

**FURTHER CONSIDERATION OF APPLICATION NO. A/TP/610
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**Proposed Two Houses (New Territories Exempted Houses (NTEHs))
in “Green Belt” (“GB”) Zone
Lot 966 RP in D.D. 22, Pan Chung San Tsuen, Tai Po**

1. Background

- 1.1 On 30.6.2016, the applicants, owners of the application site (the Site), sought planning permission to build two NTEHs on the Site in Pan Chung San Tsuen, Tai Po. The Site falls within an area zoned “GB” on the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/26 at the time of application and draft Tai Po OZP No. S/TP/27 currently in force (**Plan FA-1**). According to the Notes of the OZP, ‘House (except for rebuilding of NTEH or replacement of existing domestic building by NTEH only)’ use within the “GB” zone requires planning permission from the Town Planning Board (the Board). The application is not for Small House development but to build two 2-storey NTEHs, each with a roofed over area of 40.15m².
- 1.2 On 14.7.2017, the Rural and New Town Planning Committee (the Committee) of the Board considered the application. Noting that substantial site formation works would be required, a member had reservation on the application as there was no proper access to the Site and the transportation of construction materials required for the proposed development might affect a larger area within the “GB” zone. After deliberation, the Committee decided to defer making a decision on the application pending submission of further information (FI) by the applicants on the arrangement of construction access to the Site.
- 1.3 On 10.11.2017, the Committee agreed to defer a decision on the application for another two months, as requested by the applicants, to allow time for the applicants to prepare FI to address the comments of Transport Department.
- 1.4 For Members’ reference, the following documents are attached:
 - (a) RNTPC Paper No. A/TP/610C (Appendix FA-1)
 - (b) Extract of minutes of the Committee’s meeting held on 14.7.2017 (Appendix FA-2)
 - (c) Secretary, Town Planning Board’s letter dated 28.7.2017 informing the applicants of the deferment of the Committee’s decision (Appendix FA-3)
 - (d) Applicants’ letter dated 2.2.2018 providing further information (FI) (Appendix FA-4a)

- (e) Applicants' replacement photos submitted (**Appendix FA-4b**) on 6.2.2018
- (f) FI dated 7.3.2018 submitted by the (**Appendix FA-4c**) applicant

2. **Further Information submitted by the Applicants**

2.1 In response to Members' concerns, the applicants proposed to use tire crane truck to deliver the construction materials and machinery to the unloading area at Lot 939 RP (**Plan FA-2**) and then transport to the Site by manpower. Details of site formation works, new tree felling and compensatory planting proposal for the temporary access area were also submitted. The Commissioner for Transport (C for T) requested the applicant to submit a Temporary Traffic Arrangement (TTA) to ensure that the hoisting activities at the cul-de-sac of Ma Chung Road would not pose risk to the road users on the public road. Since the last deferment on 10.11.2017, the applicants submitted FI including TTA, revised layout for the parking of the tire crane truck near Ma Chung Road, a consolidated planning statement and clarification of future access to the Site on 2.2.2018, 6.2.2018 and 7.3.2018 (**Appendices FA-4a to 4c**).

Scale of Site Formation Works

2.2 According to the applicants, the site formation works would be carried out using 'Cut and Fill Method'. The height of house platform would be strictly controlled and matched with existing site topography. The scale of backfilling works including transportation of soil would be minimized. The proposal together with prescribed plan (Site Formation Works) would be submitted to Buildings Department for approval.

Arrangement of Construction Access to the Site

2.3 To minimize the disturbance on the adjacent secondary school and to avoid affecting a larger area within the "GB" zone, the construction materials and machinery (such as mini-excavators) are proposed to be delivered by tire crane truck with jib length of 45.1m to the unloading area (about 8m x 5m) at Lot 939 RP (a distance of about 30m from crane location) and then transported to the Site via Lots No. 939 S.A and 939 S.B by using manpower (**Plan FA-2**). There is an informal footpath leading from the cul-de-sac at Ma Chung Road to the unloading area. According to the applicants, no site formation works would be required for the proposed construction access to the Site and so the proposal would not affect a larger area within the "GB" zone. The construction access is temporary only and would be reinstated to its original state after use. Relevant written consents from owners of Lots 939 RP, 939 S.A and 939 S.B have been obtained. During the course of site formation works, 3 nos. of the steel railings at the road side would be removed temporarily and reinstated upon completion of works.

Tree Felling and Compensatory Planting Proposal for Temporary Access Area

- 2.4 Two common fruit trees (*carica papaya* 番木瓜 (T2) and *Colonies of Musa x paradisiacal* 大蕉 (T3)) found at the unloading area within Lot No. 939 RP are proposed to be felled. To compensate for the loss, the applicants propose to plant three fruit trees such as *Clausena lansium* (黄皮), *Litchi chinensis* (荔枝) and *Dimocarpus longan* (龍眼) on locations shown on **Plan FA-2**. Consent on the proposed tree felling/planting treatment has been obtained from the concerned lot owner.

Temporary Traffic Arrangement for Crane Operation and Future Access to Site

- 2.5 The applicants have submitted a TTA for crane operation. The tire crane truck will operate at non-school hours on Saturdays. Site supervisors are full-time on site to control and supervise the site works especially during the operation of the lifting gear. They will co-operate with the Law Ting Pong Secondary School regarding the suitable operating period as requested by the school. Adequate safety instruction and a 1.5m clear width would be provided between the crane and pedestrian walking near the lifting arm (**Drawing FA-2**). Future access to the Site after completion of building works is via the existing footpath at the western corner of the Site (**Drawing FA-3**).

3. Comments from Relevant Government Departments

Details of Site Formation Works

- 3.1 Comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):
- no adverse comment on the proposed site formation works. Nevertheless, the applicants should be reminded to submit the works proposal together with the prescribed plans for site formation works to the Building Authority for approval.

Arrangement of Construction Access to the Site

- 3.2 Comments of the C for T:
- no comment on the proposed TTA, subject to the applicants' provision of enough banksman and works to guide the pedestrians when they carry out the works.
- 3.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):
- no adverse comment on the proposal. Nevertheless, the applicants should be advised that they should take necessary precautions to protect the pavement, street furniture and underground utilities from being damaged by the crane operation.

Tree Felling and Compensatory Planting Proposal for Temporary Access Area

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

- no comment on the tree felling and compensatory planting proposal noting that the trees proposed to be felled and the compensatory planting area fall within private lots.

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

- as the proposed construction access would require no site formation works and would not affect a larger area within the “GB” zone, he has no adverse comment on the temporary access arrangement and tree felling/compensatory planting proposals.

3.6 The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) has no adverse comment on the FI.

4. Public Comments Received During Statutory Publication Period

During the statutory publication periods of the FI submitted by the applicants, a total of nine public comments from Designing Hong Kong Limited (DHK), WWF-Hong Kong, Kadoorie Farm and Botanic Garden Corporation (KFBC), Law Ting Pong Secondary School and an individual objecting to the application were received (**Appendix FA-5**). DHK, WWF-Hong Kong, KFBC and an individual object to the application mainly on the grounds that the proposed NTEHs are not in line with the planning intention of the “GB” zone and TPB PG-No. 10; there were rejected applications for houses nearby/covering the Site; setting of undesirable precedent; concerns on slope safety and impact of construction noise to the adjacent secondary school. Law Ting Pong Secondary School expresses concerns on the slope and fire safety, air and noise pollution from the construction site affecting the students and the danger generated by the operation of tire crane truck to nearby residents and the school.

5. Planning Considerations and Assessments

5.1 The Committee’s concern as mentioned in paragraph 1.2 above was mainly on whether there was proper access to the Site and whether the transportation of construction materials to the Site for the proposed development might affect a larger area within the “GB” zone.

5.2 According to the applicants’ FI, the site formation works would be carried out using ‘Cut and Fill Method’ and the scale of backfilling works including transportation of soil would be minimized. Given that the Site is located on sloping ground, site formation works are considered inevitable for the proposed development (**Drawing A-2** in **Appendix FA-1**) and H(GEO), CEDD has no adverse comment on the proposed site formation works.

- 5.3 Regarding the arrangement of construction access to the Site, the construction materials and machinery (such as mini-excavators) would be delivered by tire crane truck with jib length of 45.1m to the unloading area (about 8m x 5m) at Lot 939 RP (a distance of about 30m from crane location) and then transported to the Site via Lots No. 939 S.A and 939 S.B by using manpower (**Plan FA-2**). Moreover, the applicants confirmed that the proposed construction access would be of temporary nature and reinstated to its original state after use, and that future access to the Site is via the existing footpath at the western corner of the Site. C for T and CHE/NTE, HyD have no adverse comment on the temporary access proposal and the TTA. To address C for T's concerns, suitable advisory clauses would be incorporated to remind the applicants to liaise with Law Ting Pong Secondary School on the operating period of the tire crane truck, and to provide enough banksman and works to guide the pedestrians when the works are carried out.
- 5.4 DAFC has no strong view on the application as the trees affected are all common species, and has no comment on the tree felling and compensatory planting proposal for the temporary access area noting that the trees proposed to be felled and the compensatory planting area fall within private lots. CTP/UD&L, PlanD has no adverse comment on the temporary access arrangement and tree felling/compensatory planting proposals as the proposed construction access would require no site formation works and would not affect a larger area within the "GB" zone. Regarding the proposed house developments, he advises that they are not incompatible with the surrounding areas and the applicants have provided additional landscape treatments (including compensatory planting of ten trees and plantation shrub on the existing slope shown on **Drawing A-4** in **Appendix FA-1**) and green vines as a green cover to soften the 4m high retaining wall facing the secondary school. Whilst significant adverse impact on landscape resources is not expected and the landscape quality of the proposed developments is slightly improved, he maintains his objection to the application from the landscape planning perspective. To address the concerns raised by CTP/UD&L, PlanD, an approval condition on submission and implementation of landscape and tree preservation proposals is recommended so as to mitigate the landscape impact arising from the proposed development. An advisory clause on minimizing the scale of site formation works including retaining walls so as to ameliorate the landscape quality of the surrounding area is also recommended.
- 5.5 The proposed development is generally in line with its lease entitlement and may be given sympathetic consideration for having exceptional circumstances in accordance with TPB PG-No. 10. Relevant Government departments consulted including GEO of CEDD, C for T, CHE/NTE of HyD, DLO/TP of LandsD, DAFC and CTP/UD&L of PlanD have no adverse comment on the temporary access arrangement and tree felling/compensatory planting proposal.
- 5.6 Regarding the public comments objecting to the application mainly on the grounds of being not in line with the planning intention of the "GB" zone, non-compliance with TPB PG-No. 10, concerns on slope safety, setting of undesirable precedent, adverse environmental impact and the danger generated by the operation of tire crane truck to nearby residents and the school, the comments from relevant Government departments and planning assessments as mentioned in paragraph 12 of **Appendix FA-1** and above paragraphs are relevant.

6. Planning Department's Views

- 6.1 The Planning Department maintains its view of having no objection to the application for the same considerations as detailed in para. 12 of the RNTPC paper at **Appendix FA-1** and in paragraphs 5.2 to 5.6 above.
- 6.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 16.3.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval as set out in paragraph 13.2 of **Appendix FA-1** are recapitulated below:

Approval Conditions

- (a) the provision of septic tank, as proposed by the applicants, at a location to the satisfaction of the Director of Lands or of the Town Planning Board;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

The recommended advisory clauses are attached at **Appendix FA-6**.

- 6.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' consideration:
- (a) the proposed development is not in line with the planning intention of the "GB" zoning for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone;
 - (b) the proposed development does not comply with the Town Planning Board Guidelines for 'Application for Development within "Green Belt" zone under section 16 of the Town Planning Ordinance' in that the proposed site formation works are considered excessive within a "GB" setting and the proposed development would involve extensive clearance of existing natural vegetation affecting the existing natural landscape; and
 - (c) the approval of the application would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area.

7. Decision Sought

- 7.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 7.2 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.
- 7.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for the rejection should be given to the applicants.

Attachments

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| Appendix FA-1 | RNTPC Paper No. A/TP/610C |
| Appendix FA-2 | Extract of minutes of the RNTPC Meeting held on 14.7.2017 |
| Appendix FA-3 | Secretary of the Board's letter dated 28.7.2017 |
| Appendix FA-4a | Further information submitted by the applicants dated 2.2.2018 |
| Appendix FA-4b | Replacement photos submitted by the applicants dated 6.2.2018 |
| Appendix FA-4c | Further information submitted by the applicants dated 7.3.2018 |
| Appendix FA-5 | Public comments |
| Appendix FA-6 | Revised recommended advisory clauses |
| Drawings FA-1 to FA-3 | Drawings submitted by the applicants |
| Plan FA-1 | Location Plan |
| Plan FA-2 | Site Plan |
| Plan FA-3 | Aerial Photo |
| Plans FA-4a to FA-4c | Site Photos |

**PLANNING DEPARTMENT
MARCH 2018**