

RNTPC Paper No. A/SK-PK/239C

For Consideration by the
Rural and New Town Planning
Committee on 12.1.2018**APPLICATION FOR PERMISSION**
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**APPLICATION NO. A/SK-PK/239**

- Applicant:** Mr. Lok Chiu Nam represented by DeSPACE (International) Limited
- Site:** Lot No. 470 S.B ss.2 in D.D. 222, Pak Kong, Sai Kung, New Territories
- Site Area:** About 113m²
- Lease Status:** Old Schedule Agricultural Lots held under Block Government Lease (demised for agricultural use)
- Plan:** Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11
- Zoning:** “Green Belt” (“GB”)
- Application:** Proposed House (New Territories Exempted House (NTEH)) – Small House

1. The Proposal

- 1.1 The applicant, an indigenous villager of Pak Kong Village, seeks planning permission for the development of one NTEH (Small House) at the application site (the Site). According to the Notes of the OZP, NTEH development within “GB” zone requires planning permission from the Town Planning Board.
- 1.2 The Site is the subject of a previous application for NTEH (Small House) development (Application No. A/SK-PK/63) and forms part of the subject of another previous application (Application No. A/SK-PK/217) for development of 3 NTEHs (Small Houses). They were submitted by the same applicant and were rejected by the Rural and New Town Planning Committee (the Committee) on 6.2.1998 and by the Town Planning Board (the Board) upon review on 12.6.2015 respectively. The Small House layout proposed in this application is the same as the two previous applications. The major development parameters are summarised as follows:

Site Area:	113m ²
Covered Area:	65.03 m ²
Total GFA:	195.09m ²
No. of Storey:	3
Building Height:	8.23m

- 1.3 In support of the application, the applicant has submitted the Application Form (**Appendix I**) and Supporting Planning Statement dated 23.3.2017 (**Appendix Ia**).
- 1.4 The plans submitted by the applicant are shown in **Drawings A-1 to A-4**.
- 1.5 On 12.5.2017, 28.7.2017 and 13.10.2017, the Committee agreed to defer making a decision on the application for two months each, as requested by the applicant, to allow time for preparation of FI to resolve comments from relevant government departments and consultation with the Indigenous Inhabitant Representative (IIR) and Sai Kung Rural Committee (SKRC) to clarify land status and details about land available for Small House development in the area. The applicant has not submitted any FI in the deferment period. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendix Ia**. They can be summarised as follows:

- (a) the present planning application warrants sympathetic consideration as it is inextricably affiliated with the interim criteria for considering application for New Territories Exempted House /Small House development;
- (b) the Site is deemed to be a logical and spontaneous expansion of “Village Type Development” (“V”) zone. The Site is contiguous to the “V” zone of Pak Kong Village and immediately next to the approved application site (Application No. A/SK-PK/16). The Site is relatively flat with access road, a new house can be easily erected;
- (c) approval of this application would not be an undesirable precedent for other similar applications within the “GB” zone;
- (d) the insignificant scale of the proposed Small House development would not render any adverse environmental impact on the vicinity;
- (e) respect should be paid for the traditional rights of eligible indigenous male villagers to build Small House for their own use;
- (f) the long waiting time for processing Small House grant application renders the applicant suffering both monetary and time cost; and
- (g) there are similar approved applications in the Sai Kung area.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Assessment Criteria**

The set of interim criteria for assessing planning application for NTEH/Small House development in the New Territories (the Interim Criteria) was first promulgated on 24.11.2000 and had been amended four times on 30.3.2001, 23.8.2002, 21.3.2003 and 7.9.2007. The latest set of Interim Criteria promulgated on 7.9.2007 is at **Appendix II**.

5. **Town Planning Board Guidelines**

Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for 'Application for Development within "Green Belt" Zone under section 16 of the Town Planning Ordinance' is relevant to the applications (**Appendix III**). The relevant assessment criteria are summarized as follows:

- (a) there is a general presumption against development in the "GB" zone;
- (b) applications for new development in "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning ground. The scale and intensity of the proposed development including the plot ratio (PR), site coverage and building height should be compatible with the character of surrounding areas;
- (c) applications for NTEHs with satisfactory sewage disposal facilities and access arrangements may be approved if the application sites are in close proximity to existing villages and in keeping the surrounding uses, and where the development is to meet the demand from indigenous villagers;
- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area; and
- (f) any proposed development on a slope or hillside should not adversely affect slope stability.

6. **Previous Applications (Plans A-1 and A-2a)**

- 6.1 The Site is the subject of a previous application for NTEH (Small House) development (Application No. A/SK-PK/63) and forms part of the subject of another previous application (Application No. A/SK-PK/217) for development of 3 NTEHs (Small Houses). Application No. A/SK-PK/63 was rejected by the Committee on 6.2.1998 on the grounds of not in line with planning intention of "GB" zone; undesirable effect resulted from an increase in population; sufficient land within "V" zone to meet the Small House demand; and setting of undesirable precedent for similar applications with the "GB" zone.

- 6.2 Application No. A/SK-PK/217 for proposed 3 NTEHs (Small Houses) was rejected upon review by the Board on 12.6.2015 mainly on the grounds of not in line with planning intention of “GB” zone; land is still available within “V” zone in Pak Kong for Small House development; and setting of undesirable precedent for other similar applications within the “GB” zone.

7. Similar Applications

- 7.1 There are 7 similar applications (Applications No. A/SK-PK/16, 157, 214, 231 and 234) for Small House developments in the vicinity of the Site on the Pak Kong and Sha Kok Mei OZP (**Plans A-1 and A-2a**).
- 7.2 Application No. A/SK-PK/16 for development of 10 NTEHs (Small House) and EVA was approved with conditions upon review by the Board on 11.8.1995 before the promulgation of the Interim Criteria in 2000. Planning permissions have subsequently been granted for development of NTEHs (Small House) at the same/part of the 10 approved Small House sites under Applications No. A/SK-PK/157, 231 and 234.
- 7.3 Applications No. A/SK-PK/64 and 65 were rejected by the Committee on 6.2.1998 mainly on grounds of not in line with the planning intention of the “GB” zone; adverse traffic impact and other undesirable effect is anticipated; land is still available within “V” zone in Pak Kong for Small House development; and setting of undesirable precedent for other similar applications within the “GB” zone.
- 7.4 Application No. A/SK-PK/214 for proposed NTEH (Small House) falling partly within “V” zone and partly within “GB” zone was approved with conditions by the Committee on 2.1.2015. The application was approved mainly on the grounds that sympathetic consideration may be given to the proposed Small House partly zoned “V”, which generally complies with the Interim Criteria and TPB PG-No. 10, and no significant adverse impact is anticipated.
- 7.5 Details of the applications are summarized at **Appendix IV** and their locations are shown on **Plans A-1 and A-2a**.

8. The Site and its Surrounding Areas (Plans A-1 to A-2b, aerial photo on Plan A-3 , and photos on Plan A-4)

- 8.1 The Site is:
- (a) formed, generally flat and partly occupied by a container structure;
 - (b) accessible by a paved track leading to Pak Kong Road to its northeast; and
 - (c) within the Consultation Zone (CZ) of Pak Kong Water Treatment Works (PKWTW).
- 8.2 The surrounding areas have the following characteristics:
- (a) to its east and south is a plant nursery, Koon Lam Garden;

- (b) to its north is vegetated shrubs;
- (c) to its west are clusters of 3-storey village houses within the “V” zone; and
- (d) to its further east is the PKWTW.

9. 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.

10. Planning Assessments and Comments from Relevant Government Departments

10.1 The application has been assessed against the assessment criteria in **Appendix II**. The assessment is summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1	Within “V” zone? -Footprint of the Small House - Application site		100% 100%	Within “GB” zone
2	Within ‘VE’? -Footprint of the NTEH/Small House -Application site	100% 100%		
3	Sufficient land in “V” zone to satisfy outstanding Small House applications and 10-year Small House demand?		✓	<ul style="list-style-type: none"> • Land required to meet Small House demand: about 5.65 ha (equivalent to 226 Small House sites). The outstanding Small House applications are 21¹ while the 10-year Small House demand forecast is 205. • Land available to meet Small House demand: about 0.978 ha (equivalent to 39 Small House sites)
4	Compatible with the planning intention of “GB” zone?		✓	There is a general presumption against development within the “GB” zone. AFCD has no strong view on the application from nature conservation point of view.
5	Compatible with Surrounding area/ development?	✓		The application is not incompatible with the surrounding development which is mainly rural in character with clusters of village houses.
6	Within Water		✓	Chief Engineer/Construction, Water Supplies

¹ Among the 21 outstanding Small House applications, there are 5 Small House applications straddling or outside the “V” zone that have already obtained planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Gathering Grounds?			Department (CE/Construction, WSD) has no objection to the application.
7	Encroachment onto planned road networks and public works boundaries?		✓	
8	Need for provision of fire service installations and Emergency Vehicular Access?		✓	Director of Fire Services (D of FS) has no in-principle objection to the application. The applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by Lands Department.
9	Traffic impact?	✓		Commissioner for Transport (C for T) has reservation on the application and considers that the proposed development should be confined within "V" zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the "V" zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, the application only involves one Small House, he considers the application can be tolerated unless it is rejected on other grounds.
10	Drainage impact?		✓	Chief Engineer/Mainland, South, Drainage Services Department (CE/MS, DSD) has no in-principle objection to the application.
11	Local objections?		✓	District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD) has no comment on the application.
12	Landscaping impact?	✓		<ul style="list-style-type: none"> • CTP/UD&L, PlanD has reservation on the application from the landscape planning point of view. • The Site is situated in an area dominated by garden nursery, isolated tree groups and village houses. The Site is occupied by a garden nursery with container and landscape plants in pots. The proposed Small House is not incompatible with the surrounding rural landscape character. Significant changes or disturbances to the existing landscape resources arising from the proposed Small House are not anticipated.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<ul style="list-style-type: none"> • However, approval of the proposed Small House would encourage the spreading of village houses into the “GB” zone leading to cumulative deterioration of landscape character of the “GB” zone. • Should the Board approve this application, the following approval condition is recommended to be included in the permission: “submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board”.
13	Risk aspect		✓	Director of Environmental Protection (DEP) has no objection to the application from chlorine risk point of view with respected to the PKWTW.

10.2 Comments from the following government departments have been incorporated in the above paragraph. Details of their comments are at **Appendix V**.

- (a) District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD);
- (b) D of FS;
- (c) C for T;
- (d) CE/MS, DSD;
- (e) CE/Construction, WSD;
- (f) DAFC;
- (g) DO/SK, HAD;
- (h) CTP/UD&L, PlanD; and
- (i) DEP.

10.3 The following departments have no objection to/no comment on the application:

- (a) Chief Engineer (Works), Home Affairs Department;
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (d) Antiquities and Monuments Office, Leisure and Cultural Services Department; and
- (e) Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department.

11. Public Comments Received During Statutory Publication Period

On 31.3.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 21.4.2017, 17 public comments were received from 16 individuals of the public and Designing Hong Kong Limited (**Appendix VI**). 5 commenters object to the application mainly on grounds that the proposed development is not in line with the planning intention; approval of the

application may set an undesirable precedent for other similar applications which will result in encroachment of the “GB” zone; and adverse landscape, sewerage, drainage and traffic impacts are anticipated. 12 commenters support the application mainly on grounds that the vacant land is suitable for Small House development, which is to meet housing demand; it is considered compatible with surrounding environment; and sympathetic consideration should be given to the applicant.

12. Planning Considerations and Assessments

12.1 The application is for proposed development of one NTEH (Small House) at the Site falling entirely within an area zoned “GB” on the approved Pak Kong and Sha Kok Mei OZP. 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. The proposed Small House development is not in line with the planning intention of the “GB” zone. There is no strong justification for a departure from the planning intention of the “GB” zone.

12.2 The Site and the footprint of the proposed Small House fall entirely within the ‘VE’ of Pak Kong. According to DLO/SK, the estimated 10-year Small House demand forecast for the village is 226 (including 21 outstanding Small House applications) (or equivalent to about 5.65ha of land). It is estimated that about 0.978 ha (or equivalent to about 39 Small House sites) of land are available within the “V” zone of Pak Kong. Although there is insufficient land to fully meet the future Small House demand of the village in the long run, there is still land currently available within the “V” zone to meet the outstanding demand of 21 Small Houses. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

12.3 The Site is located in the midst of the “GB” zone. The proposed development is considered not incompatible with the surrounding environment which is mainly rural in character with clusters of village houses, tree groups and shrubs. DAFC has no strong view on the application from nature conservation point of view as the Site is used for horticultural purposes. CTP/UD&L, however, has reservation on the application in that approval of the proposed Small House would encourage the spreading of village houses into the “GB” zone leading to cumulative deterioration of landscape character of the “GB” zone.

12.4 According to the TPB PG-No.10, an application for new development in the “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. For the current application, there are no exceptional circumstances or strong grounds to justify the application.

12.5 The Site is the subject of previous applications (Applications No. A/SK-PK/63 and A/SK-PK/217) rejected by the Committee or the Board upon review mainly on the grounds of not in line with planning intention of the “GB” zone and setting of undesirable precedent. Since the rejection of the last Application No. A/SK-PK/217, there is no change in planning circumstances.

- 12.6 The applicant claims that there are similar approved cases for NTEHs in the area. However, within the same “GB” zone in the vicinity of the Site, most of the similar cases (Applications No. A/SK-PK/157, 231 and 234) were approved given the exceptional circumstances that they are covered by the previous planning approval given for development of 10 Small Houses in 1999 under Application No. A/SK-PK/16 before the promulgation of the Interim Criteria. Another similar application No. A/SK-PK/214 was approved on grounds that sympathetic consideration was given to the proposed Small House partly zoned “V” and partly zoned “GB” and can generally meet the Interim Criteria and TPB PG-No. 10. As for the other applications mentioned by the applicant, they are not located in the same local area.
- 12.7 Regarding the public comments objecting to the application, the assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and taken into account the public comment mentioned in paragraph 11, the Planning Department does not support the application for the following reasons:
- (a) 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 within this zone. There is no strong justification in the submission for a departure from the planning intention;
 - (b) the proposed development is not in line with the Town Planning Board Guidelines No. TPB PG-No.10 for ‘Application for Development within “GB” Zone’ in that there are no exceptional circumstances or strong planning grounds to justify the application;
 - (c) land is still available within the “V” zone of Pak Kong where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; 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 applications will result in a general degradation of the landscape character of the area.
- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 12.1.2022, 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 and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) the provision of septic tank as proposed by the applicant to the satisfaction of the Director of Lands or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VII**.

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 conditions and advisory clauses 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 reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form dated 23.3.2017
Appendix Ia	Supporting Planning Statement
Appendix II	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Town Planning Board Guidelines No. 10 for 'Application for Development within "Green Belt" zone under section 16 of the Town Planning Ordinance'
Appendix IV	Table showing similar applications for Small Houses
Appendix V	Relevant Government Departments' comments on the application
Appendix VI	Public comments received
Appendix VII	Advisory clauses
Drawing A-1	Vehicular Access Plan submitted by the applicant
Drawing A-2	Site Plan submitted by the applicant
Drawing A-3	Location Plan submitted by the applicant
Drawing A-4	Stormwater Drainage Plan submitted by the applicant
Plan A-1	Location Plan
Plans A-2a to A-2b	Site Plans
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**Interim Criteria for Consideration of Application for
New Territories Exempted House(NTEH)/Small House in New Territories**

**(A) Explanatory Notes on NTEH/Small House Development Exempted from
Planning Application**

- (a) for NTEH/Small House development on a site straddling the “Village Type Development” (“V”) zone and other land use zones, planning permission will not be required if the proposed NTEH/Small House footprint falls wholly within the “V” zone;
- (b) planning permission will also not be required if not less than 50% of the footprint of a Small House falls within the “V” zone and the village ‘environs’ (‘VE’) of a recognized village;
- (c) the above exemption from planning application is not applicable to any NTEH/Small House development on a site encroaching on:
 - (i) conservation-related zones (such as “Coastal Protection Area”, “Conservation Area”, “Site of Special Scientific Interest”) and “Country Park”;
 - (ii) “Green Belt” zone;
 - (iii) “Open Space” (“O”) zone involving Government land, or where the proposed NTEH/Small House footprint encroaching on the “O” zone;
 - (iv) water gathering grounds; and
 - (v) area shown as ‘Road’.
- (d) notwithstanding (c) above, if only a very minor portion of the site (5% or 10m², whichever is the less) falls outside the “V” zone (regardless of the other zoning(s) involved), it will be regarded as minor boundary adjustment always permitted under the covering Notes of the relevant Outline Zoning Plan/Development Permission Area Plan provided that no tree felling is involved and no adverse impacts are envisaged.

(B) Assessment Criteria for Planning Application

- (a) sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the village ‘environs’ (‘VE’) of a recognized village and there is a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the village;
- (b) if more than 50% of the proposed NTEH/Small House footprint is located outside the ‘VE’, favourable consideration could be given if not less than 50% of the proposed NTEH/Small House footprint falls within the “V” zone, provided that there is a general shortage of land in meeting the demand for Small House development in the “V” zone and the other criteria can be satisfied;

- (c) development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances (e.g. the application site has a building status under the lease, or approving the application could help achieve certain planning objectives such as phasing out of obnoxious but legal existing uses);
- (d) application for NTEH/Small House with previous planning permission lapsed will be considered on its own merits. In general, proposed development which is not in line with the criteria would normally not be allowed. However, sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the site is an infill site among existing NTEHs/Small Houses, the processing of the Small House grant is already at an advance stage;
- (e) if an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
- (f) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (g) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (h) the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant Government departments;
- (i) the proposed development, if located within water gathering grounds, should be able to be connected to existing or planned sewerage system in the area except under very special circumstances (e.g. the application site has a building status under the lease or the applicant can demonstrate that the water quality within water gathering grounds will not be affected by the proposed development*);
- (j) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
- (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.

*i.e. the applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

TPB PG-NO. 10

TOWN PLANNING BOARD GUIDELINES FOR
APPLICATION FOR DEVELOPMENT WITHIN GREEN BELT ZONE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

(Important Note :

The guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17th Floor, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 2231 5000.

These guidelines are liable to revision without prior notice. The Town Planning Board will only make reference to the guidelines current at the date on which it considers an application.)

1. Introduction

- 1.1 The planning intention of the "Green Belt" ("GB") zone is primarily to promote the conservation of the natural environment and to safeguard it from encroachment by urban-type developments.
- 1.2 The "GB" zone covers mainly slopes and hillsides, most of which is naturally vegetated. Some "GB" areas are also designated as Country Parks. Most of the land within the "GB" zone is Government land, although there are also small pockets of private land, generally near built-up areas.
- 1.3 The main purposes of the "GB" zone include the following :
 - a. to conserve existing landscape features, areas of scenic value and areas of recognised "fung shui" importance;
 - b. to define the outer limits of urbanized districts and to serve as a buffer between and within urban areas; and
 - c. to provide additional outlets for passive recreational uses.
- 1.4 To preserve the character and nature of the "GB" zone, the only uses which will always be permitted by the Town Planning Board (the Board) are compatible uses which are essential and for public purpose such as waterworks, water catchment areas, nature reserves, agriculture, forestry and certain passive recreational uses. Other uses, including government/institution/community (G/IC), residential development and public utility installations will require planning permission from the Board and each proposal will be assessed on its individual merits. Applications for development will be considered by the Board according to the criteria set out below.

2. Main Planning Criteria

- a. There is a general presumption against development (other than redevelopment) in a "GB" zone. In general the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use.
- b. An application for new development in a "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas. With the exception of New Territories Exempted Houses, a plot ratio up to 0.4 for residential development may be permitted.
- c. Applications for New Territories Exempted Houses with satisfactory sewage disposal

facilities and access arrangements may be approved if the application sites are in close proximity to existing villages and in keeping with the surrounding uses, and where the development is to meet the demand from indigenous villagers.

- d. Redevelopment of existing residential development will generally be permitted up to the intensity of the existing development.
- e. Applications for G/IC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses.
- f. Passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration.
- g. The design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment.
- h. The vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided.
- i. The proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area.
- j. The proposed development must comply with the development controls and restrictions of areas designated as water gathering grounds.
- k. The proposed development should not overstrain the overall provision of G/IC facilities in the general area.
- l. The proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.
- m. Any proposed development on a slope or hillside should not adversely affect slope stability.

Similar Planning Applications for Small Houses

Application No.	Location	Zoning	Date of Consideration	Decision of the RNTPC/TPB	Reasons for Rejection/ Approval Conditions
A/SK-PK/16 Proposed House (10 3-storey Village-Type Houses)	Lots 490, 491(part), 492(part), 494(part), 495, 496 sA, 508 sB, 508 RP(part), 588(part), 592, 594, 595 and 596 sA in D.D.222 and adjoining Government Land, Pak Kong, Sai Kung	“GB” and “V”	11.8.1995	Approved with conditions	(a), (b) & (c)
A/SK-PK/64 Proposed House (New Territories Exempted House - Small House)	Lot 470 sBss2 in D.D.222, Pak Kong, Sai Kung	“GB”	6.2.1998	Rejected	(1), (2), (3) & (4)
A/SK-PK/65 Proposed House (New Territories Exempted House - Small House)	Lot 470 sBss3 in D.D.222, Pak Kong, Sai Kung	“GB”	6.2.1998	Rejected	(1), (2), (3) & (4)
A/SK-PK/157 Proposed 10 Houses (New Territories Exempted House - Small House)	Lots 489 sA ss3, 490 sA ss1, 490 sARP, 490 sB, 490 sC, 491 sD ss1, 491 sD RP, 491 sE, 491 RP, 492 sA ss1, 492 sA RP, 492 sB ss1, 492 sB ss2, 492 sB RP, 492 sC to 492G, 588 sB, 588 sC s1, 588 sC RP, 588 sD, 588 RP(part), 592 sA, 592 sB, 592 RP, 594 sE ss1 and 594 sH in D.D.222 and adjoining Government Land, Pak Kong, Sai Kung	“V”, “GB” and “REC”	5.9.2008	Approved with conditions	(a), (b) & (c)
A/SK-PK/214 Proposed House (New Territories Exempted House - Small House)	Lots 480RP and 483RP in D.D.222, Pak Kong Village, Sai Kung	“V” & “GB”	2.1.2015	Approved with conditions	(a) & (b)

Application No.	Location	Zoning	Date of Consideration	Decision of the RNTPC/TPB	Reasons for Rejection/ Approval Conditions
A/SK-PK/231 Proposed 3 Houses (New Territories Exempted Houses - Small Houses)	Lots 490 S.A ss.1, 490 S.B, 491 S.D ss.1, 491 RP, 492 S.B ss.2, 492 S.E, 492 S.G, 588 S.C RP and 588 RP in D.D. 222, Pak Kong, Sai Kung	“V”, “REC” & “GB”	13.1.2017	Approved with conditions	(a), (b) & (c)
A/SK-PK/234 Proposed House (New Territories Exempted House - Small House)	Lots 492 S.A ss.1 and 492 S.C in D.D. 222, Pak Kong, Sai Kung	“V”& “GB”	7.4.2017	Approved with conditions	(a) & (c)

Reasons for Rejection:

- (1) Not in line with the planning intention of the “GB” zone
- (2) Adverse traffic and other undesirable effect is anticipated
- (3) Land is still available within “V” zone in Pak Kong for Small House development
- (4) Setting of undesirable precedent for other similar applications within the “GB” zone

Approval Conditions:

- (a) Submission and implementation of landscaping and tree preservation proposals
- (b) Provision of septic tank, as proposed by the applicant, at a satisfied location
- (c) Provision of sewerage connection to the existing sewer

Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) no objection to the application;
- (b) the Site is located on private land namely Lot No. 470 S.B ss.2 in D.D. 222 held under Block Government Lease (demised for agricultural use). Prior approval from his office is required if structure is proposed to be erected on the concerned lots;
- (c) 10-year Small House Demand Forecast for Pak Kong Village is 205 and the outstanding Small House applications for Pak Kong Village are 21. The figure of 10-year Small House demand was provided by the Indigenous Inhabitant Representative of Pak Kong Village and his office is not in a position to verify the forecast;
- (d) the applicant is an indigenous villager of Pak Kong and has submitted Small House application to his office;
- (e) the proposed Small House falls within the 'Village Environs' ('VE') of Pak Kong which is a recognized village under the New Territories Small House Policy;
- (f) the Small House application of Lok Chiu Nam has not been approved. Mr. Lok's application can only be proceeded further subject to a valid planning permission; and
- (g) approval to Small House grant is not automatic even though the applicant has obtained planning approval from the Board. "The grant would be "subject to all criteria being met and all relevant factors being considered.

2. Nature Conservation

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

the Site is used for horticultural purpose and part of the Site is covered with some temporary structures, she has no strong view on the application from nature conservation point of view.

3. Landscape

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

- (a) he has reservation on the application from the landscape planning point of view;
- (b) the Site is situated in an area dominated by garden nursery, isolated tree groups and village houses. The Site is occupied by a garden nursery with landscape plants in pots. The proposed Small House is not incompatible with the surrounding rural landscape character. Significant changes or disturbances to the existing landscape resources arising from the proposed Small House are not anticipated;
- (c) however, approval of the proposed Small House would encourage the spreading of village houses into the “GB” zone leading to cumulative deterioration of landscape character of the “GB” zone; and
- (d) should the Board approve this application, the following approval condition is recommended to be included in the permission:

“submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.”

4. Traffic

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

- (a) he has reservation on the application and considers that the proposed development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;
- (b) notwithstanding the above, the application only involves construction of one Small House, he considers that the application can be tolerated unless it is rejected on other grounds; and
- (c) the access road leading to the Site is not managed by the Transport Department. The status of the road should be checked with the lands authority. The management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly.

5. **Drainage**

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

no in-principle objection to the application from a drainage maintenance viewpoint provided that stormwater drainage facilities will be provided in connection with the proposed Small House development to deal with the surface runoff of the Site without causing any adverse drainage impacts or nuisance to the adjoining areas.

6. **Water Supply**

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

- (a) no objection to the application;
- (b) the Site falls within the Consultation Zone of Pak Kong Water Treatment Works, which is a Potential Hazardous Installation. Comments from Environmental Protection Department (EPD) should be sought in this respect; and
- (c) for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

7. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application from chlorine risk point of view with respect to the PKWTW; and
- (b) the applicant is reminded that the design and construction of the septic tank and soakaway system should follow Environmental Protection Department (EPD)'s Practice Note ProPECC PN 5/93 (available on EPD's website) including the clearance distance of the soakaway pit and the percolation test, which should be properly certified by Authorized Person.

8. **Building Matters**

Comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (CBS/NTE2&Rail, BD):

- (a) no comment under the Buildings Ordinance (BO);

- (b) all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with BO; and
- (c) Authorized Person must be appointed for the site formation and communal drainage works.

9. Fire Safety

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

- (a) no in-principle objection to the application; and
- (b) the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by Lands Department.

10. Geotechnical

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

the applicant is reminded to make necessary submission to the DLO to verify if the Site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the BD in accordance with the provisions of the BO.

11. Local Views conveyed by District Officer

Comments of the District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD):

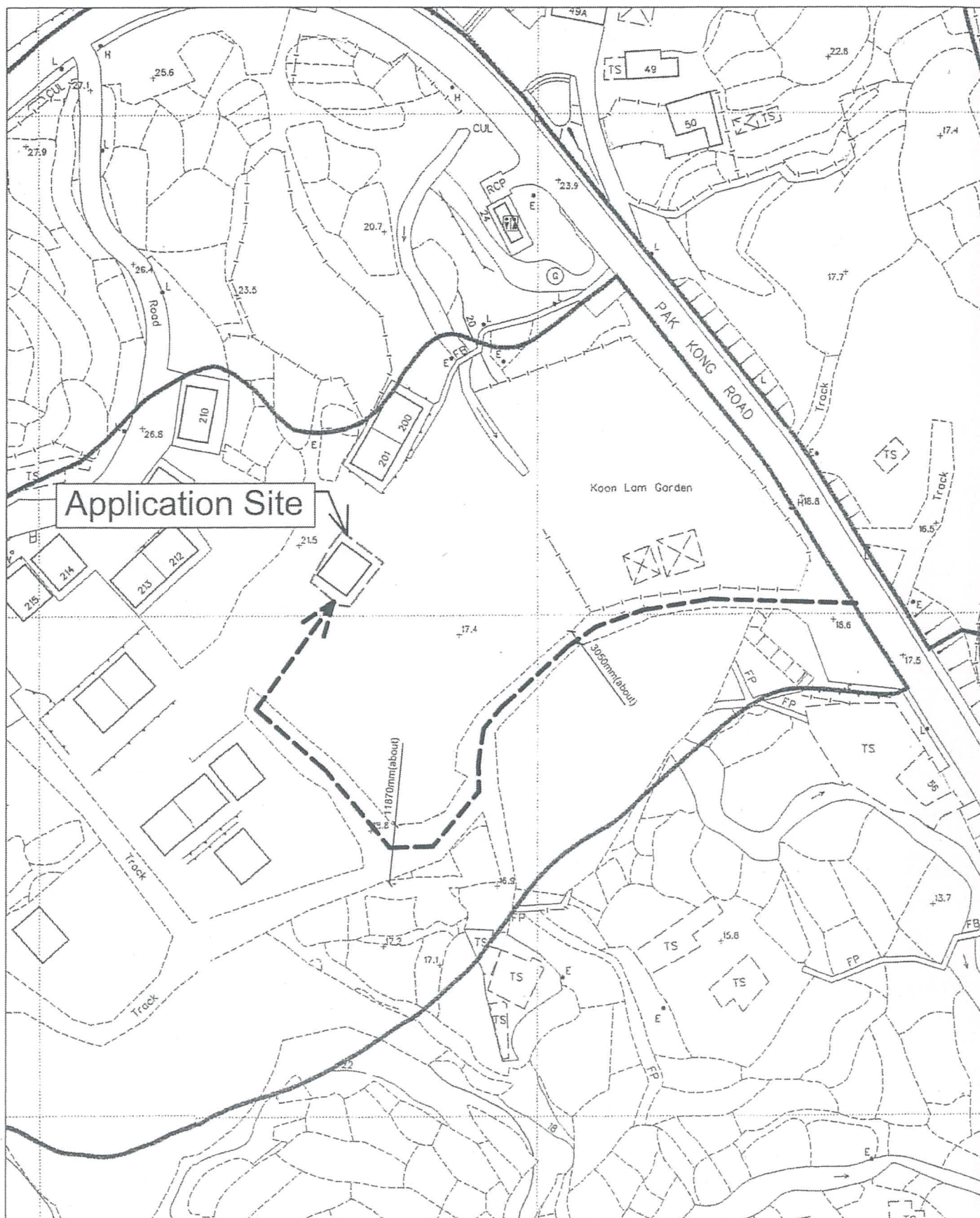
no comments on the application.

12. Demand and Supply of Small House Sites

According to DLO/SK, the 10-year Small House Demand Forecast for Pak Kong Village is 226 (including 21 outstanding Small House applications in Pak Kong Village). According to the latest estimate by PlanD, it is estimated that about 0.986 ha of land (equivalent to about 39 Small House sites) are available within the "V" zone of Pak Kong Village. Therefore, the land available in Pak Kong Village cannot fully meet the future Small House demand for 226 Small House sites.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) that the approval to Small House grant is not automatic even though the applicant has obtained planning approval from the Board. The grant would be subject to all criteria being met and all relevant factors being considered;
- (b) to note the comments of the Commissioner for Transport (C for T) that the access road leading to the Site is not managed by the Transport Department. The status of the road should be checked with the lands authority. The management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) that stormwater drainage facilities should be provided in connection with the proposed Small House development to deal with the surface runoff of the Site without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD) that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded that the design and construction of the septic tank and soakaway system should follow Environmental Protection Department (EPD)'s Practice Note ProPECC PN 5/93 (available on EPD's website) including the clearance distance of the soakaway pit and the percolation test, which should be properly certified by Authorized Person;
- (f) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (CBS/NTE2&Rail, BD) that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with Buildings Ordinance and Authorized Person must be appointed for the site formation and communal drainage works;
- (g) to note the comments of the Director of Fire Services (D of FS) that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by Lands Department; and
- (h) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant is reminded to make necessary submission to the District Lands Office to verify if the Site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance.






LEGEND	LOCATION	DRAWING NO.	DRAWING TITLE
PROPOSED BUILDING FOOTPRINT (65.03M ²)	LOT 470 S.B ss.2 in D.D.222, PAK KONG, SAI KUNG, N.T.	FIGURE 5	VEHICULAR ACCESS PLAN
PROPOSED SITE AREA BOUNDARY		DATE	PREPARED BY
EXISTING VEHICULAR ACCESS		17 MAR 2017	DeSPACE (International) Limited

(資料來源：由申請人提供的行車通道圖)
 (Source : Vehicular Access Plan supplied by the Applicant)

參考編號 REFERENCE No. A/SK-PK/239	繪圖 DRAWING A-1
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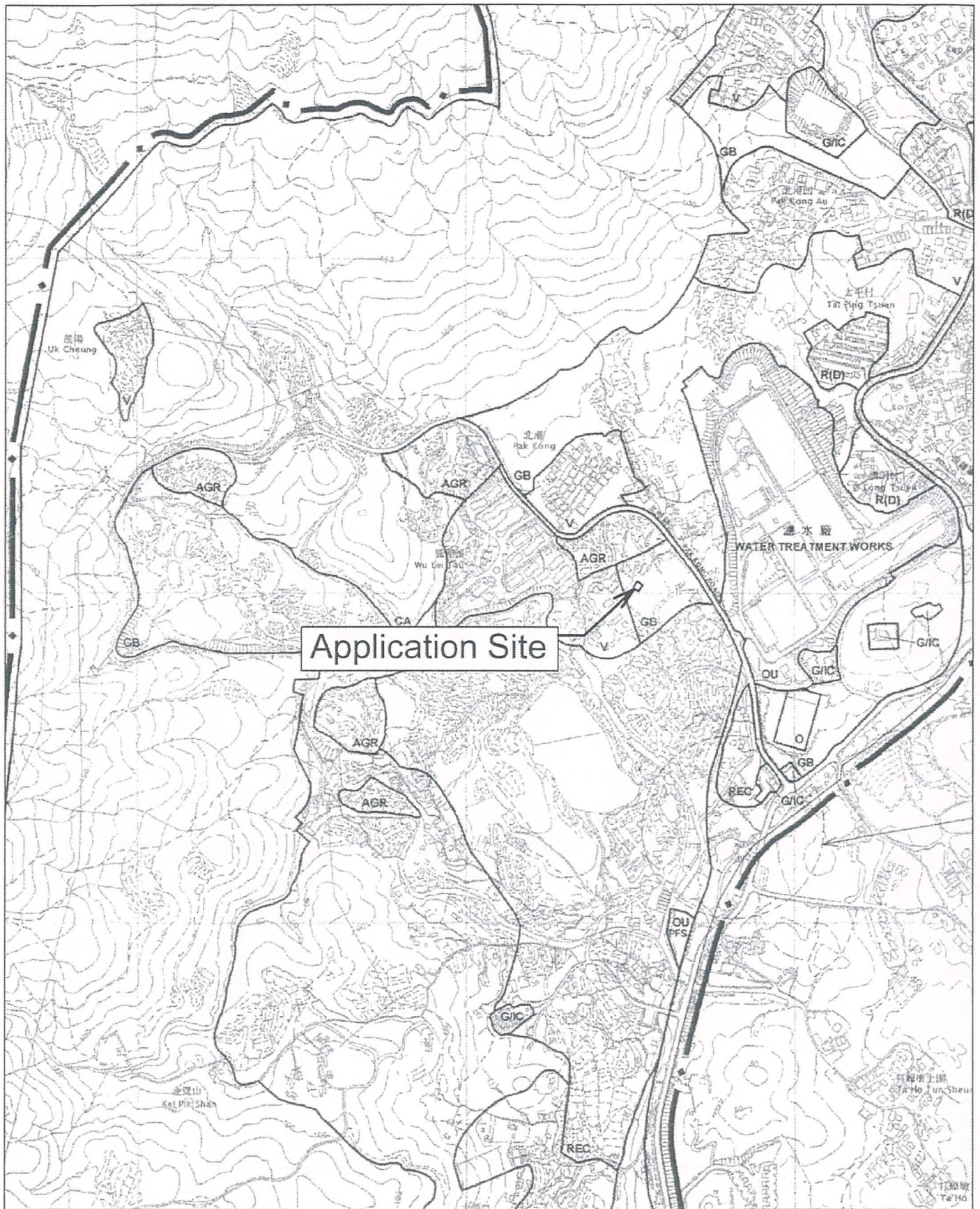
Application Site

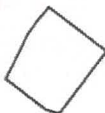

LEGEND  PROPOSED BUILDING FOOTPRINT (65.03M ²)  PROPOSED SITE AREA BOUNDARY	LOCATION LOT 470 S.B ss.2 in D.D.222, PAK KONG, SAI KUNG, N.T.	DRAWING NO. FIGURE 1	DRAWING TITLE SITE PLAN
		DATE 25 FEB 2017	PREPARED BY  DeSPACE (International) Limited

(資料來源：由申請人提供的平面圖)
 (Source : Site Plan supplied by the Applicant)

參考編號
 REFERENCE No.
 A/SK-PK/239

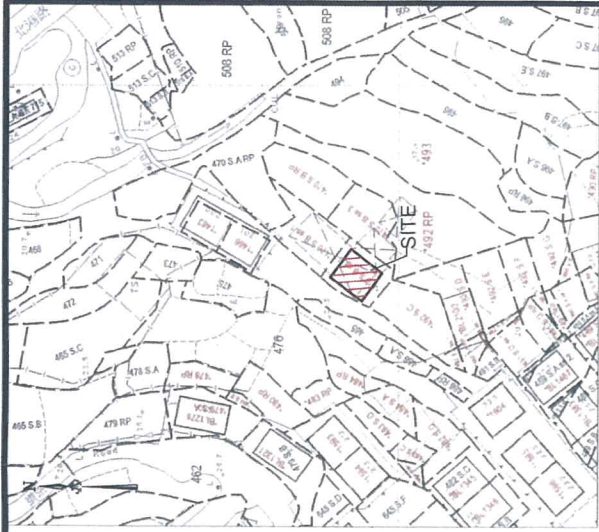
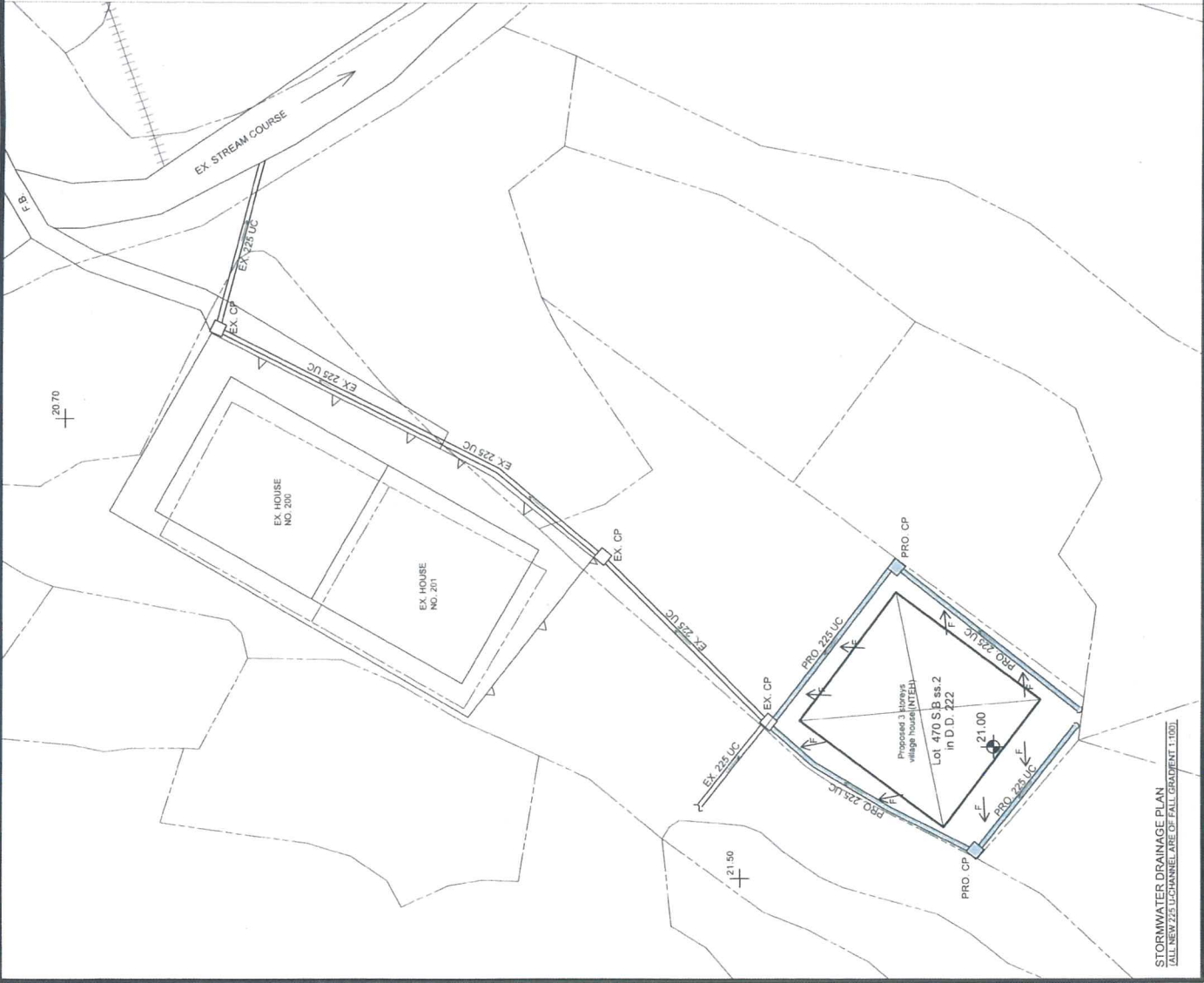
繪圖
 DRAWING
 A-2



LEGEND  PROPOSED SITE AREA BOUNDARY	LOCATION LOT 470 S.B ss.2 in D.D.222, PAK KONG, SAI KUNG, N.T.	DRAWING NO. FIGURE 2	DRAWING TITLE LOCATION PLAN
	EXTRACT PLAN PREPARED ON 25.02.2017 BASED ON OUTLINE ZONING PLAN No. S/SK-PK/11 APPROVED ON 27.10.2006	DATE 25 FEB 2017	PREPARED BY  DeSPACE (International) Limited

(資料來源：由申請人提供的位置圖)
 (Source : Location Plan supplied by the Applicant)

參考編號 REFERENCE No. A/SK-PK/239	繪圖 DRAWING A-3
---------------------------------------------	-----------------------------



BLOCK PLAN

CLOUR INDICATION

[Blue box]	PROPOSED STORMWATER WORKS
[Green box]	PROPOSED SEWERAGE PIPELINE
[Orange box]	CONCRETE WORKS
[Red box]	STEEL WORKS

LEGEND

[North arrow]	FLOW DIRECTION
[Dashed line]	SUBJECT LOT BOUNDARY
[Dotted line]	SUBJECT BUILDING LINE
[Dashed line]	EXISTING 1500MM U.G. CHANNEL WITH CONC. FLOOR
[Dashed line]	EXISTING 1500MM U.G. CHANNEL WITH CONC. AND WASTE PIPE
[Circle]	EXISTING STORMWATER MANHOLE
[Square]	PROPOSED STORMWATER MANHOLE
[Square]	PROPOSED SEWERAGE MANHOLE
[Square]	EXISTING GOVERNMENT SURVEY MANHOLE
[Square]	PROPOSED SEWERAGE TERMINAL MANHOLE
[Circle]	COVER LEVEL
[Circle]	INVERT LEVEL
[Circle]	DISCONNECTING TYPICAL LEVEL

NOTES FOR DRAINAGE WORKS

1. Concrete mix to be grade 300/20 design mix and comply with CSI:1990.
2. Blinding layer to be grade 15P mix.
3. Concrete cover to main steel bar to be 50mm.
4. Proposed concrete manhole shall be made with 150mm diameter main pipe and 150mm diameter top with 150mm diameter steel bar (fy=460 MPa) in compliance with B.S.4449:1988 and CS2:1995.

REVISION	
NO.	DATE

TABLE OF REVISIONS (TABLES)

NO.	DATE	NAME	SCALE

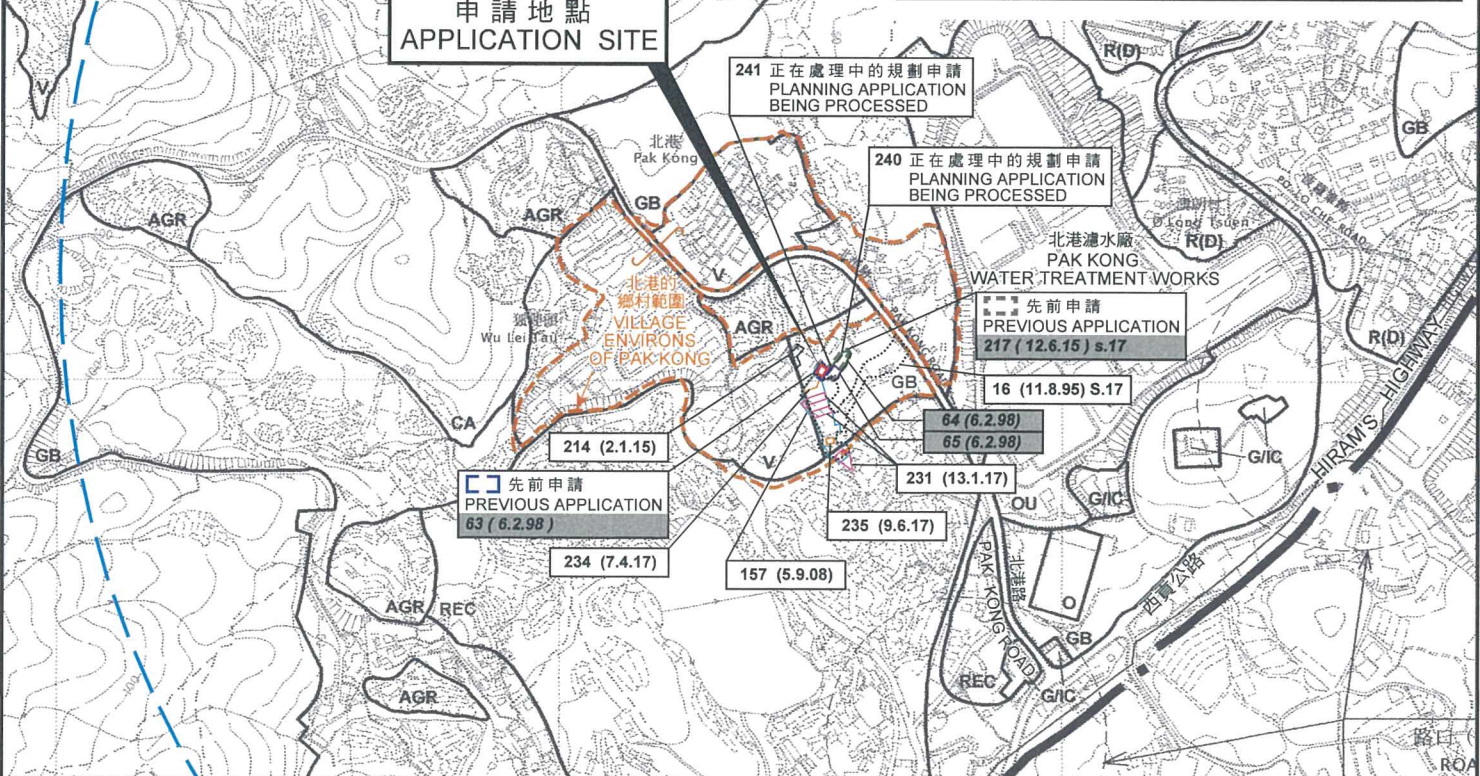
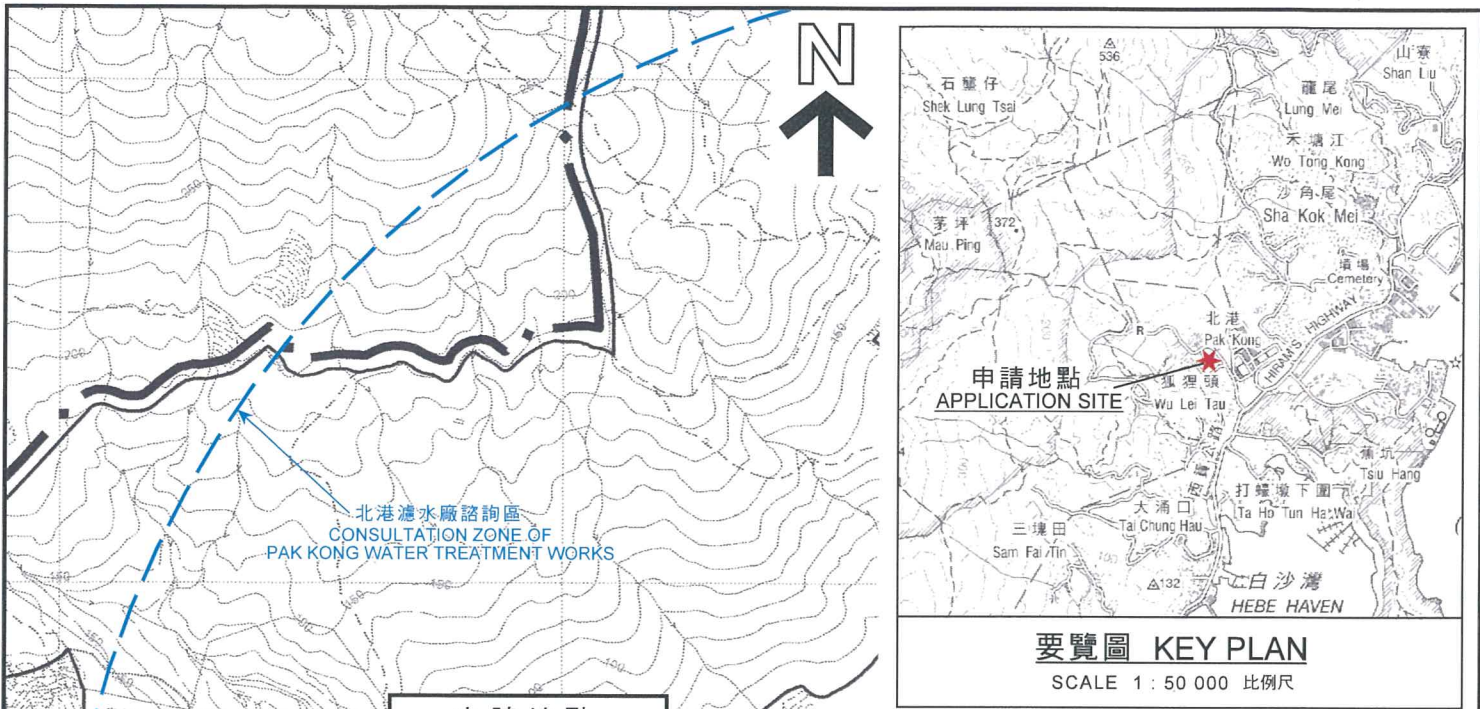
NO.	DATE	NAME	SCALE

PROJECT
 PROPOSED
 STORMWATER
 DRAINAGE WORKS ON
 LOT 470.S.B.ss.2,
 in D.D. 222,
 PAK KONG VILLAGE,
 SAI KUNG, N.T.

DRAWING TITLE
 BLOCK PLAN,
 STORMWATER
 DRAINAGE PLAN
 DETAILS AND NOTES

DRAWING NO.
 D - 1
 SCALE
 AS SHOWN

WINLI
 水利建設
 CONSULTING
 ENGINEERS



圖例 LEGEND

157 (5.9.08)	獲批准的申請 APPROVED APPLICATION
217 (12.6.15)	被拒絕的申請 REJECTED APPLICATION
157 (5.9.08)	會議日期 DATE OF MEETING
	申請編號 APPLICATION NUMBER

申請地點界線只作識別用
APPLICATION SITE BOUNDARY
FOR IDENTIFICATION PURPOSE ONLY

本摘要圖於2017年12月29日擬備，
所根據的資料為
於2006年10月17日核准的分區計劃大綱圖
編號S/SK-PK/11
EXTRACT PLAN PREPARED ON 29.12.2017
BASED ON OUTLINE ZONING PLAN No.
S/SK-PK/11 APPROVED ON 17.10.2006

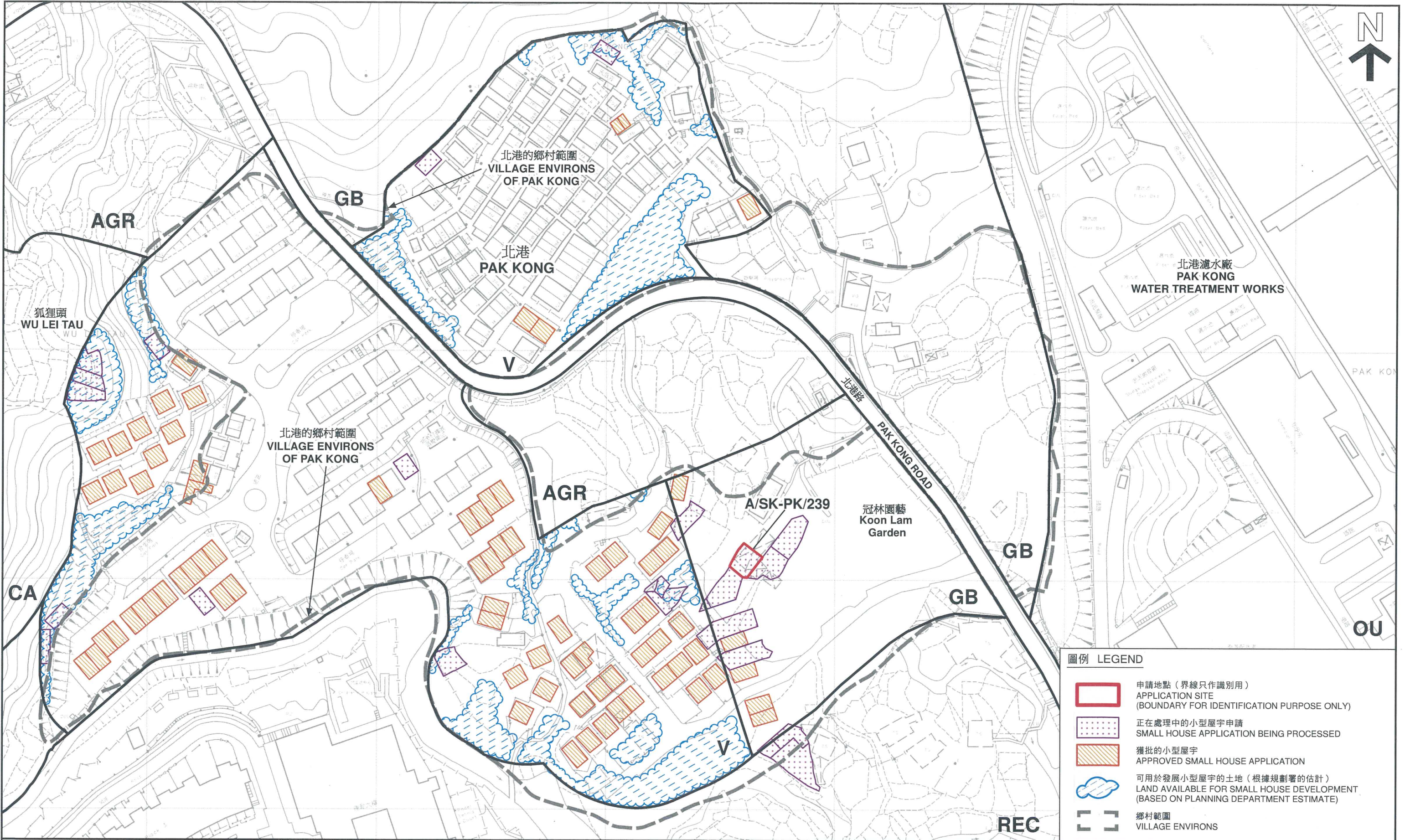


規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/SK-PK/239

圖 PLAN
A-1



圖例 LEGEND	
	申請地點 (界線只作識別用) APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
	正在處理中的小型屋宇申請 SMALL HOUSE APPLICATION BEING PROCESSED
	獲批的小型屋宇 APPROVED SMALL HOUSE APPLICATION
	可用於發展小型屋宇的土地 (根據規劃署的估計) LAND AVAILABLE FOR SMALL HOUSE DEVELOPMENT (BASED ON PLANNING DEPARTMENT ESTIMATE)
	鄉村範圍 VILLAGE ENVIRONS

平面圖 SITE PLAN

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
 西貢北港丈量約份第 2 2 2 約地段第 4 7 0 號 B 分段第 2 小分段
 PROPOSED HOUSE
 (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
 LOT 470 S.B ss.2 IN D.D. 222,
 PAK KONG, SAI KUNG



本摘要圖於2017年12月29日擬備，所根據的資料為測量圖編號 7-SE-15D、20B和8-SW-11C
 EXTRACT PLAN PREPARED ON 29.12.2017
 BASED ON SURVEY SHEETS No. 7-SE-15D, 20B & 8-SW-11C

規劃署
 PLANNING DEPARTMENT



參考編號 REFERENCE No.
 A/SK-PK/239

圖 PLAN
 A-2b



北港濾水廠
PAK KONG
WATER
TREATMENT
WORKS

北港路

PAK KONG ROAD

北港
PAK KONG

冠林園藝
Koon Lam Garden

申請地點
APPLICATION SITE

HONG KONG
GOLF & TENNIS ACADEMY

申請地點界線只作識別用
APPLICATION SITE BOUNDARY
FOR IDENTIFICATION PURPOSE ONLY

航攝照片 AERIAL PHOTO

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
西貢北港丈量約份第 2 2 2 約地段第 4 7 0 號 B 分段第 2 小分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 470 S.B ss.2 IN D.D. 222,
PAK KONG, SAI KUNG

規劃署
PLANNING
DEPARTMENT

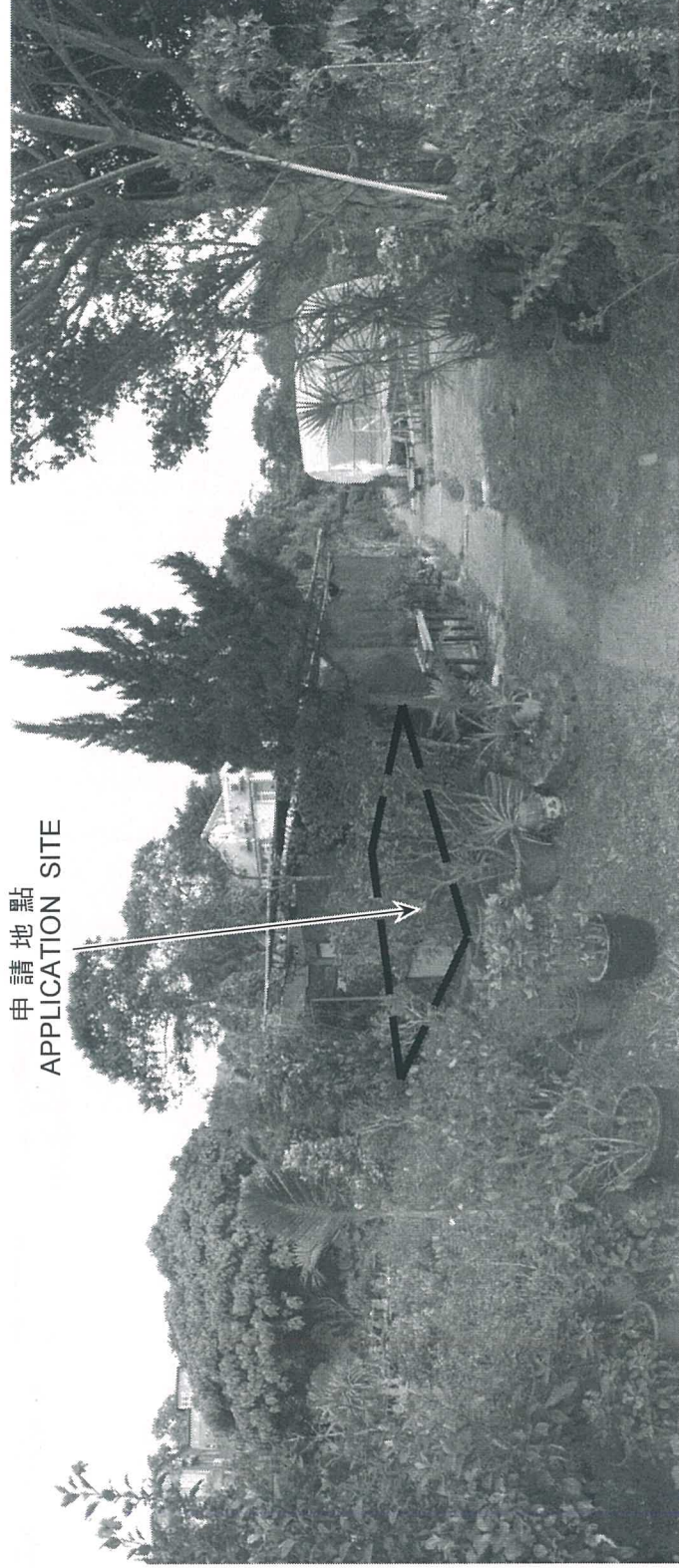


本摘要圖於 2017 年 12 月 29 日擬備，
所根據的資料為地政總署
於 2017 年 3 月 27 日拍得的
航攝照片編號 E015468C
EXTRACT PLAN PREPARED ON 29.12.2017
BASED ON AERIAL PHOTO No. E015468C
TAKEN ON 27.3.2017
BY LANDS DEPARTMENT

參考編號
REFERENCE No.
A/SK-PK/239

圖 PLAN
A-3

1



2



申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

連接申請地點的通道
Access Leading to the Application Site

本圖於2017年12月29日製備，所根據的資料為攝於2017年12月28日的實地照片
PLAN PREPARED ON 29.12.2017
BASED ON SITE PHOTOS TAKEN ON 28.12.2017

實地照片 SITE PHOTO

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
西貢北港丈量約份第222約地段第470號B分段第2小分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 470 S.B ss.2 IN D.D. 222,
PAK KONG, SAI KUNG

規劃署
PLANNING
DEPARTMENT

參考編號
REFERENCE No.
A/SK-PK/239



圖 PLAN
A-4

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/SK-PK/239

By Registered Post & Fax (3590 6233)

26 January 2018

DeSPACE (International) Ltd.
Suite 1601, Tower 2, Lippo Centre
89 Queensway
Admiralty, Hong Kong
(Attn.: Gregory Lam)

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)
in "Green Belt" Zone, Lot 470 S.B ss.2 in D.D. 222, Pak Kong, Sai Kung**

I refer to my letter to you dated 14.12.2017.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (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. There is no strong justification in the submission for a departure from the planning intention;
- (b) the proposed development is not in line with the TPB Guidelines No. 10 for 'Application for Development within "GB" Zone' in that there are no exceptional circumstances or strong planning grounds to justify the application;
- (c) land is still available within the "Village Type Development" zone of Pak Kong where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; 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 applications will result in a general degradation of the landscape character of the area.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 12.1.2018 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 20.2.2018). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. William Wong of Sai Kung & Islands District Planning Office at 2158 6162.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

Extract minutes of the 596th RNTPC on 12.1.2018

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/239 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" Zone, Lot 470 S.B ss.2 in D.D. 222, Pak Kong, Sai Kung
(RNTPC Paper No. A/SK-PK/239C)

Presentation and Question Sessions

50. Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view as approval of the proposed Small House would encourage the spreading of village houses into the "Green Belt" ("GB") zone, leading to cumulative deterioration of landscape character of the "GB" zone. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 17 public comments were received. Among them, 12 comments from individuals supported the application, while five comments from Designing Hong Kong Limited and individuals objected to the application. Major views and objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone. There was no strong justification in the submission for a departure from the planning intention. There was land still available within the “Village Type Development” (“V”) zone of Pak Kong to meet the outstanding Small House demand. It was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The application did not comply with relevant criteria as set out in the Town Planning Board Guidelines No. 10 in that the applicant failed to demonstrate exceptional circumstances or strong grounds to justify the application. CTP/UD&L had reservation on the application and considered that approval of the proposed development would encourage spreading of village houses into the “GB” zone leading to cumulative deterioration of the landscape character. The site was the subject of two previously rejected applications for Small House developments and there was no change in planning circumstances since the rejection of the previous application. Regarding the adverse public comments, the planning assessments above were relevant.

51. Members had no question on the application.

Deliberation Session

52. After deliberation, the Committee decided to reject the application. The reasons were :

- “(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. There is no

strong justification in the submission for a departure from the planning intention;

- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" Zone' in that there are no exceptional circumstances or strong planning grounds to justify the application;
- (c) land is still available within the "Village Type Development" zone of Pak Kong where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; 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 applications will result in a general degradation of the landscape character of the area."

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) that the approval to Small House grant is not automatic even though the applicant has obtained planning approval from the Board. The grant would be subject to all criteria being met and all relevant factors being considered;
- (b) to note the comments of the Commissioner for Transport (C for T) that the existing village access near the Site is not under Transport Department's management. He suggests the applicant to clarify the land status, management and maintenance responsibilities of the village access with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded that the design and construction of the septic tank and soakaway system should follow Environmental Protection Department (EPD)'s Practice Note ProPECC PN 5/93 (available on EPD's website) including the clearance distance of the soakaway pit and the percolation test, which should be properly certified by Authorized Person;
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) that stormwater drainage facilities should be provided in connection with the proposed Small House development to deal with the surface runoff of the Site without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (CBS/NTE2&Rail, BD) that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with Buildings Ordinance and Authorized Person must be appointed for the site formation and communal drainage works;
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by Lands Department;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD) that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (h) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant is reminded to make necessary submission to the District Lands Office to verify if the Site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance.