

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

**APPLICATION NO. A/TM-SKW/128**

<b><u>Applicant</u></b>	: Host Duty Limited represented by Llewelyn-Davies Hong Kong Limited
<b><u>Sites</u></b>	: Government Land in Tai Lam Chung, Tuen Mun, New Territories
<b><u>Site Area</u></b>	: About 226m <sup>2</sup>
<b><u>Lease</u></b>	: Government Land (GL)
<b><u>Plan</u></b>	Approved So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/15
<b><u>Zoning</u></b>	: “Green Belt” (“GB”)
<b><u>Application</u></b>	: Proposed Excavation of Land (for Ground Investigation (GI) Works for Natural Terrain Hazard Study (NTHS))

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed excavation of land at the application sites (the Sites) zoned “GB” on the OZP. The proposed development is for GI works in relation to a NTHS for an approved comprehensive residential development<sup>1</sup> located to the west of the Sites (**Plans A-1 and A-2**). According to the Notes of the OZP for “GB” zone, excavation of land requires planning permission from the Town Planning Board (the Board). The Sites are situated on the hillslope areas in Tai Lam Chung and covered by vegetation.
- 1.2 According to the applicant, the current application is for carrying out further GI works in addition to GI works implemented in 2022 under an approved planning application (No. A/TM-SKW/106) submitted by the same applicant (i.e. the first stage of GI Works) (**Plan A-1**). Under the current proposed scheme, a total of drilling/excavation of 13 drill holes and four trial pits will be carried out at the Sites by using hand tools and light machineries. The operation will last for six months and be confined to 8 a.m. to 6 p.m. from Mondays to Saturdays excluding Sundays

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<sup>1</sup> The approved comprehensive residential development is subject of a planning application No. A/TM-SKW/32 approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 1.3.2002 (**Plan A-1**). The residential development falls within an area zoned “Comprehensive Development Area” (“CDA”) on the OZP involves a site of about 6.17 ha for 13 residential towers and 80 village houses, club house, Government and Institution and Community facilities, open space and car parking. The validity of the planning permission had been extended twice to 1.3.2011. A set of building plans for the proposed residential development was approved by the Building Authority (BA) on 13.2.2011. The land grant is under processing.

and public holidays. Workers will park their vehicles and unload necessary hand-held tools at the residential development site and carry the tools to the Sites on foot.

- 1.3 The Sites, with a total area of 226m<sup>2</sup>, includes 13 drill holes each with temporary working platforms of size 4m x 4m; and four trial pits with a size 1.5m (L) x 3m (W) x 3m (D). According to the applicant, the locations of drill holes and trial pits are within the NTHS study area defined under the Provision Basic Terms Offer (PBTO) of the draft land grant for the concerned residential development. The proposed locations of drill holes and trial pits are defined by geotechnical engineers making reference to the findings of the accepted NTHS report of the first stage of GI works. The exact locations will be adjusted based on ecological field observation to avoid or minimise any potential ecological impacts to existing trees. No tree felling will be involved and only minor vegetation clearance and trimming may be required at the work platforms and along the access paths. All the drill holes and trial pits will be covered up by tarpaulin sheeting to prevent washout and the works areas will be fenced off by metal railing to ensure the safety of the passers-by during non-operation hours. Upon completion of the GI works, the Sites will be reinstated within seven days and inspected by qualified geotechnical engineers. In situation where vegetated areas are affected, the applicant will reinstate the land with reference to native species recorded. In support of the application, the applicant has submitted an ecological inspection report indicating that no ecological impact is anticipated. The applicant also confirmed that no GI works will fall within the nearby Permitted Burial Ground nor the Tai Lam Country Park (TLCP). The plan of proposed GI works submitted by the applicant is at **Drawing A-1**.

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

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|-----|---|----------------------|
| (a) | Application Form received on 19.8.2024                                  | <b>(Appendix I)</b>  |
| (b) | Supplementary Planning Statement  | <b>(Appendix Ia)</b> |
| (c) | Further Information (FI) received on 12.9.2024*                         | <b>(Appendix Ib)</b> |
| (d) | FI received on 17.9.2024*   | <b>(Appendix Ic)</b> |
| (e) | FI received on 30.9.2024*   | <b>(Appendix Id)</b> |
| (f) | Consolidated Submission of Items (b) to (e) above received on 30.9.2024 | <b>(Appendix Ie)</b> |

*\*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 **Appendices I to Id**. They can be summarised as follows:

- (a) there is a genuine need for GI works to assess the stability of slopes prior to the construction of the approved comprehensive residential development to the west

of the Sites. The proposed GI works are related to a NTHS requirement stipulated in the PBTO of the draft land grant for the above residential development. It is of vital importance to carry out the GI works for the purpose of studying the natural terrain landslide and boulder fall hazards including the assessment of slope stability and any necessary mitigation/stabilisation works to ensure safety of the said residential development and the nearby villages and institutional uses;

- (b) the applicant had duly completed the first stage of GI works in 2022 as proposed under the approved application No. A/TM-SKW/106 to study the general underground geology profile covering a broader investigation area. Relevant report was submitted to and acknowledged by the Buildings Department (BD) and the Geotechnical Engineering Office of Civil Engineering and Development Department (GEO, CEDD) in 2023. Second stage of GI works under the current application is necessary for gathering more thorough information on the geological profile and soil parameters in the immediate surroundings of the residential development site for detailed design of appropriate hazard mitigation works and subsequent submission to BD and GEO, CEDD in future;
- (c) the purpose of the trial pits are to gather shallow soil/geological properties and parameter (such as fill depth and soil density) whereas drill holes are to gather deep soil/geological properties (such as soil parameters and rock head level);
- (d) the proposed GI works will fully adhere to the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No.10). No new development, rezoning of the subject “GB” zone or extensive clearance of existing natural vegetation will be involved;
- (e) the proposed excavation of land is very small in scale and temporary in nature. Only hand tools with light machineries will be devised for the GI works. Relevant good site practices, statutory requirements and regulations will be observed and followed. It is anticipated that the proposed excavation of land would be technically acceptable in landscape, ecological, environmental and traffic terms; and
- (f) the current application is of a similar nature to the approved application No. S/TM-SKW/106 submitted by the same applicant with a smaller site area involved (about 226m<sup>2</sup> versus 346.5m<sup>2</sup>). With no change in the planning circumstances, the current application should warrant the same favorable consideration by the Board.

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

As the Sites involve GL only, 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 to the application.

**4. Town Planning Board Guidelines**

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

**5. Background**

The Sites are not subject to any planning enforcement action.

**6. Previous Application**

There is no previous application concerning the Sites.

**7. Similar Application**

There is one similar application (No. A/TM-SKW/106) in the subject “GB” zone. The application, involving 32 drill holes and 13 trial pits with a total site area of 346.5m<sup>2</sup>, is submitted by the same applicant for the same approved residential development as the current application, which was approved by the Committee on 15.9.2020 mainly on the considerations that the proposed GI works are not in conflict with the planning intention of the “GB” zone and relevant government departments have no objection to or no adverse comment on the application. Details of the application are summarised at **Appendix III** and the location of the sites is shown on **Plan A-1**.

**8. The Sites and Their Surrounding Areas (Plans A-1 to A-4b)**

8.1 The Sites are:

- (a) situated on the hillslope areas in Tai Lam Chung and covered by vegetation;
- (b) not connected to any vehicular access; and
- (c) in the vicinity of a Permitted Burial Ground, the Tai Lam Archeological Site and TLCP.

8.2 The surrounding areas are predominantly rural in character and comprise mainly woodlands of TLCP to the east, village settlements of Wong Uk Tsuen, Luen On San Tsuen, and Tai Lam Chung Tsuen to the west intermixed with some open storage/storage yards, and parking of vehicles. The Hong Kong Customs College, Tai Lam Chung Fire Station and Wai Lan Rehabilitation Centre are located to the further west.

## **9. Planning Intention**

- 9.1 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.
- 9.2 According to the Explanatory Statement of the OZP, as excavation of land may cause adverse impacts on the natural environment, permission from the Board is required.

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

- 10.1 Apart from the government department as set out in paragraph 10.2 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 in **Appendices IV and V** respectively.
- 10.2 The following government department has conveyed local views on the application:

### **District Officer's Comments**

Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

the village representatives of Tai Lam Chung expressed that there are local comments wishing the proposed GI works to be further away from the Permitted Burial Ground.

## **11. Public Comment Received During the Statutory Publication Period**

On 27.8.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from Kadoorie Farm and Botanic Garden and an individual. The public comments received express concerns on the application (**Appendix VI**). The major concerns are summarised as follows:

- (a) the slope of concern is in general well vegetated. The applicant is recommended to minimise the footprints of the Sites including the temporary access and avoid directly affecting trees/plants of conservation concern and remove the works materials after the works completed; and
- (b) the proposed works are in relation to a previously approved comprehensive residential development. While there is more than sufficient supply of private residential units at present, the need for additional ground investigation in support of more residential development is doubted.

## **12. Planning Considerations and Assessments**

- 12.1. The application is for proposed excavation of land for GI works at the Sites zoned “GB” on the OZP. The application is in relation to a NTHS requirement stipulated in the PBTO of the draft land grant for an approved comprehensive residential development to the west of the Sites. The current application is for carrying out further GI works in addition to the first stage of GI works implemented in 2022 under an approved planning application (No. A/TM-SKW/106) submitted by the same applicant (**Plan A-1**). In support of the current application, the applicant has submitted an ecological inspection report indicating that no ecological impact is anticipated
- 12.2. The planning intention of “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. Moreover, excavation of land requires planning permission from the Board as it may cause adverse impacts on the natural environment. According to the applicant, the proposed GI works are to gather additional information for assessing slope stability and necessary mitigation/stabilisation works to ensure safety of the said residential development and the nearby villages and institutional uses. The proposed locations of drill holes and trial pits are defined by geotechnical engineers making reference to the findings of the accepted NTHS report of the first stage of GI works. All drill holes and trial pits are within the study area of NTHS which has been defined under the PBTO of the draft land grant. According to the applicant, only hand held tools and light machineries will be deployed for the GI works and no tree felling will be involved in the course of the works which only minor vegetation clearance and trimming may be required. In situation where vegetated areas are affected, the applicant will reinstate the land with reference to the native species recorded. In this regard, the Director of Agriculture, Fishers and Conservation has no adverse comment on the application from nature conservation perspective. In view of the above, the proposed excavation of land for GI works is not in conflict with the planning intention of “GB” zone.
- 12.3. Regarding the potential impact on the existing vegetation, the applicant indicates that the exact location of drill holes and trial pits will be adjusted based on ecological field observation to avoid or minimise any potential impacts to existing trees. Upon completion of the GI works, the Sites will be reinstated within seven days and inspected by qualified geotechnical engineers. In this regard, the Chief Town Planner/Urban Design and Landscape of Planning Department has no comment on the application from landscape planning perspective.
- 12.4. The surrounding areas are rural in character comprising predominantly woodlands of TLCP, village settlements and intermixed with open storage/storage yards and parking of vehicles and institutional uses. The proposed works are considered not incompatible with the surrounding land uses.
- 12.5. According to TPB PG-No.10, consideration on whether the proposed development on a slope or hillside will adversely affect slope stability is relevant. In this regard, the Head of the GEO, CEDD has no adverse comment on the application from the geotechnical perspective. In view of the above and noting

the views of other concerned departments as stated in paragraph 12.6 below, the proposed excavation of land is considered not in conflict with TPB PG-No.10.

- 12.6. According to the applicant, all the drill holes and trial pits will be covered up by tarpaulin sheeting to prevent washout and the works areas will be fenced off by metal railing to ensure the safety of the passers-by during non-operation hours. The applicant has also confirmed that all of the GI works fall outside the boundary of the TLCP and the Permitted Burial Ground. Other concerned government departments including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage aspects respectively.
- 12.7. The Committee had approved a similar application for proposed excavation of land for GI works for NTHS within the subject “GB” zone. Approval of the current application is generally in line with the Committee’s previous decision.
- 12.8. Regarding the public comments and the local views as conveyed by DO(TM), HAD as summarised in paragraphs 10 and 11 respectively, the planning assessment in paragraphs 12.1 to 12.7 above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **4.10.2028**, 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 recommended advisory clauses are attached at **Appendix V**.
- 13.3 There is no strong reason to recommend rejection of the application.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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 date when the validity of the permission should expire.
- 14.3 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.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 19.8.2024
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 12.9.2024
<b>Appendix Ic</b>	FI received on 17.9.2024
<b>Appendix Id</b>	FI received on 30.9.2024
<b>Appendix Ie</b>	Consolidated Submission received on 30.9.2024
<b>Appendix II</b>	Extracts of TPB PG-No.10
<b>Appendix III</b>	Similar Application
<b>Appendix IV</b>	Government Department's General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Overall Plan of the Proposed Drill Holes and Trial Pits
<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 A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2024**