

TOWN PLANNING BOARD

TPB Paper No. 10855

**For Consideration by
the Town Planning Board on 5.8.2022**

**REVIEW OF APPLICATION NO. A/SK-CWBN/63
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed House (New Territories Exempted House) – Small House
in “Green Belt” Zone
Lot 158 S.C RP in D.D. 238, Pan Long Wan, Sai Kung, New Territories**

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in “Green Belt” Zone
Lot 158 S.C RP in D.D. 238, Pan Long Wan, Sai Kung, New Territories

1. Background

- 1.1 On 22.2.2021, the applicant, Mr. LAU King Fung, sought planning permission to build a house (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 within an area zoned “Green Belt” (“GB”) on the approved Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/6 (**Plan R-1**).
- 1.2 On 10.9.2021, 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 was not in line with the planning intention of the “GB” zone which was 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 was a general presumption against development within this zone. The applicant failed to provide strong planning justifications for a departure from the planning intention;
 - (b) land was still available within the “Village Type Development” (“V”) zone of Pan Long Wan, which was primarily intended for NTEH/Small House development. It was considered more appropriate to concentrate the village type development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services;
 - (c) the proposed development was not in line with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories and the Town Planning Board Guidelines No.10 for Application for Development within Green Belt Zone in that the proposed development would cause adverse landscape impact on the surrounding areas and might pollute the natural streamcourse; and
 - (d) approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in the encroachment on the “GB” zone by development and a general degradation of the natural

environment and landscape character of the area.

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

- (a) RNTPC Paper No. A/SK-CWBN/63B (Annex A)
- (b) Extract of minutes of the RNTPC meeting held on 10.9.2021 (Annex B)
- (c) Secretary of the Town Planning Board's letter dated 24.9.2021 (Annex C)

2. Application for Review

- 2.1 On 15.10.2021, the applicant applied, under s.17(1) of the Ordinance, for a review of RNTPC's decision to reject the application (**Annex D1**). In support of the review, the applicant submitted a written submission and further information (FI) on 22.2.2022 and 29.3.2022 respectively (**Annexes D2 and D3**).
- 2.2 To address the comments of the Director of Environmental Protection (DEP) regarding the clearance requirement of septic tank, the applicant proposed to move the septic tank northward to a location on government land (to the north of the Site but within the same "GB" zone) away from an existing stream. The revised layout plan submitted by the applicant is at **Drawing R-1**.
- 2.3 On 7.1.2022 and 13.5.2022, the Board agreed to defer making a decision on the review application for two months each as requested by the applicant for submission of FI to address departmental comments.

3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application are detailed in the applicant's submissions at **Annexes D1 to D3** and summarised as follows:

- (a) the Site, which was originally zoned "V" and intended for Small House development, has been rezoned to "GB" by the Planning Department without consulting the village office, local villagers or land owner. Against such historical background, sympathetic consideration may be given to the application;
- (b) the proposed development, which is located within the village 'environs' ('VE') of Pan Long Wan and in close proximity to other completed and under-construction houses, is compatible with the village environment;
- (c) the application generally complies with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) in that no tree felling will be involved. The Site is currently covered by grasses and weeds with negligible landscape value, hence no adverse landscape impact is anticipated;
- (d) the revised location of septic tank and soakaway system meets the minimum clearance requirement as stipulated in relevant guidelines (**Drawing R-1**). The Site is located more than 15m away from the existing stream;
- (e) the proposed development of one Small House will not create significant adverse

traffic impact in that the applicant owns a car parking space within the village and will mostly commute by public transport;

- (f) to address relevant technical concerns, the applicant undertakes to provide fire service installations (FSIs), prepare a drainage proposal and construct the septic tank in accordance with relevant guidelines;
- (g) the Site is accessible via a local track with sufficient width for pedestrian and vehicular traffic;
- (h) there is insufficient land owned by indigenous villagers within the “V” zone of Pan Long Wan for Small House development. The applicant has no alternative but to apply to build a Small House at the Site; and
- (i) the opposing public comments are politically-motivated and submitted by non-local residents. The applicant has gathered 202 supporting comments from the Hang Hau Rural Committee, Pan Long Wan Village Committee, Pan Long Wan Indigenous Inhabitant Representative (IIR), and local villagers/residents (Appendix 11 of **Annex D2**).

4. Background of the Site

- 4.1 The Site was first incorporated and designated as part of a wider “V” zone on the Clear Water Bay Peninsula North Outline Development Plan (ODP) No. D/SK-CWBN/1A (the first ODP) adopted on 9.6.1987. Subsequently, the Site and its surrounding area were rezoned to “GB” on the Clear Water Bay Peninsula North ODP No. D/SK-CWBN/2 (the second ODP) adopted on 22.4.2002.
- 4.2 The Site was zoned “GB” on the draft Clear Water Bay Peninsula North Development Permission Area (DPA) Plan No. DPA/SK-CWBN/1 (the first draft DPA Plan) gazetted on 22.3.2002. The “GB” zoning of the Site remained unchanged on the approved Clear Water Bay Peninsula North DPA Plan No. DPA/SK-CWBN/2 approved on 1.4.2003.
- 4.3 In the preparation of an OZP to replace the DPA Plan, the Site remained zoned “GB” on the draft Clear Water Bay Peninsula North OZP No. S/SK-CWBN/1 (the first draft OZP) gazetted on 18.3.2005. During the statutory public inspection period of the draft OZP, an objection (No. O/S/SK-CWBN/1-2) against the “GB” zoning of the Site and its surrounding area (the objection site) was received (**Plans R-1 and R-3a**). The objection, which proposed to rezone the objection site from “GB” to “V”, was considered by the Board and the Objection Hearing Committee (OHC) on 22.7.2005 and 2.11.2005 respectively, but the OHC decided not to propose any amendment to meet the objection and the reasons were:
 - (a) the objection site was on a sloping ground covered with mature trees. The “GB” zoning was appropriate to preserve the existing attractive landscape character and to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl;
 - (b) Small House developments would undermine the attractive landscape

character of Pan Long Wan and lead to detriment of the landscape value of the area. Therefore, the objection site was considered not suitable for Small House developments. Moreover, Small House developments in the site might create adverse ecological impact to the adjoining “Conservation Area” (“CA”) zone and the water quality of the nearby natural stream;

- (c) the boundaries of the “V” zone for Pan Long Wan were drawn up having regard to the ‘VE’, estimated Small House demand, existing settlement pattern, local topography and other site constraints. Sufficient land had been reserved in the “V” zone of Pan Long Wan to meet the estimated Small House demand for the village, and rezoning of additional land to “V” was considered not necessary;
- (d) ‘Agricultural Use’ was always permitted on the objection site, which was for agricultural use under the lease. As such, the objector’s right under the lease would not be adversely affected by the “GB” zoning; and
- (e) the proposed rezoning of the objection site from “GB” to “V” might set an undesirable precedent for similar requests for rezoning. The cumulative effects of approving such requests would lead to adverse impacts on the natural environment, landscape character and road infrastructure in the area.

4.4 The “GB” zoning of the Site has remained unchanged since then.

5. **The Section 16 Application**

The Site and Its Surrounding Areas (Plans R-1 to R-4b)

5.1 The situations of the Site and its surrounding areas at the time of consideration of the s.16 application by RNTPC were described in paragraph 8 of **Annex A**. The following changes since then are noted:

- (a) according to site photos taken on 12.5.2022, vegetation clearance has taken place within and near the Site. The Site has subsequently been re-grassed as shown in site photos taken on 22.6.2022 (**Plan R-4a**); and
- (b) to the west of the Site is a newly-widened unpaved track that branches off from Pan Long Wan and leads northward through the “GB” zone to the under-construction houses within an area zoned “V” (**Plan R-4b**).

The latest situations of the Site and its surrounding areas are described below.

5.2 The Site is:

- (a) within the ‘VE’ of Pan Long Wan;
- (b) currently covered by weedy vegetation; and
- (c) not connected directly to any proper footpath or track/road.

5.3 The surrounding areas have the following characteristics:

- (a) to the east and southeast are a low-lying native shrubland and woodland forming part of a wider “GB” zone adjoining the “CA” zone;
- (b) to the south is a natural streamcourse (**Plan R-2a**);
- (c) to the west is a newly-widened unpaved track that branches off from Pan Long Wan and leads northward to an area zoned “V”;
- (d) to the north is a “V” zone with completed and under-construction houses; and
- (e) to the further northwest and southwest is the main village cluster of Pan Long Wan within the “V” zone.

Planning Intention

5.4 There has been no change of planning intention of the concerned “GB” zone as mentioned in paragraph 9 of **Annex A**, which is recapitulated below:

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.

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. The latest set of Interim Criteria was promulgated on 7.9.2007 and is at Appendix II of **Annex A**.

Town Planning Board Guidelines

5.6 The TPB PG-No. 10 for ‘Application for Development within “Green Belt” Zone under section 16 of the Town Planning Ordinance’, which is relevant to the consideration of the s.16 application, is still effective. The relevant assessment criteria are summarised in paragraph 5 of **Annex A**.

Previous Application

5.7 There is no previous application at the Site.

Similar Applications

5.8 When the s.16 application was considered by RNTPC on 10.9.2021, there were five similar applications (No. A/SK-CWBN/16, 18, 25, 56 and 57) for Small House development in the “GB” zone on the same OZP since the Interim Criteria were revised on 7.9.2007 (**Plan R-1**). There has been no change in the number of similar applications since then.

- 5.9 All similar applications were rejected by RNTPC or the Board on review between 2011 and 2019 mainly on the grounds of not in line with the planning intention of the “GB” zone; not in line with TPB PG-No. 10 and the Interim Criteria; and setting of an undesirable precedent. Applications No. A/SK-CWBN/56 and 57 were also rejected on the ground that land was still available within “V” zone.
- 5.10 Details of the similar applications are summarised at Appendix IV of **Annex A** and their locations are shown on **Plan R-1**.

6. Comments from Relevant Government Departments

- 6.1 Comments on the s.16 applications made by relevant government departments are stated in paragraph 10 and Appendix V of **Annex A**.
- 6.2 For the review application, relevant government departments have been further consulted and their views are summarised as follows:

Land Administration

- 6.2.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):
- (a) no comment on the proposed relocation of septic tank and soakaway system northward to government land as shown on the revised layout plan (**Drawing R-1**). If the proposed connection works to the proposed relocation of septic tank would affect any private lot(s), the applicant is required to obtain consent(s) from respective lot owner(s) and register the said consent(s) in the Land Registry. The septic tank and soakaway system should be constructed in accordance with the Practice Note for Professional Person (ProPECC) PN 5/93 of the Environmental Protection Department;
 - (b) the IIR of Pan Long Wan had been requested to provide a 10-year forecast for Small House demand at Pan Long Wan for 2021 onwards, but no response was received as at 12.5.2022. As last advised by the IIR of Pan Long Wan as at 11.4.2019, the 10-year Small House demand forecast for the village is 115. It should be noted that the figure has not been verified by his office;
 - (c) the number of outstanding Small House applications in Pan Long Wan is 58 (including 45 Small House applications within the “V” zone and 13 outside/straddling the “V” zone)¹;
 - (d) he also maintains his previous views on the s.16 application which are recapitulated below:
 - (i) no objection to the application;

¹ For those 13 applications outside/straddling the “V” zone, no planning application has been submitted to the Board. Besides, out of all 58 outstanding applications, 31 fall entirely or partly on government land, including 14 that have not indicated location of the application site.

- (ii) the subject lot is an Old Schedule agricultural lot held under the Block Government Lease. No structure is allowed to be erected on the lot without prior approval from his office pursuant to the lease restriction;
- (iii) the proposed Small House site falls completely within the 'VE' of Pan Long Wan, Hang Hau Heung which is a recognised village under the New Territories Small House Policy;
- (iv) the applicant has applied for a Small House grant and has been certified as an indigenous villager of Pan Long Wan by the IIR of that village; and
- (v) notwithstanding that the planning permission may be given, there is no guarantee that the Small House application will be approved. If the Small House application is approved, prior written permission should be obtained from relevant departments and his office before commencement of any works on the lot and adjoining government land (if any).

Environment

6.2.2 Comments of the DEP:

- (a) no objection to the application in view of the small scale of the proposed development and the application alone is unlikely to cause major pollution;
- (b) the applicant has proposed to move the septic tank and soakaway system northward to a location about 25m away from the nearest stream which meets the clearance requirement stipulated in Appendix D of ProPECC PN 5/93 (i.e. 15m from streams for non-drinking or non-domestic use); and
- (c) the design and construction of the septic tank and soakaway system should follow the requirements of ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and be duly certified by an Authorized Person.

Landscape

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

- (a) the additional information on the landscape aspect is noted. However, considering that the proposed development would create cumulative impact and degrade the landscape quality of the surrounding natural environment of the "GB" zone, she maintains her previous views of having reservation on the application from landscape planning perspective;

- (b) her previous views on the s.16 application are recapitulated below:
- (i) according to the aerial photo of 2020 and the site photos (**Plans R-3b to R-4b**), the Site is currently a vacant scrubland near the “CA” zone with dense woodland to the east and a natural stream to the south. No existing tree is observed within the Site. Village settlements are observed to the north and southwest of the Site. The Site is located in an area of rural landscape character predominated by abandoned farmlands, woodlands and Small Houses. In view that the Site is located within “GB” zone and surrounded by lush vegetation, the proposed development is considered not entirely compatible with the landscape character of the surrounding areas; and
 - (ii) there is no direct access road connecting to the Site and the potential adverse landscape impact on the existing landscape resources arising from the construction of an access road for the proposed development cannot be reasonably ascertained. Given that there is no similar application previously approved within the same “GB” zone, there is concern that approval of the planning application may encourage other similar applications to the vegetated “GB” zone. The cumulative impact of which would result in a general degradation of the landscape quality of the surrounding environment of the “GB” zone.

Drainage

6.2.4 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) no in-principle objection to the proposed development from drainage viewpoint on the understanding that the proposed development will maintain a certain distance from the existing natural streamcourse and a drainage proposal for the development will be submitted to the appropriate authority for approval; and
- (b) as the Site is located at an open area with a nearby streamcourse, the relevant drainage proposal with relevant substantiations demonstrating that adequate stormwater drainage collection and disposal facilities would be provided to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas should be provided. As there is no public sewer connection available in the vicinity of the proposed development, possible adverse environmental impacts on the existing streamcourse should be minimized in the design and during construction.

Nature Conservation

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

- (a) no strong view on the review application; and
- (b) while the Site was covered by common shrubs according to site inspection by his department on 8.11.2021, site clearance was found during their inspection in early March 2022.

6.3 The following government departments maintain their previous views on the s.16 application as stated in paragraph 10 and Appendix V of **Annex A**:

- (a) Commissioner of Transport (C for T);
- (b) Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department;
- (c) Director of Fire Services (D of FS); and
- (d) Chief Engineer/Construction, Water Supplies Department.

6.4 The following government departments maintain their previous views of having no comment on the application as stated in paragraph 10 of **Annex A**:

- (a) Project Manager (East), Civil Engineering and Development Department (CEDD);
- (b) Head of the Geotechnical Engineering Office, CEDD;
- (c) Chief Highway Engineer/New Territories East, Highways Department;
- (d) District Officer (Sai Kung), Home Affairs Department (HAD); and
- (e) Chief Engineer (Works), HAD.

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

7.1 During the statutory public inspection periods, a total of ten comments were received, including one supporting and nine opposing comments (**Annex E**).

7.2 The supporting comment was submitted by the Hang Hau Rural Committee on the grounds that there is insufficient private land in Hang Hau for Small House development; the Site is near the “V” zone and limited environmental impact is anticipated; and the proposed development will make good use of land owned by the indigenous villager.

7.3 The nine opposing comments were submitted by Kadoorie Farm and Botanic Garden Corporation and individuals. The main objection grounds are that the proposed development is not in line with the planning intention of the “GB” zone; adverse environmental, sewerage, ecological, landscape and visual impacts are anticipated; the Site is not directly accessible via a road or emergency vehicle access; and land is still available within the “V” zone to meet the demand for Small House development.

- 7.4 At the s.16 application stage, 19 public comments were received, including seven supporting comments, ten opposing comments and two comments raising concern on the application. Details of the comments are set out in paragraph 11 of **Annex A**.

8. Planning Considerations and Assessments

- 8.1 The subject s.16 application for a proposed house (NTEH – Small House) was rejected by RNTPC on 10.9.2021 mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone; land was still available within the “V” zone of Pan Long Wan for Small House development; the proposed development was not in line with the Interim Criteria and TPB PG-No. 10 in that it would cause adverse landscape impact and might pollute the natural streamcourse; and approval of the application would set an undesirable precedent.
- 8.2 In support of the review application, the applicant has put forward justifications which mainly include (a) the Site was previously rezoned from “V” to “GB” without local consultation; (b) the proposed development is compatible with the village environment in that it is located within ‘VE’ and close to other houses; (c) the application generally complies with TPB PG-No. 10 and no adverse impacts on landscape, traffic and other technical aspects are anticipated; (d) the Site is accessible via a local track; and (e) there is insufficient land owned by indigenous villagers within the “V” zone for Small House development.
- 8.3 To address the comments of DEP on the potential pollution to the natural streamcourse, the applicant has proposed to locate the septic tank 25m away from the stream (**Drawing R-1**). DEP advises that the revised proposal meets the clearance requirement (i.e 15m from streams) as stipulated in ProPECC PN 5/93 and has no objection to the application. In this regard, RNTPC’s rejection reason as stated in paragraph 1.2(c) has been partially addressed concerning the streamcourse.
- 8.4 Regarding the applicant’s justification (a) with respect to the previous zoning of the Site, although the Site was zoned “V” on the first ODP (i.e. a departmental plan) adopted in 1987, the Site has been zoned “GB” on all statutory plans since the gazettal of the first draft DPA Plan and the first draft OZP in 2002 and 2005 respectively taking into consideration that the Site and its surrounding area were covered by scrubland and woodland with dense vegetation (**Plan R-3a**). The issue of whether the Site and its surrounding area should be rezoned from “GB” to “V” was thoroughly discussed in the consideration of an objection against the first draft OZP in 2005. The OHC decided not to propose any amendment to meet the objection for reasons detailed in paragraph 4.3 above. There has been no major change in the condition of the Site since the OHC’s decision in 2005. No strong justifications have been provided by the applicant to support a departure from the planning intention of the “GB” zone.
- 8.5 Regarding the applicant’s justification (b) with respect to the compatibility of the proposed development with the surrounding areas, the Site is currently covered by weedy vegetation and surrounded by native scrubland and woodland forming part of a wider “GB” zone adjoining the “CA” zone. In view that the Site is located

within “GB” zone and surrounded by lush vegetation, CTP/UD&L, PlanD considers the proposed development not entirely compatible with the landscape character of the surrounding areas.

- 8.6 The applicant’s justifications (c) and (d) claim that the proposed development complies with TPB PG-No. 10 and would not generate adverse impacts, and the Site is accessible via a local track. According to DAFC’s observation in March 2022 and the site photo taken on 12.5.2022 (**Plan R-4a**), vegetation clearance has taken place within and near the Site. There is a newly-widened unpaved track to the west of the Site leading northward through the “GB” zone to the under-construction houses within a “V” zone, but the Site remains not connected directly to any proper footpath or track/road (**Plan R-4b**). While DAFC has no strong view on the review application, CTP/UD&L, PlanD advises that the potential adverse landscape impact on the existing landscape resources arising from the construction of an access road for the proposed development cannot be reasonably ascertained, and maintains her previous views of having reservation on the application as the proposed development would create cumulative impact and degrade the landscape quality of the surrounding natural environment of the “GB” zone. The applicant thus fails to demonstrate that the proposed development will not have adverse landscape impact on the surrounding areas. In this regard, the proposed development does not comply with the Interim Criteria and TPB PG-No. 10.
- 8.7 Regarding other technical aspects, C for T maintains her previous views that the application can be tolerated on traffic grounds as the proposed development of one Small House is not expected to generate significant additional traffic. However, the proposed Small House development outside the “V” zone, if permitted, will set an undesirable precedent for similar applications and the resulting cumulative adverse traffic impact could be substantial. Other concerned departments including D of FS, CE/MS of DSD, and DEP have no objection to or no adverse comment on the application.
- 8.8 Based on the latest estimate by the Planning Department, about 2.15ha of land (equivalent to about 86 Small House sites) are available within the “V” zone of Pan Long Wan (**Plan R-2b**). Although the land available within the “V” zone is insufficient to fully meet the 10-year Small House demand of 115, it is capable of meeting the 58 outstanding Small House applications. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development in recent years. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications. As such, it is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. In respect of the applicant’s justification (e) concerning insufficient land owned by indigenous villagers within the “V” zone for Small House development, it should be noted that land ownership is not a material consideration for planning applications as it could be subject to change and land parcel could be subdivided to suit development needs.
- 8.9 All five similar applications for Small House development within the “GB” zone on the OZP were previously rejected by RNTPC or the Board on review. Noting

that there are three other outstanding Small House applications within the subject “GB” zone being processed by LandsD (**Plan R-2b**), approval of the current application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in encroachment on the “GB” zone by development and a general degradation of the natural environment and landscape character of the area.

- 8.10 The public comment supporting the review application is noted. Regarding the opposing comments mentioned in paragraph 7 above, government departments’ comments and planning assessments in paragraphs 6 and 8.3 to 8.9 above are relevant.

9. Planning Department’s Views

- 9.1 Based on the assessment made in paragraph 8, having taken into account the public comments mentioned in paragraph 7, and given that there is no material change in planning circumstances since the consideration of the subject application by the RNTPC, 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 “Green Belt” (“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 within this zone. The applicant fails to provide strong planning justifications for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” (“V”) zone of Pan Long Wan, which is primarily intended for New Territories Exempted House/Small House development. It is considered more appropriate to concentrate the village type development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services;
- (c) the proposed development is not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories and the Town Planning Board Guidelines No.10 for Application for Development within Green Belt Zone in that the proposed development would cause adverse landscape impact on the surrounding areas; and
- (d) approval of the application will set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications will result in the encroachment on the “GB” zone by development and a general degradation of the natural environment and landscape character 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 5.8.2026, 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 condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Annex F**.

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

11. Attachments

Drawing R-1	Layout Plan
Plan R-1	Location Plan
Plans R-2a & R-2b	Site Plans
Plans R-3a & R-3b	Aerial Photos
Plans R-4a & R-4b	Site Photos
Annex A	RNTPC Paper No. A/SK-CWBN/63B
Annex B	Extract of minutes of the RNTPC meeting held on 10.9.2021
Annex C	Secretary of the Town Planning Board's letters dated 24.9.2021
Annex D1	Letter dated 15.10.2021 applying for a review of the RNTPC's decision
Annex D2	Written submission from the applicant received on 22.2.2022
Annex D3	Further information received on 29.3.2022
Annex E	Public Comments
Annex F	Recommended Advisory Clauses

**PLANNING DEPARTMENT
AUGUST 2022**