

REVIEW OF APPLICATION NO. A/SK-PK/239
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Proposed House (New Territories Exempted House (NTEH)) – Small House
Lot No. 470 S.B ss.2 in D.D. 222, Pak Kong, Sai Kung, New Territories**

1. Background

- 1.1 On 23.3.2017, the applicant, LOK Chiu Nam, represented by DeSPACE (International) Limited, sought planning permission for the development of one NTEH (Small House) at the application site (the Site) (**Plan R-1**) under section 16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area zoned “Green Belt” (“GB”) on the approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11.
- 1.2 On 12.1.2018, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were as follows:
- (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. 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” (“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.
- 1.3 For Members’ reference, the following documents are attached:
- (a) RNTPC Paper No. A/SK-PK/239C (Annex A)
 - (b) Secretary of the Board’s letter dated 26.1.2018 (Annex B)

(c) Extract of minutes of the RNTPC Meeting held on 12.1.2018 (**Annex C**)

2. Application for Review

- 2.1 On 15.2.2018, the applicant applied, under section 17(1) of the Ordinance, for a review of the RNTPC's decision to reject the application (**Annex D**). On 22.3.2018, 14.5.2018 and 5.6.2018, the applicant submitted written representations in support of the review application (**Annexes E to G**).
- 2.2 On 22.6.2018, the Board agreed to defer making a decision on the review application for two months, as requested by the applicant, to allow time to consult relevant government departments. The applicant has not submitted any FI in the deferment period. The review application is scheduled for consideration by the Board at this meeting.

3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application are detailed in the written representations at **Annexes E, F and G**. They can be summarized as follows:

- (a) the available land for Small House development has been overestimated. The estimate includes fragmented/irregular plots of land (green areas on **Drawing R-1**), steep river valleys or hill slopes, areas of dense vegetation (Sites 2 and 8 on **Drawing R-1**), areas currently being used as car parks (Sites 1, 5 and 6 on **Drawing R-1**), private gardens, playgrounds (Sites 3, 4, 7 and 9 on **Drawing R-1**), "kam tap" urns/burial facilities (Site 9 on **Drawing R-1**) and open area outside Tin Hau Temple (Site 10 on **Drawing R-1**). These areas are not suitable for Small House development having regard to the engineering, arboriculture, societal, religious and Fung Shui aspects. The estimation therefore does not accurately reflect the actual amount of land available for the applicant to undertake his Small House development;
- (b) the conclusion on land shortage made in different applications is not consistent. In the RNTPC paper for the subject case, it is concluded that there is still sufficient land available in "V" zone. However, in the RNTPC Paper No. A/SK-PK/231A which was considered by the RNTPC on 13.1.2017, it was concluded that there was a general shortage of land in meeting the Small House demand in the "V" zone of Pak Kong Village with similar planning background, Small House demand and land supply in "V" zone. The applicant opines that there is insufficient land in the "V" zone of Pak Kong for Small House development and there is insufficient land in Pak Kong to meet the Small House demand should be further verified;
- (c) the review application complies with Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' (TPB PG-No. 10) in that the proposed Small House is not incompatible with the surrounding area; there are existing village houses and appropriate drainage systems and access; and the proposed Small House is to cater for indigenous villagers' needs. In addition, as not less than 50% of the proposed NTEH/Small House's footprint is situated within recognized Village Environs, and the supply of available land for Small House development within "V" zone does not

meet its demand, the application should be considered favourably;

- (d) the approval of the application would not set an undesirable precedent. Applications No. A/SK-PK/23, 157, 214, 231, 234 and 235 are similar applications approved in the “GB” zone;
- (e) the Site is located in close proximity to the “V” zone and there are existing Small Houses located to the west and north-east of the Site. This application should be seen as an extension to the existing village and is compatible with its surroundings. In addition, the Site has been paved with concrete for many years and is occupied by a plant nursery with container structures. There is no clearance of vegetation required as there is no existing vegetation at the Site. The proposed Small House development is visually compatible with the village surroundings and would neither disturb nor interfere with existing landscape resources. As such, approval of the application would not encourage Small House developments to affect vegetated parts of the “GB” zone and create a cumulative effect and degrade the area’s visual characteristics;
- (f) the Site was zoned “V” on the Pak Kong Development Permission Area Plan No. DPA/SK-PK/2 in February 1994. There are 2 existing Small Houses to the north-east of the Site which is situated entirely within the “GB” zone and have no history of planning applications;
- (g) Environmental Protection Department (EPD) has demarcated a Safety Buffer Zone (SBZ) for the Pak Kong Water Treatment Works (PKWTW) (**Plan R-2a**) and includes most of the “GB” zone. The Safety Buffer Zone limits the expansion of Small House developments within the “GB” zone;
- (h) there is a genuine need for limited expansion of Small House developments. The Site is neither fragmented nor irregular in shape and is already paved with no development constraints. It should be considered as an ideal location for the limited expansion of Small House developments; and
- (i) the remaining land within the “V” zone is mostly owned by companies and the applicant cannot purchase these lots. The applicant is 80 years old. He has no working ability and relies on his son to support him. The applicant is renting an apartment in the town area and with increasing rent and living expenses, he is struggling to make ends meet. The applicant’s two sons cannot purchase their own flats and start a family and as such, the applicant requests the Board’s sympathetic consideration in order for him to return to his village to undertake this Small House development, allowing him and his children to live together.

4. The Section 16 Application

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

4.1 The situation of the Site and its surrounding area at the time of consideration of the s.16 application by the RNTPC is described in paragraph 8 of **Annex A** and recapitulated below. There has been no material change of the situation since then.

- (a) the Site is:

- (i) formed, generally flat and vacant; and
 - (ii) accessible by a paved track leading to Pak Kong Road to its northeast.
- (b) the surrounding area has the following characteristics:
- (i) to the east and south is a plant nursery, Koon Lam Garden (**Plan R-2a**);
 - (ii) to the north is vegetated shrubs;
 - (iii) to the west are clusters of 3-storey village houses within the “V” zone and sites approved for Small House development; and
 - (iv) to the further east is the PKWTW.

Planning Intention

4.2 There has been no change in planning intention of the “GB” zone, which is primarily to define 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

4.3 The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), which is relevant to the consideration of the s.16 application, is still effective. 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 of **Annex A**.

Town Planning Board Guidelines

4.4 The Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10), which is relevant to the consideration of the s.16 application, is still effective. The relevant assessment criteria of the Guidelines are mentioned in paragraph 4 of **Annex A**.

Previous and Similar Applications

4.5 The relevant previous and similar applications at the time of the consideration of the s.16 application is mentioned in paragraphs 6 and 7 of **Annex A**. Since then, no additional previous and similar application is involved.

5. Comments from Relevant Government Departments

5.1 Comments on the s.16 application made by relevant government departments are stated in paragraph 10 of **Annex A**.

5.2 For the review application, the following government departments have been further consulted and their comments are summarised as follows:

Land Administration

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

- (a) Sites No. 1-5 and 8-10 (**Drawing R-1**) identified in the applicant's submission comprise private lots and government land within "V" zone. Construction of Small Houses may be considered subject to established approval under the New Territories Small House Policy. In fact, there are some Small House applications under processing in these sites and have been highlighted in the plan submitted by the applicant as part of his submission;
- (b) Site No. 6 is an open area mainly for car-parking purpose which is covered by a Government Land Licence of permitted use of stove and free public car park for Pak Kong Village;
- (c) Site No. 7 is a sitting out area of local villagers;
- (d) the 10-year forecast was made by the Indigenous Inhabitant Representative (IIR) without verification and under no circumstances should be regarded as a forecast from her office;
- (e) her office is not in a position to confirm the ownership of any private lots as mentioned in the FI. The applicant may wish to approach the Lands Registry and Company Registry as appropriate for information; and
- (f) it is the applicant's responsibility to locate a suitable site for Small House application for her office's consideration. If the site involves sloping ground and tree felling, expert advice from the relevant departments may be sought and the applicant may be required to submit required report(s) to the satisfaction of the departments as necessary. If the site is being used by the villagers for public purposes, the applicant may consult the village representatives/meeting on the site suitability.
- (g) DLO/SK, LandsD also maintains her previous views on the s.16 application which are recapitulated below:
 - (i) no objection to the application;
 - (ii) 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 her office is required if structure is proposed to be erected on the concerned lots;
 - (iii) 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 IIR of Pak Kong Village and her office is not in a position to verify the forecast;

- (iv) the applicant is an indigenous villager of Pak Kong and has submitted Small House application to her office;
- (v) 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;
- (vi) 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
- (vii) 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.

Geotechnical

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

- (a) among all the alternative sites submitted by the applicant in its submission, only queries on Sites 2 and 8 are geotechnically related;
- (b) for Site 2, which is located on a generally flat land adjacent to an existing stream, there is no insurmountable geotechnical difficulty on the site formation works for NTEH development;
- (c) for Site 8, which is overlooked by steep natural terrain and may be affected by potential natural terrain landslide hazards, a natural terrain hazard study (NTHS) may be required to assess the scale of the hazards and to provide suitable hazard mitigation measures, if found necessary, as part of the development. The required NTHS and necessary hazard mitigation works may incur significant cost implication and render the proposed development not economically viable. Nonetheless, if the applicant considers that the development is economically viable and wish to proceed with the development, he/she is required to submit a Geotechnical Planning Review Report (GPRR) in support of the planning applications. The GPRR should include a preliminary geotechnical review of the potential natural terrain hazards, indicate the recommended extent of the NTHS study area and a commitment to undertake a NTHS and provide any necessary mitigation measures a part of the developments, and assess the geotechnical feasibility for the proposed developments;
- (d) H(GEO), CEDD also maintains his previous views on the s.16 applications which are recapitulated below:

- (i) no comment on the applications; and
- (ii) 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.

District Officer's Comments

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

Site No. 7 falls within Unleased Government Land and ad-hoc maintenance will be carried out as needed. There is no planning for the site and there are no plans for future development.

- 5.3 The following government departments have no further views/comments on the review application and maintain their previous views on the s.16 application as below:

Traffic

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

- (a) in general, he has reservation on the application. Such type of 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 subject application only involves construction of a Small House and he considers that the proposed development can be tolerated unless it is rejected on other grounds; and
- (c) 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.

Environment

5.3.2 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 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.

Landscape

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

- (a) she 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 formed, generally flat and vacant. 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."

Drainage

5.3.4 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, 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.

Building Matters

5.3.5 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.

Nature Conservation

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

the Site is formed and largely vacant, he has no strong view on the application from nature conservation perspective.

Fire Safety

5.3.7 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.

Water Supply

5.3.8 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 PKWTW, which is a Potential Hazardous Installation. Comments from 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.

5.4 The following government departments have no comment on/no objection to the review application:

- (a) Chief Engineer (Works), Home Affairs Department;
- (b) Antiquities and Monuments Office, Leisure and Cultural Services Department;
and
- (c) Chief Highway Engineer/New Territories East, Highways Department.

6. Public Comments Received During Statutory Publication Period

On 2.3.2018 and 6.4.2018, the review application and written representation submitted on 22.3.2018 were published for public inspection. During the first three weeks of the statutory public inspection periods, which ended on 23.3.2018 and 27.4.2018 respectively, a total of seven public comments were received from four individuals of the public (two comments received from the same individual), Designing Hong Kong Limited and Sai Kung Planning Concern Front (**Annex H**). The commenters object to the application mainly on grounds that the proposed development is not in line with the planning intention of the "GB" zone; land is still available within the "V" zone for Small House development; approval may set an undesirable precedent for similar applications within the "GB" zone; adverse environmental, landscape, traffic and risk impacts are anticipated; deterring "destroy first, build later" applications; and there are no exceptional circumstances warranting the approval of the review application.

7. Planning Considerations and Assessments

7.1 The applicant sought planning permission from the Board for development of one NTEH (Small House) at the Site. The subject application was rejected by the RNTPC on 12.1.2018 mainly on the grounds that the proposed development is not in line with the planning intention of the "GB" zone and the Town Planning Board Guidelines No. TPB PG-No.10 for 'Application for Development within "GB" Zone', land is still available within the "V" zone for Small House development, and the approval of the application will set an undesirable precedent for similar applications within the "GB" zone.

7.2 The proposed Small House falls 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 21¹ outstanding Small House applications) (or equivalent to about 5.65ha of land). Based on the latest estimate by the Planning Department, about 1.295 ha (or equivalent to about 51 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 developments close to the

¹ Among the 21 outstanding Small House applications, 13 of them fall within the "V" zone and 8 straddle or are outside the "V" zone. For those 8 applications straddling or being outside the "V" zone, 5 of them have obtained valid planning approval from the Board.

existing village cluster within the ‘V’ zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

- 7.3 The Site is located within 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. CTP/UD&L, however, has reservation on the application in that approval of the proposed Small House would encourage spreading of village houses into the “GB” zone leading to cumulative deterioration of landscape character of the “GB” zone.
- 7.4 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 proposed NTEH development at the Site.
- 7.5 The applicant submitted written representations on 22.3.2018 and 14.5.2018 claiming that some of the available land proposed by PlanD are not suitable for Small House development as they comprise fragmented/irregular plots of land (green areas on **Drawing R-1**), steep river valleys or hill slopes, areas of dense vegetation (Sites 2 and 8 on **Drawing R-1**), areas currently being used as car parks (Sites 1, 5 and 6 on **Drawing R-1**), private gardens, playgrounds (Sites 3, 4, 7 and on **Drawing R-1**), “kam tap” urns/burial facilities (Site 9 on **Drawing R-1**) and open area outside Tin Hau Temple (Site 10 on **Drawing R-1**). It should be noted that in estimating the supply of land for Small House sites in “V” zone, PlanD has adopted a consistent approach and would make use of the latest available information. For example, the land occupied by road, existing and approved village houses, steep slope, major tree clusters and the land reserved for stream buffer will be deducted from the area available for Small House development. Land ownership is not a material consideration in estimating land availability. While Sites 1, 3, 4, 5, 6 and 7 and 10 (Photos on **Plans R-5a to 5e**) are currently occupied by private gardens, temporary uses and sitting out areas of local villagers, they can be included as a source of land supply. For Sites 2, 8 and 9 (Photos on **Plans R-5a, 5d and 5e**), they are covered by scattered common trees/vegetation and shrubs. For the green areas in **Drawing R-1**, there are available spaces for Small House development. No mature trees or important tree groups are found in these sites. DLO/SK advises that Small House applications are under processing in some of the sites. It would be the applicant’s responsibility to locate a suitable site for Small House application for consideration by LandsD. If the site is being used by the villagers for public purposes, the applicant may consult the village representatives/meeting on the site suitability.
- 7.6 The applicant also claims in the review application that there are six similar applications (No. A/SK-PK/23, 157, 214, 231, 234 and 235) approved by the RNTPC. Application No. A/SK-PK/23 was approved before the promulgation of the Interim Criteria. The applications No. A/SK-PK/157, 231, 234 and 235 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. For application No. A/SK-PK/214, it 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.

- 7.7 The 2 existing Small Houses to the north-east of the Site as claimed by the applicant were built in 1994 when the Pak Kong DPA Plan No. DPA/SK-PK/2 was in force. The 2 existing Small House sites and the current application site were zoned “V” on the said DPA Plan. The draft Pak Kong and Sha Kok Mei OZP No. S/SK-PK/1 gazetted on 1.7.1994, the concerned area including the 2 existing Small House sites and the current application site was rezoned to “GB”. The area was covered by vegetation and active agricultural land. During the two month exhibition period, no objection was received on the “GB” zoning of the area. The draft OZP was subsequently approved on 13.4.1999 and the relevant “GB” zoning remains unchanged on the current OZP.
- 7.8 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. As there has been no major change in planning circumstances since the rejection of the application, the previous assessments as stated in paragraph 12 of **Annex A** are still valid and there is no strong planning justification to warrant a departure from RNTPC’s rejection of the application.
- 7.9 There are two similar applications No. A/SK-PK/240 and 241 which involves development of one NTEH at each of the two application sites to the immediate east of the Site (**Plan R-2a**) rejected by the Committee on 26.1.2018. On 2.3.2018, the applicants applied for a review of the Committee’s decision to reject the applications. On 10.8.2018, the Board decided to defer decisions of the review applications No. A/SK-PK/240 and 241, as requested by the applicants, to allow time for the applicants to consult relevant government departments.
- 7.10 Regarding the public comments objecting to the application, the assessments in paragraphs 7.1 to 7.6 above are equivalent.

8. Planning Department’s Views

- 8.1 Based on the assessments made in paragraph 7, having taken into account the public comments mentioned in paragraph 6 and given that there is no change in the planning circumstances since the consideration of the subject application by the RNTPC on 12.1.2018, the Planning Department maintains its previous view of not supporting the review application for the following reasons:
- (a) the proposed Small House 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 are no exceptional circumstances or strong planning grounds 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 developments 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 application will result in a general degradation of the landscape character of the “GB” zone.

8.2 Alternatively, should the Board decide to approve the application on review, it is suggested that the permission shall be valid until 14.9.2022, 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 approval conditions 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, at a location to the satisfaction of the Director of Lands or of the Town Planning Board.

8.3 The advisory clauses at **Annex I** are suggested for Members’ reference.

9. Decision Sought

- 9.1 The Board is invited to consider the application for a review of the RNTPC’s decision and decide whether to accede to the application.
- 9.2 Should the Board decide to approve the review 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.
- 9.3 Alternatively, 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. Attachments

Drawing R-1	Locations of available land for Small House development in Pak Kong Village as identified by the applicant
Plan R-1	Location plan
Plans R-2a and 2b	Site plan
Plan R-3	Aerial photo
Plans R-4a to R-4b	Site Photos
Plans R-5a to R-5f	Photos showing available land for Small House developments within “V” zone
Annex A	RNTPC Paper No. A/SK-PK/239C

Annex B	Secretary of the Board's letter dated 26.1.2018
Annex C	Extract of Minutes of the 595 th RNTPC on 12.1.2018
Annex D	Letter from the applicant's representative dated 15.2.2018 applying for a review of the RNTPC's decision
Annex E	Letter from the applicant's representative dated 22.3.2018 with submission supporting the s.17 review
Annex F	Letter from applicant's representative dated 14.5.2018 in response to departmental comments regarding land availability for Small House development within "V" zone
Annex G	Letter from applicant's representative dated 5.6.2018 in response to departmental comments regarding land availability for Small House development within "V" zone
Annex H	Public comments
Annex I	Recommended advisory clauses

**PLANNING DEPARTMENT
SEPTEMBER 2018**