

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-SSH/162

<u>Applicant</u>	Light Time Investments Limited represented by Llewelyn-Davies Hong Kong Limited
<u>Site</u>	Lots 15 RP (Part), 18 (Part) and 19 (Part) in D.D. 207 and Adjoining Government Land (GL), Sai Sha, Shap Sz Heung, New Territories
<u>Site Area</u>	About 2,172m ² (including GL of about 1,897m ² or about 88% of the Site)
<u>Lease</u>	Block Government Lease (demised for agriculture use)
<u>Plan</u>	Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
<u>Zoning</u>	“Conservation Area” (“CA”)
<u>Application</u>	Proposed Temporary Retrievable Tiebacks and Associated Excavation of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary retrievable tiebacks and associated excavation of land at the application site (the Site) falling within an area zoned “CA” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Also, excavation of land within “CA” zone requires permission from the Board. The Site is situated on the hillslope areas in Tai Tung Wo Liu and covered by vegetation and woodland (**Plans A-3 to A-4b**).
- 1.2 The Site is accessible via a local path leading to Sai Sha Road (**Plan A-1**). According to the applicant, the proposed temporary retrievable tiebacks works at the Site are to support the basement construction at Site A of the comprehensive residential and commercial development located to the immediate east of the Site¹ (**Plans A-1 and A-2**) which is currently under construction with some site formation works in progress. Taking advantage of

¹ The comprehensive residential and commercial development, with a total site area of about 74.8 ha, mainly falls within areas zoned “Comprehensive Development Area” (“CDA”) on the OZP, comprising three major portions, i.e. Sites A, B and C (**Plan A-1**). It is the subject of three previously approved planning applications (No. A/NE-SSH/120, 120-1 and 142) submitted by the same applicant as the current application. The approved development scheme of Site A (located to the immediate east of the Site) comprises 17 residential towers, club house, commercial and transport facilities.

the latest construction technology in Hong Kong, the applicant intends to introduce a tieback system for basement construction of Site A to replace the conventional strutting system with a view to promoting green construction method and ensuring safer working environment. It would be necessary to install temporary retrievable tiebacks extending beyond the western boundary of Site A zoned “CDA” into the underground areas of the Site zoned “CA” (**Drawing A-1**).

- 1.3 According to the applicant, a total of about 480 tiebacks with a maximum diameter of about 219mm (drill hole) and a length ranging from 14m to 31m will be inserted from the vertical pile wall within the western development boundary of Site A towards the underground of the Site (**Drawings A-1 and A-2**). The tiebacks comprising multiple steel strands with a diameter of about 15.7mm each² will be installed into the Site by drilling an inclined (30-degree angle) hole³ into the ground at the front of the pile wall, inserting tieback anchor and steel strands into the hole, and backfilling the hole with cement grout. The tiebacks will then be connected to the waling beam supporting the pile wall. The installation process continues until it reaches the design level of the lower basement of Site A. Upon the completion of the basement construction works, the strands will be retrieved from the underground and no backfilling of soil will be required. The entire installation and removal process of tiebacks would last for about three years. The location plan, section plan and section illustration of tiebacks submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with Attachments received on (**Appendix I**)
28.2.2025
- (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
- (c) Further Information (FI) received on 3.4.2025* (**Appendix Ib**)

**accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SPS and FI at **Appendices I to Ib**, as summarised below:

- (a) the proposed temporary retrievable tieback system is in line with government’s policy in promoting the use of more cost-effective construction technology (as compared with conventional strutting system) in providing lateral support in excavation and basement construction and slope stability. The tieback system has already been adopted in various construction of public and private development projects in Hong Kong⁴, suggesting its reliability as alternative construction method to enhance construction site safety, shorten construction

² The actual amount and diameter of strands within the tiebacks will be subject to design load during detailed design stage.

³ A total of about 110m³ of earth materials will be generated from the drill holes.

⁴ Examples include the Grantham Hospital redevelopment in Wong Chuk Hang and the Hopewell Centre Phase II development in Wanchai.

time and promoting environmental sustainability;

- (b) the proposed tieback system is small in scale, only involving the underground areas of about 2,172m² covering private lots owned by the applicant and the adjoining GL. No aboveground works on the Site within the “CA” zone (**Drawing A-2**) are proposed. Furthermore, the proposed tieback system is temporary and retrievable in nature, allowing them to be removed from the soil once basement construction and slope stability works are completed;
- (c) the location and length of the proposed temporary tiebacks have been carefully determined by geotechnical engineers and relevant experts, taking into account the surrounding environment and the existing burial grounds. A minimum 3.5m horizontal buffer distance will be maintained between the line of tieback installation and existing vegetation (**Drawing A-3**), allowing a minimum 2m depth vertical clearance from the ground level of the existing trees to keep the existing tree roots undisturbed. In addition, encroachment upon the permitted burial grounds (**Plan A-2**) has been avoided as practical as possible and the tieback locations have been adjusted to completely avoid existing graves (**Plan A-2**); and
- (d) the applicant has submitted the Tree Findings and Review Report and the Ecological Appraisal (**Appendix I**) to demonstrate that no impact on existing tree groups within the Site and ecological impact on the surroundings are anticipated.

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

The applicant is the sole “current land owner” of the private lots involved. Detailed information would be deposited at the meeting for Members’ inspection. As for the GL portion, the “owner’s consent/notification” requirements as set out in the “Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance” (TPB PG-No. 31B) are not applicable.

4. Background

The Site is not subject to any active planning enforcement action.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application within the same “CA” zone on the OZP.

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

7.1 The Site is:

- (a) situated on the hillslope areas in Tai Tung Wo Liu and covered by vegetation and woodland;
- (b) accessible via a local path connecting to Sai Sha Road; and
- (c) partly within the permitted burial grounds (**Plan A-2**).

7.2 The surrounding areas are predominantly rural in character with dense woodlands to the west. To the immediate east of the Site is the comprehensive residential and commercial development (under approved planning applications No. A/NE-SSH/120, 120-1 and 142) which is currently under construction with some site formation works in progress. The village proper of Tai Tung Wo Liu is located to the further southeast.

8. Planning Intention

8.1 The planning intention of the “CA” zone is primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest (SSSI) or Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted.

8.2 Filling and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within the “CA” zone, permission from the Board is required for such activities.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau as set out in paragraph 9.2 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices II and III** respectively.

9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comment of the Secretary for Development (SDEV):

- considering that use of the tieback system, instead of the strutting system, could benefit deep excavation in private developments in terms of site safety, cost effectiveness, works efficiency and environmental sustainability, the Development Bureau (DEVB) considers that permission of the temporary retrievable tieback system, subject to the fulfillment of other requirements by relevant departments, concurs with the policy objectives under DEVB General Circular No. 1/2024⁵, with a view to expediting the development process for the greater community benefit, but also helping reduce development cost and time as well as create a more business-friendly environment.

10. **Public Comments Received During Statutory Publication Period**

- 10.1 On 7.3.2025, the application was published for public inspection. During the statutory public inspection period, a total of 12 public comments were received.
- 10.2 11 comments from individuals (**Appendix IVa**) support the application on the grounds that the proposed temporary retrievable tieback system can enhance construction site safety, shorten construction time and is cost effective as compared to traditional conventional strutting system; the proposed works are carefully planned and temporary in nature which can minimise impacts on traffic, natural environment and the surrounding environment including existing burial grounds; and the tieback system has already been adopted in various construction development projects in Hong Kong which are unlikely to set an undesirable precedent case.
- 10.3 One comment from an individual (**Appendix IVb**) objects to the application on the grounds that the proposed temporary retrievable tieback may trigger further encroachment into the conservation area and is not a prudent use of GL.

11. **Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary retrievable tiebacks and associated excavation of land for a period of three years at the Site falling within the “CA” zone on the OZP (**Plan A-1**). The proposed works under this application are to support the basement construction of the comprehensive residential and commercial development zoned “CDA” located to the immediate east of the Site. Although the planning intention of “CA” zone is primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as SSSI or Country Park from the adverse effects of development, SDEV considers that use of the tieback system, instead of the conventional strutting system, could benefit deep excavation in private developments in terms of site safety, cost effectiveness, works efficiency and environmental sustainability. It is also in line with DEVB’s policy objectives to expedite the development process for the greater community benefit, but also help reduce development cost and time as well as create a more business-

⁵ DEVB General Circular No. 1/2024 - “Adopting a Facilitating and Collaborative Mindset”: https://www.devb.gov.hk/filemanager/en/content_2398/DEVB%20General%20Circular%20No_1_2024_e.pdf

friendly environment. Taking into account the planning considerations and assessments below, there is no objection to the proposed use and associated excavation of land on a temporary basis of three years.

- 11.2 According to the applicant, the proposed temporary retrievable tieback system would only involve underground areas of about 2,172m², and no aboveground works on the Site within the “CA” zone (**Drawing A-2**) are proposed. A total of about 480 tiebacks with a maximum diameter of about 219mm (drill hole) and a length ranging from 14m to 31m will be inserted from the vertical pile wall within the western development boundary of Site A towards the underground of the Site (**Drawings A-1 and A-2**). Upon completion of the basement construction works of Site A, the steel strands will be retrieved from the underground and no backfilling of soil will be required. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department has no comment on the application from geotechnical perspective.
- 11.3 The Site is situated on the hillslope areas in Tai Tung Wo Liu and covered by vegetation and woodland. The location and length of the proposed tiebacks have been carefully determined from landscape and ecological perspectives to minimise any potential impacts on the existing vegetation and ecology. In support of the application, the applicant has submitted the Tree Findings and Review Report and the Ecological Appraisal (**Appendix I**). A minimum 3.5m horizontal buffer distance will be maintained between the line of tieback installation and existing vegetation (**Drawing A-3**), allowing a minimum 2m depth vertical clearance from the ground level of the existing trees to keep the existing tree roots undisturbed. In gist, the woodland within the “CA” zone will remain undisturbed and untouched, and no tree felling is involved. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation perspective, in view that the proposed tiebacks will be installed well below ground level, and the impact to nearby vegetation and habitats is considered minor. The Director of Environmental Protection (DEP) and the Chief Town Planner/Urban Design and Landscape, Planning Department have no adverse comment on the application from environmental planning and landscape perspectives.
- 11.4 According to the applicant, the locations of the proposed tiebacks have been adjusted to completely prevent from traversing the existing graves and encroachment onto the permitted burial grounds is avoided as practical as possible (**Plan A-2**) to minimise potential conflicts. For the southern portions of the Site where encroachment is unavoidable, it should be noted that only underground works would be involved without affecting the graves within the permitted burial grounds. While the District Lands Officer/Tai Po, Lands Department has no objection to the application from land administration perspective, the District Officer (Tai Po), Home Affairs Department has no adverse comment on the application in respect of the Site location. Other relevant government departments consulted including the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD), the Chief Engineer/Construction, Water Supplies Department, the Commissioner for Transport, the Director of Fire Services and the Chief Building Surveyor/New Territories West, Buildings Department have no objection to or no adverse comment on the application.

- 11.5 The application also involves excavation of land within the “CA” zone which require planning permission from the Board as it may cause adverse drainage and environmental impacts on adjacent areas. In this regard, CE/MN, DSD and DEP have no objection to or no comment on the application from drainage and environmental planning perspectives respectively.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the government bureau’s/departments’ comments and planning assessments above are relevant. The applicant has submitted the Tree Findings and Review Report and the Ecological Appraisal (**Appendix Ia**) to demonstrate that no impact on existing tree groups within the Site and ecological impact on the surroundings are anticipated, and relevant government departments including DAFC and DEP have no comment on the application.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until **11.4.2028**. The recommended advisory clauses are at **Appendix III**.
- 12.3 There is no strong reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with Attachments received on 28.2.2025
Appendix Ia	Supplementary Planning Statement (SPS)
Appendix Ib	FI received on 3.4.2025
Appendix II	Government Departments’ General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Location Plan submitted by the applicant

Drawing A-2	Section Plan submitted by the applicant
Drawing A-3	Section Illustration of Tiebacks and Existing Tree Groups Plans submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

PLANNING DEPARTMENT
APRIL 2025