Small House) at the Site. The subject application was rejected by the RNTPC on 27.10.2017 mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone; the proposed development did not comply with the TPB PG-No. 10 and the Interim Criteria in that the proposed Small House had involved extensive clearance of vegetation and the applicant failed to demonstrate the proposed development would not cause adverse landscape impact on the surrounding area; land was still available within the “V” zones of Lung Yeuk Tau village cluster for Small House development; and the approval of the application would set an undesirable precedent for similar applications in the area.
- 8.2 To support the review application, the applicant states that his application should not be rejected on the ground that the proposed development is not in line with the planning intention of the “GB” zone. The Site is the only land parcel owned by the applicant for construction of his own Small House. The proposed development would not cause extensive vegetation clearance and the proposed Small House is considered an effective use of land as the Site falls within ‘VE’ and close to the village cluster of Tsz Tong Tsuen. Since there are similar approved Small House applications in Wing Ning Wai and Tung Kok Wai, the applicant considers that his application is not being treated consistently and fairly. The applicant also has doubt on the estimation by the PlanD on figure of land available in “V” zones of Lung Yeuk Tau village cluster as more than 30% of land in Lung Yeuk Tau village cluster is not suitable for Small House development because of fung shui and other reasons.
- 8.3 The Site forms an integral part of a larger “GB” zone on the OZP (**Plan R-1**). The proposed Small House development is not in line with the planning intention of the

“GB” zone, which is primarily for defining the limits of urban limit 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. In addition, DAFC indicates that active agricultural activities (**Plan R-2a**) can be found in the vicinity and the Site possesses potential for agricultural rehabilitation and thus he does not support the application from agricultural point of view. The applicant failed to demonstrate that there is a strong planning justification in the submission for a departure from the planning intention.

- 8.4 The Site is situated in an area of rural landscape character and located at the fringe of the village cluster of Tsz Tong Tsuen in the north separated by a sitting out area (**Plans R-3 and A-4**). The proposed Small House development is not entirely incompatible with the surrounding landscape setting. Nevertheless, according to the aerial photos (**Plan R-3**), the Site was previously covered with vegetation but has subsequently been cleared and formed. The proposed development has involved clearance of vegetation and generated adverse landscape impact on the surrounding area. In this regard, the application does not comply with TPB PG-No. 10. CTP/UD&L, PlanD maintains reservation on the application and states that approval of the application will set an undesirable precedent to encourage similar applications to extend the village into the “GB” zone. The cumulative effect of piecemeal developments will cause adverse impact on the landscape resource and character of the area and resulting in gradual degradation and irreversible change to the “GB” zone. C for T maintains reservation on the application as such development should be concentrated within the “V” zone as far as possible but given that the proposed development involving a Small House only, it could be tolerated. Other relevant Government departments consulted, including D of FS, CE/MN of DSD and DEP, have no adverse comment on or no objection to the review application.
- 8.5 The Site is situated entirely within the “GB” zone. Notwithstanding that, the Site falls entirely within the ‘VE’ of Lung Yeuk Tau of Fanling Heung (**Plan R-2a**), the proposed development does not comply with the Interim Criteria in that it would cause adverse landscape impacts on the surrounding area. While land available within the “V” zone is insufficient to fully meet the future demand of 1,087 Small Houses, it is noted that land (about 16.89 ha or equivalent to about 674 Small House sites) is still available within the “V” zones for Small House development and capable to meet the 162 outstanding Small House applications³ (**Plans R-2b and R-2c**). It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The applicant argues that more than 30% of land within “V” zone is not suitable for Small House development due to fung shui and other reasons. In estimating the supply of land for Small House sites in “V” zone, PlanD has adopted a consistent approach and would make use of the latest available information. For example, the land occupied by road, existing village houses, steep slope, major tree clusters, fung shui area and the land reserved for stream buffer and the area with NTEH cases already approved by LandsD will be deducted from the area available for Small House development. Moreover, the applicant states that the village expansion area designated by the LandsD demonstrates that there is insufficient land for Small House development. It should, however, be noted that the

³ Among 162 outstanding Small House applications, there is one Small House applications straddling or outside the “V” zones that have already obtained valid planning approval from the Board.

village expansion area located to the west of Wing Ning Tsuen (**Plan R-1**) only occupied part of the “V” zone and the available land in both the village expansion area and other parts of areas zoned “V” have been included in the estimation.

- 8.6 The applicant also claims that the Site is the only land parcel owned by the applicant for construction of his own Small House, 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.
- 8.7 Although the applicant cites that there are approved similar applications in Wing Ning Wai and Tung Kok Wai, it should be noted that they are located within/partly within “AGR” zone instead of “GB” zone and those applications were approved by the RNTPC before 2015 mainly on the grounds that the applications complied with the Interim Criteria in that more than 50% of the footprints of the proposed Small Houses fell within the ‘VE’ and there was a general shortage of land within the “V” zone at the time of consideration; the proposed developments were generally not incompatible with the surrounding rural and village environment; and the proposed developments would unlikely cause adverse environmental, drainage and traffic impacts. As for the Site, it is located entirely within the “GB” zone. The proposed development under application does not comply with the Interim Criteria in that it would cause adverse landscape impacts on the surrounding area. In recent years, the Board has adopted a more cautious approach in approving applications for Small House development. 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, the planning circumstances of the current application are different from those approved Small House applications cited by the applicant.
- 8.8 A similar application (No. A/NE-LYT/596) within the “GB” zone adjoining to the Site (**Plan R-1**) was rejected by the Committee in July 2016 for the reasons that the proposed development was not in line with the planning intention of the “GB” and not complied with the Interim Criteria in that the proposed development would cause adverse landscape impact on the surrounding areas; land was still available within the “V” zones of Lung Yeuk Tau village cluster for Small House development; and the approval of the application would set an undesirable precedent for similar applications in the area. The planning circumstances of the current application are similar to the rejected case. As there has been no major change in planning circumstances of the Site and its surrounding areas since the rejection of the application, there is no strong planning justification to warrant a departure from RNTPC’s rejection of the application.
- 8.9 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 “GB” zone; land is still available within the “V” zone for Small House development; the Site has been destroyed prior to obtaining planning permission; there is similar rejected application in the vicinity of the Site; the proposed development does not comply with the TPB PG-No. 10 and the Interim Criteria; 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.

9. **Planning Department's Views**

9.1 Based on the assessments made in paragraph 8, having taken into account the public comments mentioned in paragraph 7 and given that there is no major change in the planning circumstances since the consideration of the subject application by the RNTPC on 27.10.2017, 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 in the Lung Yeuk Tau and Kwan Tei South area which is primarily to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. 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 TPB PG-No. 10 on ‘Town Planning Board Guidelines for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ and the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ in that it has involved extensive clearance of vegetation, and the applicant fails to demonstrate in his submission that the proposed development would not cause adverse landscape impact on the surrounding area;
- (c) land is still available within the “V” zones of the Lung Yeuk 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 more orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (d) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

9.2 Alternatively, should the Board decide to approve the review application, it is suggested that the permission shall be valid until **9.3.2022**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

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

- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

- 9.3 The recommended advisory clauses are attached at **Annex G**.

10. Decision Sought

- 10.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 10.2 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.
- 10.3 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.

11. Attachments

Plan R-1	Location plan
Plan R-2a	Site plan
Plans R-2b and R-2c	Estimated amount of land available for Small House development within "V" zones
Plan R-3	Aerial photos
Plan R-4	Site photos
Annex A	RNTPC Paper No. A/NE-LYT/637
Annex B	Extract of minutes of the RNTPC meeting held on 27.10.2017
Annex C	Secretary of the Town Planning Board's letter dated 10.11.2017
Annex D	Letter received on 23.11.2017 from the applicant applying for a review of the RNTPC's decision
Annex E	Further Information received on 21.12.2017
Annex F	Public Comments
Annex G	Recommended Advisory Clauses

**PLANNING DEPARTMENT
MARCH 2018**