

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-SSH/139**

- Applicant** : Light Time Investments Limited represented by Llewelyn-Davies Hong Kong Limited
- Site** : Lots 325 S.A (Part), 325 S.B (Part), 325 S.C (Part), 496 (Part) and 497 (Part) in D.D. 209 and adjoining Government Land, Sai Keng, Shap Sz Heung, New Territories
- Site Area** : About 4,640 m<sup>2</sup> (including about 4,333 m<sup>2</sup> Government land)
- Land Status** : (a) Government land (93.4%)  
(b) Block Government Lease (demised for agricultural use) (6.6%)
- Plan** : Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Access Road for School with Filling and Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed access road branching off from Sai Sha Road to serve a permitted school development within the adjoining “Government, Institution or Community” (“G/IC”) zone with associated filling and excavation of land at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “GB” on the OZP. The proposed access road is regarded as ‘School’ use as it forms part and parcel of the proposed school development<sup>1</sup>. Both ‘School’ use and filling or excavation works within the “GB” zone require planning permission from the Town Planning Board (the Board). The Site is currently covered by dense vegetation.
- 1.2 According to the applicant, the permitted school development located at the adjoining “G/IC” site<sup>2</sup> would comprise a total of 47 classrooms for kindergarten, primary and secondary education and accommodate a total of 1,226 students. However, the adjoining “G/IC” site is only accessible via local tracks passing through the nearby village (i.e. Sai Keng Village) from Sai Sha Road (**Plan A-**

<sup>1</sup> The proposed school development falls within an area zoned “G/IC”, in which ‘School’ use is always permitted. The block layout in relation to the proposed school development is indicative only and does not form part of the application.

<sup>2</sup> According to the applicant, the development site for permitted school development has an area of about 32,521m<sup>2</sup>. Among which, about 68% of the development site is owned by the applicant, about 12% is owned by other parties and under acquisition, and about 20% is government land.

1), and upgrading/widening of the existing local tracks is considered infeasible due to complicated land ownership issues. Three alignment options have been assessed by the applicant and the proposed scheme under application is the preferred option (**Drawing A-1**). The proposed scheme comprises the proposed access road with an area of about 1,844m<sup>2</sup> (about 39.7%) and two woodland planting areas with an area of about 2,796m<sup>2</sup> (about 60.3%) (**Drawing A-2**). The proposed access road is a single 2-lane carriageway (7.3m wide) with footpaths (2.75m wide) on both sides and forming a T-junction with Sai Sha Road. Three man-made slope features within the Site (i.e. 8NW-C/F54, C20 and FR48) would be affected by the proposed access road and be occupied as temporary works areas (**Plan A-2**). Opportunity will be taken to upgrade the existing slope features to current standards and to use the modified slope areas for on-site compensatory trees planting. Site formation works, including filling of land of 2.5 - 8.5m in depth for an area of 1,005m<sup>2</sup> (**Drawing A-3**) and excavation of land of 0.8 - 6.2m in depth for an area of 1,210m<sup>2</sup> (**Drawing A-4**), would be required for constructing a bridge deck of the proposed access road and new retaining walls (**Drawing A-6**). The proposed access road is anticipated for completion by 2028.

- 1.3 According to the landscape design and tree preservation proposal submitted by the applicant, all existing trees (299 nos.) mainly comprising exotic or native species and vegetation within the Site are proposed to be removed except for two trees of rare/protected species (i.e. *Aquilaria sinensis* and *Ailanthus fordii*) and some undersized rare/protected species (i.e. *Aquilaria sinensis* and *Pavetta hongkongensis*), which are proposed to be transplanted in a transplantation zone located within the woodland planting areas. Also, no less than 299 new native trees in light-standard size are proposed to compensate for the trees felled in terms of 1:1 in quantity. The locations of transplantation zone and woodland planting area are shown on the indicative landscape plan (**Drawing A-5**).
- 1.4 Traffic impact assessment (TIA) is submitted by the applicant to demonstrate no adverse traffic impact arising from the proposed school development together with the proposed access road on the local road network. For the purpose of technical assessment, the TIA has assumed that the implementation of mandatory school bus policy, staggered school hours by 30 minutes for primary and secondary schools, and provision of 250 public car parking spaces for reprovisioning of existing parking spaces currently at the adjoining "G/IC" zone. The proposed access road would be designed, implemented, managed and maintained by the future school operator. An existing bus lay-by which would be affected by the proposed access road would be reprovisioned within the Site. The TIA concludes that all critical junctions and road links along Sai Sha Road would be operated with sufficient capacity with the proposed measures.
- 1.5 The applicant also submitted visual appraisal (VA), environmental assessment (EA), ecological impact assessment (EcoIA) and geotechnical planning review report (GPRR) to demonstrate that the proposed access road would not cause adverse visual, environmental, ecological and geotechnical impacts on the surrounding areas during construction and operational phases. The layout and section plans of the proposed access road are at **Drawings A-2 and A-6**.

- 1.6 Regarding implementation aspect, the applicant owns about 6.6% of the Site and about 68.3% of development site for proposed school development (**Drawing A-7**). The applicant proposes that, should the application be approved, a land exchange application for the proposed school development at the “G/IC” site together with the proposed access road would be submitted to the Lands Department (LandsD). The applicant considers that such arrangement could ensure implementation of the proposed access road would tie in with the development programme of the proposed school.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form and attachments received on 28.5.2021 (**Appendix I**)
  - (b) Further information (FI) received on 19.9.2022 which (**Appendix Ia**) supersedes all previous FI submissions<sup>3</sup> and the original supplementary planning statement
  - (c) FI received on 22.9.2022 (**Appendix Ib**)
  - (d) FI received on 7.10.2022 (**Appendix Ic**)
- 1.8 The Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application as requested by the applicant on 23.7.2021, 12.11.2021 and 18.3.2022.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the planning statement and FI (**Appendices I and Ic**) and summarized as follows:

- (a) the proposed access road is essential for facilitating the proposed school development within the adjoining “G/IC” zone as the concerned area is currently accessible only via sub-standard local tracks;
- (b) upgrading or widening of the existing local tracks from Sai Sha Road to the “G/IC” site via Sai Keng Tsuen and Kei Ling Ha San Wai (**Drawing A-8**) are infeasible as the existing local tracks are too narrow (ranging from 3.1 m to 5.6 m) and fail to meet the requirements under the Hong Kong Planning Standards and Guidelines (HKPSG) for standard access to school development (a minimum of 7.3m - wide carriageway with 2m wide footpath at both sides);
- (c) the applicant has examined two alternative alignment options (**Drawing A-1**) and considers them less preferable compared to the proposed scheme. For Option 1, the routing is less direct with longer and wider alignment that affects

<sup>3</sup> A total of seven previous FIs (received on 16.9.2021 (with replacement pages on 24.9.2021), 30.12.2021, 28.1.2022, 19.5.2022, 30.6.2022, 9.8.2022 and 18.8.2022 respectively) have been made to respond to departmental comments and to revise relevant technical assessments, among which six submissions were accepted but not exempted from publication and recounting requirements whilst one submission was accepted and exempted from the said requirements.

a larger extent of ‘GB’ zone and part of the proposed access road will encroach on an existing stream course. As for Option 2, the proposed access road is located very close to Sai Keng Tsuen resulting in potential nuisance to the nearby residents, encroaching other private lots (**Drawing A-9**), and affecting existing village facilities (e.g. footpath, electricity sub-station, refuse collection point, pedestrian crossing and bus layby) (**Drawing A-10**). The proposed access road under application is the shortest and most direct alignment option and involves the least vegetation clearance (about 4,264 m<sup>2</sup>) compared to the other two options (about 7,957 and 4,338 m<sup>2</sup> respectively) (**Drawing A-11**);

- (d) the current scheme has minimized the encroachment onto the “GB” zone and included man-made slope features with low ecological value. Opportunity would be taken to upgrade existing old retaining walls at toe of the slope features to current standards, and the modified slope areas would be used for compensatory planting areas to maximize greening opportunity at the Site and for compensation of any loss of woodland habitat within the Site;
- (e) the proposed access road is in appropriate scale and would be constructed up to the standard as stipulated in the Transport Planning and Design Manual (TPDM) with a road width of 7.3m;
- (f) approval of the application would not set any undesirable precedent for similar development as other planned or existing developments within the “G/IC” and “GB” zones have already been served by planned or existing access arrangements directly connecting to Sai Sha Road; and
- (g) the proposed development is in line with the Town Planning Board Guidelines for ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed access road is minor in nature, being an exceptional circumstance as the adjoining “G/IC” site is segregated from Sai Sha Road by the “GB” zone, no better alternatives to provide an access that is up to the current design standard; and will not create significant adverse traffic, environmental, landscape and drainage impacts on the surrounding areas.

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

The applicant is the sole “current land owner” of the private lots involved. The “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the Planning Ordinance (TPB PG-No. 31A) has been met. Detailed information would be deposited at the meeting for Members’ inspection. As for the government land, the “owner’s consent/notification” requirements are not applicable to the application.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) is relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

## **5. The Site and Its Surrounding Areas (Plans A-1 and A-2 and photos on Plans A-3, A-4a and A-4b)**

### **5.1 The Site :**

- (a) is covered with dense vegetation; and
- (b) is located between Sai Sha Road to its west and the “G/IC” zone to its east.

5.2 The surrounding areas are predominantly rural in character and surrounded by densely vegetated woodland. To the east is an area zoned “G/IC” which is partly covered with vegetation and partly occupied by parking of vehicles. About 15m to the northeast of the Site is the village proper of Sai Keng Tsuen. To the west across Sai Sha Road is an area not covered by any OZPs but within the Ma On Shan Country Park.

## **6. Planning Intention**

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

## **7. Comments from Relevant Government Departments**

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

### **Land Administration**

7.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) the Site comprises mainly government land, with portions of 5 private lots (Lots 325 s.A, 325 S.B, 325 S.C, 496 & 497 in D.D. 209) at the eastern end. The government land portion involves 3 registered slopes which are maintained by the Highways Department. These private lots are held under block government lease and demised for agriculture use; and
- (b) it is noted that the proposed access road is serving the proposed development within the adjoining “G/IC” zone, which is not forming part of this planning application. The adjoining “G/IC” zone comprises mainly private lots held under block government lease demised for agricultural uses and infilled with unleased government land. In the event the lot owner(s) apply for lease modification/ land exchange to implement the planning intention of the “G/IC” zone, the development proposal including any proposed access road serving the development will be circulated to concerned departments for comment. Relevant comments will be incorporated

into lease conditions, if approved. His office has not received any application about the development within the adjoining “G/IC” zone at this stage.

### **Traffic**

#### 7.1.2 Comments of the Commissioner for Transport (C for T):

- (a) the applicant suggests in the TIA that the proposed access road will be designed, implemented, managed and maintained by the future school operator while its design would comply with the requirements stipulated in Building (Private Street and Access Roads) Regulations as a private road; and
- (b) based on the submitted TIA, he has no in-principle objection to the application subject to the imposition of an approval condition on the design and implementation of the road junction and relocation of bus layby.

#### 7.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) no objection to the application;
- (b) tree assessment on individual trees under HyD’s purview should be provided. He reserves comment upon receipt of the submission of Tree Preservation and Removal Proposal (TPRP) prepared in accordance with the requirements stipulated in Development Bureau Technical Circular (Works) No. 4/2020. The applicant should review and submit the tree assessment and TPRP at design stage for his comments; and
- (c) his advisory comments are at **Appendix IV**.

### **Nature Conservation**

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

- (a) noting that tree species with conservation interest within the Site are proposed to be transplanted and given the limited scope, he has no strong view on the application; and
- (b) should the application be approved, an approval condition requiring the submission and implementation of a transplantation proposal for the plant species of conservation importance is recommended.

## **Landscape**

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

- (a) according to aerial photo of 2020, the Site is situated in an area of rural coastal plain landscape character surrounded by densely vegetated woodland. Based on the site record taken in June 2021, the Site is an existing woodland densely occupied by existing trees. Despite most existing trees within the site are of common species, some sensitive landscape resources; i.e. trees/vegetation of rare/protected species, are observed within the Site;
- (b) it is noted that all existing trees (i.e. about 299 nos.) and vegetation within the Site are proposed to be removed, except that two trees of rare/protected species (i.e. *Ailanthus fordii* and *Aquilaria sinensis*) and some undersized rare/protected species (i.e. *Aquilaria sinensis* and *Pavetta hongkongensis*) are proposed to be transplanted within the Site. Woodland planting with not less than 299 nos. light-standard size trees of native species is proposed to enhance the overall ecological value within the Site. Shade-tolerant plants and climbers are also proposed under the viaduct to further maximize the greening opportunities. In view of the above, she has no adverse comment on the application from landscape planning point of view;
- (c) since the Site is already surrounded by dense woodland buffer, should the application be approved, it is considered not necessary to impose a landscape condition as the effect of additional landscaping on enhancing the quality of public realm is not apparent; and
- (d) the applicant is advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. Tree removal applications (including compensatory planting proposal) should be submitted directly to relevant authority(ies) for approval.

## **Geotechnical**

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

- (a) noting that the applicant has committed to undertake a natural terrain hazard study (NTHS), he has no further comments on the revised GPRR;
- (b) presumably, the applicant will submit all necessary details, including but not limited to the relevant design, construction sequence, site control measures and monitoring plan etc., associated with the works for the proposed access road as mentioned in the planning application to the relevant authorities, such as Buildings Department, for approval prior to its implementation; and

- (c) should the application be approved, an approval condition on the submission of a NTHS and implementation of mitigation measures recommended therein, as part of the development, is required.

### **Environmental**

#### 7.1.7 Comments of the Director of Environmental Protection (DEP):

- (a) no in-principle objection to the application; and
- (b) the submitted EA concludes that with the sufficient buffer distance, existing sensitive uses would not be subject to unacceptable air quality and noise impacts during construction and operational phases, and waste generated from the construction works would be properly controlled and handled. He has no comments on the EA.

### **Drainage**

#### 7.1.8 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) upon completion of the works, it is presumed that the concerned access road is maintained and managed by the applicant. If the access road is proposed to handed over to government departments, the maintenance matrix should be agreed with all concerned government departments;
- (c) this application only covers the proposed access road and does not cover the proposed school site. Since there is no existing sewerage system and there is a planned sewerage project in the vicinity, Principal Project Coordinator/Special Duty Division of DSD (PPC/SDD, DSD) and EPD should be consulted on possible scheme to collect and dispose the sewage generated from the school;
- (d) the concerned section of Sai Sha Road had repeated flooding record due to insufficient drainage and sagging in topography. The proposed access road under application will lead the flooded water entering the proposed school site and the existing village areas. Sufficient drainage on the access road should be provided to intercept the surface runoff;
- (e) the formation level of the school site should be sufficient high to avoid flooding due to high tide in Tolo Harbour; and
- (f) other advisory comments are set out at **Appendix IV**.



7.1.9 Comments of the Principal Project Coordinator/Special Duty Division, DSD (PPC/SDD, DSD):

the planned village sewerage system under project namely “Tolo Harbour Sewerage of Unsewered Areas Stage 2” is in vicinity of the proposed access road. The project is currently at design stage and the programme for commencement of construction works is still under review. The applicant should coordinate with his office for interface issues.

**Building Matters**

7.1.10 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

noting that the proposed works involve construction of an access road, formal submission under the Buildings Ordinance (BO) is required for any proposed new works, including site formation works such as filling and excavation of land. Detailed comments under BO will be provided at the building plan submission stage.

**Fire Safety Aspect**

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

- (a) no specific comment on the application; and
- (b) according to the planning statement submitted by the applicant, the proposed access road would also serve as the emergency vehicular access (EVA) for the adjoining “G/IC” zone. As no details of the EVA have been provided, detailed comments on EVA could not be offered by at the present stage. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6 Part D of Code of Practice for Fire Safety in Buildings 2011 which is administered by BD.

**Education**

7.1.12 Comments of the Secretary for Education (S for Education):

not in a position to comment on the application as she has not received any application for school development at the concerned “G/IC” site .

### **Urban Design and Visual**

#### 7.1.13 Comments of the CTP/UD&L, PlanD:

having examined the submitted information including VA, the applicant has proposed woodland planting areas to minimize the potential visual impact on the surrounding areas. As such, adverse visual impact by the proposed work is not anticipated.

#### 7.1.14 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) the proposed access road involves minor associated filling and excavation works only, which may not be incompatible with adjacent “GB” area. In this regard, he has no comment from architectural and visual impact point of view; and
- (b) the land issue of the propose access road passing through government land should be settled at the planning application stage.

### **Water Supplies**

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

- (a) no objection to the application; and
- (b) existing water mains are in close proximity to the Site and is likely to be affected. The applicant is required to either divert or protect the water mains found on site in accordance with the relevant advisory comments at **Appendix IV**.

#### 7.2 The following Government departments have no objection to/ no adverse comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD); and
- (d) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

## **8. Public Comments Received During Statutory Publication Period**

- 8.1 The application and the FIs were published for public inspection. During the statutory public inspection periods, a total of 437 public comments were received, among which, 302 support, 129 object to and 6 provide views on the application.

- 8.2 302 comments received from Sai Sha residents, Sai Keng Tsuen villagers, Kwun Hang Tsuen villagers, Kei Lin Ha San Wai villager and individuals support the application mainly on consideration that the proposed access road provides proper and standard vehicular access to the “G/IC” site; it facilitates better utilization of land resources; no adverse impact on environmental, traffic and geological aspects; and the application is in-line with the TPB PG-No. 10 (Samples at **Appendix III- 1 to 13**).
- 8.3 129 objecting comments are received from Kadoorie Farm & Botanic Garden Corporation, Sai Keng Tsuen villagers and individuals mainly for reasons that there is a general presumption against development within the “GB” zone; there is no demand or concrete plan for school development at the adjoining “G/IC” site as well as the proposed access road; and the proposed development would cause adverse impacts on landscape, noise, ecological, wildlife, traffic capacity, traffic safety and environmental aspects (Samples at **Appendix III - 14 to 25** ).
- 8.4 The remaining six comments submitted by individuals provided suggestions or raised concerns on issues including the necessity of constructing a new access road for Sai Keng Tsuen, concerns on the arrangement of the existing parking spaces located within the “G/IC” zone, and safety issues (Samples at **Appendix III - 26 to 31**).
- 8.5 The whole set of public comments are deposited at the meeting for Members’ inspection. Samples of the public comments are at **Appendix III**.

## **9. Planning Considerations and Assessments**

- 9.1 The application is for a proposed access road which falls within an area zoned “GB” to serve a permitted school development within the adjoining “G/IC” site. The Site with an area of 4,640m<sup>2</sup> consists of the proposed access road (about 1,844m<sup>2</sup> or 39.7%) and two woodland planting areas (about 2,796m<sup>2</sup> or 60.3%) (**Drawing A-2**). The proposed access road branching off from Sai Sha Road is a single 2-lane carriageway (7.3m wide) with footpaths (2.75m wide) on both sides, forming a T-junction with Sai Sha Road. As some man-made slope features within the Site would be affected by the proposed access road and its temporary works areas, opportunity will be taken to upgrade the existing old retaining walls and to use the modified slope areas for on-site compensatory planting. Filling and excavation of land are required for constructing a bridge deck of the proposed access road and new retaining walls. 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 also a general presumption against development within this zone. Nevertheless, there is no proper vehicular access leading to the said “G/IC” site and upgrading/widening of existing local tracks is considered infeasible due to complicated land ownership issues. Three alignment options have been assessed by the applicant, and the current scheme under application could provide a direct vehicular access for the “G/IC” site with minimal disturbance to the “GB” zone and Sai Keng Tsuen.
- 9.2 The Site is situated in an area of rural landscape character and surrounded by dense vegetation and woodlands. Notwithstanding that most existing trees within the Site

are of common species, some rare/protected species are also observed. Both DAFC and CTP/UD&L, PlanD have no adverse comment on the application in that not less than 299 nos. new trees are proposed to compensate the felled trees in terms of 1:1 in quantity, and two rare/protected species (i.e. *Aquilaria sinensis* and *Ailanthus fordii*) and some undersized rare/protected species (i.e. *Aquilaria sinensis* and *Pavetta hongkongensis*) are proposed to be transplanted (**Drawing A-5**). To minimize the potential ecological impact, an approval condition requiring the submission and implementation of a transplantation proposal for the plant species of conservation importance is recommended.

- 9.3 Various technical assessments, including TIA, VA, EA, EcoIA and GPRR, have been submitted by the applicant in support of the application. C for T has no in-principle objection to the TIA subject to an approval condition on the design and implementation of the road junction and relocation of bus layby. Also, H(GEO) of CEDD has no comments on the GPRR and suggests to impose an approval condition on the submission of a NTHS and implementation of mitigation measures recommended therein. Other government departments consulted confirm that the proposed access road would not cause any insurmountable problems in visual, environmental, drainage and fire services aspects.
- 9.4 According to the TPB PG-No. 10, developments within “GB” zone will only be considered if there are strong planning grounds, the scale and intensity of the proposed development should be compatible with the character of the surrounding areas, and the vehicular access road should be appropriate to the scale of the development and comply with relevant standards. As mentioned in paragraph 9.1 above, the proposed access road is to serve the adjoining “G/IC” site currently without proper vehicular access and it is the preferred option with minimal disturbance to the “GB” zone and Sai Keng Tsuen. The proposed access road is considered not incompatible with surrounding areas, and its temporary works areas would become compensatory planting areas upon completion of relevant works. In terms of the scale, it is noted that the proposed access road will be constructed in accordance with TPDM and relevant requirements. In view of the above, there are special circumstances that warrant sympathetic consideration to the current application. Approval of the current application will unlikely set an undesirable precedent for similar applications in the area.
- 9.5 Regarding implementation aspect, the proposed access road will form part and parcel of the permitted school development at the adjoining “G/IC” site. DLO/TP, LandsD also indicates that for lease modification or land exchange to implement development proposal at the adjoining “G/IC” site, the development proposal should include any proposed access road serving the development. In this regard, there is administrative mechanism to ensure that the proposed access road would be developed together with the proposed school development.
- 9.6 Regarding the adverse public comments summarized in paragraph 8 above, departmental comments and the assessments above are relevant.

## **10. Planning Department's Views**

- 10.1 Based on the assessments made in paragraph 9 and having taken into account the public comments mentioned in paragraph 8 above, PlanD has no objection to the application.
- 10.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 14.10.2026, 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 design and implementation of the road junction and relocation of bus layby, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of a transplantation proposal for the plant species of conservation importance to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board; and
- (c) the submission of a natural terrain hazard study and implementation of the mitigation measures recommended therein to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board.

### **Advisory clauses**

The recommended advisory clauses are at **Appendix IV**.

- 10.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

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 in "GB" zone. There is no strong justifications in the submission for a departure from such planning intention.

## **11. Decision Sought**

- 11.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 11.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.

- 11.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

## **12. Attachments**

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| <b>Appendix I</b>         | Application form and attachments received on 28.5.2021 |
| <b>Appendix Ia</b>        | FI received on 19.9.2022                               |
| <b>Appendix Ib</b>        | FI received on 22.9.2022                               |
| <b>Appendix Ic</b>        | FI received on 7.10.2022                               |
| <b>Appendix II</b>        | Relevant Extracts of TPB PG-No.10                      |
| <b>Appendix III</b>       | Extracts of Public Comments                            |
| <b>Appendix IV</b>        | Recommended Advisory Clauses                           |
| <b>Drawing A-1</b>        | Comparison of Proposed Access Road Options             |
| <b>Drawing A-2</b>        | Layout Plan  |
| <b>Drawings A-3 to 4</b>  | Site Formation Plans                                   |
| <b>Drawing A-5</b>        | Indicative Landscape Plan                              |
| <b>Drawing A-6</b>        | Section Plan   |
| <b>Drawing A-7</b>        | Land Holding Plan                                      |
| <b>Drawing A-8</b>        | Layout of Existing Village Track                       |
| <b>Drawings A-9 to 10</b> | Comparison of Proposed Scheme and Option 2             |
| <b>Drawing A-11</b>       | Existing Vegetation Cover of Various Options           |
| <b>Plan A-1</b>           | Location Plan  |
| <b>Plan A-2</b>           | Site Plan  |
| <b>Plan A-3</b>           | Aerial Photo   |
| <b>Plans A-4a to 4b</b>   | Site Photos  |

**PLANNING DEPARTMENT  
OCTOBER 2022**